



13 June 2023

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 21 June 2023 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER – Pastor Amanda Francis, New Vine Church Branxton**
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
Leave of absence has been granted to:
Councillor Paynter - 24 May 2023 to 22 June 2023 Inclusive
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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(15) COUNCILLORS' REPORTS

(16) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 21 JUN 2023

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



Council Code of Conduct

Council adopted its current Code of Conduct on 1 November 2022. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council as soon as practicable and to refrain from being involved in any consideration or to vote on any such matter where required and out outlined in the Code of Conduct.
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting.
3. The nature of the interest shall be included in the disclosure.
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper.
5. All disclosures of interest shall be recorded in the minutes of the meeting.
6. All disclosures of interest shall as far as is practicable be given in writing.
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council.
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting.



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 17 MAY 2023, COMMENCING AT
6.30PM**

PRESENT: His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Jurd, Hawkins, Olsen, Burke, Moores, Jackson, Watton, Grine, Hill, Paynter.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Strategic Planning Manager
Economic Development and Tourism Manager
Chief Financial Officer
Help Desk Support Officer
Communication and Engagement Manager
Acting, Executive Assistant Corporate and Community

Council Prayer:

Council Prayer was led by Reverend Nicole Baldwin, Anglican Parish Cessnock.

APOLOGY:

MOTION

Moved: Councillor Moores
Seconded: Councillor Burke

478

RESOLVED

That the leave of absence granted for Councillor Sander be noted and the leave of absence tendered on behalf of Councillor Dunn, be granted.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Hill
Seconded: Councillor Grine

479

RESOLVED

That the Minutes of the Ordinary Meeting of Council held on 19 April 2023, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (11)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI4/2023

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

PE18/2023 DEVELOPMENT APPLICATION 8/2021/22204/1 PROPOSING THE RESUBDIVISION OF FIVE (5) LOTS INTO TWO (2) LOTS, FOLLOWED BY CONSTRUCTION OF A DETACHED DUAL OCCUPANCY ON EACH PROPOSED LOT 186 CAMP ROAD GRETA, CAMP ROAD ALLANDALE, LOVEDALE ROAD ALLANDALE AND 34 CAMP ROAD ALLANDALE

Councillor Jackson declared a Non Pecuniary Interest – Significant Conflict for the reason that she has a personal relationship with the objectors/residents affected by this Development Application.

Councillor Jackson advised she will leave the chambers and take no part in discussion or voting.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Max Bowen	Perception Planning	For	PE18/2023 - Development Application 8/2021/22204/1 Proposing the resubdivision of Five (5) Lots into Two (2) Lots, Followed by Construction of a Detached Dual Occupancy on Each Proposed Lot 186 Camp Road Greta, Camp Road Allandale, Lovedale Road Allandale and 34 Camp Road Allandale	9	3 mins
Chris Spinks		Against	PE18/2023 - Development Application 8/2021/22204/1 Proposing the resubdivision of Five (5) Lots into Two (2) Lots, Followed by Construction of a Detached Dual Occupancy on Each Proposed Lot 186 Camp Road Greta, Camp Road Allandale, Lovedale Road Allandale and 34 Camp Road Allandale	9	3 mins

Councillor Jackson left the meeting, the time being 06:35 PM

PLANNING AND ENVIRONMENT NO. PE18/2023

SUBJECT: DEVELOPMENT APPLICATION 8/2021/22204/1 PROPOSING THE RESUBDIVISION OF FIVE (5) LOTS INTO TWO (2) LOTS, FOLLOWED BY CONSTRUCTION OF A DETACHED DUAL OCCUPANCY ON EACH PROPOSED LOT 186 CAMP ROAD GRETA, CAMP ROAD ALLANDALE, LOVEDALE ROAD ALLANDALE AND 34 CAMP ROAD ALLANDALE

MOTION
480
RESOLVED

Moved: Councillor Hill

Seconded: Councillor Grine

1. That:

- (i) Development Application No. 8/2021/22204/1 proposing the resubdivision of five (5) lots into two (2) lots followed by construction of a detached dual occupancy on each proposed lot at 186 Camp Road Greta, Camp Road Allandale, Lovedale Road Allandale and 34 Camp Road Allandale, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011 (CLEP)*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, and *State Environmental Planning Policy (Resilience and Hazards) 2021*.
 - The proposed development is consistent with the objectives of the *Cessnock Development Control Plan 2010 (DCP)*.
 - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the *Cessnock Local Environmental Plan 2011 (CLEP)*.
 - The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
 - The proposed development, subject to the recommended conditions, will not result in any unacceptable adverse impacts upon the natural or built environments.
 - The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest.
- (iii) In considering community views, the following is relevant:

- Any issues raised in submissions have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed on the determination. Council has given due consideration to community views when determining the application.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Burke	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Grine	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (7)	Total (3)

CARRIED

CONDITIONS OF CONSENT

SCHEDULE 1

CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by NSW Rural Fire Service shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval dated 31 July 2022 is attached to this determination notice.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following supplementary documentation, except where amended by the conditions of this consent.

Document Title	Prepared By	Dated
Biodiversity Development Assessment Report Document No.: HBT0096_sBDAR_V1.0 BAAS Case Number: 00034613/BAAS21023/22/00034614	Habitat Environmental Services	12/09/2022

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

3. CC/SWC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.12, 6.7 and 6.13 of the *EP&A Act 1979*, construction and subdivision works approved by this consent must not commence until:

- a) A *CC/SWC* has been issued by a Certifier (being Council or a registered certifier); and
- b) A *PC* has been appointed by the person having benefit of the development consent; and
- c) If Council is not the *PC*, notify Council no later than two (2) days before building/subdivision work commences as to who is the appointed *PC*; and
- d) At least two (2) days before commencement of building/subdivision work, the person having benefit of the development consent is to notify Council as to the intention to commence building/subdivision work.

4. No Impact to Retained Vegetation

Stockpiling or storage or mixing of materials (including soil), vehicle parking, disposal of liquids, machinery repairs, refuelling and the siting of any new offices or sheds must not occur within the drip line of retained trees during any stage of the development.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject sites

5. Delineation of Approved Development Site Required

Prior to any clearing works, the approved development site (shown in Figure 2 of the Biodiversity Development Assessment Report by Habitat Environmental Services dated 12 September 2022) must be clearly delineated using temporary protective fencing or brightly coloured tape. Clearing works and other development activities must not occur beyond the boundaries of the approved development site.

6. Marking of Hollow Bearing Trees

Hollow bearing trees (shown in Figure 5 of the Biodiversity Development Assessment Report by Habitat Environmental Services dated 12 September 2022) must be marked using temporary protective fencing or brightly coloured tape, and appropriately marked with signage to inform all works on site that the trees contain native fauna habitat and should not be disturbed or cleared.

7. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and

provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

8. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

9. Toilet Facilities

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

10. Relocation of Services

The person having the benefit of the Development Consent shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

DURING WORKS

The following conditions are to be complied with during works.

11. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

12. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works.

13. Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environmental Protection Authority document *Noise Guide for Local Government*.

14. Construction Vehicles

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

15. Felling and Lopping of Trees to Protect Nests, Hollows and Trees to be Retained

Tree removal and lopping of branches must be performed under the supervision of a qualified and experienced ecologist to ensure that no nests or hollows are removed. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

16. Delineation of Development Site to Protect Vegetation

The fencing or tape marking the boundaries of the approved development site must remain in place until completion of all development works.

17. Tree Protective Fencing, Tape and Signs

Tree protective fencing or tape and signage required by Condition 8 must remain in place until completion of all construction works.

18. Fencing Line Vegetation Removal Limited

Clearing of native vegetation to facilitate boundary fences must be limited to a total width of 4m.

19. Clearing of Development Footprint

Vegetation must be cleared from the periphery of vegetated areas first, progressing from south to north, to enable resident fauna to relocate to adjacent areas to be retained for conservation purposes.

20. Noxious Weed Control - Vehicles

During construction works all vehicles must be washed before entering the site to prevent the spread of exotic species.

21. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

22. Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

23. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

24. Building Materials On Site

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

Stage 1 – Subdivision

The following conditions apply to Stage 1, being the resubdivision of five (5) lots into two (2) lots.

CONDITIONS OF CONSENT

25. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Partial Detail Survey of Lot 2 DP 1207820 Project No.: 21369 Sheet: 1 Rev. A	Delfs Lascalles Consulting Surveyors	06.05.21

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.

26. House Numbering

Prior to the issue of an SC, the PC is to be provided with evidence that an application for house numbering has been submitted to Council.

27. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the EP&A Act 1979 for the services detailed and for the amount detailed must be made to Council prior to the issue of any SC:

Cessnock District Catchment		
Fee Type Code	Contribution Type	Amount Payable
800	Open Space and Recreation Facilities	\$15,705.13
801	Community Facilities	\$2,434.31
802	Cycleway Facilities	\$15,012.48
803	Roads and Traffic	\$2,793.75
804	Plan Administration	\$622.33
	Total	\$36,568.00

A copy of the *Cessnock City Wide Infrastructure Contributions Plan* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan. This amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

28. Native Vegetation Protected by Restriction on Use of the Land

The area of native vegetation to be retained must be protected in perpetuity by entering into a 88B instrument or positive covenant prior to the issue of any SC.

The applicant shall prepare a suitable 88B instrument which clearly indicates the following with respect to ongoing restrictions on the use of the land:-

- a) Clearing to accommodate boundary fencing is restricted to a total width of 4m for conservation purposes. Any new or replacement boundary fencing must be constructed with plain wire. Barbed wire shall not be used. Fencing must be designed and erected so that native fauna movement is not impaired or restricted to reduce the chance of native fauna being injured.
- b) Any landscaping must use native species of local provenance grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species must be characteristic of Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions.
- c) All native vegetation outside of the approved development site (shown in Figure 2 of the Biodiversity Development Assessment Report by Habitat Environmental Services dated 12 September 2022) must be retained in a natural state and not cleared, (as defined in the *Biodiversity Conservation Act 2016*) picked or disturbed in any way.

Council is to be a party whose consent is needed to release or vary these restrictions.

The endorsed 88B instrument shall be submitted to Council prior to Council's endorsement and release of the surveyor's transparency.

29. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision in an electronic format for Council's endorsement.

The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument

- d) All surveyor's or engineer's certification required by the Development Consent
- e) Lot numbers to correspond with street numbering

30. All Services Provided Within Lots

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telecommunications) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the *PC*, prior to the issue of a *SC*.

31. Provision of Utilities

The applicant shall submit to Council evidence that the requirements of an energy supplier and telecommunications authority have been met in regard to the provision of these services to each lot within the approved subdivision. Such evidence shall be submitted to Council prior to release of the *SC*.

Stage 2 – Construction of Dual Occupancy on Proposed Lot 2

The following conditions apply to Stage 2 works, being the construction of a Dual Occupancy on Proposed Lot 2.

CONDITIONS OF CONSENT

32. Stage 1 Works to be Completed

All Consent Conditions as required by Stage 1 of this Development Consent shall be completed prior to the commencement of Stage 2 works.

33. Registration of Subdivision

The two (2) lots created by subdivision in Stage 1 of Development Consent 8/2021/22204/1 must be registered prior to the construction of dual occupancy on the resultant lots. Evidence demonstrating compliance with this requirement is to be submitted to the Certifier prior to the issue of a *CC*.

34. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Site Plan – Stage 2 Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet 1 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Driveway Plan – Stage 2 Proposed Driveway Plan to Access Proposed Lot 2 File:2103091 Sheet: 2 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Single Storey Ground Floor	Sorensen Design & Planning	22/03/2023

Stage 2 – Two Single Storey Dwellings to be Constructed to Create Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet:9 of 12 As amended in Red		
Title: Single Storey Elevations Stage 2 – Two Single Storey Dwellings to be Constructed to Create Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet: 10 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Section B-B Stage 2 – Two Single Storey Dwellings to be Constructed to Create Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet: 11 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

35. BCA Compliance

Pursuant to Section 4.17(11) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

Note: Section 69 of the *EP&A Reg 2021* and Section 19 of the *EP&A (DC&FS) Reg 2021* states 'a reference to the *BCA* is a reference to the *BCA* as in force on the relevant date', which is;

- (a) *the day on which the application for the construction certificate was made, or*
- (b) *if the building is a multi storey building and a construction certificate has been issued under the same development consent for building work involving the entrance floor—the day on which the application for that construction certificate was made*

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Certifier, prior to issue of a Construction Certificate.

36. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. The Long Service Levy is payable prior to the issue of a *CC*.

37. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of any CC:

Cessnock District Catchment		
Fee Type Code	Contribution Type	Amount Payable
800	Open Space and Recreation Facilities	\$7,852.57
801	Community Facilities	\$1,217.16
802	Cycleway Facilities	\$7,506.24
803	Roads and Traffic	\$1,396.88
804	Plan Administration	\$311.16
	Total	\$18,284.00

A copy of the *Cessnock City Wide Infrastructure Contributions Plan* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan. This amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

38. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

39. Waste Management Plan

A Waste Management Plan is to be provided to the Certifier prior to the issue of a CC. The Waste Management Plan is to be prepared in accordance with the following:

- a) Estimated quantities of materials that are reused, recycled, removed from the site
- b) On site material storage areas during construction
- c) Materials and methods used during construction to minimise waste
- d) Nomination of end location of all waste generated

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

40. Car Parking

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional and submitted to the Certifier prior to the issue of a CC.

41. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of two (2) vehicles and such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

42. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of the CC.

43. Section 68 Approval

Application shall be made to Council under Section 68 of the *Local Government Act 1993* to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

44. Access Roads

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed dwellings as detailed on the Driveway Plan prepared Sorensen Design and Planning dated 22/03/2023. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side. Construct drainage works as necessary. All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

45. Ecosystem credit retirement conditions

- a) Prior to issue of CC the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits in (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of (a) must be provided to the consent authority prior to CC.

Table 1: Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community types that can be used to offset the impacts from development
1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub grass open forest of the lower Hunter.	14	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions. This includes PCT's: 1590, 1592, 1593, 1600 and 1602.
1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrubgrass open forest of the lower Hunter.	9	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Hunter-Macleay Dry Sclerophyll Forests. This includes PCT's: 1178, 1589, 1600 and 1601.

¹ Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site

46. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

47. Inspection for Onsite Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an *OC*, a satisfactory final inspection report from the Council must be received by the *PC*, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

48. Evidence from Supervising Ecologist to be Submitted

Evidence that trees have been removed and lopped in accordance with Condition 15 must be provided by the ecologist who supervised the clearing to the satisfaction of Council's Ecologist prior to issue of *OC*.

49. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Lovedale Road to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an *OC* for the whole of the building. Where a Partial *OC* is issued the crossing shall be completed within six (6) months from the date of the Partial *OC*.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

50. All Services Provided

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the dwellings, shall be submitted to the *PC* prior to issue of an *OC*.

51. Road – Access Completion

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas

and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an OC.

52. Roof Stormwater – Clear of Buildings, Without Affecting OSSM

Prior to issue of an OC, roof water from the building and any rainwater tank overflow shall be piped clear of all buildings - without creating any nuisance on the property, to the onsite sewage management system, or to adjoining properties.

Stage 3 – Construction of Dual Occupancy on Proposed Lot 1

The following conditions apply to Stage 3 works, being the construction of a Dual Occupancy on Proposed Lot 1.

CONDITIONS OF CONSENT

53. Registration of Subdivision

The two (2) lots created by subdivision in Phase 1 of Development Consent 8/2021/22204/1 must be registered prior to the construction of dual occupancy on the resultant lots. Evidence demonstrating compliance with this requirement is to be submitted to the Certifier prior to the issue of a CC.

54. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Site Plan – Stage 3 – Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 1 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Driveway Plan Stage 3 – Proposed Driveway Plan to Access Proposed Lot 1 File: 2103091 Sheet: 2 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Two Storey Ground Floor Plan Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 5 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Two Storey First Floor Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1	Sorensen Design & Planning	23/03/2023

File: 2103091 Sheet: 6 of 12 As amended in Red		
Title: Two Storey Elevations Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 7 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Section A – A Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 8 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Single Storey Ground Floor Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 9 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Single Storey Elevations Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 10 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Section B-B Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 11 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

55. BCA Compliance

Pursuant to Section 4.17(11) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

Note: Section 69 of the *EP&A Reg 2021* and Section 19 of the *EP&A (DC&FS) Reg 2021* states 'a reference to the *BCA* is a reference to the *BCA* as in force on the relevant date', which is;

- (a) *the day on which the application for the construction certificate was made, or*
- (b) *if the building is a multi storey building and a construction certificate has been issued under the same development consent for building work involving the entrance floor—the day on which the application for that construction certificate was made*

56. Swimming Pools and Spas

The approved swimming pool / spa must comply with the *Swimming Pools Act 1992* and relevant standards. Pool filters, pumps and related plant must only operate in accordance with the *Protection of the Environment Operations Act 1997*.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Certifier, prior to issue of a Construction Certificate.

57. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. The Long Service Levy is payable prior to the issue of a CC.

58. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of any CC:

Fee Type Code	Cessnock District Catchment	
	Contribution Type	Amount Payable
800	Open Space and Recreation Facilities	\$7,852.57
801	Community Facilities	\$1,217.16
802	Cycleway Facilities	\$7,506.24
803	Roads and Traffic	\$1,396.88
804	Plan Administration	\$311.16
	Total	\$18,284.00

A copy of the *Cessnock City Wide Infrastructure Contributions Plan* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan. This amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

59. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

60. Waste Management Plan

A Waste Management Plan is to be provided to the Certifier prior to the issue of a CC. The Waste Management Plan is to be prepared in accordance with the following:

- a) Estimated quantities of materials that are reused, recycled, removed from the site
- b) On site material storage areas during construction
- c) Materials and methods used during construction to minimise waste
- d) Nomination of end location of all waste generated

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

61. Car Parking

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional and submitted to the Certifier prior to the issue of a CC.

62. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of two (2) vehicles and such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

63. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of the CC.

64. Section 68 Approval

Application shall be made to Council under Section 68 of the *Local Government Act 1993* to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

65. Access Roads

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed dwellings as detailed on the Driveway Plan prepared Sorensen Design and Planning dated 22/03/2023. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side. Construct drainage works as necessary. All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site.

66. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

67. Inspection for Onsite Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PC, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

68. Evidence from Supervising Ecologist to be Submitted

Evidence that trees have been removed and lopped in accordance with Condition 17 must be provided by the ecologist who supervised the clearing to the satisfaction of Council's Ecologist prior to issue of OC.

69. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Lovedale Road to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC for the whole of the building. Where a Partial OC is issued the crossing shall be completed within six (6) months from the date of the Partial OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

70. All Services Provided

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the PC prior to issue of an OC.

71. Road – Access Completion

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an OC.

72. Roof Stormwater – Clear of Buildings, Without Affecting OSSM

Prior to issue of an OC, roof water from the building and any rainwater tank overflow shall be piped clear of all buildings - without creating any nuisance on the property, to the onsite sewage management system, or to adjoining properties.

ADVISORY NOTES

A. BEFORE YOU DIG AUSTRALIA

Before any excavation work starts, contractors and others should look up the "Before You Dig Australia" service to access plans/information for underground pipes and cables. www.byda.com.au

B. Other Approval and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

C. Aboriginal Heritage

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from Heritage NSW.

Note: The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

D. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and Heritage NSW shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

E. Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

Councillor Jackson returned to the meeting, the time being 06:45 PM

CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBE OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
481

RESOLVED

that having read and considered the reports in the agenda related to items

- | | | |
|---|-----------|--|
| | NI4/2023 | Notice of Intention to Deal with Matters in Confidential Session
– Report W118/2023 - Organics Recovery Contract .. Error! Bookmark not defined. |
| # | PE20/2023 | Local Infrastructure Contributions Update..... Error! Bookmark not defined. |
| # | PE21/2023 | Greater Cessnock Jobs Strategy 2036 Progress Report..... Error! Bookmark not defined. |
| # | CC26/2023 | Investment Report - April 2023 Error! Bookmark not defined. |
| # | CC28/2023 | Disclosures of Interests in Written Returns Error! Bookmark not defined. |
| | CC29/2023 | Land Acquisition - South Cessnock Bund Wall Error! Bookmark not defined. |

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

**NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION**

NOTICE OF INTENTION NO. NI4/2023

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION - REPORT WI18/2023 - ORGANICS
RECOVERY CONTRACT**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
482
RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (di) of the *Local Government Act 1993*:
 - Report WI20/2023 – Organics Recovery Contract as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM1/2023

SUBJECT: DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

MOTION **Moved:** Councillor Suvaal

483

RESOLVED

1. That Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - a. Expressing Council's strong opposition to the NSW Government's last-minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.8% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. That Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. That Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	

Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (11)

Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU4/2023

SUBJECT: MOTIONS OF URGENCY

Nil

RESCISSION MOTIONS

RESCISSION MOTIONS NO. RM2/2023

SUBJECT: PE13/2023 18 2020 5 PLANNING PROPOSAL TO GRANT A DWELLING ENTITLEMENT FOR LOT 686 DP 619758, KNOWN AS 0 BLACK HILL ROAD, BLACK HILL

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Jurd

The undersigned lodge the following motion of rescission:

That Resolution (454) to report PE13/2023 18 2020 5 Planning Proposal to grant a dwelling entitlement for Lot 686 DP 619758, Known as 0 Black Hill Road, Black Hill be rescinded.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Burke
Councillor Jurd	Councillor Moores
	Councillor Grine
	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
Total (3)	Total (8)

The Motion was PUT and LOST.

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE19/2023

SUBJECT: CLIMATE CHANGE RESILIENCE PLAN - POST EXHIBITION REPORT AND ADOPTION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
484
RESOLVED

That Council adopt the Climate Change Resilience Plan, as amended following community consultation.

FOR	AGAINST
Councillor Jackson	Councillor Paynter
Councillor Burke	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Grine	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (7)	Total (4)

CARRIED

PLANNING AND ENVIRONMENT NO. PE20/2023

SUBJECT: LOCAL INFRASTRUCTURE CONTRIBUTIONS UPDATE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
485

RESOLVED

That Council notes the information contained within this report.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE21/2023

SUBJECT: GREATER CESSNOCK JOBS STRATEGY 2036 PROGRESS REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
486

RESOLVED

That Council notes the progress achieved against opportunities outlined in the Greater Cessnock Jobs Strategy 2036 and the Economic Growth Agenda.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC24/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
487
RESOLVED

That Council receives the report and notes the information in the Resolutions Tracking Report.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC25/2023

SUBJECT: MARCH 2023 QUARTER 3 REVIEW OF THE 2022-26 DELIVERY PROGRAM

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
488

RESOLVED

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 March 2023.
2. That Council approves changes to the Operational Plan actions and targets as outlined in the report.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC26/2023

SUBJECT: INVESTMENT REPORT - APRIL 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
489

RESOLVED

That Council receives the Investment Report for April 2023 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$71,320,636.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC27/2023

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - Q3 MARCH 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
490

RESOLVED

1. That Council receives the Quarterly Budget Review Statement Q3 March 2023 in accordance with Clause 203 of the *Local Government (General) Regulation 2021*.
2. That Council notes that the Quarterly Budget Review Statement Q3 March 2023 reflects a forecast operating surplus for the year of \$32.4m or a forecast net operating deficit of \$1.7m excluding capital income.
3. That Council notes that the Quarterly Budget Review Statement Q3 March 2023 reflects a forecast capital expenditure budget of \$54.4m.
4. That Council approves proposed changes to the 2022-23 operating and capital budgets as presented in the Quarterly Budget Review Statement Q3 March 2023.
5. That Council notes that the Quarterly Budget Review Statement forecasts five of the six key performance indicators will exceed Office of Local Government benchmarks.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC28/2023

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
491
RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 February – 30 April 2023 in accordance with Council’s Code of Conduct.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC29/2023

SUBJECT: LAND ACQUISITION - SOUTH CESSNOCK BUND WALL

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
492
RESOLVED

That Council authorise purchase of land required for the South Cessnock Bund Wall Flood Mitigation Scheme being:

With regard to Crown-owned land lot 1 DP 1134371:

- That Council proceed with the compulsory acquisition of the land for the purpose of flood mitigation works in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
- That Council make an application to the Minister and the Governor for approval to acquire the land by compulsory process under section 186(1) of the Local Government Act.
- That the land will be classified as operational land.
- That Council requests the Minister for Local Government approve a reduction in the notification period from 90 days to 30 days.

With regard to private land (part) lots 34;35;36 DP 755215 and (part) lot 1 DP 1145540:

- That Council authorises acquisition of the land and/or easements for the purpose of drainage.
- That Council delegates authority to the General Manager to extend a Letter of Offer to the landowner and negotiate voluntary agreement to purchase the land and/or easements in accordance with independent valuation.
- That Council delegates authority to the General Manager to execute all relevant documentation to effect the transaction.

FOR

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC30/2023

SUBJECT: LOAN EXECUTION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
493

RESOLVED

1. That Council raise a loan facility with NSW Treasury Corporation in the amount of \$4,363,049 for a maximum period of ten (10) years with a fixed interest rate of 4.35% for the period of the loan, repayable by semi-annual instalments of principal and interest.
2. That Council authorise the Mayor and General Manager to execute the documents relating to the Loan Agreement including affixing of the Council Seal.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI16/2023

**SUBJECT: RICHMOND VALE RAIL TRAIL - STOCKRINGTON TO KURRI KURRI
REVIEW OF ENVIRONMENTAL FACTORS**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
494

RESOLVED

1. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.
2. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Determination Report.
3. That Council notifies those who made submissions, along with key stakeholders, of Council's decision.
4. That Council continues to investigate external funding opportunities to support the construction phase of the project including the development of detailed designs.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI17/2023

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 17 APRIL 2023

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Hill
495

RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 17 April 2023 be adopted as a resolution of the Ordinary Council.

- **TC16/2023** - That Council notes the installation of signage and line marking on Mount View Road, Cessnock and a pedestrian refuge on Barrett Avenue, Cessnock in accordance with the Mount View Road Cessnock _ Signage & Line Marking Diagrams.
- **TC17/2023** - That Council notes the installation of regulatory parking signage on Mount View Road & Links Avenue Cessnock in accordance with the Links Avenue Cessnock _ Signage Diagram.
- **TC18/2023** – That Council notes the installation of regulatory parking signage on Scholey Street, Cessnock in accordance with the Scholey Street Cessnock _ Signage & Line Marking Diagram.
- **TC19/2023** - That Council notes the adjustment of existing line making, and installation of signage on West Avenue, Cessnock in accordance with the West Avenue Cessnock _ Signage & Line Marking Diagram.
- **TC20/2023** - That Council notes the installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury Stages 43 & 44 _ Signage & Line Marking Diagrams.
- **TC21/2023** - That Council notes the installation of signage and line marking on Broke Road, Pokolbin, in accordance with the Broke Road Pokolbin _ Line Marking Diagrams.
- **TC22/2023** - That Council notes the installation of intersection controls at Averys Lane, Heddon Greta, in accordance with the Averys Lane Heddon Greta _ Signage & Line Marking Diagram.
- **TC23/2023** - That Council notes:
 - The current intersection treatment complies with all relevant Australian Standards, and is the most appropriate road safety treatment to address the crash history at the intersection;
 - There have been no recorded crashes at the subject intersection since completion of the improvements;
 - Minor maintenance and rectification works have been identified to further enhance the effectiveness of the intersection.

FOR

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Suvaal
Total (9)

AGAINST

Councillor Olsen
Councillor Jurd

Total (2)

CARRIED

Councillor Jurd left the meeting, the time being 07:21 pm
Councillor Jurd returned to the meeting, the time being 07:22 pm

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN8/2023

SUBJECT: PROPOSAL FOR KURRI CURRY FESTIVAL

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Hill
496
RESOLVED

That Council seeks grant funding for business activation in the Cessnock Local Government area by:

1. Creating and delivering a new event called the Kurri Curry Festival
2. Designing and installing 3D public street art that compliments the Kurri Kurri Murals, and
3. That the General Manager investigate other business activation opportunities

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN9/2023

SUBJECT: STRONGER ADVOCACY WITH STATE AND FEDERAL MEMBERS

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Burke
497
RESOLVED

That Council invites our State representative Clayton Barr and our Federal Members, Meryl Swanson and Dan Repacholi, to a proposed workshop held at Council with all Councillors and relevant staff to outline a stronger advocacy proposal to cover a broad range of local issues.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN10/2023

SUBJECT: JACARANDA GROVE AND CAMELLIA CLOSE

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Olsen

That the General Manager start negotiations with the road owner of Jacaranda Grove and Camellia Close, about taking over the ownership.

FOR	AGAINST
Councillor Paynter	Councillor Jackson
Councillor Watton	Councillor Burke
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Grine
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
Total (4)	Total (7)

The Motion was PUT and LOST.

BUSINESS WITH NOTICE NO. BN11/2023

SUBJECT: WEBPAGE UPGRADE FOR SUBMISSIONS

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Olsen

That Council create a category on the home page of its Council Webpage, listing items requiring a submission from the residents on council's projects.

FOR	AGAINST
Councillor Paynter	Councillor Jackson
Councillor Watton	Councillor Burke
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Grine
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
Total (4)	Total (7)

The Motion was PUT and LOST.

BUSINESS WITH NOTICE NO. BN12/2023

**SUBJECT: ADVOCATION FOR HEDDON GRETA - CLIFBLEIGH CORRIDOR
 PLAN SOLUTIONS**

MOTION Moved: Councillor Hill **Seconded:** Councillor Paynter
498
RESOLVED

That Council write to the NSW Minister for Regional Transport and Roads, The Hon. Jenny Aitchison MP and Member for Cessnock, Clayton Barr MP requesting an update on Transport for NSW's plans for improvement of the State road corridor between Kurri Kurri & Maitland with reference to the solutions identified in Council's 'Heddon Greta – Clifbleigh Corridor Structure Plan'.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

Confidential reports (closed session)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Moores
499
RESOLVED

That the meeting move into closed session in order to consider confidential items.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Open Session

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
500
RESOLVED

That the meeting move back into open session.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI18/2023

SUBJECT: ORGANICS RECOVERY CONTRACTS

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
501
RESOLVED

That, subject to Maitland and Singleton Councils adopting the same recommendation on 23 May, Council:

- 1. Accept an increase in contracted processing price of \$40.04 per tonne (excluding GST) from the commencement of the FOGO service (subject to CPI adjustments post March 2023 as per the contract).**
- 2. Defer the commencement of FOGO weekly collection and processing until 30 June 2025.**
- 3. Activate one 1-year extension clause in the Organics collection contract.**
- 4. Approve an additional 4 months on the collection and processing contracts above the existing contract extension clauses.**

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 8.09pm

CONFIRMED AND SIGNED at the meeting held on 21 JUNE 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI5/2023

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

SUMMARY

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU5/2023

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

SUMMARY

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

There are no enclosures for this report

General Manager's Unit

Report No. GMU4/2023

General Manager's Unit



SUBJECT: *MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 9 MAY 2023*

RESPONSIBLE OFFICER: *Internal Auditor - Arun Varghese
Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

1. That the Minutes of the Audit and Risk Committee Meeting held 9 May 2023 be adopted as a resolution of the Ordinary Council.
2. That Council adopts the Project Authorisation and Revotes Policy.
3. That Council adopts the Investment Policy.
4. That Council writes to:
 - The Hon Christopher Minns, Premier of NSW
 - The Hon Daniel Mookhey, Treasurer for NSW
 - The Hon Jihad Dib, Minister for Emergency Services
 - The Hon Ron Hoenig, Minister for Local Government, and
 - The Chair of the NSW Parliamentary Public Accounts Committee

With the correspondence to note that at least 42 Councils (34% of all Councils) have qualified financial statements for the year ended 30 June 2022 in relation to the non-recognition of Rural Fire Service assets despite:

- All councils have made an accounting policy that is in accordance with the Local Government Code of Accounting Practice and financial reporting
- All councils have an accounting policy that is accordance with the Office of Local Government's own independent accounting advice
- The NSW Treasury and NSW Rural Fire Service have provided no independent third-party accounting advice that states categorically why Councils control RFS assets
- The NSW Audit Office have provided no tangible evidence, or third-party independent advice, as to why the Audit Office have adopted the NSW Treasury viewpoint that has resulted in 42 qualified financial statements

And that council calls on the NSW Government:

- To investigate the basis behind all RFS related qualified financial statements for the year ended 30 June 2022 despite there being no change in past accounting treatments
- To investigate statutory remedies that enshrine in legislation that NSW Rural Fire Service assets are controlled by the NSW Rural Fire Service

General Manager's Unit

Report No. GMU4/2023

General Manager's Unit



MINUTES OF AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON TUESDAY, 9 MAY 2023, COMMENCING AT 9.30AM

PRESENT: Jennifer Hayes – Independent Chair
Councillor Paynter
Deputy Mayor Councillor Moores (Alternate)
William Middleton – Independent Member
Damien Connor – Independent Member

IN ATTENDANCE: Ken Liddell – General Manger
Robert Maginnity – Director Corporate & Community Services
Peter Mickleson – Director Planning & Environment
Paul McLachlan – Director Works & Infrastructure
Councillor Grine
Charmaine Bennett – Safety and Risk Coordinator
Arun Varghese – Acting Internal Auditor (Finance Coordinator)
Matthew Plumridge – Chief Financial Officer
Luke Malone – Prosperity Advisors
Cassie Malone – NSW Audit Office
India Anderson – Minute Taker

ABSENT: N/A

APOLOGIES

MOTION **Moved:** Jennifer Hayes **Seconded:** Councillor Paynter

That apologies are accepted for:

Mayor Suvaal
Councillor Dunn
People and Culture Manager, Darrylen Allan
Management Accountant, Kim Futcher

ACKNOWLEDGEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.



CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: William Middleton

Seconded: Damien Connor

RECOMMENDED that the Minutes of the Audit & Risk Committee held on 7 February 2023, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI2/2023

SUBJECT: DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

Item	Resolutions/Actions	Responsible Officer	Status
10 May 2022 ACCLM12/2022	Action: That the Internal Auditor reassess risk ratings after the actions due by September on the Farmland Rating categories (Pg. 85) are completed.	Arun Varghese – Internal Auditor	Not Started. Will be reviewed after the implementation of the action.

General Manager's Unit
Report No. GMU4/2023
General Manager's Unit



LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM10/2023

SUBJECT: ANNUAL ENGAGEMENT PLAN 2023

MOTION **Moved:** Jennifer Hayes **Seconded:** Bill Middleton

RECOMMENDATION

That the Audit and Risk Committee notes the receipt and presentation of the Annual Engagement Plan for the Year Ending 30 June 2023 from the Audit Office of NSW.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU4/2023
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM11/2023

SUBJECT: RURAL FIRE SERVICE ASSETS

MOTION **Moved:** Jennifer Hayes **Seconded:** Councillor Paynter

RECOMMENDATION

That the Committee endorse Management's recommendation that the Council writes to:

- The Hon Christopher Minns, Premier of NSW
- The Hon Daniel Mookhey, Treasurer
- The Hon Jihad Dib, Minister for Emergency Services
- The Hon Ron Hoenig, Minister for Local Government, and
- The Chair of the NSW Parliamentary Public Accounts Committee

With the correspondence to note that at least 42 Councils (34% of all Councils) have qualified financial statements for the year ended 30 June 2022 in relation to the non-recognition of Rural Fire Service assets despite:

- All councils have made an accounting policy that is in accordance with the Local Government Code of Accounting Practice and financial reporting
- All councils have an accounting policy that is in accordance with the Office of Local Government's own independent accounting advice
- The NSW Treasury and NSW Rural Fire Service have provided no independent third-party accounting advice that states categorically why Councils control RFS assets
- The NSW Audit Office have provided no tangible evidence, or third-party independent advice, as to why the Audit Office have adopted the NSW Treasury viewpoint that has resulted in 42 qualified financial statements

and that Council calls on:

- the NSW Government investigate the basis behind all RFS related qualified financial statements for the year ended 30 June 2022 despite their being no change in past accounting treatments
- investigate statutory remedies that enshrine in legislation that NSW Rural Fire Service assets are controlled by the NSW Rural Fire Service.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU4/2023
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM12/2023

SUBJECT: PROJECT AUTHORISATION AND REVOTES POLICY

MOTION **Moved:** Damien Connor **Seconded:** William Middleton

RECOMMENDATION

That the Committee endorse the Project Authorisation and Revotes Policy to the Council.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM13/2023

SUBJECT: INVESTMENT POLICY

MOTION **Moved:** Jennifer Hayes **Seconded:** Damien Connor

RECOMMENDATION

That the Audit and Risk Committee endorse the proposed changes to the current Investment Policy, prior to presentation to Council.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM14/2023

SUBJECT: GIFTS AND BENEFITS REPORT - 1 JANUARY 2022 TO 31 DECEMBER 2022

MOTION **Moved:** Councillor Paynter **Seconded:** Jennifer Hayes

RECOMMENDATION

That the Audit and Risk Committee receives and notes the report on Gifts and Benefits for the period 1 January 2022 – 31 December 2022.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU4/2023
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM15/2023

SUBJECT: INTERNAL AUDIT REPORT MAY 2023

MOTION **Moved:** Jennifer Hayes **Seconded:** Councillor Paynter

RECOMMENDATION

That the Audit and Risk Committee notes:

- The Internal Audit Report for May 2023;
- That five recommendations were added and 19 recommendations were implemented during the period;
- That 66 recommendations are open as at 6 April 2023, with 30 overdue; and
- That no privacy breaches occurred during the Q3 2022-23.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM16/2023

SUBJECT: 2022-02 FRAUD CONTROL FRAMEWORK - INTERNAL AUDIT REPORT

MOTION **Moved:** Damien Connor **Seconded:** William Middleton

RECOMMENDATION

That the Audit and Risk Committee receives the Fraud Control Framework Internal Audit Report and notes that the audit is complete, in accordance with the Strategic Internal Audit Plan 2020-23, and that five recommendations were made.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU4/2023
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM17/2023

SUBJECT: PROPOSED MEETING SCHEDULE FOR FY 2023-24

MOTION **Moved:** William Middleton **Seconded:** Jennifer Hayes

RECOMMENDATION

That the Audit and Risk Committee endorse the proposed meeting dates and advise management to review future dates.

Ordinary Meetings:

6 September 2023

Special Meeting:

17 October 2023

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM18/2023

SUBJECT: AUDIT AND RISK COMMITTEE FORWARD PLAN

MOTION **Moved:** Jennifer Hayes **Seconded:** William Middleton

RECOMMENDATION

That the Audit and Risk Committee notes the indicative calendar of reports for the next twelve months.

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 10.57am

ENCLOSURES

- [1](#) ⇨ Investment Policy
- [2](#) ⇨ Project and Revotes Policy Original
- [3](#) ⇨ Project and Revotes Policy Draft

Planning and Environment

Report No. PE22/2023

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION NO. 8/2022/1130/1
PROPOSING A CAMPING GROUND COMPRISING 60 CAMP
SITES, CONSTRUCTION OF AN AMENITIES BUILDING AND
ASSOCIATED CAR PARK*

281 WATAGAN CREEK ROAD, LAGUNA

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer - Kerry Porter
Development Services Manager – Janine Maher*

APPLICATION NUMBER:	8/2022/1130/1
PROPOSAL:	Camping ground comprising 60 camp sites, construction of an amenities building and associated car park
PROPERTY DESCRIPTION:	Lot 19, DP 238421
PROPERTY ADDRESS:	281 Watagan Creek Road, Laguna
ZONE:	RU2 Rural Landscape
OWNER:	Mr Z Zhao
APPLICANT:	Mr Cong Yi

RECOMMENDATION

1. That:
 - (i) Development Application No. 8/2022/1130/1 proposing a camping ground comprising 60 camp sites, construction of an amenities building and associated car park at 281 Watagan Creek Road Laguna, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
 - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - a. The proposal fails to satisfy the underlying aims and objectives of *State Environmental Planning Policy (Primary Production) 2021* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*), in respect to:

- I. It does not facilitate the orderly and economic use of land.
 - II. It does not assist in the proper management, development and protection of rural lands.
 - III. It fails to introduce suitable measures designed to reduce land use conflicts.
- b. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):
- I. The objectives of the RU2 Rural Landscape Zone, in terms of incompatibility with rural landscape character, incompatibility with existing uses, the intensity of the development is unsuitable, the site disturbance is unclear and the visual impact is unclear.
 - II. Clause 5.21 in that the development will be unable to provide for the safe and efficient evacuation of people in the event of a flood.
 - III. Clause 7.2 in that insufficient information has been provided on earthworks to determine the likely environmental impacts of the development.
 - IV. Clause 7.14 in that insufficient information has been provided to determine if essential services are able to be provided to support the development.
- c. The proposal fails to satisfy the following provisions of the *Cessnock Development Control Plan 2010* (pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*):
- I. Chapter C.1 (Parking and Access) in that the development fails to identify the provision of adequate parking on the site to service the development.
 - II. Chapter C.4 (Land Use Conflict and Buffer Zones) in that the proposal is likely to result in land use conflict with surrounding rural and residential land uses.
 - III. Chapter C.5 (Waste Management and Minimisation) in that no provision has been made for waste management generated by the development.
 - IV. Chapter C.9 (Development on Flood Prone Land) in that the development will be unable to provide suitable and efficient flood free access for emergency evacuation in the event of a flood.
 - V. Chapter C.8 (Social Impact Assessment and Crime Prevention Through Environmental Design) in that a Social Impact Assessment has not been provided in support of the development to determine the likely social impacts associated with the development.

- d. The proposal will result in unacceptable impacts in relation to the risk to life in the event of a flood (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
 - e. Insufficient information has been provided to determine the likely impacts of the development in relation to traffic generation, noise, ecology, bushfire, earthworks, social implications, crime prevention, waste water disposal, visual impact and waste management (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
 - f. The subject site is not considered suitable for the development due to the flood affectation of the land and the inability to provide for flood free access (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).
 - g. The proposal is not considered to be in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
- (iii) In considering community views, the following is relevant:
- The development is not suitable for the site given that flood free access is not available to the property.
 - The development is not considered to be compatible with the character of the surrounding rural environment.
 - Insufficient and conflicting information has been provided, therefore it is not possible to determine the likely impacts of the development on the environmental qualities of the site and amenity of the surrounding neighbourhood.
 - The application has not demonstrated that adequate essential services can be made available to service the development.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

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REASON FOR REPORT

Development Application No. 8/2022/1130/1 is being referred to Council for determination because:

- it has been called-up by three (3) Councillors,
- it has been the subject of significant objection, and
- it proposes a significant variation to a numerical standard contained in the Cessnock Development Control Plan 2010.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2022/1130/1 seeking approval for a camping ground comprising 60 camp sites, construction of an amenities building and associated car park at 281 Watagan Creek Road, Laguna.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2021*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and seventy-three (73) submissions were received from seventy-one (71) households. Seventy-two (72) of these submissions objected to the proposal and one (1) submission was in support of the proposal. The issues and concerns raised in the submission are addressed in the following report.

The subject land has been assessed as being unsuitable for the development given that flood free access is not available to the property to enable the safe and efficient evacuation of people in the event of a flood.

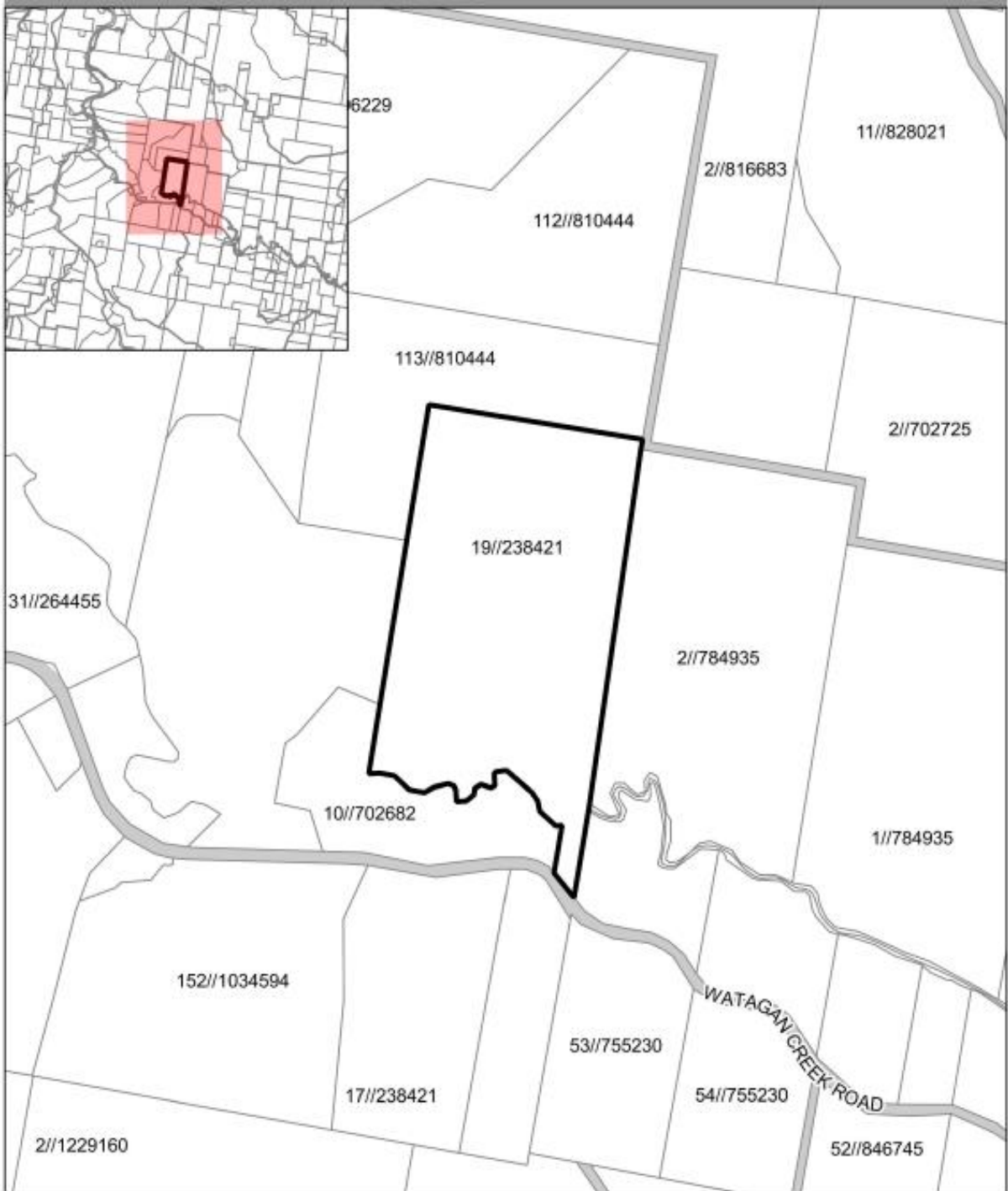
In addition to the above, despite various requests from Council for information to be provided, the applicant has not provided sufficient and adequate information to properly assess the likely impacts of the development in relation to traffic generation, noise, ecology, bushfire, earthworks, social implications, crime prevention, waste-water disposal, visual impact and waste management.

The proposal is likely to result in significant adverse impacts on the environmental qualities of the site and the amenity of the surrounding rural environment. The site is not considered suitable for the proposed development and is contrary to the public interest.

Finally, separate approvals are required to permit the proposed development to operate, including an approval under Section 68 of the *Local Government Act 1993*, and an approval under Section 100B of the *Rural Fires Act 1997*. Applications in respect of these matters have not been lodged in conjunction with this Development Application, and Council is therefore unable to be assured that it would be possible for the applicant to obtain these approvals.

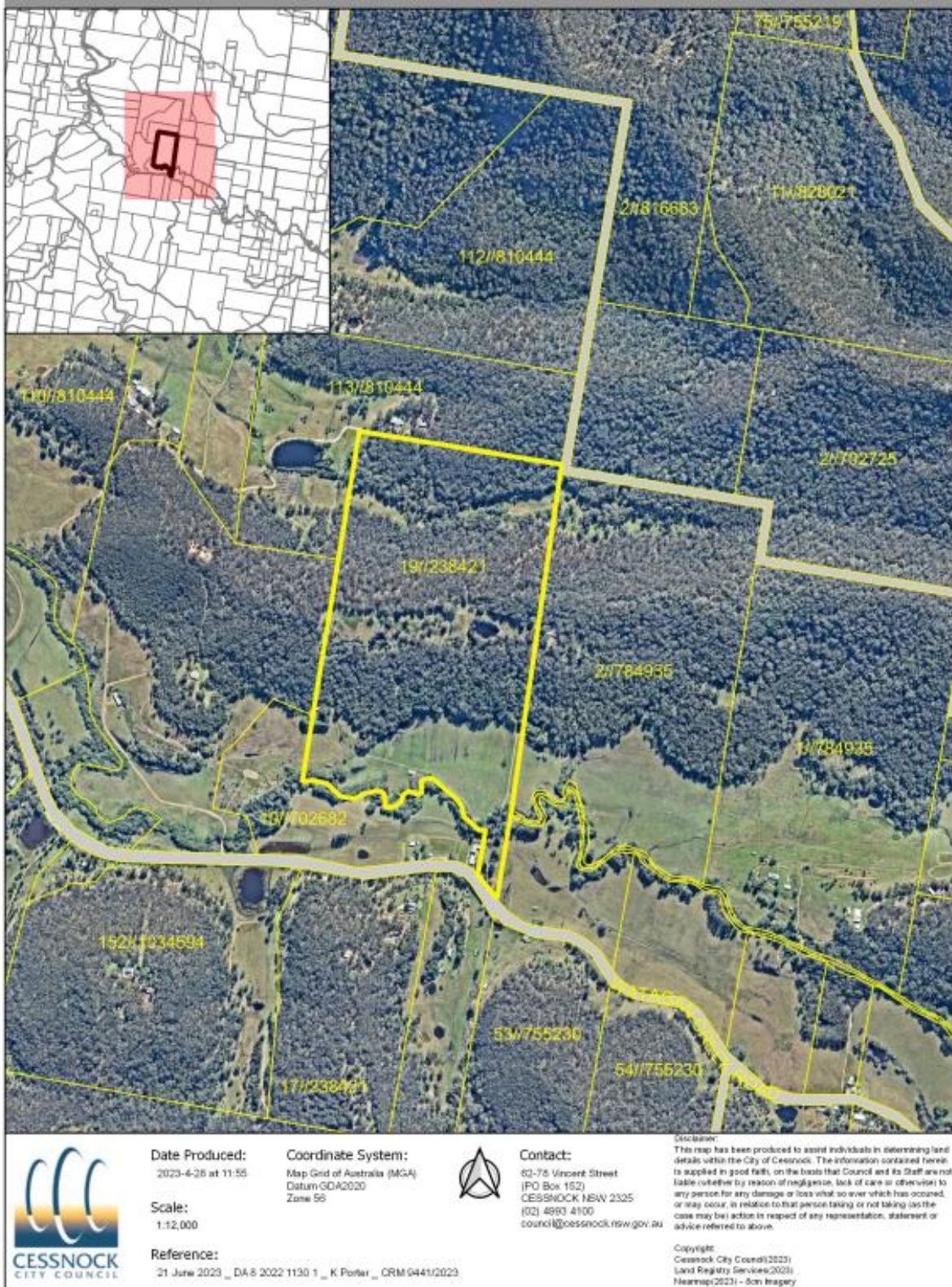
Based on the assessment, it is recommended that the Development Application be refused, subject to the reasons included in this report.

LOCATION MAP





AERIAL



Date Produced:
2023-6-28 at 11:55

Scale:
1:12,000

Reference:
21 June 2023 _ DA 8 2022 1130 1 _ K Porter _ CRM 0441/2023

Coordinate System:
Map Grid of Australia (MGA)
Datum GDA2020
Zone 56



Contact:
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Disclaimer:
This map has been produced to assist individuals in determining land details within the City of Cessnock. The information contained herein is supplied in good faith, on the basis that Council and its Staff are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss what so ever which has occurred, or may occur, in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to above.

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SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 281 Watagan Creek Road, Laguna, and is legally described as Lot 19, Deposited Plan 238421.

The site is located on the northern side of Watagan Creek Road, approximately eight (8) kilometres south of the village of Wollombi. The site is irregular in shape but generally resembles a rectangle with the southern boundary meandering along a creek for most of its length, except at its eastern end where the site adjoins and follows the curvature of Watagan Creek Road. The site has a frontage of approximately 72 metres to Watagan Creek Road, a depth ranging from approximately 850 metres along the western boundary and 1,050 metres along the eastern boundary, and a width of approximately 500 metres. The overall area of the site is approximately 43.5 hectares.

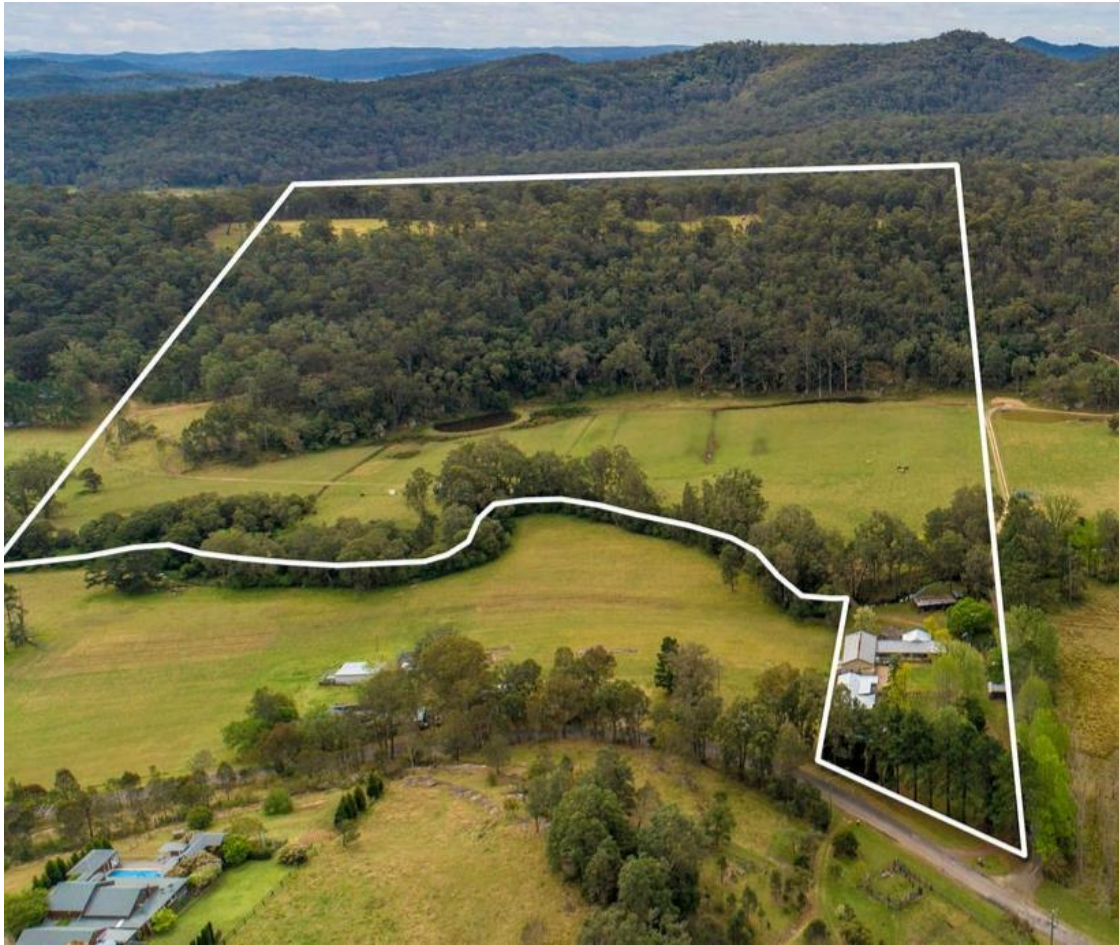
The southern boundary of the site aligns with Watagan Creek which is a third order stream. The majority of the site is heavily vegetated, with a small portion of cleared land on the valley floor. The land slopes steeply upwards from the valley floor of the site along the creek to the ridgeline (a 50 metre rise over a distance of approximately 350 metres).

There are two (2) dwellings and a swimming pool located at the front of the site which are currently operating as short term stay accommodation. A farm shed is located along the western boundary of the site, and two (2) dams are situated central to the property.

Surrounding properties consist of larger rural holdings with a mixture of grazing land, agricultural pursuits and small scale tourist accommodation.

There are no recent development approvals that have been issued over the land.

The below photographs depict the site:



Photograph 1 – Aerial view of the site



Photograph 2 –Location of proposed camp site along the ridge of the property



Photograph 3 – Internal access road

HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
19 December 2022	Development Application lodged with Council.
5 January 2023	Application referred internally to Council's Development Engineer, Environmental Health Officer, Building Officer, Waste Services Officer and Ecologist.
6 January 2023	Waste Services referral completed – additional information requested.
12 January 2023	Building referral completed – additional information requested.
20 January 2023	Development Engineering referral completed – not supportive of the development due to flooding.
23 January 2023	Ecologist referral completed – additional information requested.
24 January 2023	Environmental Health referral completed – additional information requested.

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9 March 2023	The applicant is requested to meet with Council officers to discuss issues associated with the development proposal.
17 March 2023	Meeting held with the applicant, whereby the outstanding issues/concerns in respect of the application are raised by Council officers. Applicant verbally advised that Council is not supportive of the proposed development. Accordingly, applicant is afforded an opportunity to withdraw the application.
21 March 2023	Letter sent to applicant confirming the matters discussed at the meeting held on 17 March 2023. Applicant is afforded an opportunity to withdraw the application within 7 days, or alternatively, provide additional information within 28 days addressing the issues discussed/identified by Council.
19 April 2023	Letter sent to applicant advising that due to the application not being withdrawn and as additional information has not been received within the specified time period, the application will be reported to Council with a recommendation for refusal.
21 April 2023	Email sent to applicant re-iterating if the application is not withdrawn, the application will be reported to Council with a recommendation for refusal.
26 April 2023	The applicant and owner were contacted by telephone advising that the application will be reported to the next available Council meeting with a recommendation for refusal.
30 May 2023	Council report finalised.

DETAILS OF THE PROPOSED DEVELOPMENT

The Development Application seeks approval for a camping ground comprising 60 camp sites, construction of an amenities building and associated visitor car park.

The amenities building will contain the following:

- Ten (10) toilets
- Eight (8) showers
- Men’s urinals
- Two (2) disabled toilets
- Two (2) disable showers
- Laundry

The Application states that *“the camp sites will be occupied by tents only and no caravans are proposed due to the lack of a potable water supply. There are no physical construction works associated with the camp sites which will be located on existing grassed areas on the site”*.

The amenities building will be located on the lower slopes of the property adjacent to the western boundary of the site (adjoining the existing farm shed); and the visitor parking area (for seven (7) vehicles) will be located next to the amenities building.

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The camping ground will be located approximately 450 metres to the north-east of the amenities building, upslope on the ridgeline which traverses the centre of the site in an east/west direction. A vehicular access road is proposed between the amenities building and the camping ground.

There are no details provided on the layout of the camping ground with respect to the location of tent sites, internal access paths, or parking area/s.

It is noted that whilst the application proposes 60 camp sites, the size of each camp site has not been provided, and the actual number of campers proposed to occupy the site at any one time is unclear. It should also be noted that the supporting information inconsistently refers to the number of campers, for example, the on-site waste water management report is based on a maximum of 200 campers, the traffic report states 240 campers, and the acoustic report states 720 campers.



Figure 1 – Site Plan

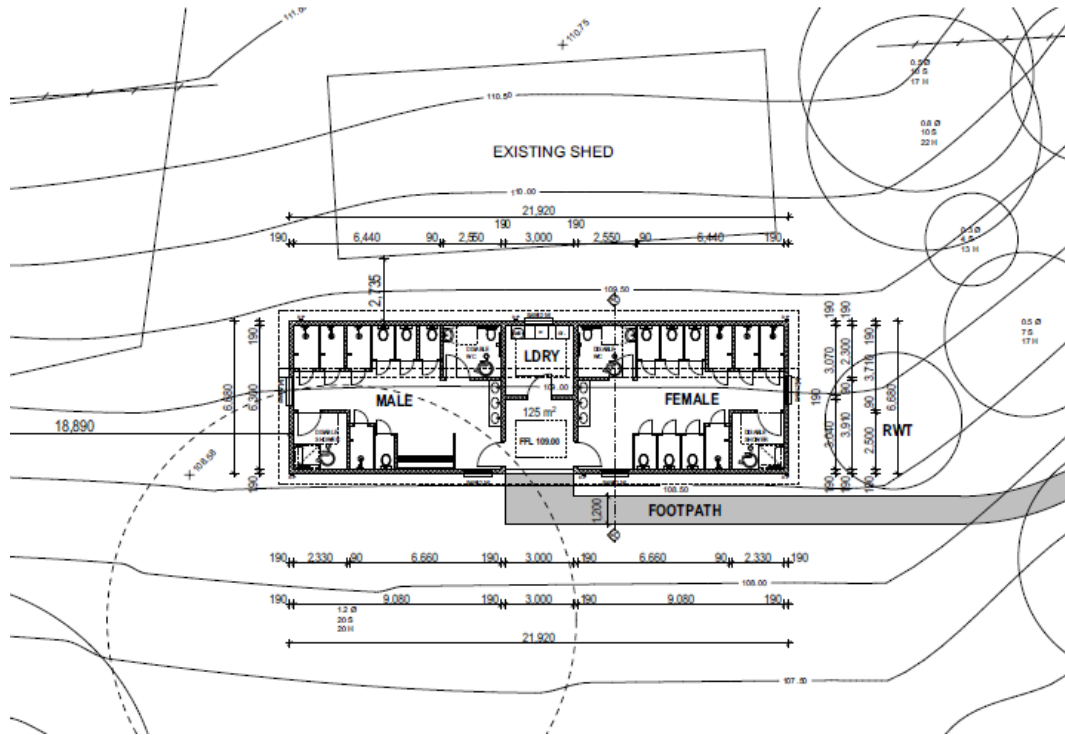


Figure 2 – Amenities Building

ASSESSMENT

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning and Assessment Act 1979*, prescribes as follows:

'This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment'.

Biodiversity Conservation Act 2016

The applicant states that there will be no clearing to facilitate the development and, on this basis, an ecological assessment report was not submitted with the application. The site includes land that is identified on the Biodiversity Values Map.

However, there are concerns that the development will indirectly lead to clearing and therefore result in significant ecological impacts. The proposed camping ground is located within a high risk and isolated bush fire prone area, and to bring the development into compliance with the requirements of *Planning for Bushfire Protection 2019*, the development will require the establishment of Asset Protection Zones (APZ's) and adequate internal access roads for bushfire vehicles.

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The application has been submitted without a bushfire assessment report and, as will be discussed later in this report, the application was not lodged as Integrated Development (under the provisions of the *Environmental Planning and Assessment Act 1979*). Therefore, the extent of clearing and impacts associated with bush fire protection are not clear. Furthermore, as discussed later in this report, the impacts associated with the provision of services, facilities, on-site disposal and car parking have not been suitably detailed. Subsequently, it is not possible to properly assess the ecological impacts of the development.

Furthermore, the application refers to clearing and does not address other ecological impacts resulting from the operation of the proposed development, such as light, noise and spread of weeds. In these regards, Council is unable to make an assessment under the provisions of the *Biodiversity Conservation Act 2016*.

Section 4.15 Evaluation

In determining a Development Application, the consent authority is to take into consideration the following matters prescribed within s4.15 of the *Environmental Planning and Assessment Act 1979*, as are of relevance to the development the subject of the development application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

The environmental planning instruments that relate to the proposed development are:

1. *State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Koala Habitat Protection 2021*
2. *State Environmental Planning Policy (Primary Production) 2021*
3. *State Environmental Planning Policy (Resilience & Hazards) 2021 Chapter 4: Remediation of Land*
4. *Cessnock Local Environmental Plan (CLEP) 2011*

An assessment of the proposed development under the environmental planning instruments is provided below:

1. State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Koala Habitat Protection 2021

The aim of the policy is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This policy is applicable to the Cessnock LGA to land that has an area of at least one (1) hectare and is not zoned RU1, RU2 and RU3. The subject land is zoned RU2 and therefore this policy applies.

As stated previously in this report, an Ecological Assessment Report was not submitted with the application on the basis that there will be no clearing required to facilitate the development. However, as previously stated, the proposed camping ground is located within a high risk and isolated bush fire prone area and the requirements of *Planning for Bushfire Protection 2019* will need to be addressed which will require the establishment of Asset Protection Zones (APZ's) and adequate internal access roads for bushfire vehicles.

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Koalas have been recorded in vegetation that is connected to the vegetation on the site likely to be impacted by the proposed development. It is considered that the application has not addressed ecology impacts and Council is unable to make an assessment under the provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Koala Habitat Protection 2021*.

2. State Environmental Planning Policy (Primary Production) 2021

This policy applies to rural zoned land in Cessnock City Council. The aims of this policy are detailed below with comment in relation to whether the development satisfies each particular aim:

Aim	Comment
<i>Facilitate the orderly and economic use and development of rural lands for rural and related purposes.</i>	It has not been demonstrated that the proposal will result in the orderly and economic use of the land. In this regard, insufficient information has been provided in relation to the layout of the camp site and the number of campers proposed to occupy the site at any one time. In the absence of this information, it is difficult to determine if the proposal satisfies this aim.
<i>Identify the rural planning principles and the rural subdivision principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.</i>	This aim does not relate to specific development, rather the establishment of principles in planning instruments to ensure the proper management, development and protection of rural lands.
<i>Implement measures designed to reduce land use conflicts.</i>	The supporting documentation lodged with the Application has not identified, nor proposed measures to mitigate potential land use conflict. Based on the information provided, it is considered likely that the development will conflict with surrounding rural land uses.
<i>Identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.</i>	This aim is not relevant to the Application.
<i>Amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</i>	This aim is not relevant to the Application.

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Having regard for the above, the application has not demonstrated that the proposed development will satisfy the aims (specifically aims a, b and c) of *State Environmental Planning Policy (Primary Production) 2021*.

**3. State Environmental Planning Policy (Resilience & Hazards) 2021
Chapter 4: Remediation of Land**

State Environmental Planning Policy (Resilience & Hazards) 2021 – Chapter 4: Remediation of Land, provides planning guidelines for remediation of contaminated land. Section 4.6(1) of the policy is relevant to the assessment of this development application. Section 4.6(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land has historically been used for rural/residential purposes and following a site inspection, no evidence of contamination was observed. As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, no further investigation is warranted.

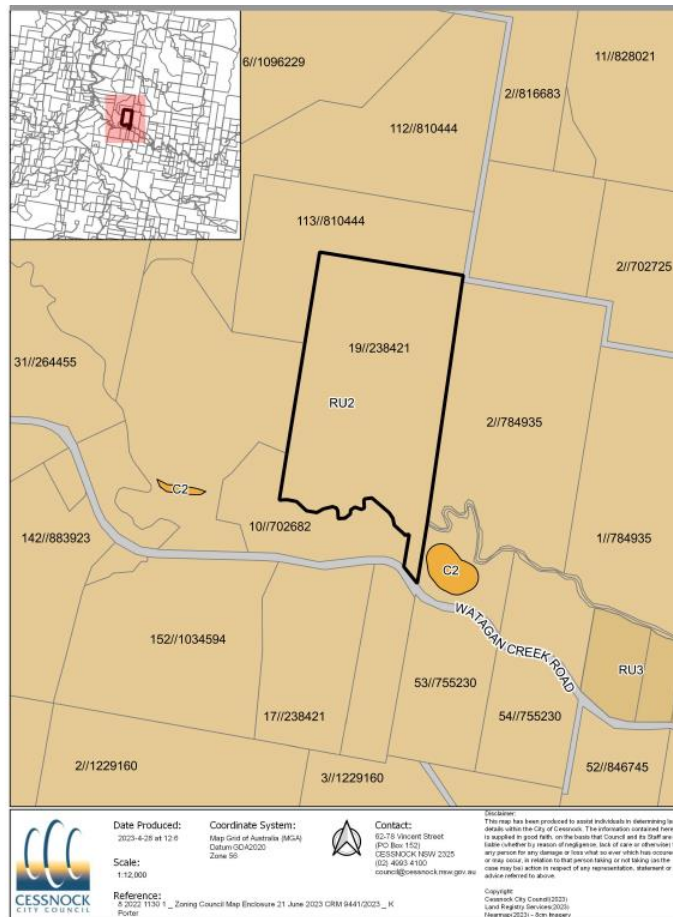
The proposal is therefore acceptable in terms of the requirements under *State Environmental Planning Policy (Resilience & Hazards) 2021*.



4. Cessnock Local Environmental Plan (CLEP) 2011

4.1 Permissibility

The subject site is zoned RU2 Rural Landscape under the provisions of the Cessnock Local Environmental Plan (CLEP) 2011, as depicted in the below map:



The proposed development is defined as a 'camping ground' under the CLEP 2011, which is defined as follows:

camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

Based on the information submitted in conjunction with the application, it is considered that the proposal is consistent with the above definition in that the development proposes the establishment of 60 camp sites which will be used for the short term placement of tents.

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Development for the purpose of a camping ground is a permitted land use in the RU2 Rural Landscape zone, with consent.

4.2 Objectives

The objectives of the RU2 Rural Landscape Zone, and a response to each, are identified in the following table:

Objective	Comment
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base</i>	It is not considered that the proposal will undermine this objective given the size of the property (approximately 43.5 hectares) which enables sufficient room for future primary industry production.
<i>To maintain the rural landscape character of the land</i>	Insufficient information has been provided to determine if the development will significantly impact on the existing rural landscape qualities of the site, particularly in relation to earthworks and vegetation clearing to establish bushfire APZ's and internal access roads.
<i>To provide for a range of compatible land uses, including extensive agriculture</i>	Insufficient information has been provided to determine if the proposal is a compatible land use with surrounding land uses in relation to the intensity of the development including the number of campers proposed to occupy the site, traffic generation and noise impacts.
<i>To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation</i>	The proposed camping ground is not proposed to be associated with any rural activities on the site. While the proposed camping ground provides for a form of tourism in the locality, the site is not considered suitable for this type of tourism given the isolated location of the site, lack of essential services, flooding and bushfire impacts.
<i>To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities</i>	Insufficient and conflicting information has been provided to determine the intensity of the development in relation to the maximum number of campers proposed to occupy the site which will determine the amount of traffic generated by the development and noise implications.
<i>To maintain and enhance the scenic character of the land</i>	Insufficient information has been provided to determine the impact of the development on the scenic qualities of the site particularly in relation to vegetation clearing to establish bushfire APZ's and internal access roads.

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<p><i>To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services</i></p>	<p>The applicant has not demonstrated that essential services can be provided to support the development. A servicing plan has not been submitted with the application, and given the isolated location of the site, it cannot be determined if the extension of services will be unreasonable or uneconomic.</p>
<p><i>To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality</i></p>	<p>Insufficient information has been provided on the extent of clearing required to establish bushfire APZ's and internal access roads. As such, the visual impact of the proposal cannot be assessed.</p>
<p><i>To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings</i></p>	<p>Insufficient information has been provided on the extent of clearing and earthworks required to establish bushfire APZ's and internal access roads. As such, the visual impact of the proposal cannot be assessed.</p>
<p><i>To ensure development does not intrude into the skyline when viewed from a road or other public place</i></p>	<p>The only building proposed is the amenities building which is located on the valley floor of the site and will not be visible from the road.</p>

4.3 Relevant Clauses

The Development Application was assessed against the following relevant clauses of the CLEP 2011:

- Clause 5.21 – Flood Planning

The site is identified as being flood prone, as shown below:



Flood Extent - 1 in 100 year (1% AEP)

Clause 5.21 of the CLEP 2011 states as follows:

(1) *The objectives of this clause are as follows—*

- to minimise the flood risk to life and property associated with the use of land,*
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- to avoid adverse or cumulative impacts on flood behaviour and the environment,*

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- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—
- Considering Flooding in Land Use Planning Guideline** means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.
- flood planning area** has the same meaning as it has in the Floodplain Development Manual.
- Floodplain Development Manual** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

Whilst the portion of the site where the camp ground is proposed to be located (i.e., the ridgeline), is flood free, in order to access the site, campers must traverse Watagan Creek. The existing crossing of Watagan Creek is inundated in flooding events less than the 100-year ARI event (1% AEP), and as such, reliable flood free access to the camping area is not available.

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Access to the site is restricted by the flooding of Watagan Creek in a lesser flood event such as the 20-year event ARI event (5% AEP) as well at the 100-year ARI event (1% AEP) and PMF event. The applicant’s Flood Risk Management Plan (FRMP) states that access to the site will be lost for several days in events as frequent as the 1-year ARI and up to 4 to 5 days for the 20 year ARI and above events.

Inundation depths at critical locations within the site are shown in the Applicant’s FRMP for the 5% and 1% AEP and PMF events. The water depths as shown at 2 locations on site, are reproduced in the table below:

Location	5% AEP	1% AEP	PMF
Driveway – creek crossing adjacent to amenities.	1.33m	1.79m	3.14m
Driveway – creek crossing to Watagan Creek.	0.73m	1.19m	2.54m

Maximum flood velocities vary from 5m/s in the 5% AEP event to 6.49m/s in the 1% AEP event and 6.08m/s in PMF event. Maximum hazard categories on site are H6 for all 3 reported events.

Whilst the application recognises the flood affectation of the site, it is proposed to use a site specific flood emergency response plan. The emergency response plan proposes to manage the flood threat by having an on-site flood warden who arranges the evacuation of the site prior to flooding occurring; or alternatively, in the event that access to the site is cut by flooding, campers are to shelter in place until the flood waters recede and are able to leave the site. The emergency response plan is not supported because the number of campers may be significant and because the flood characteristics in the area are such that, even in lesser events than the 1% AEP flood events, flood waters may not recede for several days.

Furthermore, section N7 of the NSW Floodplain Development Manual strongly discourages the use of private or site-specific flood evacuation plans as the means to seek the approval of development on flood prone or flood affected land.

The manual suggests the use of such plans as being “unreliable as a long-term risk mitigation measure” due to the required assumptions about environmental and organisational conditions as well as the variability of frequency and severity of flood conditions and how they impact available flood warning time and likely consequences.

The manual also cautions Councils with respect to the validity of such private or site-specific flood evacuation plans as conditions of consent:

Council’s should be aware that the issue of private flood evacuation plans as a consent condition has been tested in the NSW Land and Environment Court and the policy of the SES has been recognised as valid”.

Having regard for the above, as prescribed by the NSW Floodplain Development Manual, the use of a private or site-specific flood evacuation plans as the sole means to approve development on flood prone land is not supported.

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It should be noted that the submitted FRMP makes the assumption that the site will be occupied by up to 240 people and 60 vehicles at any one time. However, the submitted Acoustic Report states the site will accommodate up to 720 people (which would equate to approximately 180 vehicles). The inconsistencies between these reports are significant and the consequences of 720 people being trapped on site during a flood event would put unreasonable pressure on emergency services.

Therefore, based upon the likely regularity of flooding and loss of access/egress via the inability to traverse Watagan Creek, the significant depths of inundation, the high velocity of flood waters and resulting high hazard categories, it is considered that the development does not satisfactorily address the risk to life objectives as prescribed by the CLEP 2011.

- Clause 7.2 – Earthworks

This clause requires that any earthworks are suitably managed to avoid adverse impacts on the environment and neighbouring properties.

The applicant has stated that the only earthworks required are in association with the amenities building which is located on a relatively flat section of land. However, the extent of earthworks required for the internal access road (particularly the access road leading from the amenities building upslope to the camp site) has not been addressed. The width of this road is required to comply with the requirements of *Planning for Bushfire Protection 2019*. Given the steep slope of the land between the amenities building and camp site, significant earthworks may be required to achieve minimum widths and maximum gradients. Without this information, Council is unable to be satisfied that the development is consistent with the provisions of Clause 7.2 of the CLEP 2011.

Clause 7.14 – Essential Services

This clause applies to land in the RU2 Rural Landscape Zone and Council must be satisfied that the following essential services are available to the development, or that adequate arrangements can be made to make them available:

Essential Service	Comment
<i>The supply of water</i>	The applicant has stated that water will be provided through the “ <i>collection and provision of rainwater</i> ”. Details have not been provided on how this will occur. It is assumed that rainwater tanks will be used, connected to the amenities building; however, given the nature of the development and the number of campers proposed for the site (maybe between 200 and 720), a water management plan is required indicating the demand profile for different water types (drinking, other domestic, fire protection etc), storage arrangements and drainage facilities. Without this information, Council cannot be satisfied that the development can adequately be serviced with a water supply.
<i>The supply of electricity</i>	The applicant has stated that electricity can be made available to the amenities building, however a servicing plan has not been provided detailing this. Council is uncertain if the provision of electricity can be economically provided.

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<i>The disposal and management of sewage</i>	An on-site waste water management report has been lodged with the application and has been assessed by Council's Environmental Health Officer as being unsatisfactory given the number of campers proposed for the site varies between reports (the On-Site Waste Water Management Report makes the assumption that a maximum of 200 people will occupy the site at any given time, yet the Traffic Report states 240 people and the Acoustic Report states 720 people). As such, Council is unable to be satisfied that the site can adequately accommodate the disposal and management of sewage.
<i>Stormwater drainage or on-site conservation</i>	A stormwater plan has not been lodged with the application and such, Council is unable to assess the adequacy of on-site stormwater management.
<i>Suitable vehicular access</i>	Suitable vehicle access will not be available to the site during times of flooding and this has been addressed previously in this report.

Having regard for the above, Council is not satisfied that the provisions outlined within Clause 7.14 of the *CLEP 2011* can be satisfactorily addressed.

4.15(1)(a)(ii) *The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

The Cessnock Local Environmental Plan 2011 Rural Land amendment has been publicly exhibited and was endorsed by Council at their meeting of 14 December 2022.

Under the proposed amendment, camping grounds will be permitted in the RU2 zone, with consent. In this regard there is no change to the current situation in that camping grounds are currently permitted under the current RU2 land use table, and will continue to be permitted under the proposed RU2 land use table.

4.15(1)(a)(iii) *The provisions of any development control plan*

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the relevant numerical standards contained in the Cessnock Development Control Plan (CDCP) 2010.

Discussion of any variations to the standards is provided after the compliance table:

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Chapter C.1 – Parking and Access

The following table details the required number of parking spaces under the provisions of this chapter of the CDCP 2010.

Provision	Required	Provided	Complies?
<p>1.2 Car Parking standards for camping ground</p> <p>1 space per site, PLUS 1 space per 10 sites for visitor parking</p>	<p>60 spaces and 6 visitor spaces (total of 66 spaces)</p>	<p>4 spaces and 3 visitor spaces (total of 7 spaces)</p>	<p>No 89.4% Variation</p>

The submitted plans identify the provision of a total of seven (7) parking spaces adjacent to the amenities building. No details have been provided on the layout of the camping ground (which is located approximately 450 metres upslope from this parking area). While it is assumed that vehicles will be able to access the camping ground, no details have been provided on the layout of the camping ground in relation to camp sites, parking areas, paths and the like. As such, Council cannot be satisfied that the total required number of 66 parking spaces can be provided to service the development.

Furthermore, inconsistent information has been provided on the number of campers proposed to occupy the site at any given time. The On-Site Waste Water Management Report is based on a maximum of 200 campers; the Traffic Report states 240 campers; and the Acoustic Report states 720. If the higher number of 720 campers are proposed, this averages 12 campers per camp site (which would equate to approximately 3 vehicles per camp site), thereby resulting in the need for a total of 180 parking spaces (excluding visitor parking).

The applicant has not provided justification supporting the significant variation to the CDCP 2010 and in this instance, Council is not satisfied that adequate car parking can be provided on site to support the development.

Chapter C.3 – Contaminated Lands

Chapter C.3 of the CDCP 2010 addresses contaminated land which has been discussed previously in this report under the provisions of *State Environmental Planning Policy (Resilience & Hazards) 2021 Chapter 4: Remediation of Land*.

Chapter C.4 – Land Use Conflict and Buffer Zones

Chapter C.4 of the CDCP 2010 requires minimum separation distances between different types of land uses to minimise conflict. In this regard, tourist developments (as a guide) require a minimum separation distance of 100 metres to residential premises. As outlined in the table below, the proposed development (specifically the amenities building) is located approximately 300 metres from the residential premises on the adjoining land to the west. The camping ground is located in excess of 500 metres from the nearest adjoining residential premises.

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Provision	Required	Provided	Complies?
4.3.11 Tourist Facilities	Minimum separation distance from Category A uses (ie – residential premises) 100 metres	300 metres	Yes

While the proposal satisfies the numerical standards in relation to separation distances, it is stated in this chapter of the DCP that in rural areas, Council needs to consider the appropriateness of developments in the rural landscape, and the capability of the land to support them. In rural areas, conflicts due to noise, traffic and light spillage are important, and these issues are to be specifically addressed in all applications.

The information provided with the application is unclear in relation to the intensity of the development, specifically in relation to the number of campers proposed to accommodate the site and subsequent vehicle numbers. The reports submitted with the application state a range of campers from 200 to 720; these figures vary significantly and if the higher figure is considered, the impact of the development on the rural landscape and on the amenity of the surrounding rural neighbourhood will be significant in terms of traffic generation, noise and light spillage.

Having regard to the above, Council is unable to determine if the underlying objectives of this chapter of the CDCP 2010 can be satisfied in relation to land use conflict.

Chapter C.5 – Waste Management and Minimisation

Chapter C.5 of the CDCP 2010 requires Development Applications to address waste management to ensure waste is suitably managed and disposed of, with the aim of minimising waste.

The application has not been supported by a waste management plan detailing expected waste generation rates at full capacity, the management of bulky waste, the location and construction of bin storage areas, and servicing arrangements. Having regard to the above, Council cannot be satisfied that the development will result in adverse waste generation and litter pollution of the site.

Chapter C.8 – Social Impact Assessment and Crime Prevention Through Environmental Design

In accordance with this chapter of the CDCP 2010, any Development Application for a camping ground must be supported by a Social Impact Assessment (SIA). In this instance, a SIA has not been submitted with the application, meaning that the application does not comply with the provisions of Chapter C.8 of the CDCP.

It is noted that this chapter of the CDCP 2010 includes provisions in relation to the preparation of SIA's requiring community consultation be undertaken early in the planning/design stage of the development so that community concerns are adequately identified and addressed. Without this consultation (and the submission of an SIA), the social implications and crime prevention strategies of the development cannot be properly assessed.

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Chapter C.9 –Development on Flood Prone Land

The purpose of this chapter is to provide information and development controls needed to prepare and assess development applications on land identified as flood prone. To give effect to the controls, the chapter identifies hazard classifications (H1-H6) and hydraulic categories based on the NSW Floodplain Development Manual 2005.

As previously discussed in this report, the subject land is affected by flooding from Watagan Creek (specifically, the single access road into the site will be inundated during flood events, a frequent as the 1-year ARI event). This part of the site has the highest Development Hazard Category H6 and is located in a floodway.

One of the main objectives of Chapter 9 of the CDCP 2010 is to “*reduce risk to life and property resulting from floods by controlling development on flood prone land*”. The development control in achieving this states:

“If intensifying development that incorporates a habitable use on flood prone land, it must be demonstrated that, in the event of a flood, users of the development are able to safely self-evacuate to land that is not flood prone land and do so without the need to traverse flood waters of a higher hazard classification.”

As outlined previously, whilst the portion of the site where the camp ground is proposed to be located (i.e., the ridgeline), is flood free, in order to access/leave the site, campers must traverse Watagan Creek which has a maximum hazard category of H6. Therefore, the proposal is inconsistent with the above provision as users would be required to traverse flood waters of a higher hazard category in order to evacuate from the site.

In addition to the above, Table 2 of this chapter prescribes suitability of land uses, depending on the hazard category of the site. Considering that the vehicular/site access is an integral component of the proposal and that there is no alternate/secondary means of access, the maximum hazard category of H6 is adopted for the purpose of assessing this application against this chapter of the DCP. In the H6 hazard category, camping grounds are prescribed as being ‘*generally not suitable in the hazard classification*’. Having regard to this, it is concluded that the proposed use (camping ground), is not considered suitable on the site.

While the applicant proposes the use of a site-specific flood emergency response plan, the NSW Floodplain Development Manual strongly discourages the use of private or site-specific flood evacuation plans as the means to seek the approval of development on flood prone or flood affected land.

Given that access to the site will be cut on a regular basis in events as frequent as the 1-year ARI event and the fact up to 720 people may be trapped onsite, the use of a flood emergency response plan or sheltering on-site are not considered to be consistent with the objectives of the CDCP 2010 or the NSW Floodplain Development Manual.

Having regard for the above, the proposal is non-compliant with the provisions of the CDCP (2010) – Chapter C.9 – Development on Flood Prone Land.

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4.15(1)(a)(iia) The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No such agreement has been proposed in conjunction with this application.

4.15(1)(a)(iv) The provisions of the regulations

Environmental Planning and Assessment Regulation 2021

There are no matters prescribed by the Environmental Planning and Assessment Regulation 2021 that apply to this development.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Consent for the use of the land as a camping ground is subject to an application and approval from Council under Section 68, Part F (2) of the *Local Government Act 1993*. Further, prescriptive compliance provisions for camping grounds are detailed in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

The application and supporting documentation do not address the capability of the development to comply with this legislation, and insufficient detail has been provided in the application to enable Council to make this assessment. Furthermore, a separate application under Section 68 of the *Local Government Act 1993* has not been lodged with Council.

There is a significant risk that, in the event development consent was granted to this application, the proposed development cannot comply with the requirements prescribed within the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. The following table provides examples of provisions that are either not complied with, or alternatively, where insufficient information has been submitted to demonstrate whether compliance can be achieved:

Provision	Required	Provided	Complies?
Clause 85 – Size of dwelling sites and camp sites	(3) A camp site must have an area of at least— (a) for a camp site for which a separate parking space is provided within 30 metres of the camp site—40 square metres, or (b) otherwise—50 square metres.	No details provided on the plans.	Unknown
Clause 92 – Entrance and exit roads	(1) A road forming an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.	No details provided on the plans.	Unknown
Clause 96 – Resident parking	(1) A caravan park or camping ground must contain at least 1 resident	No details provided on the plans.	Unknown

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		parking space for each dwelling site or camp site.		
Clause 100	-	All access roads must be adequately lit between sunset and sunrise.	No details provided on the plans.	Unknown
Clause 101	-	(1) A caravan park or camping ground must be— (a) connected to a mains water supply, or (b) provided with an alternative water supply service as specified in the approval.	No details provided on the plans.	Unknown
Clause 103	-	(1) A caravan park or camping ground must be provided with a stormwater drainage system. (2) All dwelling sites and camp sites must be adequately drained.	No details provided on the plans.	Unknown
Clause 111	-	(2) A short-term site or camp site must be located within 100 metres, measured in a straight line, from a shower or toilet block.	The amenities building is located approximately 450 metres from the camp area.	No

The above is not an exhaustive list, but has been included in order to provide some examples as to the issues that have been identified with respect to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

In the event the proposal does not comply with the provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, any development consent issued by Council could not be acted upon as it would not be possible for the applicant to obtain approval under this Regulation.

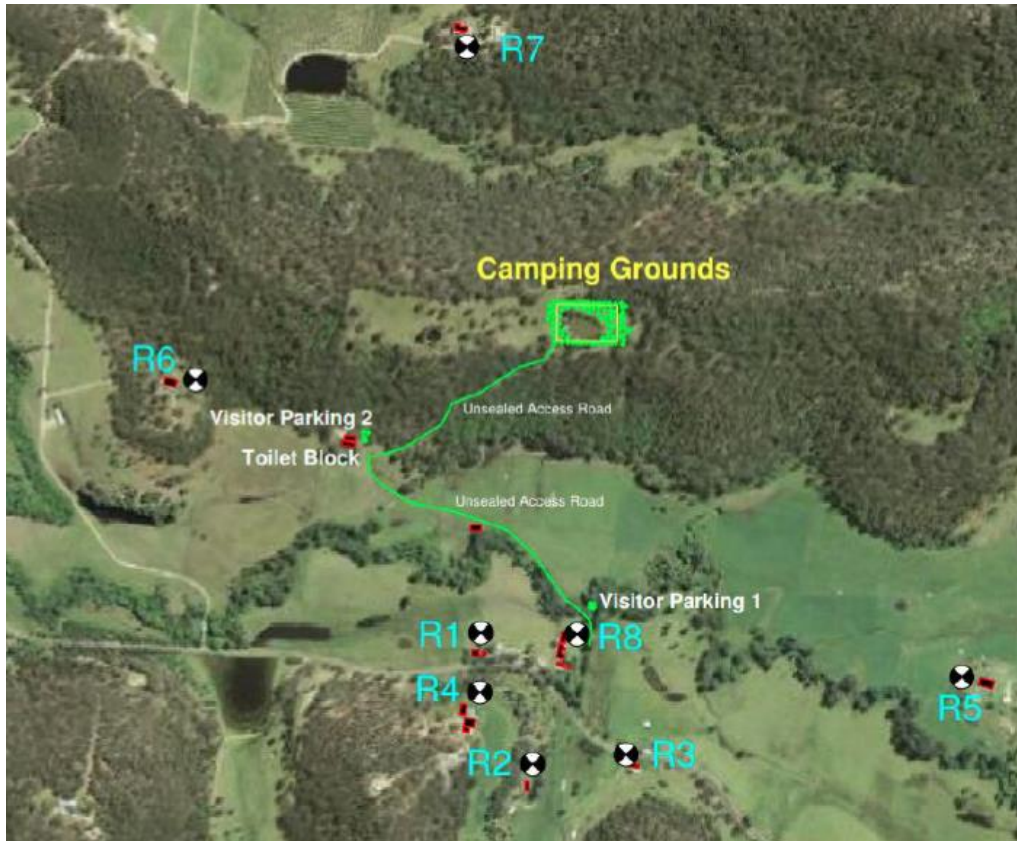
4.15(1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

It should be noted that general natural and environmental impacts, as well as the social and economic impacts, have been addressed in conjunction with other matters under Section 4.15(1)(a) considerations, as outlined above. However, additional impacts are noted and addressed further below.

Noise Impacts

An Acoustic Report has been submitted in support of the application and assessed by Council's Environmental Health Team.

The figure below identifies the location of the nearest residential receivers to the proposed camping ground and amenities building (eight (8) residential receivers have been identified).



The proposed development has the potential to generate unreasonable noise impacts if not adequately managed. The submitted Acoustic Report has considered noise from guests talking, vehicle movements, car engines starting and car doors closing. The report concludes impacts will meet appropriate guidelines.

Other potential types of noise sources such as music and the use of generators that are often associated with camping grounds have not been included as part of the acoustic assessment.

A Plan of Management has not been submitted with the application demonstrating how potential noise impacts will be practically managed. There are two (2) dwellings located on the site that are currently used for short term stay, and a manager's residence is not proposed as part of the application. As such, it appears that there will not be a permanent manager present on the site.

Based on the submitted information, the number of campers proposed to occupy the site at any one time (stated as 720 in the Acoustic Report), traffic generation, the lack of a permanent on site manager and no Plan of Management, it is considered that the proposal will result in unreasonable noise impacts on surrounding receivers. As such, the proposal is not supported.

Traffic Impacts

The application has been supported by a Traffic Impact Assessment (TIA), which has been assessed by Council's Development Engineering Team.

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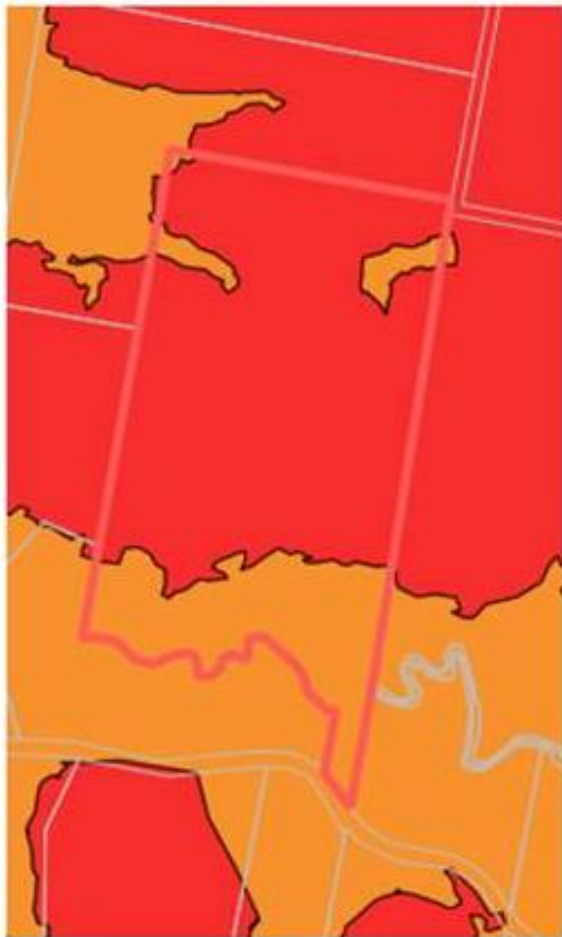


The information provided in the TIA is based on a total of 240 campers and a maximum of 60 vehicles. However, the Acoustic Report submitted with the Application states that a total of 720 campers will be capable of occupying the site at any one time (this equates to approximately 180 vehicles which is significantly more than that stated in the TIA).

Given the inaccurate information provided with the application in relation to occupant and vehicle numbers, Council is unable to undertake a detailed assessment of the likely traffic impacts of the development on the surrounding local road network.

Bushfire

The site is identified as being bush fire prone land, as shown below:



■ Vegetation Category 1

■ Vegetation Category 3

The applicant lodged an advice report from a bushfire consulting firm in conjunction with the application, however the document states that the information provided is advice only and is 'not suitable for lodgement with a Development Application to Council'.

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The application proposes a type of development (being a camping ground), which is defined as a 'special fire protection purpose' under Section 100B of the *Rural Fires Act 1997*. Therefore, the applicant is required to obtain separate approval from the NSW Rural Fire Service in order to operate a camping ground on the site.

As outlined previously, the applicant did not lodge the application as Integrated Development, therefore, Council is unable to refer the application to the NSW Rural Fire Service for concurrence and the issuing of General Terms of Approval (GTA's). In the event development consent is granted by Council, the applicant will be required to obtain separate approval from the NSW Rural Fire Service following the issuing of development consent.

Whilst the applicant has the right not to lodge the application as Integrated Development, in this case there is a significant bushfire threat associated with the development given the location of the site within a high risk and isolated bushfire prone area. The likely risk to life during a bushfire event is a critical matter for consideration in determining whether the site is suitable for the development, and in the absence of any credible information pertaining to bushfire, Council cannot be assured of whether the proposed development is acceptable with respect to site suitability.

Visual Impact

The applicant has stated that there will be no clearing required to facilitate the development, however a Bushfire Assessment Report has not been lodged with the application addressing the requirements of the guidelines *Planning for Bushfire Protection 2019*. These guidelines require the establishment of Asset Protection Zones (APZ's) and suitably constructed access roads to mitigate bushfire impacts and provide safe evacuation access. Given the heavily vegetated nature of the site (including the internal access road leading from the amenities building to the camping ground), it is likely that vegetation clearing and earthworks will need to be undertaken to comply with *Planning for Bushfire Protection 2019*.

Given that insufficient information has been provided with the application to determine the need for clearing and associated earthworks, Council is unable to make an assessment of the visual impact of the development on the rural landscape (noting that the camping ground is located on the elevated portion of the site on a ridgeline).

Waste Water Disposal

The applicant has submitted an on-site waste water report in support of the application.

The size of the disposal area required for the treatment of waste water on site is based on the wastewater loading rate which is calculated using the number of people that will be using the system. While the on-site waste water report states there will be a maximum occupancy rate of 200 people; the submitted acoustic report states there will be a total of 720 people.

An on-site wastewater management system must be designed to manage wastewater from the maximum occupancy level and in this instance, the maximum occupancy level stated in the Acoustic Report is 720 people. The submitted waste water report is therefore not considered adequate as it fails to cater for the maximum occupancy level proposed for the site.

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Site Layout

The proposed amenities building is located approximately 450 metres downslope from the camping ground which is considered to be remote, impractical and unsafe, particularly for campers requiring access to these facilities during the night. No lighting plans have been lodged or proposed along the track leading to the amenities building. Further, no details have been provided on the layout of the camping ground in relation to the location of camp sites, parking areas, lighting, rubbish bins and camp fire locations. As such, from the information provided, the application is not supported.

4.15(1)(c) The suitability of the site for the development

Having regard to the information contained in this report, the subject site is not considered suitable for the proposed development for the following reasons:

- Flood free access is not available to the development, and during flood events occupants will be unable to safely evacuate from the site.
- The application has not demonstrated the site is suitable in relation to bushfire impacts as a Bushfire Assessment Report has not been lodged in support of the proposal.
- The intensity of the development in relation to occupancy rates, traffic generation and associated noise impacts are not suitable within the rural setting and will adversely impact on the amenity of the neighbourhood.
- The application has not demonstrated that essential services can be provided to support the proposed development.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The Development Application and accompanying information was placed on public exhibition between 20 January 2023 and 6 February 2023.

A total of six (6) adjoining properties were notified of the proposed development. 73 submissions were received from 71 households. Of these, 72 submissions objected to the proposal and one was in support of the proposal.

The issues raised in the submissions along with Council’s comments/responses to each of the issues raised, are detailed below.

Issue/s	Comment/s
<p>The site is not suitable for the development due to flooding and occupants of the development will be unable to evacuate the site as access to the property will be cut during times of flood. As a result of this, pressure will be placed on emergency services to attend the property to evacuate occupants.</p>	<p>The development is not considered suitable for the site as no flood free access is available for occupants to safely evacuate the property during times of flood.</p>

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The proposal is inconsistent with the objectives of the RU2 Rural Landscape Zone.	The development is considered contrary to the objectives of the RU2 zone.
The development will adversely impact on the amenity of the surrounding rural locality.	Amenity impacts of the development cannot be properly assessed given the information lodged with the application is insufficient and inconsistent in relation to traffic generation, and noise.
The development will have an undesirable visual impact on the rural landscape.	Insufficient information has been provided in relation to clearing and earthworks to determine the likely visual impact the development will have on the landscape.
The proposal is out of character with the surrounding rural setting.	Insufficient information has been provided to determine if the scale of the development is in keeping with the character of the surrounding rural environment.
The application has not demonstrated that adequate water supply can be provided to support the development.	The applicant has not provided sufficient information regarding the provision of an adequate water supply to service the development.
The submitted noise report is not considered adequate and the intensity of the development will adversely impact on the amenity of the surrounding rural neighbourhood.	The submitted Acoustic Report has not adequately addressed the likely noise impacts of the proposal on the surrounding rural neighbourhood.
The application has not adequately addressed bushfire impacts as the submitted bushfire report states it is "preliminary advice only" and not suitable for submission to Council with a development application.	The applicant has not addressed the impacts of bushfire on the development, nor has a Bushfire Assessment Report been lodged with the application. As such, Council is unable to properly assess the appropriateness of the development within a high risk isolated bushfire prone area, and the subsequent risk to life and property.
The application has not addressed ecology impacts in terms of vegetation clearing and associated impacts on native fauna in relation to tree removal, noise generation and lighting.	An Ecology Assessment has not been lodged with the application and as such the impacts of the development on the flora and fauna qualities of the site cannot be adequately assessed.
Inadequate information has been provided in relation to managing occupants of the camp site in terms of noise control (such as music, motorbikes, parties), the lighting of camp fires, and associated anti-social behavior resultant from alcohol consumption.	A plan of management has not been lodged with the application detailing management strategies for occupants of the camp ground, nor has a Social Impact Assessment been lodged addressing likely anti-social behavior.
The submitted waste water report does not reflect the maximum number of patrons proposed to occupy the site at any one time (the noise report states a maximum of 720 people). Further, inadequate buffer distances are provided from the waste disposal areas to Watagan Creek.	The On Site Waste Water Report provides insufficient information to adequately assess the ability of the development to treat and dispose of waste water on site and address associated environmental impacts.

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<p>The number of toilets and showers proposed in the amenities building is inadequate to service 720 patrons.</p>	<p>Inconsistent information has been provided with the application in relation to the maximum number of occupants proposed for the site and as such, the adequacy of the proposed amenities building cannot be assessed.</p>
<p>The application has not addressed waste management and the number of occupants proposed for the site at any one time (720) will generate significant rubbish.</p>	<p>Inadequate information has been provided with the application to undertake a proper assessment in relation to waste management.</p>
<p>Watagan Creek Road is inadequate and in poor condition to accommodate the additional traffic generated by the development, and there is poor sight distance along this road nearing the entrance to the site.</p>	<p>Inadequate and inconsistent information has been provided on proposed occupancy rates, thereby making it difficult to assess traffic generated by the development and the adequacy of Watagan Creek Road to accommodate the additional traffic loads.</p>
<p>The development plans show the provision of only 7 parking spaces on the site adjacent to the amenities building and this is inadequate to service up to 720 people.</p>	<p>The submitted plans do not identify an adequate number of parking spaces to service up to 720 people occupying the site.</p>
<p>The proposed internal access road is not wide enough to accommodate the number of vehicles likely to be generated by the development.</p>	<p>Inadequate information has been provided in relation to traffic generation (relative to the number of occupants likely to visit the site) to determine the adequacy of the internal access road to service the development.</p>
<p>Guests will trespass on neighbouring properties.</p>	<p>While the act of trespassing is not a planning consideration, the issue of campers trespassing on neighbouring properties could be partially addressed through the lodgement of a Plan of Management (which has not been provided).</p>
<p>The amenities building is located too far from the camp site.</p>	<p>The amenities building is located approximately 450 metres downslope from the camp area which is considered to be remote, impractical and unsafe, particularly for campers requiring access to these facilities during the night. No lighting plans have been lodged or proposed along the track leading to the amenities building.</p> <p>In addition, Clause 111 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>, specifies that amenities must be located within 100 metres of a short-term site or camp site (measured in a straight line). The application is not compliant with this provision.</p>
<p>Inadequate essential services will be available to the development.</p>	<p>The applicant has not demonstrated that essential services can be provided to support the development.</p>

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<p>The plans submitted are of poor quality and fail to identify details of the actual camp area/site such as the location of tent sites, parking, lighting etc.</p>	<p>The submitted plans provide no details in relation to the set out of the camp area/site and as such, a detailed assessment is unable to be undertaken and compliance with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>, cannot be ascertained.</p>
<p>Conflicting information contained in supporting documentation in relation to the proposed number of campers.</p>	<p>The reports submitted with the application are not consistent in relation the number of campers proposed to occupy the site at any one time and as such, a proper assessment of the application is unable to be undertaken in relation to likely impacts.</p>

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this Development Application under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments and Council Policies.

The development has the potential to place human lives at risk, to place an undue burden on emergency services and to significantly impact on the environment and character of the area. Based on these reasons along with other matters raised in the above assessment, it is considered that the proposed development is not in the public interest.

SECTION 7.12 CONTRIBUTIONS

Section 7.12 Contributions would be payable for the proposal.

In the event the application is approved, Section 7.12 Contributions totalling \$4,660.00 would be payable, in accordance with the following:

Proposed cost of carrying out the development (PC)	Percentage of Levy (L%)	Proposed Cost of Development	S7.12 Contribution
\$0 to \$100,000	0.0%	<i>No levies applicable</i>	\$0.00
\$100,001 to \$200,000	0.5%		\$0.00
More than \$200,000	1%	\$466,000.00	\$4,660.00
Contribution Total			\$4,660.00

INTERNAL REFERRALS

The Development Application was referred to the following Council officers for comment:

Officer	Comment
Development Engineer	Council's Development Engineer is not supportive of the proposal given that flood free access is not available to the site and this conflicts with the requirements under Section 5.21 of the CLEP 2011 and Chapter D.9 of the CDCP 2010.
Ecologist	Council's Ecologist was unable to make an assessment of ecology impacts resulting from the development due to insufficient information being lodged, specifically a Bushfire Assessment Report and Ecology Assessment Report.
Environmental Health Officer	Council's Environmental Health Officer has undertaken an assessment of the submitted Waste Water Report and Acoustic Report and is not satisfied with the information provided. The applicant has not demonstrated that the site is able to adequately dispose of waste water on site, or address the level of noise impacts on neighbouring properties.
Waste Management Officer	Council's Waste Services Officer was unable to undertake an assessment of the proposed development as a Waste Management Plan has not been lodged with the Application.
Building Officer	Council's Building Officer was unable to undertake a proper assessment of the application due to the lack of detail provided in relation to the camp site and compliance with the provisions of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> .

EXTERNAL REFERRALS

No external referrals were undertaken during the assessment of the application.

As outlined previously, the application was not lodged as 'Integrated Development' in respect of the bushfire affectation of the site. Therefore, the application was not referred to the NSW RFS seeking concurrence/GTA's.

CONCLUSION

The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant instruments and policies.

The development is considered to be inconsistent with the objectives of the RU2 Rural Landscape Zone and is non-compliant with the provisions of the Cessnock Development Control Plan 2010.

The subject land is not considered suitable for the proposal given that flood free access is not available during flood events which elevates risks associated with the loss of life and property. This is contrary to the provisions of both the *Cessnock Local Environmental Plan 2011*, and the NSW Floodplain Development Manual 2005.

The applicant has not adequately addressed the impacts of bushfire associated with the development and the associated risk to life during bushfire events.

The development is likely to adversely impact on the ecological and visual qualities of the site and affect the amenity of the surrounding rural neighbourhood as a result of traffic generation and noise.

Significant public objection has been received to the proposed development, and as such, approval of the application is not considered to be in the public interest.

Finally, separate approvals are required to permit the proposed development to operate, including an approval under Section 68 of the *Local Government Act 1993*, and an approval under Section 100B of the *Rural Fires Act 1997*. Applications in respect of these matters have not been lodged in conjunction with this Development Application, and there is no certainty that it would be possible for the applicant to obtain these approvals.

Based on the assessment, it is recommended that Development Application No. 8/2022/1130/1 be refused, subject to the reasons for refusal included in this report.

ENCLOSURES

- [1](#) ⇨ Development Plans
- [2](#) Submissions - Batch 1 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- [3](#) Submissions - Batch 2 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- [4](#) Submissions - Batch 3 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- [5](#) Submissions - Batch 4 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- [6](#) Submissions - Batch 5 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

REASONS FOR REFUSAL

1. The proposal fails to satisfy the underlying aims and objectives of *State Environmental Planning Policy (Primary Production) 2021* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*), in respect to:
 - I. It does not facilitate the orderly and economic use of land.
 - II. It does not assist in the proper management, development and protection of rural lands.
 - III. It fails to introduce suitable measures designed to reduce land use conflicts.

2. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):
 - I. The objectives of the RU2 Rural Landscape Zone, in terms of incompatibility with rural landscape character, incompatibility with existing uses, the intensity of the development is unsuitable, the site disturbance is unclear and the visual impact is unclear.
 - II. Clause 5.21 in that the development will be unable to provide for the safe and efficient evacuation of people in the event of a flood.
 - III. Clause 7.2 in that insufficient information has been provided on earthworks to determine the likely environmental impacts of the development.
 - IV. Clause 7.14 in that insufficient information has been provided to determine if essential services are able to be provided to support the development.

3. The proposal fails to satisfy the following provisions of the *Cessnock Development Control Plan 2010* (pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*):
 - I. Chapter C.1 (Parking and Access) in that the development fails to identify the provision of adequate parking on the site to service the development.
 - II. Chapter C.4 (Land Use Conflict and Buffer Zones) in that the proposal is likely to result in land use conflict with surrounding rural and residential land uses.
 - III. Chapter C.5 (Waste Management and Minimisation) in that no provision has been made for waste management generated by the development.
 - IV. Chapter C.9 (Development on Flood Prone Land) in that the development will be unable to provide suitable and efficient flood free access for emergency evacuation in the event of a flood.
 - V. Chapter C.8 (Social Impact Assessment and Crime Prevention Through Environmental Design) in that a Social Impact Assessment has not been provided in support of the development to determine the likely social impacts associated with the development.

4. The proposal will result in unacceptable impacts in relation to the risk to life in the event of a flood (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).

Planning and Environment

Report No. PE22/2023

Planning and Environment



5. Insufficient information has been provided to determine the likely impacts of the development in relation to traffic generation, noise, ecology, bushfire, earthworks, social implications, crime prevention, waste water disposal, visual impact and waste management (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
6. The subject site is not considered suitable for the development due to the flood affectation of the land and the inability to provide for flood free access (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).
7. The proposal is not considered to be in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).

Planning and Environment

Report No. PE23/2023

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION PERFORMANCE MONITORING REPORT _ MARCH 2023*

RESPONSIBLE OFFICER: *Business Support & Customer Relations Manager - Roslyn Ashton*

SUMMARY

The purpose of this report is to provide Council with the March 2023 quarter data in relation to development performance monitoring and provide an overview of development activity within the Cessnock Local Government Area.

RECOMMENDATION

That Council receives and notes the Development Performance Monitoring Report for the March quarter 2022/23.

BACKGROUND

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for development applications, modification of consents and complying development. This information is available on the NSW Planning Portal. [Local Development Performance Monitoring \(LDPM\) | Planning Portal](#)

REPORT/PROPOSAL

Highlights

- During the March quarter there has been a decrease in the number of applications received. Year to date July to March 2023 a total of 674 development applications were received and a further 128 modifications received. There were 205 applications processing (waiting to be assessed) as at 31 March 2023.
- A total of 696 development applications were assessed during the reporting period with a further 146 modifications also assessed and determined.
- Year to date processing days - Median 54 days and average 80 days.
- Comparative Data from the NSW Planning Portal performance dashboard outlines that Cessnock is consistent with a number of Hunter Councils. When comparing to the NSW state average, Cessnock's average days are well below the state average of 106 days.
- During the March quarter 12 development applications and 1 modification were determined by Council, (8 approved, 5 refused). The average processing days for applications determined by Council resolution was 337 days.
- The highest level of development activity during the quarter was in Cessnock.
- The total value of approved development applications and complying development activity within the Cessnock LGA for the March FYTD is \$379,310,817.
- 854 Residential dwellings were approved March FYTD (Based on ABS data) and 135 Subdivision lots approved.

FINANCIAL YTD MARCH 2023



Development Applications
RECEIVED

674



Development Applications
DETERMINED

696



Development Applications
MEDIAN DAYS

54



Development Applications
MEAN (AVG) DAYS

80



The ABS residential buildings
approved to be built in the financial
year 2022-23 MAR FYTD

854



Lots approved
during the financial year
2022-23 MAR FYTD

135

FINANCIAL YTD MARCH 2023



Determination Body
COUNCIL STAFF

98%



Determination
GRANTING CONSENT

99%

Construction Certificates

41 percent

Principal Certifying
Authority
Market Share

Occupation Certificates

21 percent

Principal Certifying
Authority
Market Share



\$ 240,502,172

Development Applications
Value for approvals
(Development Applications only)



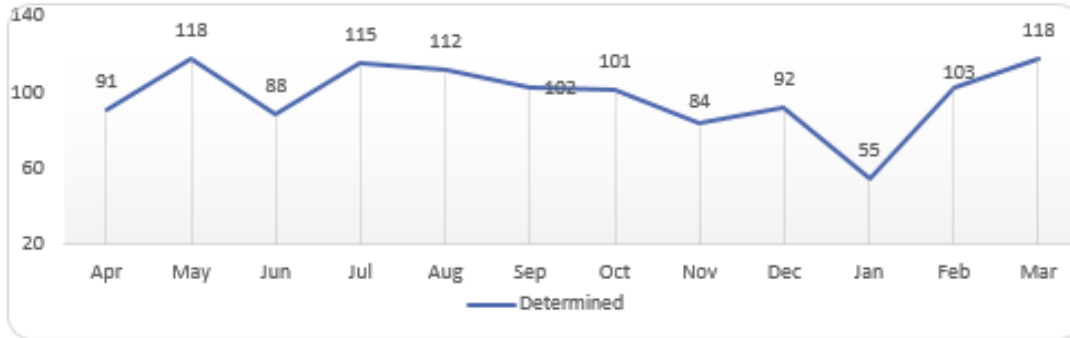
\$ 138,808,645

Complying Development
Value for approvals
(Council & Private Certifiers)

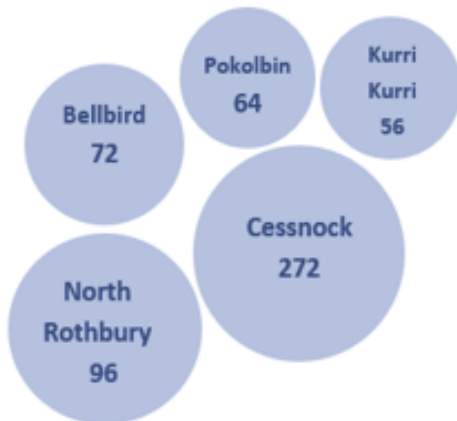


FINANCIAL YTD MARCH 2023

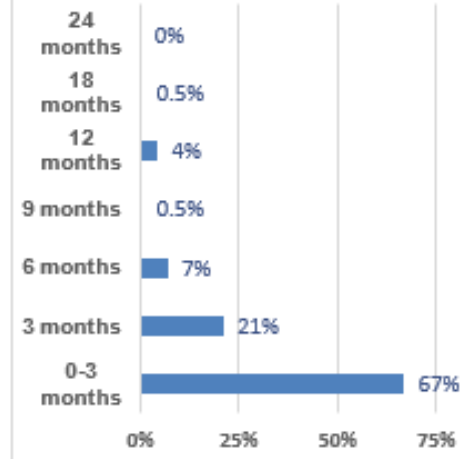
12 Month comparison of applications determined (DAs & Modifications)



No of Developments by Location



Development Applications Percentage of undetermined



Register of Development Applications with Variations to Development Standards (Last Updated 31/03/2023)

DA number	Lot/SEC/DP Lot/DP	Property Details	Development Standard to be varied	Extent of variation	Date DA Determined
8/2022/256/1	LOT 9 SEC 7 DP 8027	48 Fleet St, Branxton 2325	Clause 4.1 – Minimum Subdivision Lot Size	9.17%	28/07/2022
8/2022/13/1	Lot 7 Sec A DP 5015	18 Stephen St, Cessnock 2325	Clause 4.1 – Minimum Subdivision Lot Size	6.60%	16/08/2022

<https://www.cessnock.nsw.gov.au/Plan-and-build/Planning/Planning-matters>

Legal Appeals - 2022/2023 – As at 31/03/2023

Application type (DA, Modification)	Council reference number	Legal appeal class	Legal Appellant	Legal appeal determination date dd/mm/yyyy	Legal appeal outcome
DA	8/2021/21076/1	Class one	Developer	28/08/2022	Withdrawn LEC

Planning and Environment

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Planning and Environment



CONSULTATION

The following were consulted in the preparation of this report:

NSW Planning – Local Development Performance Monitoring
NSW Planning Portal performance dashboard
Civica – Authority and MasterView reports
Director Planning and Environment
Compliance Services Manager
Development Services Manager

STRATEGIC LINKS

a. Delivery Program

The report is linked to Objective 3.1.6 “Continue to efficiently and effectively process development applications, and respond to planning related enquiries.”

b. Other Plans

Nil

IMPLICATIONS

Nil

CONCLUSION

The report is provided for information and outlines an overview of the performance of Development Assessment for the period 1 July 2022 to 31 March 2023.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC31/2023

Corporate and Community Services



SUBJECT: *TENDER T022324HUN READY MIXED CONCRETE*

RESPONSIBLE OFFICER: *Procurement Coordinator - Craig Wade
Chief Financial Officer – Matthew Plumridge*

SUMMARY

The Purpose of this Report is to consider and accept the Regional Procurement Tender for the Supply and Delivery of Ready Mixed T022324HUN.

RECOMMENDATION

1. That Council accepts the Regional Procurement Tender for the Supply and Delivery of Ready Mixed Concrete (T022324HUN).
2. That Council accept the Panel of suppliers in no order of preference;
 - Boral Resources (Country) Pty Ltd
 - Hanson Construction Materials Pty Ltd
 - Hunter Readymixed Concrete Pty Limited
 - Maitland Ready Mixed Concrete Pty Ltd
 - Premier NSW Pty Ltd t/a Premier Concrete
 - Redicrete Pty Ltd

as the preferred suppliers for Council under the Regional Procurement Tender
3. That Council note the contract term for Tender Supply and Delivery of Ready Mixed Concrete (T022324HUN) is from 1 July 2023 to 30 June 2026 with an option for two 12-month contract extension based on satisfactory supplier performance through to 30 June 2027.

BACKGROUND

Historically Council has utilised the Regional Procurement Tender with a panel of suppliers supporting the tender.

Eight Hunter Joint Organisation member councils participated in the current tender for Ready Mixed Concrete. The term of the current tender was from 1 July 2019 to 30 June 2022 with an extension to 30 June 2023 based on satisfactory performance

The expenditure for this contract during the term is estimated at over \$2,000,000.

REPORT

The Request for Tender (RFT) documents were prepared by Regional Procurement, and reviewed by the Council Officer before tenders were called. The form of contract selected was Hunter Joint Organisation, General Conditions of Contract.



Invitation

Tenders were invited on 14 February 2023 on Regional Procurement’s Tenderlink Portal, and on the Regional Procurement Website.

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2021*.

Closure

Tenders closed 10:00am Tuesday 14 March 2023. **Evaluation of Tenders**

In accordance with Council’s Procurement Guidelines, a Tender Evaluation Team (TET) was formed with the following members:

- Procurement Coordinator – Cessnock City Council
- Procurement Administrator - Cessnock City Council
- Key Account Manager – Regional Procurement
- Support Services Coordinator – Regional Procurement

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting
4. Detailed weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the Contract Initiation and Development Plan, which were reviewed by the appropriate manager prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria:	
Criterion 1	Submission on time

Corporate and Community

Report No. CC31/2023

Corporate and Community Services



The following tenders were received for all participating Councils

No.	Tenderer:	Business Address:	Criterion 1:
1*	Boral Resources (Country) Pty Ltd	Ayrshire Crescent Sandgate NSW	On time
2	Entire Concrete Pty Ltd	Stenhouse Drive Cameron Park NSW	On time
3*	Hanson Construction Materials Pty Ltd	Carbine Close Maryland NSW	On time
4	Holcim (Australia) Pty Ltd	Industrial Drive Tighes Hill NSW	On time
5*	Hunter Readymixed Concrete Pty Limited	Glenwood Drive Thornton NSW	On time
6	J&S.K Kuchta Pty Ltd	George Street Kandos NSW	On time
7*	Maitland Ready Mixed Concrete Pty Ltd	New England Highway Rutherford NSW	On time
8	Mudgee Concrete	Depot Road Mudgee NSW	On time
9*	Premier NSW Pty Ltd t/a Premier Concrete	Carbine Close Maryland NSW	On time
10*	Redicrete Pty Ltd	Drovers Way Dungog NSW	On time

Six of the ten tenderers submitted for Cessnock City Council and are indicated by a *

2. Assessment of Conformance

The tenders received on time were then assessed for conformance with the remaining threshold criteria:

Threshold Criteria:	
Criterion 1	e.g. Conformance with RFT Documents

The six tenders identified for Council were progressed to the next stage of evaluation.

3. Shortlisting

Shortlisting was not considered necessary as there were only six tenders for Council and all six tenders were progressed to the weighted evaluation stage.

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Weighted Criteria:	
Criterion 2	Tender Pricing
Criterion 3	Physical Resources
Criterion 4	Quality Assurance
Criterion 5	WHS
Criterion 6	Ecologically Sustainable Development

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the pricing and weighted evaluation is provided as confidential **Enclosure 1**.

Pricing of the tender was a construction project for supply of ready-mix concrete with pricing taken from the schedule of rates submitted.

All six tenderers progressed to the due diligence stage of evaluation.

5. Due Diligence

Reference checks were conducted with the six tenderers nominated referees.

6. Evaluation Result

- a. Following the evaluation process, the TET recommended that Council accept the Panel of six suppliers in no order of preference.
- b. The evaluation demonstrated an increase from the previous tender (T511920HUN) of 15% overall for (T022324HUN) against the specific projects used for the evaluation.

7. Independent Review

The evaluation process and recommendations were reviewed by the Chief Financial Officer and the TAP and determined to be in accordance with Council's Procurement Policy, Procurement Procedure and relevant legislation.

TIME FRAME

This contract will run for 36 months from 1 July 2023 to 30 June 2026. A 12-month option may be taken up based on satisfactory performance by the contractor/s.

LOCAL CONTENT

The six tenderers are all based in the Hunter Region.

OPTIONS

Option 1: Council accept the tender from Panel of six suppliers in no order of preference as a schedule of rates. This is the preferred option.

Option 2: Council decline to accept the six tenderers. This option is not recommended as it will not provide best value for money to Council.

CONSULTATION

The following officers were consulted in preparation of the report during the tender process:

- Tender Audit Panel (TAP)
- Coordinator Procurement
- Works and Operation Manager
- Construction Coordinator

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objectives of:
2022-26 Delivery Program:

- 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans;
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other

STATUTORY IMPLICATIONS

c. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Council's Procurement Policy
- Council's Procurement Guidelines
- Tendering Guidelines for NSW Local Government 2009
- NSW Government – Code of Practice for Procurement 2005

d. Financial Implications

Potential financial implications are as outlined in the report. Use of these tenderers will be as required in appropriate capital works and maintenance budgets

e. Legislative Implications

The tender process has followed the legislative provisions referenced in Council's Procurement Policy and CCC Procurement Procedure which are as follows:

Corporate and Community

Report No. CC31/2023

Corporate and Community Services



- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021* (Acceptance of tenders):

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
 - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

Note: Where "tender" referred to above may be substituted with 'quote' if required.

f. Risk Implications

To minimise Council's exposure to business risks, the following information has been assessed with the tender submission:

- Quality management
- Work health & safety management
- Ecologically sustainable development

The authenticity of the contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation
- Public Liability (\$20M or greater)
- Comprehensive Motor Vehicle

Risks identified in relation to safety, environment and quality are mitigated by the preferred tenderers adherence to system standards as follows:

- AS/NZS 4801:2001 - Occupational health and safety management systems
- AS/NZS ISO 14001:2004 - Environment management systems
- AS/NZS ISO 31000:2009 - Risk management, and
- AS/NZS ISO 9001:2016 - Quality management systems

Regarding safety, the Contractor is required to prepare a site specific Safety Management Plan including:

- Traffic Control Plans. Traffic issues will be managed through the construction period in accordance with these plans.
- Requirements for on-site workers to have current general construction induction cards (white card) and licenses/tickets and inducted to the site.
- Safe Work Method Statements, which are kept on site and the subject of tool box talks.

g. Other Implications

NIL

CONCLUSION

That Council note the contract term for Tender Supply and Delivery of Ready Mixed Concrete (T022324HUN) is from 1 July 2023 to 30 June 2026 with an option for two 12-month contract extension based on satisfactory supplier performance through to 30 June 2027 for the preferred suppliers as outlined in the recommendation.

ENCLOSURES

- 1 T022324HUN Ready Mixed Concrete - Evaluation Matrix "Commercial in Confidence" - *This matter is considered to be confidential under Section 10A(2) (d) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

Corporate and Community

Report No. CC32/2023

Corporate and Community Services



SUBJECT: *TENDER T012324HUN ROAD RESURFACING*

RESPONSIBLE OFFICER: *Procurement Coordinator - Craig Wade
Chief Financial Officer – Matthew Plumridge*

SUMMARY

The Purpose of this Report is to consider and accept the Regional Procurement Tender for the Provision of Road Resurfacing T012324HUN.

RECOMMENDATION

1. That Council accepts the Regional Procurement Panel Tender for the Provision of Road Resurfacing (T012324HUN).
2. That Council accept the Panel of suppliers in the following categories in no order of preference;
 - **Cat 1 Bitumen Spray Seal;**
Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Stabilised Pavements of Australia Pty Ltd
 - **Cat 2 Asphaltic Concrete**
Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Accurate Asphalt & Road Repairs Pty Ltd/ ANA Industries Pty Ltd/ Fenworx Pty Ltd t/a Newpave Asphalt/ Downer EDI Works Pty Ltd.
 - **Cat 3 Mill and Re sheet**
Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Accurate Asphalt & Road Repairs Pty Ltd/ ANA Industries Pty Ltd/ Fenworx Pty Ltd t/a Newpave Asphalt/ Downer EDI Works Pty Ltd.
 - **Cat 4 Crack Sealing**
The Trustee for Supersealing Unit Trust t/a Supersealing
 - **Cat 5 Heavy Patch**
Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Accurate Asphalt & Road Repairs Pty Ltd/ ANA Industries Pty Ltd/ Fenworx Pty Ltd t/a Newpave Asphalt/ Downer EDI Works Pty Ltd
3. That Council note the contract term for Tender for the Provision of Road Resurfacing (T012324HUN) is from 1 July 2023 to 30 June 2026 (36 Months). A 12-month option may be taken up based on satisfactory performance by the contractor/s.

Corporate and Community

Report No. CC32/2023

Corporate and Community Services



BACKGROUND

Historically Council has utilised the Regional Procurement Tender with a panel of suppliers supporting the tender.

Six Hunter Joint Organisation member councils participated in the current tender for Provision of Road Resurfacing T501920. The expenditure for this contract during the term of four years is estimated at \$28,000,000 for Council.

REPORT

The Request for Tender (RFT) documents were prepared by Regional Procurement, and reviewed by Council Officers before tenders were called. The form of contract selected was Hunter Joint Organisation, General Conditions of Contract.

Invitation

Tenders were invited on 14 February 2023 on Regional Procurement's Tenderlink Portal, and on the Regional Procurement Website. The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2021*.

Closure

Tenders closed 10:00am Tuesday 14 March 2023. ***Evaluation of Tenders***

In accordance with Council's Procurement Guidelines, a Tender Evaluation Team (TET) was formed with the following members:

10 May 2023 at Cessnock City Council by:

- Procurement Coordinator – Cessnock City Council
- Purchasing & Stores Officer – Cessnock City Council
- Works Engineer – Cessnock City Council
- State Maintenance Coordinator – Cessnock City Council
- Key Account Manager – Regional Procurement

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting
4. Detailed weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the Contract Initiation and Development Plan, which were reviewed by the appropriate Manager prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria:	
Criterion 1	Submission on time

The following tenders were received for all participating Councils

No.	Tenderer:	Business Address:	Criterion 1:
1	Accurate Asphalt & Road Repairs Pty Ltd	Kalaroo Road Redhead NSW	On time
2	All Pavement Solutions Pty Ltd	Lexington Drive Bella Vista NSW	On time
3	ANA Industries Pty Ltd	Kennington Drive Tomago NSW	On time
4	Bitupave Ltd t/a Boral Asphalt	Firebrick Drive Thornton NSW	On time
5	Colas New South Wales Pty Ltd	Gibbon Road Winston Hills NSW	On time
6	Downer EDI Works Pty Ltd	Rhondda Road Teralba NSW	On time
7	Fulton Hogan Industries Pty Ltd	Gardiner Street Rutherford NSW	On time
8	Ian Rich Asphalts Pty Ltd	Teran Close Whitebridge NSW	On time
9	NSW Sprayseal Pty Ltd	Ozone street Chinderah NSW & Tyson Street Grafton NSW	On time
10	Fenworx Pty Ltd t/a Newpave Asphalt	Burleigh Street Toronto & Foresight Ave Tomago NSW	On time
11	NSW Building and Civil Pty Ltd	Rocky Point Road Beverley Park NSW	On time
12	QC Asphalts Pty Ltd	Gateway Blvd Morisset NSW	On time
13	Stabilised Pavements of Australia Pty Ltd	Wisemans Ferry Road Somersby NSW	On time
14	The Trustee for Supersealing Unit Trust t/a Supersealing	Wadhurst Drive Boronia VIC	On time



2. Assessment of Conformance

The tenders received on time were then assessed for conformance with the remaining threshold criteria:

Threshold Criteria:	
Criterion 1	e.g. Conformance with RFT Documents

All tenders were assessed as conforming.

The 14 tenders were progressed to the next stage of evaluation.

3. Shortlisting

Shortlisting was not considered necessary all 14 tenders were progressed to the weighted evaluation stage.

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Weighted Criteria:	
Criterion 2	Tender Pricing
Criterion 3	Referees
Criterion 4	Quality Assurance
Criterion 5	WHS
Criterion 6	Customer Service
Criterion 7	Sustainable Products

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the pricing and weighted evaluation is provided as confidential **Enclosure 1**.

Pricing of the tender was based on a scenario of different class bitumen and quantities across the different categories with pricing taken from the schedule of rates submitted.

All 14 tenderers progressed to the due diligence stage of evaluation.

5. Due Diligence

Reference checks were conducted with the nominated referees.

6. Evaluation Result

Following the evaluation process, the TET recommended that Council accept the Panel of nominated suppliers in no order of preference against price suitability and performance from the matrix.

7. Independent Review

The evaluation process and recommendations were reviewed by the relevant Manager and the TAP and determined to be in accordance with Council's Procurement Policy, Procurement Procedure and relevant legislation.

TIME FRAME

This contract will run for 36 months from 1 July 2023 to 30 June 2026. A 12-month option may be taken up based on satisfactory performance by the contractor/s.

LOCAL CONTENT

Eight of the fourteen tenderers are based in the LGA and the Hunter Region.

OPTIONS

Option 1: Council accept the tenders as per the categories listed in no order of preference as a schedule of rates. This is the preferred option.

Option 2: Council decline to accept tenderers. This option is not recommended as it will not provide best value for money to Council.

CONSULTATION

The following officers were consulted in preparation of the report during the tender process:

- Tender Audit Panel (TAP)
- Procurement Coordinator
- Works and Operation Manager
- Construction Coordinator

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objectives of:
2022-26 Delivery Program:

- 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans;
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other

STATUTORY IMPLICATIONS

c. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Council's Procurement Policy
- Council's Procurement Guidelines
- Tendering Guidelines for NSW Local Government 2009
- NSW Government – Code of Practice for Procurement 2005

d. Financial Implications

Financial implications are as outlined in the report. Spending with the suppliers will be as per budgeted capital and maintenance projects as approved via annual Operational Plans.

e. Legislative Implications

The tender process has followed the legislative provisions referenced in Council's Procurement Policy and Procurement Procedure which are as follows:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021* (Acceptance of tenders):

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,

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- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
- (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

Note: Where "tender" referred to above may be substituted with 'quote' if required.

f. Risk Implications

To minimise Council's exposure to business risks, the following information has been assessed with the tender submission:

- Quality management
- Work health & safety management
- Ecologically sustainable development

The authenticity of the contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation
- Public Liability (\$20M or greater)
- Comprehensive Motor Vehicle

Risks identified in relation to safety, environment and quality are mitigated by the preferred tenderers adherence to system standards as follows:

- AS/NZS 4801:2001 - Occupational health and safety management systems
- AS/NZS ISO 14001:2004 - Environment management systems
- AS/NZS ISO 31000:2009 - Risk management, and
- AS/NZS ISO 9001:2016 - Quality management systems

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Regarding safety, the Contractor is required to prepare a site specific Safety Management Plan including:

- Traffic Control Plans. Traffic issues will be managed through the construction period in accordance with these plans.
- Requirements for on-site workers to have current general construction induction cards (white card) and licenses/tickets and inducted to the site.
- Safe Work Method Statements, which are kept on site and the subject of tool box talks.

g. Other Implications

NIL

CONCLUSION

The continued use of the Regional Procurement contract still provides best value and cost savings. These are achieved by the procurement process, engagement of local suppliers and the selection of a varied panel of suppliers to support the operational activity. Council is asked to support the recommendation.

ENCLOSURES

- 1** Evaluation Matrix T012324HUN Road Resurfacing "Commercial In Confidence" - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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SUBJECT: *TENDER T2023-03 ELECTRICAL MAINTENANCE*

RESPONSIBLE OFFICER: *Procurement Coordinator - Craig Wade
Chief Financial Officer – Matthew Plumridge*

SUMMARY

Evaluation and selection of tender for Tender No. T2023-03 Electrical Maintenance.

RECOMMENDATION

That Council accepts the following suppliers for tender T2023-03 Electrical Maintenance;

- **Specific Programmed Maintenance (Schedule 2a)**
 - Hartcher Hall Pty Ltd
- **Reactive Type Maintenance (Schedule 2b)**
 - Hartcher Hall Pty Ltd
 - Platinum Electricians NLM
- **New Electrical Installations**
 - Hartcher Hall Pty Ltd
 - Platinum Electricians NLM
 - Prophase Electrical Solutions Pty Ltd
- **The term of the contract shall be three years commencing 1 July 2023 to 30 June 2026 plus two one-year options based on satisfactory tenderer performance.**

BACKGROUND

Council owns and operates a variety of buildings and facilities throughout the Local Government Area and is seeking to engage a licensed electrical contractor or contractors to carry out work on electrical systems in these buildings as described below.

Historically, the electrical maintenance tender has always been a sole supplier. With anticipated expenditure estimated at around \$530,000 with new facilities and increased demand for these services the tender has been expanded to allow for more suppliers to be used under the tender. These include:

1. Specific Programmed Maintenance (Schedule 2a)
2. Reactive Type Maintenance (Schedule 2b)
3. Electrical Installations

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With regard to items 1 and 2 above Council at its discretion may:

- appoint one contractor to carry out both the specific programmed maintenance work in Schedule 2a and any unscheduled reactive maintenance in Schedule 2b; and
- appoint a second preference contractor for the reactive maintenance work in Schedule 2b (quotation process).

With regard to item two above Council may select up to three (3) suitable contractors who will be invited to submit quotations for new installation work. This list will be determined while assessing tenders for the work as set out in Schedules 2a and 2b.

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was *the Hunter Joint Organisation (HJOC) General Condition of Contract*. The RFT called for a Schedule of rates and hourly rate tender for Electrical Services Maintenance and installation.

Invitation

Tenders were invited on 12 April 2023 on Council's e-tender portal, VendorPanel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	16 April 2023
Sydney Morning Herald	Tuesday	18 April 2023

Closure

Tenders closed 2pm on Wednesday 24 May 2023.

Evaluation of Tenders

Tender Evaluation Team: In accordance with *CCC Procurement Procedure*, a Tender Evaluation Team (TET) was formed with the following members:

- Building Maintenance Coordinator
- Acting Building Projects Coordinator
- Procurement Coordinator

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting of tenders
4. Weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the Contract Initiation development Plan/Tender Evaluation Plan prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

The following tenders were received and are listed in alphabetical order.

Tender	Tenderer	Business Address	Criterion 1
1	Ark Electrical Engineering Pty Ltd	Seven Hills NSW 2147	On time
2	Hartcher Hall Pty Limited	Berry Park NSW	On time
3	Hawkesbury Contracting Pty Ltd	Brooklyn NSW	On time
4	Main Electrical Contractors Pty Ltd	Greta NSW	On time
5	Platinum Electricians Nlm	Cameron Park	On time
6	Prophase Electrical Solutions Pty. Ltd	Sandgate NSW	On time
7	Warren Ward Refrigeration Pty. Ltd	Muswellbrook NSW	On time

All tenders were received on time and met threshold Criterion 1.

2. Assessment of Conformance

The tenders were then assessed for conformance with the remaining threshold criteria:

Threshold Criteria	
Criterion 2	Conformance with RFT

One tender was considered non-conforming, Ark Electrical Engineering Pty Ltd. Six tenders were considered conforming in threshold Criteria 2 and were progressed to the next stage of evaluation.

3. Shortlisting

Shortlisting was not considered necessary. All tenders were progressed to the next stage of evaluation.

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Criterion 3	Lump sum tender amount;
Criterion 4	Experience.
Criterion 5	Work Health and Safety
Criterion 6	Response Times
Criterion 7	Quality management
Criterion 8	Price Mark up

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the tender amounts and weighted evaluation is provided as confidential **Enclosure 1**.

5. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender Two, Hartcher Hall Pty Ltd scored highest for the tendered amount, as well as scoring competitively on all other weighted criteria.

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Tender 5 and 6 Platinum Electricians NLM and Prophase Electrical Solutions Pty Ltd were identified as the additional category preferred tender and recommended acceptance of tenders.

6. Independent Review

The evaluation process and recommendations were reviewed by the TAP and determined to be in accordance with relevant documents and legislation:

- Cessnock City Council Procurement Policy
- Cessnock City Council Procurement Procedure
- *Local Government Act 1993*
- *Local Government (General) Regulation 2021.*

TIME FRAME

This tender will run for three years (commencing July 1 2023) with two by one year extensions available based on supplier performance.

LOCAL CONTENT

Not requested but all selected tenders are in the Local Government Area.

OPTIONS

Option 1: Accept the tenders as recommended. This is the preferred option.

Option 2: Decline to accept any offers and negotiate with other service providers. This option is not recommended as it will negatively impact on the scheduled program.

CONSULTATION

The following officers were consulted during the tender process:• Open Space & Community Facilities Manager

- Building Maintenance Coordinator
- Acting Building Projects Coordinator
- Procurement Coordinator.

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the 2023-24 *Delivery Program* objectives:

- Objective 3.2 Better utilisation of existing open space
- Objective 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Procedure,
- *Tendering Guidelines for NSW Local Government 2009, and*
- *NSW Government – Code of Practice for Procurement 2005.*

b. Financial Implications

Funding for works associated with the electrical maintenance tender are provided for within Council's annual Operational Plans.

c. Legislative Implications

The tender process has followed the legislative provisions, referenced in *Cessnock City Council Procurement Policy* and *Cessnock City Council Procurement Procedure*, as follows:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.

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4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
 - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

To minimise Council's exposure to business risks, the RFT required:

- Satisfactory financial capacity, and
- Adequate levels of insurances.

The authenticity of Contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation,
- Public Liability (\$20M or greater),
- Comprehensive Motor Vehicle,
- Professional Indemnity, and
- Insurance of the Works.

Risks identified in relation to safety, environment and quality are mitigated by the RFT requirement for adherence to the following system standards:

- AS/NZS 4801:2001 - Occupational Health and Safety Management Systems
- AS/NZS ISO 14001:2004 - Environment Management Systems
- AS/NZS ISO 9001:2000 - Quality Management Systems

CONCLUSION

That Council accepts the recommended suppliers for tender T2023-03 Electrical Maintenance with the contract sum and contingency funded from the available project budgets identified in the annual Operational Plan.

ENCLOSURES

- 1** T2023-03 Electrical Maintenance Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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SUBJECT: ***ADOPTION OF THE OPERATIONAL PLAN 2023-2024
INCORPORATING THE BUDGET, REVENUE POLICY AND
FEES & CHARGES.***

RESPONSIBLE OFFICER: ***Chief Financial Officer - Matthew Plumridge***

SUMMARY

Council is required to undertake its corporate planning and reporting in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, and the NSW Government's Integrated Planning and Reporting (IP&R) Guidelines and Handbook 2021, collectively referred to as the IP&R Framework.

This report outlines changes made after exhibition and a summary of external submissions received.

RECOMMENDATION

That Council having considered all submissions received from the community following public exhibition of the draft documents adopts the:

- **Operational Plan 2023-2024, including the budget and Revenue Policy**
- **Fees and Charges for 2023-2024**

BACKGROUND

On 19 April 2023, Council resolved to place the draft Operational Plan, budget and Revenue Policy as well as the draft Fees and Charges on public exhibition. The exhibition period took place from 26 April to 26 May 2023.

REPORT/PROPOSAL

Council is required to undertake its corporate planning and reporting in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, and the NSW Government's Integrated Planning and Reporting (IP&R) Guidelines and Handbook 2021 collectively referred to as the IP&R Framework.

Under the IP&R Framework, an Operational Plan, budget and Fees and Charges documents were prepared. On 19 April 2023, Council resolved to place the draft Operational Plan, incorporating the budget, Revenue Policy and Fees and Charges on public exhibition.

The exhibition period took place from 26 April to 26 May 2023 with 11 submissions received. A list summarising the external submissions and Council Officer comments is included at **Enclosure 1**. Councillors were provided with a briefing session on 14 June 2023 outlining submissions made, proposed changes and providing further opportunity for feedback.

All changes made to the documents are after consideration of external feedback, internal submissions and quality review checks. Changes to the Operational Plan actions are summarised in the document at **Enclosure 2**.

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The proposed final documents are included under separate cover and will be made available on Council's website.

Budget Changes

While on exhibition Council Officers received submissions and undertook quality reviews of the budget which are summarised in the table below.

Operating - 2023/24			
		Including Capital Income	Excluding Capital Income
Draft Operating Plan		(16,959,471)	4,419,533
Adjustments post exhibition			
	SES - Emergency Services Levy	202,043	202,043
	Fire and Rescue - Emergency Services Levy	124,801	124,801
	Updated Capital Grant funding in 23/24	(15,318,566)	-
	Additional salary costs	1,445,718	1,445,718
	Increase in Investment income	(1,000,000)	(1,000,000)
	Increase in Depreciation expenses	1,005,939	1,005,939
	Additional material and expenses	303,574	303,574
Updated - Operating 2023/24		(30,195,962)	6,501,608

The additional salary costs can be attributed to:

Award increase to 4.5%	\$600,000
Additional superannuation of award increase	\$300,000
Additional workers compensation	\$100,000
Additional positions (primarily Works)	\$445,000

Depreciation forecasts continue to grow due to ongoing delivery of the 2022/23 capital works program and revaluation of assets to their replacement value. Depreciation will continue to accelerate in a higher inflation environment.

Emergency Services Levy increase primarily due to removal of subsidy previously provided by State Government and increased costs associated with State wide flood response for SES.

Similar to the operating budget, the capital budget was reviewed and projects adjusted due to changing priorities including those projects deferred from the March quarterly review. The net effect to the capital budget is outlined below:

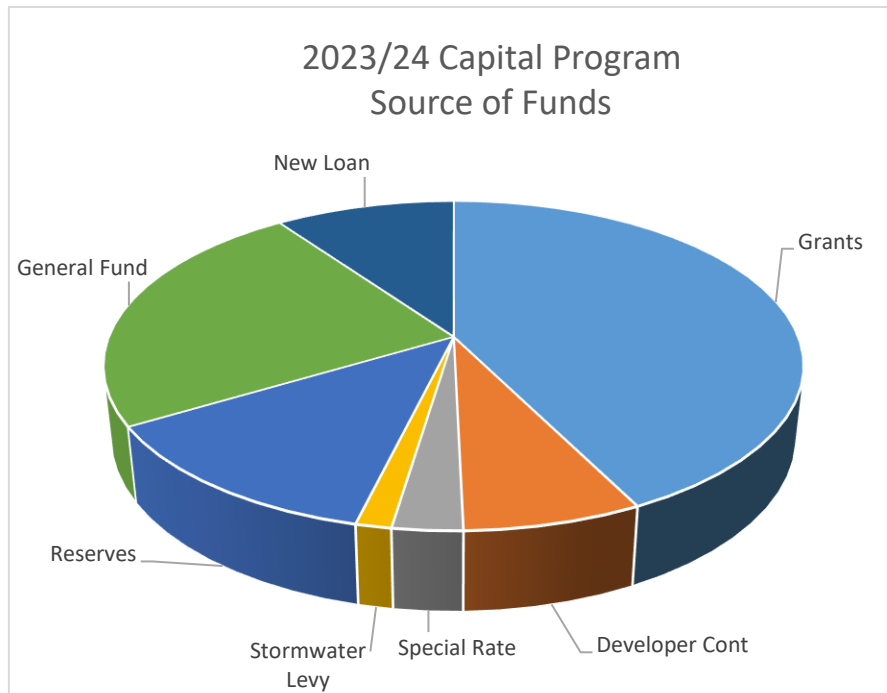
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Capital Works - 2023/24		
	\$	
<u>Draft Operating Plan</u>	67,285,790	
<u>Adjustments made in March Quarterly Budget Review Statements</u>		
CTB-2023-001 Church St to Anvil Ck Bridge Nth Side	(50,000)	Brought into 22/23
CBS-2018-005 Kline St Weston	414,738	delays now 23/24
RCC-2022-001 Cessnock CBD Civic Stg 2 Lib Shared Z	640,000	delays now 23/24
CTK-2020-001 Town Centre Upgrade	1,700,000	delays now 23/24
CTK-2021-001 Lang St Kurri Roadworks	1,000,000	delays now 23/24
CRL-2020-001 Murrays Run Road Embankment Stabilisa	180,000	delays now 23/24
RRL-2018-010 Mount View Rd, Cessnock	(88,000)	Brought into 22/23
RRL-2023-002 Murrays Run Rd Rehab-Ph1 Inv & Design	(50,000)	Brought into 22/23
CPW-2022-004 Bridges Hill to Wine Country Drive	1,471,493	delays now 23/24
CFR-2024-007 Greta Central Oval Fenced Off Leash Dog Exercise Area	(261,000)	Brought into 22/23
	4,957,231	
<u>Adjustments post exhibition</u>		
CPW-2022-003 Pelaw Main Log of Know Park to Neath	53,898	Increase costs - partly developer funded
CPW-2023-001 Dalwood Rd East Branxton Shared Path	14,424	Increase budget to match grant funding
CPW-2024-001 Weston-Fourth St-Sixth St Shared Path	(46,499)	Reduce budget to match grant funding
Cessnock to Abermain Shared path	761,000	Grant funded
RRR-2024-004 Wollombi Rd, Allandale Rd to Abbotsford St (Traffic & Wollombi Rd Cessnock/Bellbird (West Ave to Vincent St) Stage 2	418,000	Budget From Wollombi project below - nil impact
Wollombi Rd Cessnock/Bellbird (West Ave to Vincent St) Stage 2	2,390,857	Budget From Wollombi project below - nil impact
CLS-2023-001 Sandy Creek Rd Mt Vincent	(185,690)	Reduced - Design in 23/24 and construct in 24/25
CLS-2023-002 Abernethy St Kitchener	(147,309)	Reduced - Design in 23/24 and construct in 24/25
CLS-2023-003 Old Maitland Rd Bishops Bridge	(2,156,461)	Reduced - Design in 23/24 and construct in 24/25
CFT-2023-007 Wollombi Rd/Darwin St-Traffic Sgnls	(1,359,363)	Combined with Wollombi Project above - nil movement
CFT-2023-008 Wollombi Rd/Westcott St-Traffic Sgnls	(1,031,494)	Combined with Wollombi Project above - nil movement
CFT-2023-010 Traf. Sgls,Wollombi Rd Bellbird Hgts	(418,000)	Combined with Wollombi Project above - nil movement
RBC-2023-006 Branxton Hall Air Conditioner	47,000	Grant funded / s355 committee
New Millfield RFS Station	800,000	Grant funded
CFR-2022-007 Cessnock Regional Skate Park Design	2,206,990	Grant funded
CFR-2022-008 Carmichael Park BMX Facility Design	500,000	Grant funded
Kurri Kurri Sportsground Upgrades	1,000,000	Grant funded
Kurri Kurri Netball Facility	3,000,000	Grant funded
Avery's Village local playspace	450,000	Developer funded
Floodlighting Carmichael Park	(138,000)	Works completed in 22/23
	6,159,353	
Proposed 2023/24 Capital Program	78,402,374	



Fees and charges changes

As a result of quality review and some regulation changes there are a number of proposed changes. There has also been some minor wording and formatting changes. The proposed changes are summarised at Enclosure 2 with a proposed final Fees & Charges document provided under separate cover.

Statement by the Responsible Accounting Officer

Continued pressures on costs and delivery of the capital works program is leading to a projected operating deficit for council. This is on the back of a projected operating loss for the financial year ending 30 June 2023. Council's cash position is predicted to remain strong for the budget year utilising reserves held for this purpose.

Future investigations will be required to manage the reserve funds of council, ongoing revenue and expenditure to ensure financial sustainability.

OPTIONS

The recommended option is to adopt the revised documents as attached to ensure Council meets legislative obligations. Any option to further amend the documents prior to adoption is not recommended as the community would not have any opportunity to provide feedback on these amendments.

CONSULTATION

Councillors
Community members
Executive Leadership and Management team
Council staff

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STRATEGIC LINKS

a. Delivery Program

The IP&R Framework is required under CSP Outcome Civic leadership and effective governance and Delivery Program action 5.3 Making Council more responsive to the community.

b. Other Plans

As listed in the proposed documents.

IMPLICATIONS

a. Policy and Procedural Implications

The Operational Plan impact all areas of Council with required policies and procedures amended as required in time with their next review.

b. Financial Implications

Financial implications are included in the Operational Plan which provides funding for Councils operations.

c. Legislative Implications

Local Government Act 1993

Local Government (General) Regulation 2021

d. Risk Implications

There are no significant risk implications with this report. Documents have been prepared as per relevant legislation and guidelines.

e. Environmental Implications

Nil

f. Other Implications

Nil

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CONCLUSION

The IP&R documents outlining Council's plans for the community are required to be adopted by 30 June 2023. These documents have been prepared in accordance with legislation and guidelines and after consideration of community and internal feedback.

ENCLOSURES

- [1](#) Summary of External Submissions
- [2](#) Summary of Internal Submissions
- [3](#) Draft Fees and Charges 2023-24 - Provided Under Separate Cover
- [4](#) 2023-24 Operational Plan - Provided Under Separate Cover

SUBJECT: *MAKING THE RATE 2023-24*

RESPONSIBLE OFFICER: *Revenue Team Leader - Deslie Roberts*
Finance Coordinator - Arun Varghese
Chief Financial Officer – Matthew Plumridge

SUMMARY

The Operational Plan 2023-24 includes the Revenue Policy that detailed the rates and charges proposed to be levied for the year commencing 1 July 2023. Council is statutorily required to make the rate following the adoption of the Operational Plan to ensure the legality of the rates and charges levied.

RECOMMENDATION

That Council make the following rates and charges for the year commencing 1 July 2023 to 30 June 2024:

1. Ordinary Rates

The following Ordinary Rates now be made for the year commencing 1 July 2023.

Category	Sub Category	Ad-valorem Amount Cents in \$	Base Amount \$	Base Yield % of Total Rate
Residential		0.225438	430.00	32.70%
Residential	Rural	0.170496	430.00	19.68%
Farmland		0.134616	430.00	15.10%
Farmland	Mixed Use	0.354150	535.00	6.55%
Farmland	Business Rural	0.352255	535.00	8.92%
Business		1.059287	535.00	12.18%
Mining		4.275466	1,500.00	0.49%

2. Waste Charges

Council do hereby prescribe and order under Section 496 of the *Local Government Act 1993* for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2023.

Domestic Waste Management Service Charge

Domestic Waste Management Availability Charge ¹	\$79.00
Domestic Waste Management Service Charge ²	\$670.00
Additional Domestic Waste Management Service Charge ³	\$670.00
Additional Domestic Waste Management Service Charge – Recycling	\$88.50
Additional Domestic Waste Management Service Charge – Organics	\$88.50

- Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided.

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2. Each premise is entitled to one approved mobile waste bin mixed waste service per week, one fortnightly collection of recyclable material and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the *Local Government Act 1993*, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2023.

Waste Management Service Charge

Commercial Waste Management Service Charge ¹	\$817.00
Additional Waste Management Service Charge ²	\$817.00
Additional Waste Management Service Charge - Recycling	\$88.50
Additional Waste Management Service Charge - Organics	\$88.50

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Each premise is also entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

3. Stormwater Management Services Charges

Council do hereby prescribe and order under Section 496A of the *Local Government Act 1993*, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2023.

Stormwater Management Service Charge

Stormwater Management Service Charge - Residential	\$25.00
Stormwater Management Service Charge - Residential Strata	\$12.50
Stormwater Management Service Charge - Business	\$25.00 per 350m ² (or part thereof) to a maximum \$500

4. Interest on Overdue rates and Charges

Council do hereby determine and order, in accordance with Section 566 of the *Local Government Act 1993*, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at:

- nine per cent (9%) per annum, simple interest, calculated daily for the period 1 July 2023 to 30 June 2024.

5. Hunter Local Land Services

Council, in accordance with Clauses 36 and 40, Part 4, of the *Local Land Services Regulation 2014*, prescribes that the rate for the year commencing 1 July 2023 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2023 to 30 June 2024 inclusive being 0.01046 cents per dollar of rateable land value.

BACKGROUND

The Operational Plan 2023-24 incorporates the revenue policy for rates and charges proposed to be levied for the period 1 July 2023 to 30 June 2024. Council is required to make the rates and charges for the financial year commencing 1 July 2023 in accordance with Sections 535, 537 & 538 of the *Local Government Act 1993* (the Act).

REPORT/PROPOSAL

Council's Operational Plan 2023-24, inclusive of the revenue statements with respect to each Ordinary and Special Rates and Charges proposed to be levied, was resolved to be placed on public exhibition by Council at its Ordinary Meeting of 19 April 2023 and the Operational Plan 2023-24 is being considered for adoption at this meeting of Council.

In accordance with Sections 535, 537 & 538 of the Act, Council is required to make the rates and charges for the financial year commencing 1 July 2023. Extracts of the relevant sections of the Act are reproduced below for Council's information.

Section 535 Rate or charge to be made by resolution

A rate or charge is made by resolution of the Council.

Section 537 Form of resolution specifying base amounts of rates

In the resolution that specifies a base amount of a rate, or the base amount of a rate for a category or sub-category of an ordinary rate, the Council must state:

(a) the amount in dollars of the base amount, and

(b) the percentage, in conformity with section 500, of the total amount payable by the levying of the rate, or the rate for the category or sub-category concerned of the ordinary rate, that the levying of the base amount will produce.

Section 500 Limit on revenue that can be raised from base amount

The amount specified as the base amount of a rate (or the base amount of the rate for a category or sub-category of an ordinary rate) must not be such as to produce more than 50 per cent of the total amount payable by the levying of the rate (or of the rate for the category or sub-category concerned) on all rateable land subject to the rate (or the rate for the category or sub-category concerned).

Section 538 Form of resolution for special rate

(1) In the resolution that makes a special rate, the Council must state whether the special rate is to be levied on all rateable land in the Council's area or on only a part of that land.

(2) If the special rate is to be levied on only a part of that land, the Council must specify in the resolution the part on which it is to be levied.

Corporate and Community

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The Office of Local Government (circular 23-02 Information about Rating 2023-24) detailed the prescribed maximum interest rate on overdue rates and charges as follows:

- In accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive) will be **9.0% per annum**.
- The methodology used to calculate the interest rate applicable for the period 1 June 2023 to 30 June 2024 is the Supreme Court methodology (the Reserve Bank cash rate plus 6%), rounded to the nearest half per cent. The cash rate used for the purposes of the maximum interest rate for local government is based on the cash rate set by the Reserve Bank of Australia on 6 December 2022.
- Notice giving effect to these decisions has been published in the NSW Government Gazette (Government Gazette No 146 – 31 March 2023).

OPTIONS

N/A

CONSULTATION

Consultation has taken place with Councillors and Council staff in preparing the draft Operational Plan, incorporating the proposed rates and charges to be levied. The Operational Plan inclusive of the Revenue Statement was publicly exhibited for 28 days.

STRATEGIC LINKS

a. Delivery Program

This report is a part of the organisation's governance framework – in line with the community's desired outcome of *Civic Leadership and Effective Governance*.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The Operational Plan includes budgetary allocations for 2023-24 and the levying of rates and charges provides a significant portion of the required funds for Council's operations.

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c. Legislative Implications

The making of the rates and charges for the year commencing 1 July 2023 satisfies legislative obligations under Sections 535, 537 & 538 of the Act.

d. Risk Implications

If rates and charges are not made as required under Act, Council may be exposed to the possibility of a legal challenge on the validity of any rates and charges levied in 2023-24.

e. Other Implications

Nil

CONCLUSION

The making of the rates and charges for the year commencing 1 July 2023 satisfies legislative obligations under Sections 535, 537 & 538 of the Act and ensures Council's rates levied in 2023-24 can be legally raised.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC36/2023

Corporate and Community Services



SUBJECT: *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD 12 MAY 2023*

RESPONSIBLE OFFICER: *Community & Cultural Development Manager - Natalie Drage*

RECOMMENDATION

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee meeting held on 12 May 2023 be adopted as a resolution of Ordinary Council.
2. That the General Manager appoint two people from the Aboriginal and Torres Strait Islander Committee comprising a staff representative and a community representative for membership to the Newcastle from the Heart Committee.

A meeting of the Cessnock City Council Aboriginal and Torres Strait Islander Committee was held on 12 May 2023 and reports as follows.

MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM, CESSNOCK CITY COUNCIL ADMINISTRATION BUILDING ON FRIDAY, 12 MAY 2023, COMMENCING AT 9.20AM

PRESENT: The Mayor, Councillor Suvaal
Councillor Jurd
Councillor Grine
Uncle Richard Edwards (Community Representative)
Tara Dever (Community Representative)
Sonia Sharpe (Community Representative)
Lucy Reed (Community Representative)

IN ATTENDANCE: Councillor Jackson
Councillor Olsen (left at 9:50am)
Natalie Drage – Community and Cultural Development Manager
Warren Ambrose – Principal Community Planner

INVITEES: Luke Russell (Newcastle from the Heart Committee, left at 10:35am)
Emily Holm (Newcastle from the Heart Committee, left at 10:35am)
Debbie Dacey (CEO – Barkuma Neighbourhood Centre)

APOLOGIES

Councillor Burke
Cheryl Kitchener (Community Representative)
Tracey Skene (Community Representative)

Corporate and Community

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Corporate and Community Services



CONFIRMATION OF MINUTES

MINUTES:

The Meeting Notes of the Inquorate Aboriginal and Torres Strait Islander Committee held on 17 March 2023 have been made available to all committee members.

DISCLOSURES OF INTEREST

Nil

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. AACLM5/2023

SUBJECT: NEWCASTLE FROM THE HEART COMMITTEE - LEIGH SHEARS

MOTION **Moved:** Tara Dever **Seconded:** Councillor Grine

RECOMMENDATION

1. That the Committee note the presentation.
2. That the Committee recommend the General Manager appoint two people from the Aboriginal and Torres Strait Islander Committee comprising a staff representative and a community representative for membership to the Newcastle from the Heart Committee.

Commentary: The Newcastle from the Heart Committee advised their community awareness projects on the referendum for Constitutional Recognition of Aboriginal and Torres Strait Islander People through a Voice to Parliament. Newcastle from the Heart Committee offered that representatives from the Cessnock City Council Aboriginal and Torres Strait Islander Committee join the Newcastle from the Heart Committee. The Aboriginal and Torres Strait Islander Committee Community Representatives put forward Tara Dever as their nomination if to proceed with the membership.

For discussion at a next Aboriginal and Torres Strait Islander Committee is proposals to raise awareness within the Cessnock Local Government Area on the Voice to Parliament including reporting on suggestions from local Aboriginal and Torres Strait Islander organisations and with other Councils that have an Aboriginal and Torres Strait Islander Committee.

Councillor Olsen left the meeting during the report at 9:50am.

Luke Russell left the meeting upon completion of the report at 10:35am.

Emily Holm left the meeting upon completion of the report at 10:35am.



LISTED MATTERS - COMMITTEE NO. AACLM4/2023

SUBJECT: NAIDOC WEEK 2023

MOTION **Moved:** Ms Dever **Seconded:** Councillor Grine

RECOMMENDATION

That the Aboriginal and Torres Strait Islander Committee note the report.

Commentary: The Committee discussed the importance of local events linking to the NAIDOC Week 2023 theme, For Our Elders.

CORRESPONDENCE

Nil

The Meeting Was Declared Closed at 11:15am

Corporate and Community

Report No. CC37/2023

Corporate and Community Services



SUBJECT: *MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 31 MAY 2023*

RESPONSIBLE OFFICER: *Principal Property Specialist - Peter Waghorn
Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

That the Minutes of the Strategic Property and Community Facilities Committee meeting of 31 May 2023 be adopted as a resolution of the Ordinary Council.

MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 31 MAY 2023, COMMENCING AT 3.30PM

PRESENT: His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Dunn, Sander, Moores (Alternate) and Burke (Alternate).

IN ATTENDANCE: Councillor Grine
Councillor Hill
Principal Property Specialist
Chief Financial Officer
Acting, Executive Assistant Corporate & Community Services
Council Services Senior Administrator

ABSENT: Councillor Olsen
Director Corporate & Community Services

**APOLOGIES/
LEAVE OF ABSENCE:** Councillor Paynter

MINUTES: **MOTION** **Moved:** Councillor Dunn
Seconded: Councillor Sander

RECOMMENDED that the Minutes of the Strategic Property & Community Facilities Committee held on 8 February 2023, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

NIL

OFFICER'S REPORTS

OFFICER'S REPORTS NO. SPOR2/2023

SUBJECT: AFFORDABLE HOUSING SUITABILITY ASSESSMENT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander

RECOMMENDATION

1. That the Committee notes the information and recommendations of the affordable housing suitability assessment attached to this report.
2. That after further investigation of the recommendations, report findings and conclusions a report be provided to the Committee.

CARRIED UNANIMOUSLY

OFFICER'S REPORTS NO. SPOR3/2023

SUBJECT: STRATEGIC PROPERTY REVIEW UPDATE - MAY 2023

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander

RECOMMENDATION

That the Committee notes progress with implementing strategy recommendations of the Strategic Property Review project and information provided regarding Council's Property Investment Fund.

CARRIED UNANIMOUSLY

Corporate and Community
Report No. CC37/2023
Corporate and Community Services



OFFICER'S REPORTS NO. SPOR4/2023

SUBJECT: BUSINESS USE OF COUNCIL COMMUNITY LAND

MOTION *Moved:* Councillor Dunn *Seconded:* Councillor Burke

RECOMMENDATION

That the Committee note the information on business activities on community land.

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 4.33pm

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *INVESTMENT REPORT - MAY 2023*
RESPONSIBLE OFFICER: *Management Accountant - Kim Fatcher*
Finance Coordinator - Arun Varghese
Chief Financial Officer – Matthew Plumridge

SUMMARY

Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

RECOMMENDATION

That Council receives the Investment Report for May 2023 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$71,934,417.

BACKGROUND

The *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

The Responsible Accounting Officer has certified that this report is produced in accordance with Clause 212 of the *Local Government (General) Regulation 2021* and that all investments have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy.

General Investment Commentary

Council officers monitors and manages the cash and investment portfolio by taking into consideration credit ratings of financial institutions, interest rates offered for periods of investment, counterparty exposures and cash flow requirements.

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of May 2023 are exceeding both original and revised budgets and closing the gap towards the benchmark rate. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Interest rates have been increasing monthly since May 2022 compared to previous unprecedented low levels in recent years. The official cash rate of the Reserve Bank of Australia (RBA) was once again increased by 0.25% to 3.85% in May 2023.

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Returns will continue to be monitored and any adjustment to budgeted income will be reported in future quarterly budget reviews.

Council has engaged Prudential Investment Services Corp for investment advice and the May 2023 Economic and Investment Portfolio Commentary, regarding interest rates notes:

- *There are indications that global central banks are at or near the top on rates. South Korea, Indonesia, Canada and New Zealand all appear to be at their peaks while England, the US and Australia may have one more rate hike in store, either before or after a pause.*
- *At its May meeting the RBA rose the cash target to 3.85%, noting that further tightening of monetary policy may be required to ensure that inflation returns to target in a reasonable timeframe, currently expected to be mid-2025, but that will depend upon how the economy and inflation evolve. At the end of May, the market was pricing in another rate hike over the coming three months to take the cash rate to 4.00%.*

Domestic issues noted within Prudential’s report include:

- *The latest jobs data revealed a fall in employment and a rise in the unemployment rate, from 3.4% to 3.7%, which taken together suggest that the recent period of extreme labour market tightness may now be starting to unwind.*
- *Wages growth rose a slightly weaker than expected 0.8% quarter-on-quarter taking annual growth to a slightly stronger than expected 3.7% year-on-year. This was the fastest annual increase since 2012 but is still not regarded by economists as a wages breakout worthy of another rate hike on its own.*

In summarising Council’s portfolio Prudential advise, “Council has a well-diversified portfolio invested predominantly among a range of term deposits and senior ranked floating rate notes from highly rated government and Australian bank issuers. Council also has exposure to a wide range of asset classes, including international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council’s portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.”

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 31 May 2023

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			3.50%	11,506
	Commonwealth Bank	At Call			3.60%	41
1243	AMP Bank	At Call			2.10%	503
1472	AMP Bank	TD	735	14-Sep-23	0.75%	1,000
1478	Suncorp Bank	TD	518	15-Jun-23	0.90%	3,000
1481	AMP Bank	TD	490	13-Jul-23	1.35%	4,000
1483	Commonwealth Bank	TD	533	12-Oct-23	2.81%	4,000
1484	Suncorp Bank	TD	504	21-Sep-23	2.85%	4,000
1486	Commonwealth Bank	TD	365	08-Aug-23	3.98%	5,000
1487	Commonwealth Bank	TD	323	27-Jun-23	3.86%	5,000
1489	Westpac Bank	TD	365	27-Sep-23	4.66%	4,000
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
1495	Westpac Bank	TD	365	24-Jan-24	4.46%	5,000
1496	National Australia Bank	TD	363	29-Jan-24	4.62%	5,000

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Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
1475a	Westpac Bank	TD	306	12-Dec-23	4.70%	4,000
1497	Westpac Bank	TD	356	19-Mar-24	4.99%	3,000
1498	National Australia Bank	TD	370	15-May-24	4.74%	3,000
1463	Treasury Corporation	Growth Fund				3,884
TOTAL						71,934

Table 2 Level of funds held and the percentage invested with financial institutions

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Commonwealth Bank	AA-	40%	14,000	23.37%
Westpac Bank	AA-	40%	20,000	33.40%
National Australia Bank	AA-	40%	8,000	13.36%
Suncorp Bank	A+	40%	9,000	15.03%
AMP Bank	BBB	5%	5,000	8.35%
Treasury Corporation	Unrated	10%	3,884	6.5%
TOTAL			59,884	100.00%

In accordance with the Investment Policy, figures in Table 2 above exclude cash and at call balances in Council's main operating account held with Commonwealth and AMP banks.

In November 2021, AMP Bank's rating was downrated and Council still was treating these investments at their previous rating. As per the Investment Policy, Council can now only hold 5% of our portfolio in AMP investments nor for any longer than 12 months. The current investments are covered by the grandfathering provisions of the Policy with no more investments able to be made at this level of rating. As investments mature and/or total quantum of investments rise then Council will return to its agreed investment limits.

Investment in NSW Treasury Corporation (TCorp)

TCorpIM Funds are unit trusts. Distributions are made annually and are automatically reinvested into the fund to buy additional units. As this investment is held for medium to long-term capital appreciation, gains or losses will only be realised on redemption of the investment. However due to accounting requirements any unrealised gains or losses will be processed between investments and the operating statement.

The final May unrealised return was a loss of \$10,666 or -0.27%, bringing the Year to Date (YTD) returns to a net gain of \$217,305 or 5.93%. Rates of return will fluctuate each month and possibly be negative from time to time with the medium-term investment horizon.

The May performance summary was not available at the time of preparing this report. The fund performance summary as at 30 April 2023 is provided below. The benchmark used by TCorp is CPI + 2.00% p.a. (over rolling 5 years).



Table 3 NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	4.33	3.78	3.30	2.69	6.23	0.85
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.55	4.67	6.01	8.53	7.01	0.56
Return above benchmark p.a.	(0.22)	(0.89)	(2.71)	(5.84)	(0.78)	0.29

Table 4 Investment types, risk assessment, amount and percentage invested compared to the total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	56,000	77.85%
Cash/At Call Deposits	Low	Low	12,050	16.75%
Capital Growth Fund	Medium	Medium	3,884	5.40%
TOTAL			71,934	100.00%

Table 5 Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	2.74%	0.45%
Annualised Bank Bill Index (last 3 months) *	2.82%	0.09%
Actual Investment Interest Earned (for the current month)	\$202,459	\$46,822
Actual Investment Interest Earned (year to date) ^	\$1,722,645	\$263,915
Revised Budget Investment Interest (year to date)	\$748,447	\$192,500
Original Budget Investment Interest (annual)	\$380,122	\$210,000
Revised Budget Investment Interest (annual)	\$1,680,122	\$210,000
TCorp unrealised movement (year to date)	5.93%	-5.97%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,415,666	\$54,388,548
Closing Balance as at 31 May	\$71,934,418	\$80,958,211

* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ Excludes TCorp unrealised returns

Excludes Section 355 Committee cash held

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Graph 1 Actual interest earned compared to revised budget and actual interest last year

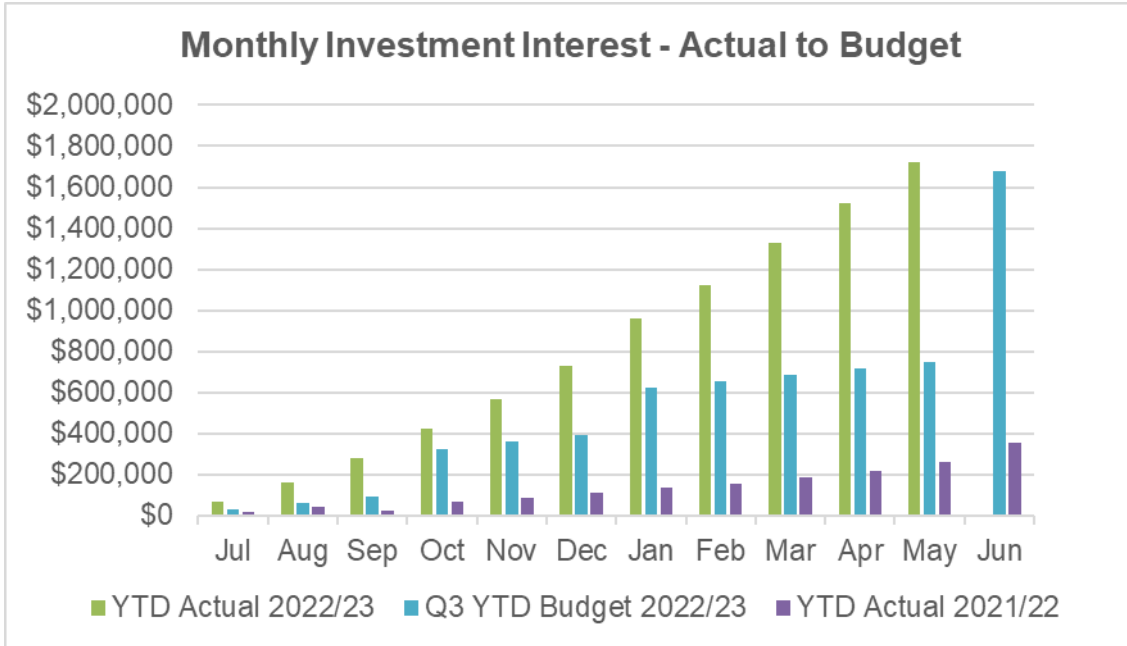


Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	May 2023	April 2023	March 2023	February 2023	January 2023	December 2022
Developer contributions	29,473	28,479	28,095	25,644	25,252	25,017
Committed developer contributions	2,412	2,711	3,592	3,684	3,499	3,443
RMS contributions	182	182	182	182	182	163
Specific purpose unexpended grants	7,514	8,489	8,359	6,507	7,007	5,896
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	1,038	922	923	1,004	962	966
External Restrictions	41,049	41,213	41,581	37,451	37,332	35,915
Month End Totals \$'000	May 2023	April 2023	March 2023	February 2023	January 2023	December 2022
Plant and vehicle replacement	2,982	2,949	3,016	3,582	3,336	3,582
Employees leave entitlement	2,446	2,446	2,446	2,446	2,446	2,446
Carry over works	548	783	934	956	984	1,000

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Month End Totals \$'000	May 2023	April 2023	March 2023	February 2023	January 2023	December 2022
Bridge replacement	-	118	372	440	456	456
Insurance provisions	896	896	896	896	896	907
Miscellaneous and property	859	862	857	857	857	857
Grant Fund Leverage	90	90	90	90	90	90
Energy efficiency	98	94	89	84	-	-
Operations and programs	444	429	431	412	417	392
Property investment fund	3,256	3,041	3,056	3071	3,085	3,108
Civil Works	730	748	716	743	882	963
Waste depot and rehabilitation	9,454	9,454	9,454	9,454	9,454	9,454
Committed projects (SRV)	642	747	889	1,000	1,374	1,496
Security deposits and bonds	4,077	4,060	4,085	4,171	4,158	4,203
Internal Restrictions	26,522	26,717	27,331	28,202	28,435	28,954
Unrestricted	4,363	3,390	6,893	14,592	9,089	12,098
Total Cash & Investments	71,934	71,320	75,805	80,245	74,856	76,967

The total external and internal cash restrictions remained stable between April and May, but there were some movements within each group. For example, under externally restricted funds, developer contributions increased by almost \$1 million. However, the PACC refurbishments and general increase in spending on grant-funded projects resulted in the reduction of 'committed developer contributions' and 'specific purpose unexpended grants' by \$1.2 million combined. Similarly, under internally restricted funds, the property investment fund grew due to the sale of the East Branxton property, but increased infrastructure spending reduced the reserves for bridge replacement, carry-over works and SRV.

Unrestricted funds increased to \$4.3m compared to last month. Monthly expenditure is relatively static throughout the year, with the exception where major payments are made for such things as contracts, insurances or other significant items.

Restrictions over cash and investments are subject to change and will only be final once audited and published in the annual financial statements.

CONSULTATION

Director Corporate and Community Services
 Chief Financial Officer
 Management Accountant
 Finance staff

Corporate and Community

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Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan. This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance*" and more specifically links to strategic direction:

5.3.2: Our Council's processes are efficient and transparent

5.3.3: Our Council is financially sustainable.

IMPLICATIONS

a. Policy and Procedural Implications

Investments are held in accordance with Council's Investment Policy.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are affected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

c. Legislative Implications

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

The report details investments held at month end and meets Council's reporting obligations.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community
Report No. CC39/2023
Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*
RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 9 May 2023 to 13 June 2023.

RECOMMENDATION

That Council receives the report and notes the information in the Resolutions Tracking Report.

ENCLOSURES

- [1](#) ⇨ Completed Actions
- [2](#) ⇨ Outstanding Actions

Works and Infrastructure

Report No. WI19/2023

Works and Infrastructure



SUBJECT: *COMMUNITY SPONSORSHIP AND FEE WAIVING POLICY REVIEW*

RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Kate Harris*
Recreation and Community Facilities Coordinator - Nathan Eveleigh

SUMMARY

The purpose of this report is to seek Council's endorsement to place the revised Community Sponsorship and Fee Waiving Policy on public exhibition.

RECOMMENDATION

- 1. That Council place the Community Sponsorship and Fee Waiving Policy on public exhibition for a period of 28 days**
- 2. If there are no significant public submissions received that the Policy be automatically adopted at the end of the exhibition period.**

BACKGROUND

A periodic review has been undertaken of the Community and Sponsorship Fee Waiving Policy (the Policy). The Policy was last updated and adopted at the 6 June 2018 Council meeting (WI38/2018).

REPORT/PROPOSAL

The reviewed Policy (**Enclosure 1**) aims to establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving.

In the Policy the following definitions apply:

Sponsorship is defined as an agreement that provides Financial Assistance (Payment) and/or In-kind Assistance (Council Resource) to a group or organisation in support of a project, event, community initiative or service that meet the objectives of Council's Community Strategic Plan.

Fee waiving is defined as the full or partial removal of fees associated with the use of Council facilities and/or receiving of Council goods and services.

In a local government context sponsorship and fee waiving is governed by relevant clauses in the *NSW Local Government Act 1993* (the Act).

Works and Infrastructure

Report No. WI19/2023

Works and Infrastructure



Under Section 356 of the Act, Council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. Council is not able to delegate this function to the general manager or any other person or body.

Section 610 (E) of the Act allows Council to apply a reduced fee or waive a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.

The Policy sets out the principles and guidelines for providing financial and/or in-kind support, ensuring that any arrangements are effective and support the provision of a range of activities and services that:

- respond to an identified community need and provides benefit to the community, and;
- are in accordance with key objectives of Council's Community Strategic Plan 2022-26.

The activities and services that may be considered for financial and/or in-kind support may include, but not be limited to, community projects, events, cultural programs, sporting programs and other community services that provide benefit to the Cessnock LGA community.

OPTIONS

Nil

CONSULTATION

- Council's Management Advisory Team
- Open Space & Community Facilities team
- Infrastructure Team
- Governance Team

STRATEGIC LINKS

a. Delivery Program

The revised Community Sponsorship and Fee Waiving Policy is consistent with the following Objectives of the Delivery Program 2022-26;

Objective 1.1 – Promoting Social Connections and wellbeing

Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area

Objective 5.3 – Ensuring Council is accountable and responsive to the Community

b. Other Plans

Nil

Works and Infrastructure

Report No. WI19/2023

Works and Infrastructure



IMPLICATIONS

a. Policy and Procedural Implications

The Policy has been reviewed with minor formatting changes being made and a reference included to the Guidelines and Application form within Section 8 Policy Administration.

b. Financial Implications

Depending on the nature of the requests for financial and/or in-kind assistance there may be a slight impact on Operational budgets and/or a decrease in the amount of revenue collected through Council's Fees and Charges.

With regard to Fee Waiving, Council has delegated to the General Manager a maximum limit of \$3,000 for the waiving of Fees, above which a resolution of Council is required.

c. Legislative Implications

The Policy is in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

d. Risk Implications

Nil

e. Environmental Implications

N/A

f. Other Implications

Nil.

CONCLUSION

The revised Community Sponsorship and Fee Waiving Policy establishes a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving. It sets out the principles and guidelines for providing this support, ensuring that any arrangements are transparent and effective. It also supports the delivery of key objectives in the Community Strategic Plan and Delivery Program 2022-26.

ENCLOSURES

[1](#) Revised Community Sponsorship and Fee Waiver Policy

Works and Infrastructure

Report No. WI20/2023

Works and Infrastructure



SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 15 MAY 2023*

RESPONSIBLE OFFICER: *Principal Engineer - Traffic and Transport - Warren Jeffery
Infrastructure Manager – Cameron Clark*

RECOMMENDATION

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council.

- **TC24/2023** - That Council notes the installation of regulatory parking signage and line marking on Lang Street, Kurri Kurri between Alexandra Street & Allworth Street in accordance with the Lang Street Kurri Kurri _ Signage & Line Marking Diagram.
- **TC25/2023** - That Council notes the installation of a children's crossing, kerb extensions, and associated signage and line marking on Anderson Avenue, Paxton in accordance with the Anderson Avenue Paxton _ Signage & Line Marking Diagram.
- **TC26/2023** - That Council notes the installation of a regulatory parking controls and associated signage and line marking on Rothbury Street, Nulkaba in accordance with the Rothbury Street Nulkaba _ Signage & Line Marking Diagram.
- **TC27/2023** - That Council notes the installation of centre line marking on Deakin Street and Wermol Street, Kurri Kurri in accordance with the Deakin Street Kurri Kurri _ Line Marking Diagram.
- **TC28/2023** - That Council notes the installation of intersection controls including associated signage and line marking on Charlton & Fisher Streets, Bellbird in accordance with the Charlton Street Bellbird _ Signage & Line Marking Diagram.
- **TC29/2023** - That Council notes installation of regulatory controls on Coulter Street within Huntlee, in accordance with Coulter Street North Rothbury _ Signage & Line Marking Diagram.
- **TC30/2023** - That Council declines support for the proposed intersection treatment on Old Buttai Road Buttai, as shown in the Old Buttai Road Buttai _ Proposed Intersection Diagram, and authorises Council officers to undertake investigation and consultation with all parties to facilitate a land swap as shown in the Old Buttai Road Buttai, Alternate Intersection Diagram.
- **TC31/2023** - That Council notes the advice of the Local Traffic Committee regarding the Technical Review of a proposed Channelised Right Turn Treatment, and associated zebra crossing relocation, at Maitland Road,

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Cessnock as shown in the Maitland Road Cessnock _ Proposed Intersection Diagram.

**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 15 MAY 2023**

OPENING: The meeting was opened 9:32am

PRESENT: Councillor James Hawkins (Chairperson)
Senior Constable Amy Sweeney - NSW Police
Linda Makejev – TfNSW

IN ATTENDANCE: Warren Jeffery – Principal Engineer, Traffic & Transport
Nathan Goodbun – Engineering Officer, Traffic & Transport
Alison Shelton – Road Safety Officer
Jules Bosco – Principal Development Engineer
Felicity Pankhurst – Senior Business Support Officer, Infrastructure

APOLOGIES

Nil

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Cessnock Local Traffic Committee held on 17 April 2023, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

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LISTED MATTERS

SUBJECT: *LANG STREET, KURRI KURRI
REGULATORY PARKING*

REPORT NO.: *TC24/2023*

REFERENCE: *SIF20/2*

MATTER: As part of Stage 1 of the Kurri Kurri Town Centre upgrade, major road works are being undertaken on Lang Street Kurri Kurri between Alexandra Street and Allworth Street. The proposed works will include changes to regulatory parking, angle parking and the conversion of the combined zebra / Children's Crossing to include a raised threshold (wombat crossing).

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted the existing 45° parking has been amended to 90° parking to be consistent with other parking in the area.
- Council's Road Safety Officer noted that Children's Crossing signage is in place for the existing combination crossing, hence is not displayed in enclosed diagram.
- NSW Police Representative noted some crash history in the vicinity of the crossing due to sun glare.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage and line marking on Lang Street, Kurri Kurri between Alexandra Street & Allworth Street in accordance with the Lang Street Kurri Kurri _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: **ANDERSON AVENUE, PAXTON
CHILDRENS CROSSING**

REPORT NO.: **TC25/2023**

REFERENCE: **DOC2021/076640**

MATTER: Minor modifications to the scope of the previously approved Children's Crossing and associated kerb extensions on Anderson Avenue Paxton (TC50/2021), require reconsideration by the Local Traffic Committee.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the proposed no stopping zones and stop line are extended so as not to impede neighbouring driveway access;
- Councillor Hawkins noted that works are currently underway, based on the previous approval; and
- Councillor Hawkins enquired about the potential need to refresh the 40 km/h school zone pavement patches. The Committee was advised that the pavement patches are located outside the scope of the project, are not impacted by the works and are not the responsibility of Council. Should such works be determined as being required, it should be referred to TfNSW.

RECOMMENDATION

That Council authorises the installation of a children's crossing, kerb extensions, and associated signage and line marking on Anderson Avenue, Paxton in accordance with the Anderson Avenue Paxton _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: *ROTHBURY STREET, NULKABA
REGULATORY PARKING*

REPORT NO.: *TC26/2023*

REFERENCE: *48 2023 54 1*

MATTER: An application under Section 138 of the *Roads Act 1993* has been received by Council from the Department of Education School Infrastructure NSW Hunter Central Coast Asset Management for works on Rothbury Street, Nulkaba for access to the support classroom, by children with special needs, at Nulkaba Public School. The proposed works include a 15-minute short stay parking zone and an accessible parking space.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the project is grant funded and was instigated by the Department of Education; and
- It was noted upon completion of this project, all four frontages of Nulkaba School will have received upgraded infrastructure treatments.

RECOMMENDATION

That Council authorises the installation of a regulatory parking controls and associated signage and line marking on Rothbury Street, Nulkaba in accordance with the Rothbury Street Nulkaba _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: **DEAKIN & WERMOL STREETS, KURRI KURRI INTERSECTION LINE MARKING**

REPORT NO.: **TC27/2023**

REFERENCE: **CRM'S 8599/2023 & 9432/2023**

MATTER: Concerns have been raised by local road users regarding non-compliance with the existing regulatory controls at the intersection of Deakin and Wermol Streets, Kurri Kurri.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted there were three recent 'fail to give way' crashes reported by residents at this intersection;
- It was also noted that a GIVE WAY sign was dislodged in a recent crash, however this fact was not reported to Council when the crash was reported;
- Upon becoming aware of the matter, Council officers promptly arranged for the reinstatement of the GIVE WAY sign.
- It was further noted that the intersection sight distance is suitable for the existing GIVE WAY controls, and does not meet the Australian Standards warrant for installation of STOP controls; and
- The criteria for crash reporting throughout NSW was discussed. It was noted that no formal process exists for the recording of non-injury crashes. Similarly, there is no formal process for notification to Councils regarding damage to their assets in the road reserve.

RECOMMENDATION

That Council authorises the installation of centre line marking on Deakin Street and Wermol Street, Kurri Kurri in accordance with the Deakin Street Kurri Kurri _ Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: **CHARLTON & FISHER STREETS, BELLBIRD INTERSECTION CONTROLS**

REPORT NO.: **TC28/2023**

REFERENCE: **CRM 9551/2023**

MATTER: Concerns have been raised by local road users regarding the lack of intersection controls on the four-way intersection at Charlton & Fisher Streets, Bellbird, possibly leading to confusion for some unfamiliar road users, as the intersection priority is not clearly defined by intersection controls.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the installation of intersection controls including associated signage and line marking on Charlton & Fisher Streets, Bellbird in accordance with the Charlton Street Bellbird _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: **COULTER STREET, NORTH ROTHBURY
REGULATORY PARKING & INTERSECTION CONTROLS**

REPORT NO.: **TC29/2023**

REFERENCE: **110 2022 27 1**

MATTER: Approval is sought for installation of regulatory parking, line marking, and other controls, in association with the ongoing Huntlee development.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It is noted that the emergency vehicle access is being installed as a condition of development consent.

RECOMMENDATION

That Council authorises installation of regulatory controls on Coulter Street within Huntlee, in accordance with Coulter Street North Rothbury _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: OLD BUTTAI ROAD, BUTTAI INTERSECTION UPGRADE

REPORT NO.: TC30/2023

REFERENCE: 110/2022/15/1

MATTER: Development consent (8/2019/432/1) has been granted for a Resource Recovery Facility within the existing Buttai Quarry. As a condition of development consent the developer is required to:

- Construct 7m wide sealed pavement on the unsealed sections of Old Buttai Road and the unnamed road for a total distance of approximately 1.95km (1150m of Buttai Road and 800m of the unnamed road), with chainages 1130 to CH1200 becoming 9m wide.
- Construct and gravel road shoulders.
- Place two (2) coat hot bitumen seal on road shoulders.

A previously proposed treatment was considered by Local Traffic Committee at its meeting of 18 July 2022 (TC28/2022), with the committee recommending:

- *That the submitted plans be returned to the developer for amendments to the intersection alignment and warning signage.*

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the developer considers the originally submitted plan to be a suitable treatment;
- The updated plan was submitted by the developer only to demonstrate the prevailing constraints to constructing in accordance with standards, due to attendant land acquisition and vegetation removal requirements;
- The alternate treatment proposed by Council officers addresses these land acquisition and vegetation removal issues highlighted by the developer;
- It was noted that the original development consent (2007) did not require an upgrade to the intersection, however the Australian Standard was reissued in 2009, and the current development proposal doubles the number of approved heavy vehicle movements through the intersection;
- It was also noted that the various risk management treatments proposed by the developer to justify a lesser standard intersection treatment fail to recognise that notwithstanding the low traffic volumes, Old Buttai Road is a public road and the public are entitled to, and may well, use it.
- Councillor Hawkins and the NSW Police Representative noted that Council's alternate proposal would provide an improved and safer outcome;
- The TfNSW Representative reiterated that TfNSW can only recommend / support intersection treatments that comply with applicable technical standards.

RECOMMENDATION

That Council declines support for the proposed intersection treatment on Old Buttai Road Buttai, as shown in the Old Buttai Road Buttai _ Proposed Intersection Diagram, and authorises Council officers to undertake investigation and consultation with all

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parties to facilitate a land swap as shown in the Old Buttai Road Buttai, Alternate Intersection Diagram.

SUPPORT: Unanimous

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SUBJECT: **MAITLAND ROAD, CESSNOCK
INTERSECTION TREATMENT & PEDESTRIAN CROSSING
(TECHNICAL REVIEW)**

REPORT NO.: **TC31/2023**

REFERENCE:

MATTER: Council has received advice from Transport for NSW regarding a strategic design for a proposed intersection treatment at Maitland Road and Old Maitland Road Cessnock for a future development located off Government Road Cessnock.

As part of Council's consideration of the proposal, a technical review is sought to allow an appropriate response to be provided to the developer and Transport for NSW.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the developer previously had a DA for a 335 lot release refused. This proposal is seeking a solution before resubmission of this development application;
- As the developer's proposed treatments do not meet relevant standards, an alternative proposal has been suggested which meets the relevant standards;
- It was noted that the alternate proposal is a high level concept only, which would require some minor land acquisition from the NSW Department of Education, and does not consider intersection treatments for surrounding streets;
- It was noted from previous discussions with Transport for NSW, that a \$400,000 developer bond was held for treatments at the intersection and adjacent service road and that additional funding from various sources would be required to construct the alternate proposal;
- Clarification was provided regarding the location of the proposed development and access / egress points; and
- The TfNSW representative requested that any details Council officers may have regarding previous discussions with TfNSW be forwarded to her by email.

RECOMMENDATION

That Council note the advice of the Local Traffic Committee regarding the Technical Review of a proposed Channelised Right Turn Treatment, and associated zebra crossing relocation, at Maitland Road, Cessnock as shown in the Maitland Road Cessnock _ Proposed Intersection Diagram.

SUPPORT: Unanimous

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CLOSURE

The Meeting Was Declared Closed at 10:55am

ENCLOSURES

- [1](#) ⇨ Anderson Avenue Paxton _ Signage & Line Marking Diagram
- [2](#) ⇨ Deakin Street Kurri Kurri _ Line Marking Diagram
- [3](#) ⇨ Lang Street Kurri Kurri _ Signage & Line Marking Diagram
- [4](#) ⇨ Maitland Road Cessnock _ Alternate Intersection Diagram
- [5](#) ⇨ Maitland Road Cessnock _ Proposed Intersection Diagram
- [6](#) ⇨ Maitland Road Cessnock _ Zebra Crossing Relocation Correspondence _ Land Specialists
- [7](#) ⇨ Maitland Road Cessnock _ Zebra Crossing Relocation Diagram _ Land Specialists
- [8](#) ⇨ Old Buttai Road Buttai _ Alternate Intersection Diagram
- [9](#) ⇨ Old Buttai Road Buttai _ Proposed Intersection Swept Path Diagram
- [1](#) ⇨ Charlton Street Bellbird _ Signage & Line Marking Diagram
- [0](#)

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Report No. WI21/2023

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SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE EXTRA ORDINARY MEETING HELD 2 JUNE 2023*

RESPONSIBLE OFFICER: *Principal Engineer - Traffic and Transport - Warren Jeffery
Infrastructure Manager – Cameron Clark*

RECOMMENDATION

That the Minutes of the Cessnock Local Traffic Committee Extra Ordinary Meeting of 2 June 2023 be adopted as a resolution of the Ordinary Council.

MINUTES OF LOCAL EXTRAORDINARY TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ELECTRONICALLY ON FRIDAY, 2 JUNE 2023

OPENING: The agenda was emailed to voting members on Thursday 1 June 2023

PRESENT: Councillor James Hawkins (Chairperson)
Senior Constable Amy Sweeney - NSW Police
Linda Makejev – TfNSW

DISCLOSURES OF INTEREST

Nil

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Report No. WI21/2023

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LISTED MATTERS

SUBJECT: **VARIOUS ROADS, LOVEDALE
TEMPORARY REGULATION OF TRAFFIC
WINERY RUNNING FESTIVAL**

REPORT NO.: **TC32/2023**

REFERENCE: **46 2023 4 1**

MATTER: Council has received an application for the temporary regulation of traffic in connection with a development application (DA) for the Winery Running Festival, and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Approval is sought from Transport for NSW (TfNSW) under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Lovedale, in connection with this event.

DISCUSSION: The matter was considered by each voting member as per the report with no comments provided.

RECOMMENDATION

That Council authorises the temporary regulation of traffic for the Winery Running Festival on Lovedale Road, Wilderness Road, and Talga Road, Lovedale in accordance with Various Roads Lovedale _ Winery Running Festival TCP's.

SUPPORT: Unanimous

CLOSURE

Closing date for the comments to Council being midday Friday 2 June 2023.

ENCLOSURES

There are no enclosures for this report.