



9 April 2024

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, 17 April 2024 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

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‡ - 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, 20 MARCH 2024, COMMENCING AT
6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Information Technology Manager
Acting Development Services Manager (Principal Development Planner)
Economic Development & Tourism Manager
Communications & Engagement Manager
Community Engagement Officer
Help Desk Support Officer
Acting Council Services Team Leader (Senior Governance Officer)

The Mayor on behalf of Council extended his condolences to the Fitzgibbon family for the loss of their son Lance Corporal Jack Fitzgibbon who passed away earlier this month in a military training accident. Both of Jake's parents, Joel and Di, were past Councillors of Cessnock City Council.

The Mayor acknowledged and thanked Council staff for their support and assistance in facilitating the military funeral arrangements of Lance Corporal Jack Fitzgibbon.

A minutes silence was held as a mark of respect.

Council Prayer:

The Prayer was conducted by Pastor Wayne Kembrey of Cessnock City Church.

MINUTES:

MOTION

Moved: Councillor Hill

Seconded: Councillor Sander

704

RESOLVED That the Minutes of the Ordinary Meeting of Council held on 21 February 2024, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Jackson

Councillor Moores

Councillor Dunn

Councillor Burke

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

Total (13)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI2/2024

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

PE2/2024 - DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours - 701 Lovedale Road, Lovedale

Mayor Suvaal declared a Non Pecuniary Interest, Less Than Significant Conflict for the reason of being an associate of an employee of the applicant. Mayor Suvaal advised that he would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to his decision.

Councillor Hawkins declared a Non Pecuniary Interest, Less Than Significant Conflict for the reason of being an associate of an employee of the applicant. Councillor Hawkins advised that he would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to his decision.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Nathan Smith	For	PE2/2024 - DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours 701 Lovedale Road, Lovedale	54	3 mins

EXTENSION OF TIME

Moved:

Councillor Watton

Seconded:

Councillor Hawkins

705

RESOLVED That an extension of time of one minute be granted to Nathan Smith to complete his presentation.

FOR

AGAINST

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

Total (13)

Total (0)

CARRIED UNANIMOUSLY

Speakers / Company	For / Against	Report	Page No.	Duration
Matt Dillow / Gartlemann Wines Pty Ltd	Against	PE2/2024 - DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours 701 Lovedale Road, Lovedale	54	3 mins

EXTENSION OF TIME

Moved:

Councillor Hawkins

Seconded:

Councillor Paynter

706

RESOLVED That an extension of time of one minute be granted to Matt Dillow to complete his presentation.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal
Total (12)

Councillor Olsen

Total (1)

CARRIED

EXTENSION OF TIME

Moved:

Councillor Hawkins

Seconded:

Councillor Sander

707

RESOLVED That a further extension of time of one minute be granted to Matt Dillow to complete his presentation.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal
Total (10)

Councillor Watton
Councillor Olsen
Councillor Jurd

Total (3)

CARRIED

PLANNING AND ENVIRONMENT NO. PE2/2024

SUBJECT: DA 8/2021/22318/1 - ALTERATIONS AND ADDITIONS TO EXISTING CAFE COMPRISING AN AMENITIES BUILDING, POP-UP COFFEE STAND, JUICE BAR, ADDITIONAL CARPARKING, OUTDOOR LIGHTING AND EXTENDED CAFE TRADING HOURS

701 LOVEDALE ROAD, LOVEDALE

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

That:

1. Council approve, pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Development Application No 8/2021/22318/1, subject to conditions as outlined in the document that Councillor Burke tabled;
2. This approval be publicly notified pursuant to section 2.22 and clause 20(2) of schedule 1 of the *Environmental Planning and Assessment Act 1979*; and
3. Council notify in writing the persons who made a submission with regard to the proposed development of Council's decision.

AMENDMENT **Moved:** Councillor Olsen **Seconded:** Councillor Watton

1. **That:**

- (i) Development Application No. 8/2021/22318/1 proposing alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at Lot 81, DP831654, 701 Lovedale Road, Lovedale, 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 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 RU4 Primary Production Small Lots Zone, in that the development will not be compatible with surrounding land uses, nor consistent with the character of the locality and will result in land use conflict with adjoining rural-residential land uses.

- b. 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.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 as a result of noise and lighting impacts.
 - II. Chapter E.3 (Vineyards District) in that the proposal does not comply with side boundary setbacks, will generate an unacceptable level of noise and lighting impacts on adjoining properties and result in land use conflict.
 - c. The information provided has demonstrated that the development will result in likely noise impacts due to the inherent constraints of the rural environment and the proximity of the adjoining residential receivers (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
 - d. The subject site is not considered suitable for the development in relation to the likely amenity impacts on adjoining properties (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).
 - e. 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) 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 notifies in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Dunn
	Councillor Burke
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
Total (3)	Total (10)

The Amendment was **PUT** and **LOST**.
 The Motion was then **PUT** and **CARRIED**.

MOTION

Moved: Councillor Burke

Seconded: Councillor

708

RESOLVED

That:

1. Council approve, pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Development Application No 8/2021/22318/1, subject to conditions as outlined in the document that Councillor Burke tabled;
2. This approval be publicly notified pursuant to section 2.22 and clause 20(2) of schedule 1 of the *Environmental Planning and Assessment Act 1979*; and
3. Council notify in writing the persons who made a submission with regard to the proposed development of Council's decision.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal

Total (10)

AGAINST

Councillor Watton
Councillor Olsen
Councillor Jurd

Total (3)

CARRIED

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22318/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan Project No. 21039 Drawing No. DA01 Revision I Sheet 2 of 7	Xarbe Design	4 October 2023

Detailed Plan Project No. 21039 Drawing No. DA02 Revision I Sheet 3 of 7	Xarbe Design	4 October 2023
Amenities/Juice Bar Project No. 21039 Drawing No. DA03 Revision I Sheet 4 of 7	Xarbe Design	4 October 2023
Kitchen Plan Project No. 21039 Drawing No. DA04 Revision I Sheet 5 of 7	Xarbe Design	4 October 2023

Report Reference	Prepared By	Dated
Noise Assessment Report Ref – MAC221572-01RP1V2	MAC Muller Acoustic Consulting	22 November 2023
Flood Impact Assessment Reference: DS:DL:23505	Marshall Scott	28 October 2022
Access Compliance Report (V1 Final) Job Ref XAR-LO-1023_OSA	Essential Access	9 November 2023
Plan of Management	Complete Planning Solutions	November 2023

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

2. CC, PC & Notice Required

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

- a) A *CC* 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 work commences as to who is the appointed *PC*; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

3. Prior to Use of Buildings

Prior to the use of the buildings for the purposes approved by this Development Consent, an Occupation Certificate (*OC*) is to be obtained for the building works required under the Construction Certificate (*CC*).

4. Bushfire Protection

The following bush fire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

a) Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

At the commencement of building works, and in perpetuity, the property around the asset shall be managed as follows in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*:

- i) North, east and south to the property boundary as an 'Inner Protection Area';
- ii) West for a distance of 50m as an 'Inner Protection Area'.

b) Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

- i) A 20,000 litre water supply tank (manufactured from concrete or metal) shall be provided for firefighting purposes. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure. The water supply tank is to be located as identified in red on approved development plan titled: Detailed Plan, Project No. 21039, Drawing No. DA02, Revision I, Sheet 3 of 7 prepared by Xarbe Design dated 4 October 2023.
- ii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.
- iii) All associated fittings to the tank shall be non-combustible.
- iv) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- v) Unobstructed access to the water supply shall be provided at all times.
- vi) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.
- vii) All exposed water pipes external to the building shall be metal, including any fittings.
- viii) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for firefighting shall be provided for connection to the pump.

ix) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

c) Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

i) The buildings which are subject of this consent shall be upgraded by providing screens to the openable portions of any windows. Screens shall comply with Clause 3.5 and Clause 5.5.2 of Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas*.

d) Access

The intent of measures is to provide safe operational access on property access roads for emergency services personnel in suppressing a bush fire, and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

i) Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

e) Landscaping

The intent of measures is for landscaping to be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions. To achieve this, the following conditions shall apply:

i) Landscaping to the site is to comply with Table 7.4a and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

5. Patron Numbers – Seating Arrangement

This consent does not authorise an increase in patron numbers associated with the café. The maximum number of patrons permitted to dine on site at any one time remains at 123 and the seating plan is to be in accordance with the following approved plan:

a) Detailed Plan, Project No. 21039, Drawing No. DA02, Revision I, Sheet 3 of 7 prepared by Xarbe Design dated 4 October 2023.

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.

6. Demolition

Prior to issue of a CC, the *Certifier* shall confirm the “*removable covered shade structure*” identified on the plans prepared by Xarbe Design, Project No: 21039, Drawing No: DA02, Revision I dated 4 October 2023 has been removed/demolished.

7. Survey

Prior to the issue of a *CC*, the applicant shall provide the *Certifier* with a survey of all buildings/structures identified on the site plan prepared by Xarbe Design Project No: 21039, Drawing No: DA02, Revision I dated 4 October 2023 which indicates the setbacks between all buildings/structures.

Note: This report is required to assist the *Certifier* to accurately determine which building/structures are a fire source feature for the purposes of the *BCA* upgrade required by this consent.

8. BCA Upgrade

The existing buildings/structures are required to be upgraded pursuant to Section 64 of the *Environmental Planning and Assessment Regulation 2021*.

The complex of buildings/structures which form part of this consent and are located within 3m of each other have been determined as a united building with a floor area greater than 500m² under the provisions of the *BCA*.

The applicant shall upgrade the united building as follows: -

- a) Fire separation and/or essential services shall comply with the performance requirements of Sections C and E of the *BCA* 2019.
- b) All exits shall comply with the performance requirements of Section D of the *BCA* 2019; and
- c) All portable fire extinguishers, emergency lighting and exit signage shall comply with the performance requirements of Section E of the *BCA* 2019.

The applicant shall provide amended plans to the *Certifier* clearly indicating how compliance will be achieved. This will need to include fully dimensioned plans drawn to scale and specifies floor area.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The required upgrade works specified within this condition have been imposed to provide an appropriate standard of conformity with the *BCA* noting that components of the development are for use of buildings/structures that were constructed without the pre-requisite development consent and/or construction certificate.

9. Ambulant Facility

Prior to the issue of a *CC*, the applicant shall provide the *Certifier* with plans and specifications which include the provision of a sanitary compartment suitable for a person with an ambulant disability in accordance with AS1428.1-2009.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The required upgrade works specified within this condition have been imposed to address an existing non-compliance with the *BCA* 2019 noting that components of the development are for use of buildings/structures that were constructed without the pre-requisite development consent and/or construction certificate.

10. Access to Premises

Prior to issue of a CC, the applicant shall provide the *Certifier* with amended architectural plans and specification/s which demonstrate how all the non-compliances identified within the *Access Compliance Report* prepared by Essential Access dated 9 November 2023 (V1 Final) will be rectified to achieve compliance with *The Disability (Access to Premises – Building) Standard 2010* and the relevant provisions of *BCA 2019*.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The required upgrade works specified within this condition have been imposed to address existing non-compliances with *The Disability (Access to Premises – Building) Standard 2010* noting that components of the development are for use of buildings/structures that were constructed without the pre-requisite development consent and/or construction certificate.

11. Certification to be provided from Professional Engineer

Prior to the issue of a CC, the applicant shall provide the *Certifier* with a report from a *Professional Engineer* (as defined in the *BCA 2019*) detailing the structural adequacy of the following components of the unauthorised buildings/structures in accordance with *BCA 2019*: -

- a) The external door opening which has been created in the northern wall of the Café;
- b) The relocatable amenities block;
- c) The awning attached to the northern wall of the Café;
- d) The pre-fab freezer unit on the northern side of the Café; and
- e) The demountable kitchen on the northern side of the Café.

Where rectification works are required by the Report, they are to form part of the Construction Certificate Application.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The professional engineers report is required to ensure structural adequacy for the safety of occupants of the buildings/structures.

12. Landscaping Privacy Screen

Prior to issue of a CC, the applicant shall provide the *Certifier* with a landscaping plan identifying screen planting consisting of the species *Syzygium australe Resilience (Lilly Pilly)* along the northern boundary of the site for a distance of 40 metres as identified in red on the following stamped approved plan to protect the privacy of the dwelling to the north:

- a) Project No. 21039, Drawing No. DA02, Revision I, Sheet 3 of 7 prepared by Xarbe Design, dated 4 October 2023.

Mature plants are to be used to establish the vegetation screen with a minimum pot size of 75 litres and minimum height of 1.8 metres (planted 1 metre apart) and these requirements are to be detailed on the landscaping plan submitted to the *Certifier*.

13. Car Parking

This consent authorises an additional thirty-three (33) car parking spaces as identified on the approved development plans (thirteen (13) staff parking spaces along the northern boundary of the site and twenty (20) customer parking spaces).

The additional twenty (20) customer car parking spaces are only permitted to be used as overflow parking for the Lovedale Long Lunch events and details are to be provided with the CC identifying a physical barrier or bollards preventing customers from using this parking area at all other times.

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*.

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.

14. 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 2021*. 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.

15. Outdoor Lighting

Prior to the issue of a CC, the *Certifier* must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

16. Amended Plan of Management

Prior to issue of the CC, an amended Plan of Management (PoM) is to be submitted to the *Certifier* to include the following:

- a) Staff vehicles parking within the thirteen (13) parking spaces identified on the approved development plans along the northern boundary of the site are to reverse park to minimise the impact of headlights on the neighbouring property during evening hours.
- b) Service to patrons during evening hours is to cease 30 minutes prior to the nominated evening closing times with all patrons exiting the premises no later than the nominated evening closing time.

- c) Adequate facilities for the storage of garbage and recyclables are to be located in and around the premises in accordance with the *Best Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (dated December 2012) issued by the Environment Protection Authority and litter patrols are to be carried out by staff on a daily basis.

PRIOR TO COMMENCEMENT OF WORKS

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

17. Erection of Signs

Prior to the commencement of building works or demolition work, a sign must be erected in a prominent position on the site on which the work is being carried out. The sign must state:

- a) the name, address and telephone number of the principal certifier for the work;
- b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside of working hours; and
- c) state that unauthorised entry to the work site is prohibited.

The sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

18. 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.

19. 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.

DURING WORKS

The following conditions are to be complied with during works:

20. BCA Compliance

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

21. Construction Hours

Excavation or building must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

25. Completion of Building Upgrades

Prior to issue of an OC, the PC shall ensure that the Conditions requiring building upgrades (that is, conditions 8, 9 and 10 of this consent) have been completed, installed and/or certified by an appropriately qualified person/s.

26. Certification of Fire Services

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* prior to occupation of the building or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

27. Stormwater Discharge

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'.

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

28. Parking – Completion

All car parking areas (including sign posting, line marking and the physical barrier/bollards required for the twenty (20) customer overflow parking area under condition 13 of this consent) are to be completed prior to the issue of an *OC*. A sign is to be installed for the thirteen (13) parking spaces along the northern boundary of the site stating “staff parking only” and that all vehicles are to reverse park.

A design certificate prepared by a suitably qualified professional which certifies the car parking areas satisfy the requirements of *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking* is to be submitted to the *PC* prior to the issue of a *OC*.

29. Drainage Works

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

30. Flood Mitigation Works

All flood mitigation works as detailed in Flood Impact Assessment Report prepared by Marshall Scott, Reference: DS:DL:23505 and dated 28 Oct 2022 shall be completed prior to issue of an *OC* for the development.

A design certificate satisfying this requirement is to be issued by a suitably qualified professional and submitted to the *PC* prior to the issue of the *OC*.

31. Flood Lights

Prior to issue of the *OC*, the *PC* must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

32. Completion of Landscaping Privacy Screen

Evidence that the landscaping privacy screen required in accordance with condition 12 of this consent is to be provided to the *PC* prior to issue of the *OC*.

33. Bushfire Protection Measures

Bushfire protection measures required in accordance with condition 4 of this consent are to be implemented prior to issue of the *OC*.

34. 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*.

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises.

35. Hours of Operation

The approved operating hours for the Café are as follows:

Days	Daytime Operating Hours for Cafe
Monday	8.00am – 6.00pm
Tuesday	8.00am – 6.00pm
Wednesday	8.00am- 6.00pm
Thursday	8.00am – 6.00pm
Friday	8.00am – 6.00pm
Saturday	8.00am – 6.00pm
Sunday	8.00am – 6.00pm

Days	Evening Operating Hours for Café
	The Café is permitted to operate a maximum of two (2) evenings per week and no more than sixty (60) evenings per year within the following times:
Wednesday	6.00pm- 9.30pm
Thursday	6.00pm – 9.30pm
Friday	6.00pm – 10.30pm
Saturday	6.00pm – 10.30pm
Sunday (maximum one a month)	6.00pm – 9.00pm Sunday evening all other times – No trade

A register is to be kept on site detailing the dates of evening trading to ensure compliance with the requirements of this condition and shall be made available for inspection at all times.

The approved operating hours for the Pop-up Coffee Cart and Juice Bar are as follows:

Days	Proposed Operating Hours for Pop-up Coffee Cart and Juice Bar
Saturday	8.00am – 1.00pm
Sunday	8.00am – 1.00pm
Public Holidays	8.00am- 1.00pm
School Holidays	8.00am – 1.00pm

36. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

37. Live Music

No live music or entertainment is permitted from the premises at any time.

38. Delivery Vehicles and Garbage Collection

All delivery vehicles, maintenance vehicles and garbage collection vehicles are only permitted to access the site between the following hours:

- a) Monday to Friday – 7.00am to 7.00pm
- b) Saturdays – 8.00am to 1.00pm
- c) Sundays and Public Holidays – 8.00am to 1.00pm (delivery vehicles only to access the site between these times)

39. Staff Parking

Car parking spaces numbered 1 to 13 on the approved development plans are to be occupied by staff members only.

40. Restriction on Use of Overflow Parking Area

The additional twenty (20) customer car parking spaces identified on the approved plans are only permitted to be used as overflow parking for the Lovedale Long Lunch events and access to this car parking area will be restricted at all other times by the physical barrier/bollards required in accordance with condition 28 of this consent.

41. Cleaning – Bin Storage Area

The bins and the bins storage area are to be cleaned weekly to prevent odour emissions onto adjoining land and are to be maintained in a tidy manner at all times.

42. Maintenance of Landscaping Privacy Screen

All landscaping associated with the landscaped privacy screen along the northern boundary of the site identified on the approved plans is to be maintained in good condition for the life of the development and is to effectively act as a privacy screen to protect the privacy of the dwelling adjoining the site to the north.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

43. Noise Control

All recommendations, procedures, mitigations assumed, plans and precautions outlined and detailed within *Noise Assessment report for Proposed Alterations and additions Gartelmann Wines 701 Lovedale Road Lovedale NSW, prepared by MAC, reference MAC221572-01RP1V2, dated 22 November 2023*, relevant to the use approved by this consent, must be adopted and implemented as compulsory whether expressly stated as or not, except where:

- a) amended by conditions of this consent; and/or
- b) doing so would conflict with current legislative requirements relating to the activity.

44. Noise Complaints

Where a noise complaint is received by Council from a place of different occupancy and Council is satisfied that an independent review is warranted, the person acting on the Consent must, in accordance with a written request of an Authorised Officer of Council:

- a) Engage a suitably qualified acoustic engineer to assess compliance with the relevant noise criteria and recommend (if necessary) appropriate actions to protect amenity and to ensure compliance with their development consent; and
- b) Submit a report to Council for review detailing the results of the assessment and any recommendations within fourteen (14) days of the assessments completion; and
- c) Upon receipt of confirmation from Council in writing, implement the recommendations of the report along with any modifications made by Council.

The costs associated with the appointment of the acoustic engineer and the report along with any associated works shall be borne by the person acting on the consent.

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
709

RESOLVED

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

GMU3/2024	Minutes of the Audit and Risk Committee Meeting held 7 February 2024	2
PE4/2024	Visitor Economy Grants and Sponsorship Program 2023/2024 Round 2 Applications	61
CC12/2024	2024 Ordinary Council Meeting Schedule – October 2024.....	79
‡ CC13/2024	Complaint Handling Report - July-December 2023	81
CC14/2024	Controlled Document Review 2023 - Revocation of Policies	85
CC15/2024	Minutes of the Strategic Property & Community Facilities Committee meeting held on 6 March 2024	89
CC16/2024	Tender - T452324HUN Supply And Install Road Safety Barriers.....	94
‡ CC17/2024	Investment Report - February 2024	98
‡ CC18/2024	Resolutions Tracking Report.....	105
WI3/2024	Evaluation of Tender T2024-03 - Landslide Remediation Works, Package 3, Great North Road.....	106
WI4/2024	Minutes of the Local Traffic Committee Meeting held 19 February 2024.....	114

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI2/2024

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION - REPORT WI5/2024 - HUNTER
RESOURCE RECOVERY (HRR) KERBSIDE RECYCLING CONTRACT**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
710
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 WI5/2024 – Hunter Resource Recovery (HRR) Kerbside Recycling 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 Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM4/2024

SUBJECT: NATIONAL AUSTRALIA BANK BRANCH CLOSURE - CESSNOCK

MOTION **Moved:** Councillor Suvaal

711

RESOLVED

1. That Council condemns the decision by NAB to close its Cessnock Branch on 12 June 2024;
2. That Council notes the significant impact this will have on their customers in the Cessnock LGA, especially the elderly and disabled;
3. That Council calls on NAB to reverse this decision and commit to keeping the Cessnock Branch open;
4. That Council writes to NAB notifying them of this request; and
5. That Council writes to Dan Repacholi MP, Federal Member for Hunter, seeking advice on what more can be done to stop big banks from closing branches in regional communities.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2024

MATTER OF URGENCY – WOLLOMBI ROAD PUBLIC EXHIBITION

Moved: Councillor Olsen

Seconded: Councillor Jurd

1. That the Public Exhibition period for the Wollombi Road project be extended by two weeks ending on 17 May 2024, and
2. Organise two public meetings in that time as per the Notice of Motion from the meeting held on 21 February 2024.

The Mayor ruled that the Motion was not urgent.

Councillor Olsen moved a Motion of Dissent on the Mayors ruling.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Dunn
	Councillor Burke
	Councillor Grine
	Councillor Sander
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
	Councillor Hill
Total (3)	Total (10)

The Motion of Dissent was **PUT and LOST**.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU3/2024

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 7 FEBRUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
712
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 7 February 2024 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE3/2024

SUBJECT: CESSNOCK TO BRANXTON PUBLIC TRANSPORT ADVOCACY

MOTION **Moved:** Councillor Sander **Second:** Councillor Hill
713
RESOLVED

That Council endorses the Cessnock to Branxton Public Transport Advocacy Brochure with the amendment that bus services extend to the township of Greta.

Councillor Jurd left the meeting, the time being 07.47pm

Councillor Jurd returned to the meeting, the time being 07.48pm

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE4/2024

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM
2023/2024 ROUND 2 APPLICATIONS**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
714

RESOLVED

That Council endorses the following funding bids to attract events under Round 2 of the 2023/2024 Visitor Economy Grants and Sponsorship Program:

- 1. Evolve 2024 Conference Sponsorship of \$5,000,**
- 2. Wollombi Gravel Cycling Hub and Festival Sponsorship of \$7,000,**
- 3. Watagans to Werakata Endurance Horse Ride Sponsorship of \$2,000, and**
- 4. Wollombi Taste Festival 2024 Sponsorship of \$7,000.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE5/2024

SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING REPORT - DECEMBER 2023

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Grine
715

RESOLVED

That Council notes the Development Performance Monitoring Report for December quarter 2023/2024.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC11/2024

**SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024
NATIONAL GENERAL ASSEMBLY - ATTENDANCE AND MOTIONS**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
716
RESOLVED

1. **That Mayor Suvaal be the voting delegate and Councillor Jackson a non-voting delegate to attend the Australian Local Government Association 2024 National General Assembly.**

2. **That the following motions be submitted to the Association for consideration at the Australian Local Government Association 2024 National General Assembly:**
 - **Intergovernmental Relations**
 - **Financial Sustainability**
 - **Roads and Infrastructure**

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC12/2024

SUBJECT: 2024 ORDINARY COUNCIL MEETING SCHEDULE - OCTOBER 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
717
RESOLVED

That Council amends the adopted meeting dates for October 2024 to provide for Councillor inductions following Council elections, with the Ordinary Meeting to be held 23 October 2024 and the Extra Ordinary Meeting to be held 16 October 2024.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC13/2024

SUBJECT: COMPLAINT HANDLING REPORT - JULY-DECEMBER 2023

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
718
RESOLVED

That Council notes the Complaint Handling Report for the period 1 July 2023 to 31 December 2023.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC14/2024

SUBJECT: CONTROLLED DOCUMENT REVIEW 2023 - REVOCATION OF POLICIES

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
719

RESOLVED

That Council revokes the following Controlled Documents.

- a) Removal of Graffiti Policy;
- b) Roadside Tributes;
- c) Urban House Numbering;
- d) Voluntary House Raising Scheme;
- e) Installation of Directional Signs for Community Services and Tourist Facilities;
- f) Temporary Roadside Grazing Permits;
- g) B30.2 Identification of Land Fronting Unformed Roads;
- h) Engineering Guidelines for Design & Construction; and
- i) Guidelines for the Opening of Roads.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC15/2024

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 6 MARCH 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
720

RESOLVED

1. That Council adopts the Minutes of the Strategic Property & Community Facilities Committee meeting held on 6 March 2024 as a resolution of the Ordinary Council.
2. That Council adopts the draft Licenses – Occupation of Hebburn Estate Policy 2024, and revoke the Licenses – Occupation of Hebburn Estate Policy 2018.
3. That Council approves the sale of the following lots via private treaty:\
 - a. 64-76 Cessnock Street, Aberdare
 - b. Lots 14, 15, DP15069, 11 Dover Street, Cessnock
4. That lots 16 and 95, DP15069, 11 Dover Street, Cessnock be removed from the property investment portfolio and returned to Open Spaces & Community Facilities as part of the Drain Oval Masterplan.
5. That Council approves the sale of 62 Cessnock Street Aberdare to Aberdare Pre-School via direct negotiation as:
 - a. The land is next to existing community land leased by Aberdare Pre-School
 - b. The only available opportunity for Aberdare Pre-School to expand is via this adjoining land
 - c. Aberdare Pre-School is a not for profit community service
 - d. The land is to be sold at market value with reference to an independent valuation
6. That Council delegates the General Manager to negotiate the above sales within 90% of market valuation before GST where applicable.

FOR

AGAINST

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

Total (13)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC16/2024

SUBJECT: TENDER - T452324HUN SUPPLY AND INSTALL ROAD SAFETY BARRIERS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
721

RESOLVED

1. That Council accepts the Regional Procurement Panel Tender T451214HUN – Supply and Install Road Safety Barriers for Category one (1) - Supply and Installation, with the Panel of Suppliers in no order of preference:

- Destraz Pty Ltd t/as D&P Fencing Contractors;
- Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia;
- Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd; and
- RBK Pty Ltd t/a Topnotch Fencing.

as the preferred Suppliers for Council under the Regional Procurement Tender.

2. That Council note the contract term for Tender Supply and Installation of Road Safety Barriers is from 1 April 2024 to 31 March 2026 with an option for a 12-month extension based on satisfactory supplier performance through to 31 March 2027.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC17/2024

SUBJECT: INVESTMENT REPORT - FEBRUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
722
RESOLVED

That Council receives the Investment Report for February 2024 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 \$82,178,908.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC18/2024

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
723
RESOLVED

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

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI3/2024

SUBJECT: EVALUATION OF TENDER T2024-03 - LANDSLIDE REMEDIATION WORKS, PACKAGE 3, GREAT NORTH ROAD.

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
724
RESOLVED

That Council accepts the tender (T2024-03) from Anewx Pty Ltd for the lump sum of \$5,517,342.92 (including GST) for the Landslide Remedial Works – Package 3 – Great North Road, subject to the formal confirmation of grant funding by Transport for NSW on behalf of the NSW Reconstruction Authority.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI4/2024

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 19 FEBRUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
725

RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 19 February 2024 be adopted as a resolution of the Ordinary Council.

- **TC1/2024 – That Council authorises the temporary regulation of traffic for the Red Hot Summer Tour on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin _ Red Hot Summer Tour Traffic Guidance Scheme.**
- **TC2/2024 – That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin _ A Day on the Green Traffic Guidance Scheme.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN3/2024

SUBJECT: MEMBERSHIP OF HUNTER COMMUNITY ALLIANCE

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

That the Mayor brings a report back to the next council meeting on 17th April 2024 with the following information:

1. Who gave The Mayor authority to commit Council to supporting the Hunter Community Alliance?
2. Why weren't Councillors and the community informed of this decision?
3. What impact this will have on the operation of council? ie. Cost, staff, etc
4. The benefits if any to council?
5. The motivation of another body of groups when we already have 3 levels of government?
6. What this group is trying to achieve in respect to the Cessnock LGA?
7. Any other relevant information that will help Councillors understand who Hunter Community Alliance is?

Councillor Olsen moved a Motion of Dissent on the Mayor's ruling in regards to a Point of Order.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Dunn
	Councillor Burke
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
Total (3)	Total (10)

The Motion of Dissent was **PUT** and **LOST**.

Councillor Jackson left the meeting, the time being 08.08pm

Councillor Jackson returned to the meeting, the time being 08.10pm

AMENDMENT *Moved:* Councillor Burke *Seconded:* Councillor Sander

That Council:

- 1. Notes that Cessnock City Council is not a member of the Hunter Community Alliance, and**
- 2. Thank the Hunter Community Alliance for their work and advocacy in our Community and wish them well on their founding assembly.**

FOR	AGAINST
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (10)	Total (3)

CARRIED

The Amendment was **PUT** and **CARRIED**, and now becomes the Motion.

MOTION *Moved:* Councillor Burke *Seconded:* Councillor Sander
726

RESOLVED

That:

- 1. Council notes that Cessnock City Council is not a member of the Hunter Community Alliance, and**
- 2. Council thank the Hunter Community Alliance for their work and advocacy in our Community and wish them well on their founding assembly.**

FOR	AGAINST
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (10)	Total (3)

CARRIED

8.16PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
727

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

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

8.19PM

Open Session

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Paynter
728

RESOLVED That the meeting move back into open session and The Mayor reported on the outcome.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI5/2024

SUBJECT: HUNTER RESOURCE RECOVERY (HRR) KERBSIDE RECYCLING CONTRACT

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 Grine

729

RESOLVED

That Council support Hunter Resource Recovery Pty Limited request to not invite tenders for Council’s kerbside recyclable collection and processing service, and enter into a short-term contract with the current provider for a period no longer than 3 years from 1 July 2025 due to extenuating circumstances as a result of unknown impacts of upcoming changes in legislations, current low commodity prices, high operational costs and fluctuating markets in accordance with the exemption from tendering set out in section 55(3)(i) of the *Local Government Act 1993*.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

Total (0)

CARRIED UNANIMOUSLY

Councillor Hawkins left the meeting, the time being 08.18pm

Councillor Hawkins returned to the meeting, the time being 08.19pm

The Meeting Was Declared Closed at 8.20pm

CONFIRMED AND SIGNED at the meeting held on 17 APRIL 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI3/2024

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Chief Finance 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. MOU3/2024

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Chief Finance 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.

Rescission Motions

Report No. RM1/2024

Corporate and Community Services



RESCISSION MOTION No. RM1/2024

SUBJECT: DA 8/2021/22318/1 - ALTERATIONS AND ADDITIONS TO EXISTING CAFE COMPRISING AN AMENITIES BUILDING, POP-UP COFFEE STAND, JUICE BAR, ADDITIONAL CARPARKING, OUTDOOR LIGHTING AND EXTENDED CAFE TRADING HOURS

701 LOVEDALE ROAD, LOVEDALE

The undersigned lodge the following motion of rescission:

That Resolution (708) to Report PE2/2024,

That:

- 1. Council approve, pursuant to section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No 8/2021/22318/1, subject to conditions as outlined in the document that Councillor Burke tabled;**
- 2. This approval be publicly notified pursuant to section 2.22 and clause 20(2) of schedule 1 of the Environmental Planning and Assessment Act 1979; and**
- 3. Council notify in writing the persons who made a submission with regard to the proposed development of Council's decision**

be rescinded and:-

That the decision in regards to PE2/2024 be deferred until the applicant can provide comprehensive reports to the Council.

Sgd:

Ian Olsen

Sgd:

Jessica Jurd

Sgd:

Daniel Watton

Date:

2 April 2024

Received: 22 March 2024

ENCLOSURES

There are no enclosures for this report

Planning and Environment

Report No. PE6/2024

Planning and Environment



SUBJECT: ***DEVELOPMENT CONTROL PLAN REVIEW - PARKING AND ACCESS AND SUBDIVISION CHAPTERS PUBLIC EXHIBITION***

RESPONSIBLE OFFICER: ***Strategic Planning Manager – Martin Johnson***

SUMMARY

Council is currently undertaking a comprehensive review of the Cessnock Development Control Plan 2010 (DCP). As part of this review, revised and updated DCP Chapters relating to Parking and Access and Subdivision Guidelines DCP chapters have been prepared.

The purpose of this report is to seek Council's endorsement to place the draft Parking and Access and draft Subdivision Guidelines DCP chapters on public exhibition for a minimum period of 28 days in accordance with Council's Community Participation Plan.

RECOMMENDATION

- 1. That Council place Draft Chapters Parking and Access and Subdivision Guideline of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.**
- 2. That Council receives a further report following the public exhibition of the Draft Chapters if unresolved objections are received or significant amendments are made to the Draft Chapters post exhibition. Otherwise the Draft Chapters be adopted by Council pursuant to clause 14 of the Environmental Planning and Assessment Regulations 2021.**

BACKGROUND

Council is currently undertaking a comprehensive review of the DCP. This is being undertaken in stages and generally in themes. The draft amendments included within this report updates the Parking and Access Chapter and the Subdivision Guidelines Chapter. The draft Parking and Access Chapter (**Enclosure 1**) ensures that development within the LGA provides for the necessary parking and access facilities to meet the needs and use of the development while minimising parking impacts on surrounding areas and prioritising pedestrian safety.

The draft Subdivision Guidelines Chapter (**Enclosure 2**) principally aligns the chapter with Council's new Engineering Guidelines for Design and Construction. As part of this review, administrative updates including references to legislation or names of government departments as relevant are also proposed.

REPORT/PROPOSAL

Parking and Access

Council currently requires the provision of a specified number of car parking spaces for all new developments based on the proposed land use. The current provisions have existed within the DCP since it was first adopted by Council in 2010. These requirements were largely based on the outdated former RTA Traffic Generating Guidelines. The current requirements do not give consideration for motorcycle parking, bicycle parking, end of trip facilities, servicing requirements and the provision of electric vehicle (EV) charging infrastructure.

The amended Parking and Access chapter updates Council's requirements for car parking based on best practice recommendations to meet the needs of the community. While making minor changes to car parking rates, it introduces minimum off-street motorcycle parking rates to be provided in addition to car parking. A summary of the proposed parking rates by land use in comparison to the existing rates is provide in **Enclosure 3**.

Bicycle parking requirements are introduced to accommodate cycling and reduce the risk of theft. A three-class system, common in contemporary development control plans used in other local government areas, is introduced based on the security requirements of the development and its users. End of trip facilities including showers and wash basin stations are introduced for non-residential developments based on the required number of bicycle parking spaces to accommodate bicycle users.

Provisions for service vehicles are also introduced to ensure that servicing of new developments can occur without impacting parking spaces or the surrounding road network, putting the safety of pedestrians at risk or negatively impacting the public amenity.

Controls are also introduced to require new residential development to include an electrical distribution board of sufficient capacity to facilitate future EV charging stations and to prevent the need for EV charging cables of excessive length.

The draft chapter also provides controls to require a traffic impact assessment for certain development, qualifications and exceptions to parking standards, design requirements and special controls for major trip generating developments.

Subdivision

The current Subdivision chapter of the DCP contains controls for subdivision in the Cessnock LGA and includes various engineering controls such as for carriageway widths, footpaths and staggered junctions. Between 11 April and 9 May 2023, Council exhibited its Draft Engineering Guidelines for Design and Construction which will come into force during 2024. The new engineering guidelines will include amended controls and as a result there will be inconsistencies between the new engineering standards and controls in the existing Subdivision chapter of the DCP.

The draft Subdivision Guidelines chapter of the DCP removes reference to engineering requirements from within the DCP and makes reference to the engineering guidelines. As part of this review, administrative updates including references to legislation and department names have also been updated. These administrative updates do not affect any intent or controls in the DCP.

Planning and Environment

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Clause 4.1E Subdivision of land not serviced by sewerage reticulation systems was inserted in to the Cessnock Local Environmental Plan in 2023. This clause now addressed controls that were previously in the subdivision Chapter of the DCP. The DCP has been updated to reflect the existence of this LEP clause.

CONSULTATION

The draft chapters have been reviewed by internal Council departments including Development and Building and Strategic Planning.

It is proposed that the draft chapters be placed on public exhibition for a minimum period of 28 days in accordance with Council's Community Participation Plan.

STRATEGIC LINKS

a. Delivery Program

The proposal is consistent with the following objectives of the Community Strategic Plan 2036:

- Outcome 1: A connected, safe and creative community.
- Outcome 2: A sustainable and prosperous economy.
- Outcome 3: A sustainable and healthy environment.
- Outcome 4: Accessible infrastructure, services and facilities.

b. Other Plans

Other plans that are relevant to the draft chapters are:

- Hunter Regional Plan 2041,
- Local Strategic Planning Statement, and
- Cessnock Traffic and Transport Strategy.

The proposal is generally consistent with these plans.

The draft Engineering Guidelines for Design and Construction are relevant to the Draft Subdivision Guidelines Chapter. The draft Guidelines are due to come into effect in 2024.

The amended DCP Chapter is consistent with the new guidelines.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The preparation of the draft Chapter and the public exhibition costs will be covered from the Strategic Planning budget.

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c. Legislative Implications

The making and exhibition of the DCP chapters is in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Draft DCP chapters Parking and Access and Subdivision Guidelines have been prepared to provide updated development controls across the Cessnock local government area, and in the case of the Subdivision Guidelines chapter, to remove duplication between documents.

The draft amended chapters have been the subject of internal consultation and provide an up-to-date regulatory framework to assess development in relation to car, motorcycle and bicycle parking and servicing requirements, and subdivision requirements.

It is recommended that Council place the draft chapters on public exhibition for a minimum period of 28 days in accordance with Council's Community Participation Plan and the *Environmental Planning and Assessment Regulations 2021*.

ENCLOSURES

- 1** ➡ Draft Parking and Access Chapter
- 2** ➡ Draft Subdivision Chapter
- 3** ➡ Comparison of current and proposed parking rates

Planning and Environment

Report No. PE7/2024

Planning and Environment



SUBJECT: LOCAL INFRASTRUCTURE CONTRIBUTIONS UPDATE

RESPONSIBLE OFFICER: Strategic Planning Manager - Martin Johnson

SUMMARY

The purpose of this report is to provide Council an update for the 2023/24 financial year regarding local infrastructure contributions in accordance with Notice of Motion BN22/2022.

As at 31 January 2024, Council received \$7,754,686.47 in local infrastructure contributions, expended \$729,316.48 and held \$4,852,200.67 in committed contributions. As at 31 January 2024, a total of \$34,686,487.26 was held by Council in local infrastructure contributions.

RECOMMENDATION

That future Local Infrastructure Contribution updates be provided annually in a detailed Councillor Memo coinciding with Council’s annual budget review.

BACKGROUND

On 20 July 2022, under Notice of Motion BN22/2022, Council requested half-yearly updates in relation to local infrastructure contributions. Local infrastructure contributions provide Council a partial source of funding for the delivery of local public services and infrastructure required as a result of new development in the Cessnock Local Government Area (LGA). Any balance of funding is the responsibility of Council.

The administration of local infrastructure contributions must comply with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000*, ministerial directions, practice notes and relevant Council policies.

REPORT/PROPOSAL

As at 31 January 2024, Council had received \$7,754,686.47 in local infrastructure contributions for the 2023/24 Financial Year. The total contributions held by Council is detailed below and within the body of this report.

	Local infrastructure contributions held by Council, as at 1 Jul 2023	\$31,802,227
1	Contribution payments received (1 July 2023 to 31 January 2024)	\$7,754,686
2	Interest accrued	\$711,090
3	Contributions spent (as at 31 January 2024)	(\$729,316)
	Local infrastructure contributions held by Council, as at 31 Jan 2024	\$39,538,687

Note 1: Of the \$39,538,687 local infrastructure contributions held by Council as at 31 January 2024, \$4,852,200 is committed to existing projects. The committed funds are discussed within the contributions spent section of this report.

Planning and Environment

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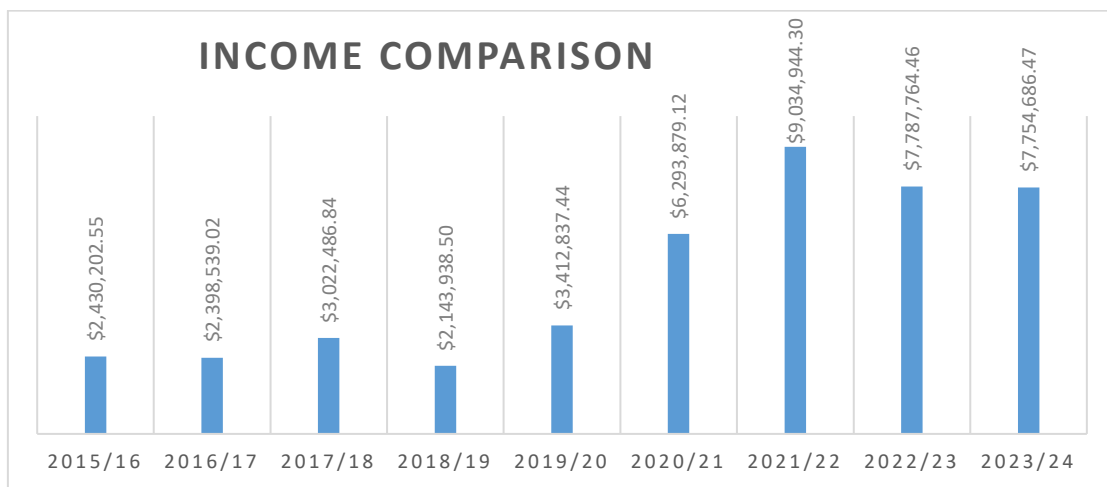
Planning and Environment



Note 2: There is a difference between the closing balance as at 30 June 2023 (which was reported to Council in October 2023) and the opening balance of 1 July 2023. The difference is due to the subtraction of \$2,752,341 of committed contributions funds in the calculation of total funds held by Council as at 30 June 2023, in the October 2023 Council report.

1. Contribution payments received (1 July 2023 to 31 January 2024)

From 1 July 2023 to 31 January 2024, Council collected \$7,754,686.47 in local infrastructure contributions. The majority of contributions collected, being (\$5.7M), relates to development levied under the City Wide Infrastructure Contributions Plan 2020. A further \$801,000 has been collected from development at Huntlee and \$563,000 Averys Village. The graph below details contributions payments collected from 2015 to 31 January 2024.



2. Contribution spent (1 July 2023 to 31 January 2024)

From 1 July 2023 to 31 January 2024, Council spent \$729,316.48 in local infrastructure contributions. Local Infrastructure Contributions of \$4,467,003.70 has been committed for the 2024/25 financial year. These projects have not yet been allocated against contributions and are noted below:

Averys Lane, Adams St, Stanford St and Cliff St roadworks, drainage, pathway and bus stops, planning and construction	\$2,544,038.79
Millfield Rural Fire Station	\$171,225.81
Aberdare, Cessnock, Kurri Kurri, Branxton and Greta Cemeteries	\$212,942.62
Booth Park Netball Courts	\$880,000.00
Poppethead Park Walking Trail Restoration	\$33,650.40
Kurri Kurri Library, accessible toilet and meeting room upgrade	\$500,000.00
<i>Various cycleways (subject to grant application):</i>	
West St Greta	\$44,341.49
Dalwood Rd Branxton	\$21,013.84
Richmond St, Kitchener	\$14,568.53
Doyle St, Bellbird	\$16,440.41
Bennett St Millfield	\$28,781.81
	\$4,467,003.70

Planning and Environment

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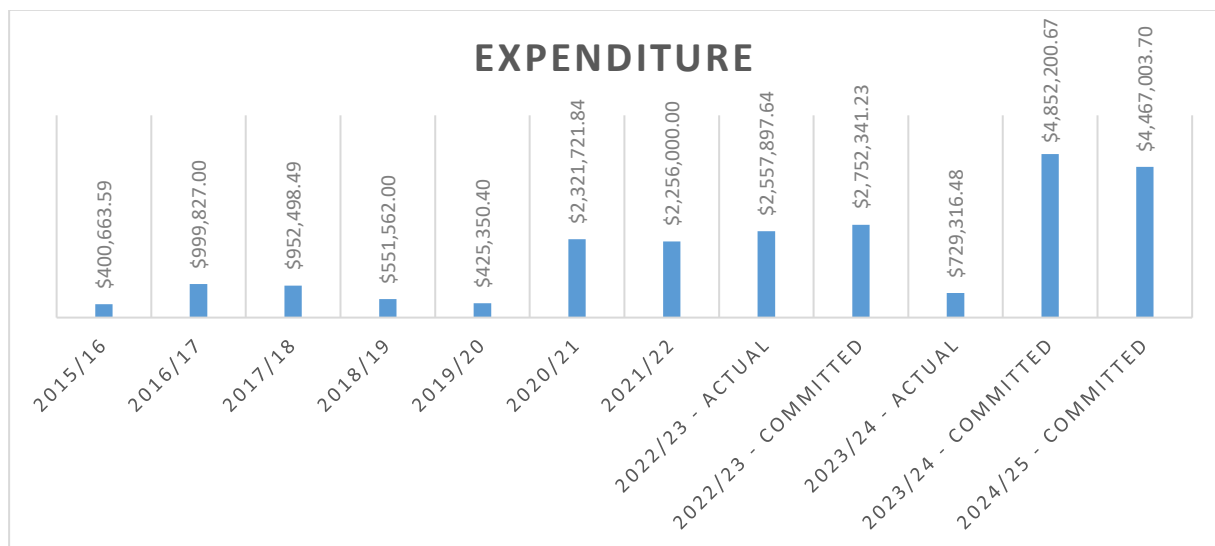
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Currently, local infrastructure contributions has committed expenditure of \$4,852,200.67, this relates to Council projects that have either not commenced or commenced and not completed and therefore contributions have not been expended.

From the committed expenditure, \$895,000 relates to the City Wide Plan for the Cessnock Regional Skate Park, \$428,110 relates to the Repealed Averys Village Plan for the embellishment of the local park and \$2,902,265 relates to the Repealed Residential Contributions Plan. On 20 May 2020, Council (PE16/2020) approved various projects which deals with the expenditure of the money collected under the repealed Residential Contributions Plan. The majority of the projects have been completed however there is a balance that have not been completed as there has not been enough contributions received as indicated below:

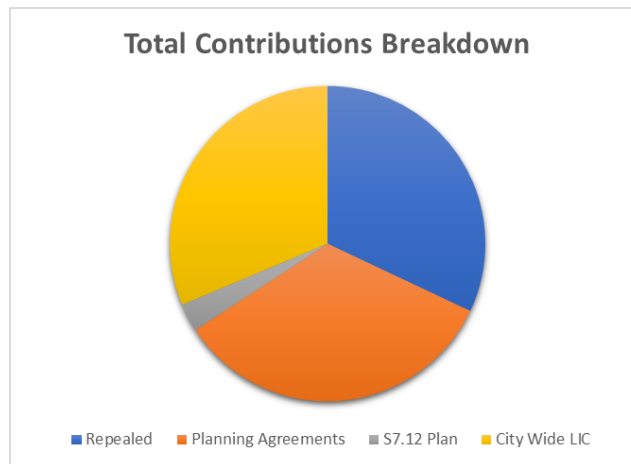
PACC, upgrades	Completed
Cessnock Splash Pad	Completed
Cessnock Regional Skate Park	Commenced
Birralee Park, sports amenities building	Not commenced, funding not available
Government Road reconstruction	Completed
Bailey's Lane	Completed
West & Wyndham Street	Completed
Anvil Creek Bridge	Completed
Wollombi Road, Millfield	Completed
Thomas St, North Rothbury	Commenced
Whitburn Estate Stages 3 and 4	Completed
Bus stop compliance	Not commenced, funding not available
Portland Street, Millfield	Commenced





3. Local Infrastructure Contributions held by Council, as at 31 January 2024

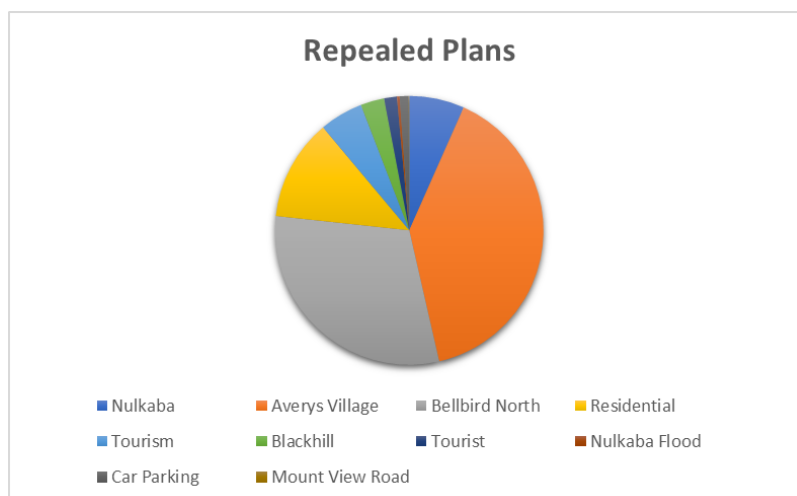
As at 31 January 2024, Council held \$39,538,687.93 under its contribution plans (repealed and current) and planning agreements (concluded and current). This does not include the committed expenditure of \$4,852,200.67. These contributions are broken down as follows.



PLAN / AGREEMENT	TOTAL CONTRIBUTIONS	Percentage
Repealed Contributions Plans	\$12,661,168.32	32%
Planning Agreements	\$13,346,313.46	34%
S7.12 Levy Contributions Plan	\$1,144,131.63	3%
City Wide Infrastructure Contributions Plan	\$12,387,074.52	31%
TOTAL CONTRIBUTIONS:	\$39,538,687.93	100%

This can be further broken down into the following plans and planning agreements:

Council’s Repealed Contributions Plans



Planning and Environment

Report No. PE7/2024

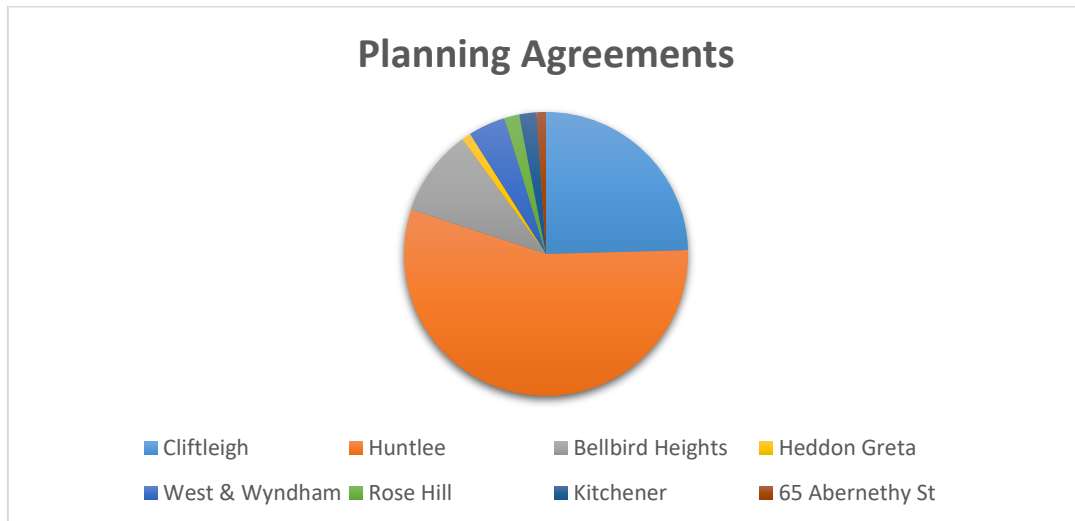
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	REPEALED PLANS	TOTAL CONTRIBUTIONS
	Repealed Nulkaba Plan	\$840,982.47
	Repealed Averys Village Plan	\$5,036,387.10
	Repealed Bellbird North Plan	\$3,834,457.60
	Repealed Residential Plan	\$1,543,165.51
	Repealed Tourism Plan	\$663,622.88
	Repealed Blackhill Quarry Plan	\$361,798.88
	Repealed Carparking Cessnock CBD Plan	\$194,045.06
	Repealed Tourist Plan	\$41,464.64
	Repealed Nulkaba Flood Plan	\$136,765.33
	Repealed Mount View Road	\$8,478.85
	TOTAL CONTRIBUTIONS:	\$12,661,168.32

In relation to the repealed plans all contributions collected from Nulkaba, Averys Village, Bellbird North and Mount View Road will be allocated against the namesake Local Catchment areas within the City Wide Local Infrastructure Contributions Plan. These plans account for approximately 77% of the contributions collected in this category.

Planning Agreements



Planning and Environment

Report No. PE7/2024

Planning and Environment



	PLANNING AGREEMENTS	TOTAL CONTRIBUTIONS
	Cliftleigh Planning Agreement	\$3,280,703.40
	Huntlee Planning Agreement	\$7,408,598.83
	Bellbird Heights Planning Agreement	\$1,317,264.72
	Heddon Greta Planning Agreement	\$141,185.81
	West & Wyndham Street Planning Agreement	\$565,864.64
	Rose Hill Planning Agreement	\$227,066.41
	Kitchener Planning Agreement	\$263,397.08
	65 Abernethy Street Planning Agreement	\$142,232.58
	TOTAL CONTRIBUTIONS:	\$13,346,313.47

In relation to planning agreements, Huntlee accounts for approximately 56% of all contributions collected. Many of the works within the Huntlee Planning Agreement have triggers in accordance with dwelling/lot delivery. For example, the Huntlee Community Hub is required to be delivered when the total dwellings/lots at Huntlee reach 2,200, or as otherwise agreed in accordance with a Deed of Variation to the Planning Agreement. This is true for other planning agreements to which Council is a party.

s7.12 Levy Contributions Plan

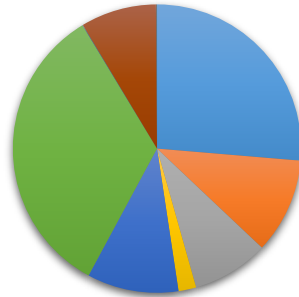
As at 31 January 2024, the available balance of Council's s.7.12 Levy Contributions Plan was \$1,144,131.63. The works schedules appended to the Plan list the various works these funds may be used for, including funding part of Council's adopted commercial centre masterplans, street tree planting program, pathways construction program, cycling improvements and public art program.

City Wide Infrastructure Contributions Plan 2020

As at 31 January 2024 Council collected \$5,736,074.28 for the 2023/24 Financial Year in local infrastructure contributions under its City Wide Infrastructure Contributions Plan. Most of the contributions collected under this plan will require a co-contribution from Council to finalise a project in the works schedule.



City Wide Local Infrastructure Contributions Plan



- Cessnock District
- Branxton-Greta District
- Kurri Kurri District
- Rural West District
- Kurri to Maitland Local
- Bellbird North Local
- Millfield Local
- Nulkaba Local
- Government Road Local

	DISTRICT/LOCAL CATCHMENT AREA	TOTAL CONTRIBUTIONS
	Cessnock District Catchment	\$3,262,194.08
	Branxton-Greta District Catchment	\$1,327,720.49
	Kurri Kurri District Catchment	\$1,062,142.50
	Rural West District Catchment	\$245,962.40
	Kurri Kurri to Maitland Local Catchment	\$1,271,731.89
	Bellbird North Local Catchment	\$4,145,149.35
	Millfield Local Catchment	\$7,186.25
	Nulkaba Local Catchment	\$1,049,233.09
	Government Road Local Catchment	\$15,754.48
	TOTAL CONTRIBUTIONS:	\$12,387,074.53

Continuous Improvements

All funds within contributions plans and planning agreements have been allocated in accordance with the works schedule within those plans or agreements. These plans and agreements were previously endorsed by Council. In relation to the repealed plans the expenditure for these contributions are in accordance with the endorsement from Council (PE16/2020) on 20 May 2020.

As previously advised, in light of the increase cost of providing infrastructure together with the concerns from Councillors over the total cost of infrastructure to be delivered in the City Wide Local Infrastructure Contributions Plan, the Strategic Planning Team is currently completing a full review of the way Council collects and delivers local infrastructure contributions. This review is in final draft form. It is envisaged that following adoption of any amendments to the plan, work will begin on ensuring all works within contribution plans and planning agreements are incorporated into a 10 year delivery plan. This will then flow into the Capital Works Program ensuring the works are completed in accordance within the thresholds/timeframes within each plan or planning agreement.

Planning and Environment

Report No. PE7/2024

Planning and Environment



OPTIONS

N/A

CONSULTATION

In preparing this report, consultation has occurred with Council's Contributions Steering Group and Financial Services Team.

STRATEGIC LINKS

a. Delivery Program

N/A

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Local Infrastructure Contributions and Planning Agreements are delivered in accordance with the *Environmental Planning and Assessment Act 1979, Part 7* and *Environmental Planning and Assessment Regulation 2000, Part 4*.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

This report provides bi annual update on money collected and money expended under Council s7.11, 7.12 Contributions Plans and Planning Agreements.

Planning and Environment

Report No. PE7/2024

Planning and Environment



ENCLOSURES

There are no enclosures for this report.



SUBJECT: ***DONATIONS UNDER SECTION 356 - RATES SUBSIDY POLICY***

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

SUMMARY

The purpose of this report is for Council to consider applications from Community Groups received for rate relief via a donation under Section 356 of the *Local Government Act 1993* (the Act) as per the Rates Subsidy Policy (the Policy).

RECOMMENDATION

1. **That Council applies a 50% Rates Subsidy for the following Assessments in accordance with the Rates Subsidy Policy effective for the 2024-25 rating year.**

Assessment	Organisation	Location
59204	Cessnock Homing Pigeon Club	Cessnock
123596	Trustees Masonic Hall	Paxton
157156	Cessnock Mini Bike Club	Cessnock
173930	Laguna Sports Ground Holdings Pty Ltd	Laguna
176263	Greta Pre-School Kindergarten	Greta
191502	Kurri Kurri Motor Cycle Club Inc	Buchanan
198655	Aberdare Pre-School	Aberdare

2. **That the General Manager write to each applicant advising of Council's decision according to the Rates Subsidy Policy.**

BACKGROUND

Council provides a donation via rate relief for a number of specified properties under Section 356 of the Act. The subsidy is up to 50% rebate of the general rates levy and is applied during the rate levy process.

The Policy which was last revised in November 2022, provides a transparent process for the subsidy to be applied for and applied in the following financial year. The Policy provides that applicants need to demonstrate adherence to the Policy and the applications have been assessed against the criteria set by Council.

Council publicised the availability of the Rates Subsidy on social media platforms encouraging eligible applicants that meet the principles of the Policy to complete Council's Rate Subsidy application and supply all supporting documentation prior to 15 March 2024. Council further notified all qualified applicants from the 2023 Financial Year via letter of the 15 March lodgment date. The Policy principles outlined in Section 4 provides that it is a requirement that all applicants must reapply annually prior to 15 March each year.

Corporate and Community

Report No. CC19/2024

Corporate and Community Services



REPORT/PROPOSAL

Assessments recommended for approval

Council received seven applications from not-for-profit community groups who have been able to supply all the information required and comply with the principles of the Policy.

Applications were received from:

Assessment	Organisation	Location
59204	Cessnock Homing Pigeon Club	Cessnock
123596	Trustees Masonic Hall	Paxton
157156	Cessnock Mini Bike Club	Cessnock
173930	Laguna Sports Ground Holdings Pty Ltd	Laguna
176263	Greta Pre-School Kindergarten	Greta
191502	Kurri Kurri Motor Cycle Club Inc	Buchanan
198655	Aberdare Pre-School*	Aberdare

Confidential Enclosure 1 contains further information relevant to the applications which is provided for Councillors information only.

The rate subsidy for 2024-25 is estimated to be \$17,105 which has been included in the draft 2024-25 Operational Plan. As the rate structure for 2024-25 has not yet been adopted by Council, the estimate uses the current year rating structure and therefore will be slightly different for the forthcoming financial year.

The organisations listed below who previously qualified for the subsidy did not return an application for next year. It is estimated that had these organisations submitted an application as they have previously, an additional \$31,384 in subsidy would be applicable.

Assessment	Organisation	Location
5173	Cessnock Masonic Properties Pty Ltd	Cessnock
17178	Country Womens Association NSW	Cessnock
139378	Weston Pre-School	Weston
139907	Masonic Holdings Limited	Weston
158337	Cessnock Clay Target Gun Club	Cessnock
197467	Cessnock Rifle Club Inc	Cessnock
252916	Richmond Vale Preservation Co-op Soc.	Kurri Kurri
275529	Cessnock Pistol Club	Neath
286674	Branxton Pre-school	Branxton

OPTIONS

N/A

CONSULTATION

Revenue Team Leader
Chief Financial Officer

STRATEGIC LINKS

a. Delivery Program

Objective 1.2 Strengthening community culture
Objective 5.3 Ensuring Council is accountable and responsive to the community

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The Policy provides a rate subsidy for those identified groups at the rate of up to 50% of the general rates component for the forthcoming financial year.

b. Financial Implications

The cost is estimated at \$17,105 and is included in the draft Operational Plan for 2024-25.

c. Legislative Implications

Section 356 of the Act allows Council to make such a donation.

d. Risk Implications

If Council elects not to make donations as recommended, not-for-profit community groups may be adversely affected, which might cause some financial hardship for these groups.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

For Council endorsement under the Policy.

ENCLOSURES

- 1** Rate Subsidy 2025 - *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.*

Corporate and Community

Report No. CC20/2024

Corporate and Community Services



SUBJECT: *COMPLAINTS HANDLING POLICY*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

Officers have reviewed Council's Complaints Management Framework and propose changes to the Complaints Handling Policy (Policy) and Complaints Handling Procedure (Procedure).

RECOMMENDATION

1. That Council places the revised Complaints Handling Policy on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Complaints Handling Policy the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the Complaints Handling Policy 2019 from the date the revised Complaints Handling Policy is adopted.

BACKGROUND

Council aims to have a fair and reasonable complaint handling process, as set out in the Policy and Procedure. Principles include that we review complaints, respond to issues raised with objectivity and fairness, and manage the complaint process and parties involved appropriately.

Council previously adopted the Policy and noted the Procedure in December 2019. As part of the regular review of Council's Complaints Management Framework, these documents have been reviewed to ensure alignment with the Australian Standards.

REPORT/PROPOSAL

Complaints Handling Policy

Minor amendments to the Policy are proposed to ensure alignment with the Australian Standards on Complaints Management (AS 10002:2022), and to provide greater clarity to the community. A clean version is provided at **Attachment A**.

Proposed changes to the Policy include:

- Removing reference to "behaviour/attitudes of staff" – to clarify that complaints about staff are not within the scope of this Policy and should be raised under the Code of Conduct.
- Removing the list of "What is not a complaint?" – to simplify the Policy. This information is available on Council's website.
- Clarification around how Council receives complaints – to simplify the Policy. This information is available on Council's website.
- Clarification about complaints submitted to Councillors.

Corporate and Community

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Corporate and Community Services



- More information on referring matters to external agencies. Removal of external agencies' contact details from the Policy – This has been done as this can be prone to change and is outside of Council's control of information. This information is available on Council's website.
- Removing information relating to the handling of personal information as this is contained within Council's Privacy Management Plan and is included in the Complaint form.

Complaints Handling Procedure

Minor amendments to the Complaints Handling Procedure (the Procedure) have been made. Changes to the Procedure include:

- More information on Tier 3 Complaints and how these are managed.
- Removing the attachments – this has been done due to a number of factors, outlined below. These attachments have been replaced by references to documents in Council's Records Management System. This also reduces the size of the document.
 - The templates attached to the Procedure have since been replaced by specific templates for Tier 1, Tier 2 and Tier 3 Complaints;
 - Updates to the templates attached to the Procedure would trigger an update of the Procedure;
 - Poses a risk of false documents being produced using Council templates.

The changes were approved by ELT and are provided at **Attachment B** for information.

OPTIONS

Council could choose not to put the Policy on Public Exhibition and adopt it as proposed. This does not allow for community engagement in the process.

CONSULTATION

Executive Leadership Team
Management Team

STRATEGIC LINKS

a. Delivery Program

This report is linked to the community's desired outcome under the Community Strategic Plan of *Civic Leadership and Effective Governance*.

5.3.7.b Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice in relation to delegations, legislative interpretation, compliance, **complaints**, UCCs, GIPA, PPIP, Copyright, PID, Fraud and Corruption Prevention, Policy, etc. (Governance).

b. Other Plans

Nil

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Corporate and Community Services



IMPLICATIONS

a. Policy and Procedural Implications

Once adopted, the Policy and Procedure will be published in Council's intranet and website.

b. Financial Implications

Nil

c. Legislative Implications

Changes to the Complaints Handling Policy and associated Procedure align with best practice as per the Australian Standards on Complaint Handling (AS 10002:2022).

d. Risk Implications

Not adopting the changes risks Council using outdated practices.

e. Environmental Implications

Nil

f. Other Implications

Supporting materials have been developed to raise awareness and increase understanding of Council's Complaints Management Framework, including:

- Updates to Council's intranet and website.
- An easy English guide to complaints – available on Council's website.
- A complaints fact sheet for staff – available on the staff intranet.

The purpose of the supporting materials is to improve the customer experience for complainants and to ensure information about Council's complaints handling process is clear and accessible.

CONCLUSION

Adopting the revised Complaint Handling Policy ensures that Council continues to align Council's objectives in relation to customer experience, continuous improvement and effective governance.

ENCLOSURES

- [1](#) ➡ Attachment A _ Complaints Handling Policy
- [2](#) ➡ Attachment B _ Complaints Handling Procedure

SUBJECT: *PLACEMENT OF INTEGRATED PLANNING AND REPORTING DOCUMENTS ON PUBLIC EXHIBITION 2024-25*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to place the draft 2024-25 Operational Plan incorporating the budget and Capital Works Program on public exhibition for a minimum of 28 days, as required under Section 405 of the *Local Government Act 1993*.

The draft documents, with reports on submissions received and any recommended amendments following exhibition, will be reported to Council for final consideration and adoption in June 2024.

RECOMMENDATION

That Council places the draft 2024-25 Operational Plan incorporating the budget, Revenue Policy, and Statement of Fees and Charges on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.

BACKGROUND

The draft 2024-25 Operational Plan incorporating the draft budget for 2024-25 has been prepared under the Integrated Planning and Reporting (IP&R) framework in accordance with the *Local Government Act 1993* (the Act). The Operational Plan is an annual slice of the medium-term Delivery Program adopted in June 2022.

The draft Operational Plan provides information to the community about Council's ongoing activities. It also incorporates the 2024-25 draft budget, capital works program, revenue policy and statement of fees and charges.

REPORT/PROPOSAL

This report provides the draft 2024-25 Operational Plan and attached enclosures for Council's consideration of placing the plans on public exhibition for 28 days, with the commentary below providing an overview of the draft documents and production methodology applied.

Format

Enclosure one:

This enclosure is the Operational Plan 2024-25 including the capital works program, draft budget and Revenue Policy. The Operational Plan is required under section 405 of the Act which is to be exhibited and adopted before the beginning of each financial year.

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Corporate and Community Services



The Operational Plan outlines:

- Specific actions to be undertaken in support of the Delivery Program
- The responsible parties for each action
- A detailed budget for actions to be undertaken
- Statement of Revenue Policy

Enclosure two:

This enclosure is the draft Statement of Fees and Charges for 2024-25.

Proposed Fees and Charges are required to be exhibited for 28 days prior to adoption by Council.

Enclosure three:

This enclosure highlights action items deleted from last year's operational plan to this year. This is because the action has been completed, amalgamated with another action or has become standard operating practice. This is provided for information purposes only.

Rates and Charges

Ordinary Rates

The rating proposals for ordinary rates, detailed in the Revenue Policy, have been increased in line with the State Government's rate peg which was set at a maximum of 5.3 percent.

The existing rating methodology of a base rate and ad-valorem charge has been maintained.

Stormwater Management Levy

It is proposed to continue the Stormwater Management Levy in 2024-25. The proposed charge is \$25 per residential property, \$12.50 per residential strata property and \$25 per 350 square metres (or part thereof) up to a maximum charge of \$500 on business properties.

Hunter Catchment Contribution

Council will also collect, on behalf of the Hunter Local Land Services, a levy calculated on land value for applicable properties. The levy has not yet been determined, with the rate in the dollar expected to be confirmed by Local Land Services in May 2024.

Domestic Waste Management Charge

The proposed Domestic Waste Management Charge for 2024-25 is \$707 (\$670 in 2023-24), an increase of 5.3 percent in line with the rate peg. This charge provides for weekly domestic waste collection, and fortnightly recycling and green waste collection for residential properties within the area where the service is provided.

Corporate and Community

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Corporate and Community Services



Fees and Charges

The draft Fees and Charges has undergone a thorough review and items have been adjusted where necessary to ensure the fees reflect the recovery of the cost of the service (where applicable) and that fees for commercial operations reflect recovery of costs from users to reduce the subsidisation by general revenues.

2024-25 Budget

The draft 2024-25 budget currently shows a deficit of \$13,969,059 before capital grants and contributions.

The draft budget presents a cash budget position which also reflects a deficit as Council uses grant funds paid in advance for the capital projects. The operating deficit is reflective of continuing to support the increasing capital works and maintenance programs to continue to meet community expectations. Continued inflation of costs associated with provision of services, in particular in the construction/maintenance areas has also contributed to the need to run a deficit position in the draft budget.

The budget includes an increase in employee costs associated with an increase in full time equivalent staff (FTE), as well as providing for the award increase prescribed in the Local Government (State) Award 2020. An increase in resources within project management and works and operations have been continued to assist in the delivery of Council's capital works program, grant funded projects, and renewal works. The draft depreciation budgets represent depletion of Council's asset base excluding any future revaluations and therefore are conservative, though the Net Loss on Disposal of Assets has been budgeted at a higher level than previous, in line with long term actual results.

While Council can continue to fund this operating deficit in the short term while remaining in a strong cash position, there will need to be further consideration given in the future on where and how Council can source additional income to meet the requirement of ongoing maintenance of Council infrastructure.

Capital Works Program

The draft 2023-24 Operational Plan includes a draft Capital Works Program of \$75.3m.

In line with Council's Asset Management Strategy, Council is prioritising the budget to renewals over new works and the Capital Works Program as well as a focus on completing grant funded projects that has been impacted Capital Program timelines. Major projects in the current year include continuing works on the Wollombi Rd improvements and commencement of the construction of a new waste cell at the Waste Management Centre.

Public Exhibition

The draft 2024-25 Operational Plan is required to be publicly exhibited for a minimum of 28 days. During the exhibition period, copies of the draft documents will be made available for viewing on Council's website. The exhibition will also be promoted via social media.

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Corporate and Community Services



Following the exhibition period and the consideration of any submissions, it is anticipated that Council will consider the adoption of the Integrated Planning and Reporting documents at the Council meeting on 19 June 2024.

Community Engagement

The community engagement approach is detailed below:

- Place documents on public exhibition from 18 April 2024 to meet the minimum 28 day advertising requirement.
- Hard copy documents will be placed at Council Libraries and the Council Administration Building.
- Actively promote awareness early within the public exhibition period to elicit early feedback where possible. To assist this process posts in Facebook will be boosted.
- Utilise the “Have your say” page on the Council website to obtain feedback.

The community is encouraged to review the draft documents and provide feedback within the exhibition period, which will be considered by Council prior to the adoption of the final plan.

OPTIONS

N/A

CONSULTATION

Councillors have been briefed on the Budget and Capital Works Program. If required a further briefing can be held during the exhibition period. Council financial and asset staff are available to respond to any questions Councillors may have during this time. Councillors should use existing avenues for questions as provided for by the [Councillor and Staff Interaction Policy](#).

The Executive Team, Management Team, Senior Finance Staff, Senior Asset planning staff and Senior rates staff have provided input into the development of the draft documents.

STRATEGIC LINKS

a. Delivery Program

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

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Financial implications are as outlined in the documents.

Corporate and Community

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Corporate and Community Services



c. Legislative Implications

Sections 402, 403, 404 and 405 of the *Local Government Act 1993* outlines Council requirements under the Integrated Planning and Reporting Framework.

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

It is recommended that Council adopt the enclosures outlined for public exhibition.

ENCLOSURES

- [1](#) ⇨ Draft 2024-25 Operational Plan for exhibition
- [2](#) ⇨ Draft Fees and Charges Report 2024-2025
- [3](#) ⇨ Summary of Deleted Actions from prior year Operational Plan

Corporate and Community

Report No. CC22/2024

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - MARCH 2024*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

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

RECOMMENDATION

That Council receives the Investment Report for March 2024 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 \$76,716,092.

BACKGROUND

A monthly report to Council detailing money invested as per the Act, Regulation and Policy.

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 Regulation and that all investments have been made in accordance with the Act, Regulation and 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 March 2024 are exceeding the budget. 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.

Corporate and Community

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Corporate and Community Services



Council has engaged Prudential Investment Services Corp for investment advice and the March 2024 Economic and Investment Portfolio Commentary, regarding interest rates notes:

- *S&P Global Market Intelligence has revised its global growth forecast upward for 2024. Annual real GDP growth is now projected at 2.6%, up from 2.3% at the start of the year. The upward revision reflects higher forecasts for growth in several countries, including the US, the UK, and India. The annual global real GDP growth forecast for 2025 remains unchanged at 2.6%.*
- *In the US, the Federal Reserve left rates on hold as expected, and its message was upbeat, reaffirming its inclination to start cutting rates. It remains cautious and is still waiting for more confidence, but despite two months of hotter than expected inflation it's still flagging three rate cuts this year.*
- *The European Central Bank (ECB) kept its key interest rates unchanged in March, however latest inflation data showed a further decline in prices to 2.6% from 2.8%. Economists have revised projections that inflation will now average 2.3% in 2024 mainly due to lower energy prices.*
- *Equities hit fresh record highs across the US, Europe and Japan during the month. The Japanese market was the strongest performer of the major markets, up 4.5%, despite the Bank of Japan's monetary tightening. The European markets, up over 4%, were given a lift by a rate cut from Swiss National Bank. Both the Australian All Ords and US S&P 500 had gains of over 3% with all sectors in both markets recording gains apart from Australian Telecoms being down 0.8%.*

Domestic issues noted within Prudential's report include:

- *For the fifth month in a row monthly CPI inflation came in weaker than expected in February, with a monthly rise of just 0.2% and annual inflation unchanged at 3.4%. While fuel and education costs rose sharply and housing costs continue to rise at a rapid rate this was offset in the month by greater than expected weakness in costs for holiday travel, utilities and many food items.*
- *Retail sales remain very weak. Rising less than expected in February, sales are up just 1.6% for the year and just +0.1% for the month and the trend is stagnant. Economists are projecting a fall in retail sales in March.*
- *The latest NAB business confidence survey showed overall business conditions have improved slightly. However, business confidence remained subdued, orders fell and hiring plans point to slowing jobs growth. The survey also showed an ongoing decline in hiring plans pointing to slower jobs growth. Taken together this is all consistent with soft economic growth.*

The RBA kept the official cash rate unchanged at 4.35% following its March meeting. In March, term deposit rates across the 3 to 12 month range declined an average of 5 basis points, with the largest fall of 8bps at 9 months. Long term rates also slipped lower with the biggest drop at the 5 year term, which was down by an average of 10 basis points.

In summarising Council's portfolio Prudential advises, "Council's investment portfolio posted a marked-to-market return of 5.77%pa for the month versus the bank bill index benchmark return of 4.41%pa. Over the past 12 months, Council's portfolio has returned 4.79% versus the benchmark's 4.19%.

The NSW TCorpIM Medium Term Fund (+1.24% actual) reflected the ongoing surge in global shares driven by confidence that the downward trend in inflation will continue.

Corporate and Community

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Corporate and Community Services



Without marked-to-market influences, Council's investment portfolio yielded 5.18%pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp growth fund.

During March, Council had a \$3m 12 month Westpac term deposit mature which had been paying 4.99%pa. Council placed a new \$3m 9 month deposit with Suncorp paying 5.12%pa.

Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. 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 March 2024

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			4.00%	1,094
	Commonwealth Bank	At Call			4.35%	2,941
1243	AMP Bank	At Call			3.30%	518
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
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
1501	National Australia Bank	TD	371	06-Aug-24	5.40%	5,000
1502	Commonwealth Bank	TD	364	06-Aug-24	5.55%	5,000
1503	Commonwealth Bank	TD	363	28-Aug-24	5.27%	4,000
1504	Suncorp Bank	TD	369	24-Sep-24	5.30%	4,000
1505	National Bank	TD	364	25-Sep-24	5.33%	5,000
1506	Suncorp Bank	TD	176	23-Apr-24	5.25%	5,000
1507	Suncorp Bank	TD	274	30-Jun-24	5.35%	5,000
1508	Commonwealth Bank	TD	365	29-Oct-24	5.39%	5,000
1509	National Australia Bank	TD	365	21-Jan-25	5.16%	5,000
1510	Westpac Bank	TD	365	23-Jan-25	5.20%	5,000
1511	National Australia Bank	TD	121	29-May-24	5.10%	5,000
1512	Suncorp Bank	TD	274	03-Dec-24	5.12%	3,000
1463	Treasury Corporation	Growth Fund				4,163
TOTAL						76,716

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	19.40%
Westpac Bank	AA-	40%	12,000	16.63%
National Australia Bank	AA-	40%	23,000	31.87%
Suncorp Bank	A+	40%	19,000	26.33%
Treasury Corporation	Unrated	10%	4,163	5.77%
TOTAL			72,163	100.00%

Corporate and Community

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Corporate and Community Services



In accordance with the Policy, figures in Table 2 above exclude cash and at call balances in Council's main operating account held with the Commonwealth and AMP banks.

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 preliminary March 2024 unrealised return was a gain of \$47,103.31 or 1.14% (7.02% annualised). Rates of return fluctuate monthly and can be negative from time to time with the medium-term investment horizon. The fund performance summary for March 2024 is not yet available at the time of this report. The fund performance summary as at 29 February 2024 is shown below. The TCorp benchmark 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	4.19	3.90	3.33	8.10	5.82	0.96
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.63	4.92	6.71	5.96	3.85	0.42
Return above benchmark p.a.	(0.44)	(1.02)	(3.38)	2.14	1.97	0.54

Table 4 Investment types, risk, amount and percentage invested compared to total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	68,000	88.64%
Cash/At Call Deposits	Low	Low	4,553	5.93%
Capital Growth Fund	Medium	Medium	4,163	5.43%
TOTAL			76,716	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)	5.16%	2.55%
BBSW Average Interest Rate (year to date) *	4.35%	3.25%
Actual Investment Interest Earned (for the current month)	\$322,175	\$201,563
Actual Investment Interest Earned (year to date) ^	\$2,729,104	\$1,325,841
Original Budget Investment Interest (year to date)	\$1,035,092	\$685,093
Original Budget Investment Interest (annual)	\$1,380,122	\$1,680,122
Revised Budget Investment Interest (annual)	\$1,750,122	\$1,680,122
TCorp unrealised movement (year to date)	7.02%	5.32%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,085,190	\$73,415,666
Closing Balance as at 31 March	\$76,716,092	\$75,823,510

* 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

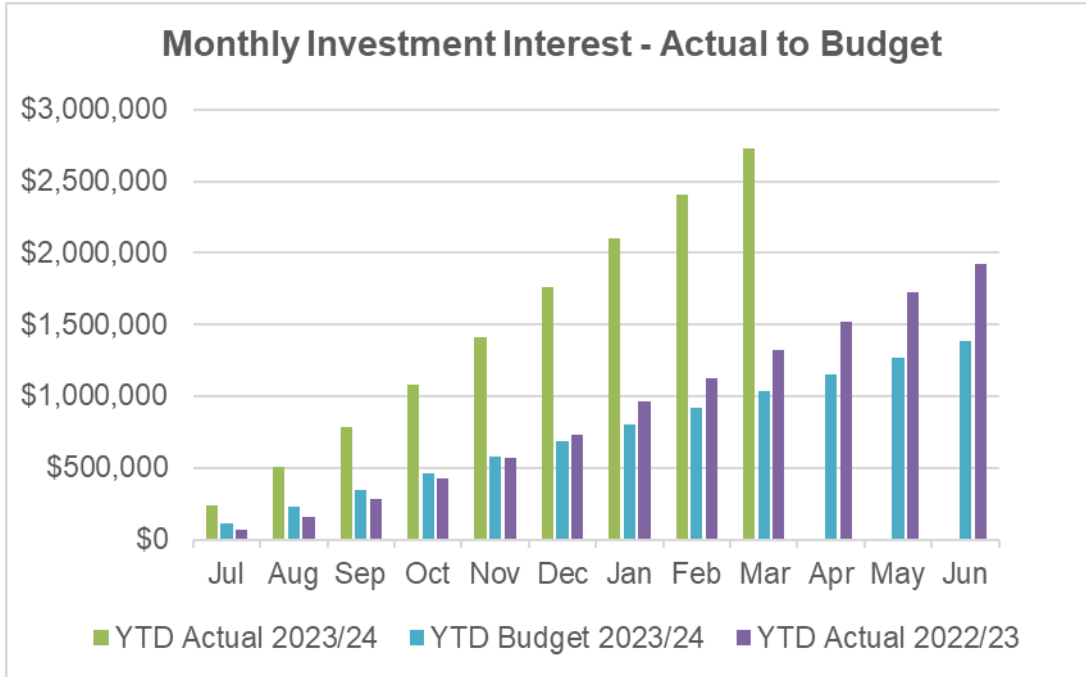
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Graph 1 Actual interest earned compared to revised budget and actual interest last year



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Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	Mar 2024	Feb 2024	Jan 2024	Dec 2023	Nov 2023	Oct 2023
Developer contributions	36,791	36,276	35,858	35,355	30,299	29,924
Committed developer contributions	2,275	2,456	2,485	2,735	3,460	3,460
RMS contributions	0	0	0	0	182	182
Specific purpose unexpended grants	16,813	17,819	20,087	22,104	25,415	21,166
Domestic waste management	430	430	430	430	430	430
Stormwater management	0	872	889	909	1,038	1,052
External Restrictions	56,309	57,853	59,749	61,533	60,824	56,214
Plant and vehicle replacement	1,017	1,274	1,274	1,274	2,400	2,400
Employees leave entitlement	2,430	2,430	2,418	2,418	2,418	2,418
Carry over works	287	287	371	581	582	583
Bridge replacement	0	0	0	308	282	287
Insurance provisions	50	50	50	761	761	761
Miscellaneous and property	534	534	534	534	809	809
Grant Fund Leverage	82	82	82	82	82	82
Energy efficiency	95	95	95	95	95	95
Operations and programs	472	472	472	472	472	472
Property investment fund	2,550	3,021	3,021	3,021	3,095	3,095
Civil Works	0	0	0	0	0	0
Waste depot and rehabilitation	8,198	8,843	8,843	8,843	13,883	13,883
Committed projects (SRV)	0	0	0	0	300	660
Security deposits and bonds	3,942	3,440	3,435	3,432	3,720	3,948
Unexpended Loan Funds	836	840	848	958	967	967
Internal Restrictions	20,043	21,368	21,443	23,917	29,866	30,460
Emergency Flood Works Approved Claim to be received from TfNSW**	(1,273)					
Unrestricted	1,637	2,958	1,123	1,138	619	790
Total Cash & Investments	76,716	82,179	82,315	86,057	91,309	87,464

** Note Council is currently completing emergency flood works on behalf of Transport of NSW. Works are completed and paid by Council in advance, with Transport paying after each month. This artificially lowers the unrestricted cash balance of Council. Until the works are complete, the investment report will provide amounts owing from Transport to show a true unrestricted cash balance.

CONSULTATION

- Director Corporate and Community Services
- Chief Financial Officer
- Finance staff

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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 Act and Regulation.

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.

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SUBJECT: *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING HELD ON 15 MARCH 2024*

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

RECOMMENDATION

That the Minutes of the Aboriginal and Torres Strait Islander Committee meeting held on 15 March 2024 be adopted as a resolution of Ordinary Council.

MINUTES OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL ANTE ROOM ON FRIDAY, 15 MARCH 2024, COMMENCING AT 9.15AM

PRESENT: The Mayor, Councillor Suvaal
Councillor Jurd
Councillor Grine
Sonia Sharpe (Community Representative)
Lucy Reed (Community Representative)
Tara Dever (Community Representative)
Tracey Skene (Community Representative) (arrived 10.08am)

ABSENT: Cheryl Kitchener (Community Representative)

IN ATTENDANCE: Natalie Drage – Community & Cultural Development Manager
Jessica Elliott – Community Development Officer
Megan Barnes – Principal Community Planner
Daniela Gambotto – Sustainability Officer
Michelle Honeyman – People & Culture Manager
Mark Manning – Senior Environmental Planner
Jenny Mewing – Senior Strategic Planner
Melissa Boucher – Community Recovery Officer (arrived 10.13am)
India Anderson – Minute Taker

INVITEES: Geoff Walker, Tidy Towns Representative
Bernice Brown, Tidy Towns Representative
Deborah Barry, Tidy Towns Representative
Chernai Smith, Invited Speaker
Tarra Coulter, Invited Speaker
Patricia Speers, Invited Speaker

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APOLOGIES

APOLOGY ***Moved:*** Councillor Grine ***Seconded:*** Sonia Sharpe

That the apology tendered on behalf of Uncle Richard Edwards, for unavoidable absence, be accepted.

CARRIED UNANIMOUSLY

ELECTION OF CHAIRPERSON

Mayor Suvaal was nominated and elected as Chairperson for the meeting.

CONFIRMATION OF MINUTES

MINUTES:

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

DISCLOSURES OF INTEREST

Nil

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. AACLM1/2024

SUBJECT: TIDY TOWNS SIGNAGE IN BRIDGES HILL PARK

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

That the Committee recommend that Council and Cessnock Tidy Towns collaborate with the Wonnarua language group to finalise the proposed signage for Bridges Hill Park incorporating Aboriginal names and traditional uses for identified plant species.

CARRIED UNANIMOUSLY

Commentary:

The Sustainability Officer gave an overview of the report, discussions held and investigations undertaken to date.

Suggested contacts were provided at the meeting by Tara Dever for the local language group and Cessnock Tidy Towns are to make contact with representative/s from the local language group. This has been resolved in the above resolution.

The Cessnock Tidy Towns representatives advised that the project was grant funded and that the project had to be delivered in accordance with a timeframe.

The Committee agreed for Cessnock Tidy Towns to consult the language group, go forward with the project and bring an information only report back to a future committee meeting to advise completion of the project.

It was also discussed that Cessnock Tidy Towns consider having a conversation with schools regarding opportunities for all young people to have involvement in the project.

The Cessnock Tidy Towns representatives left the meeting at 9.44am.

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Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. AACLM2/2024

SUBJECT: ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN UPDATE

MOTION **Moved:** Councillor Grine **Seconded:** Lucy Reed

That the Committee note the second stage of consultation for the Aboriginal Cultural Heritage Management Plan will be commenced to progress the project.

CARRIED UNANIMOUSLY

Commentary:

Senior Environmental Planner gave an update on the progress of the Aboriginal Cultural Heritage Management Plan. The committee noted that the draft management plan has been prepared and Council is looking to progress to the next stage of community consultation.

It was noted that the project is becoming time critical as the grant funding has a deadline of 30 June 2024. An extension has been requested and Tara Dever offered to write a letter to support the extension alongside Council's request for extension.

The draft management plan is to be further consulted with the community, and this will commence in the near future. Upon completion of the consultation, a report will need to be tabled to Council for approval for the plan to be placed on public exhibition.

It was initially discussed that 30 days is the proposed timeframe for consultation however it was encouraged to extend this to 40 days.

Mark Manning, Senior Environmental Planner and Jenny Mewing, Senior Strategic Planner left the meeting at 9.54am.

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LISTED MATTERS - COMMITTEE NO. AACLM3/2024

SUBJECT: DRAFT ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY ACTION PLAN

MOTION **Moved:** Sonia Sharpe **Seconded:** Lucy Reed

1. That the Committee notes that the following information will be drafted and distributed informally to Committee members:
 - The inclusion of a Message from the Aboriginal and Torres Strait Islander Committee.
 - The item 'Our Vision for Reconciliation'.
 - The inclusion of Aboriginal and Torres Strait Islander local histories within the plan.
2. The Committee note that a report for the final draft Aboriginal and Torres Strait Islander Community Action Plan will come back to the Committee for recommendation to Council.

CARRIED UNANIMOUSLY

Commentary:

Principal Community Planner provided an overview of the plan and asked the Committee if they would like to include a 'Message from the Committee'. The Committee discussed providing a message at the conclusion of the further round of community engagement.

It was suggested that as part of the action plan, Council consider Aboriginal and Torres Strait Islander contact officers. This is to help ensure that Council is a safe space for Aboriginal and Torres Strait Islander staff and that they have a designated person to speak to if they need.

It was discussed considering alternative photographs. Sonia Sharpe referred to photographs previously submitted to staff for use in the plan. Text size within the document should increase to ensure accessibility.

It was discussed that the Principal Community Planner will draft a 'Message from the Committee' for consideration by Committee members. All 3 points in point 1 of the resolution will be distributed to members of the Committee and the members will be given one month to provide feedback. The Committee noted that the 'Message from the Committee' is subject to change following consultation at NADIOC and Reconciliation Week.

Council Officers will report back to the Committee in August to present the draft action plan. Following approval from the Committee this will then go to Council seeking public exhibition.

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LISTED MATTERS - COMMITTEE NO. AACLM5/2024

SUBJECT: NATURAL DISASTER PREPAREDNESS AND RECOVERY

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

That the Committee note the presentation.

CARRIED UNANIMOUSLY

It was agreed by the Committee to consider this report prior to Listed Matter – Committee No. AACLM4/2024 National Reconciliation Week and National NAIDOC Week 2024 due to the availability of the invited speakers.

Commentary:

Invited speakers Chernai Smith (Senior Project Officer Hunter Central Coast, Community Engagement, Aboriginal Affairs NSW), Tarra Coulter (Assistant Coordination Officer, NSW Reconstruction Authority) and Patricia Speers (Assistant Coordination Officer, NSW Reconstruction Authority) were invited to join the meeting. Time being 10:47am.

They explained that the reason for this report was to implement further support for the community following natural disasters. Designated community members would like to be part of the inception plan and be involved from the beginning during a natural disaster event.

Education was discussed to advise the community on how to prepare for a natural disaster. There is currently no section in the plan specifically for Aboriginal and Torres Strait Islander peoples.

It was noted that Aboriginal and Torres Strait Islander community members should be involved in the establishment of the evacuation centres and notifying Aboriginal and Torres Strait Islander members of the community.

Councillor Grine raised with the Committee if it would be of interest to put forward a Notice of Motion to the ALGA State Conference.

It was advised that Council works with the Local Emergency Management Committee (LEMC) and the Regional Emergency Management Committee (REMO) during natural disasters. It was noted that there is Aboriginal and Torres Strait Islander representation on the Cessnock LEMC with an invitation to attend each meeting.

It was advised that during a large scale emergency an Emergency Operation Centre (EOC) may be established by the Police or other Combat Agency (Rural Fire Service, State Emergency Service). All members of the Cessnock LEMC, including Mindaribba Local Aboriginal Land Council, are invited to be present at the EOC to advise on community impacts.

The committee noted that meetings held after the fact are known as Local Recovery Committee meetings and are facilitated by NSW Reconstruction Authority. Aboriginal and Torres Strait Islander representation is invited to participate on these committees.

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The Committee noted that Council's Community Recovery Officer will be meeting in the near future with Chernai Smith to discuss preparedness and actions during a natural disaster.

Discussion points included:

- Preparedness - talk to community about what they need to do during an emergency. Investigate what have local organisations done in the past and develop further opportunities for responding to future emergencies.
- During an event – in future, and in responding to an emergency Tara Dever asked to be contacted directly. Tracey Skene volunteered to be an additional contact should Tara Dever require to delegate this task. The revised contact details and arrangements will need to be discussed and put forward to Council's Local Emergency Management Officer (LEMO), (Director Works & Infrastructure).

Councillor Grine left the meeting at 11.05am.

Tracey Skene and Melissa Boucher, Community Recovery Officer, left the meeting at 11.12am.

Invited speakers left the meeting at 11.13am.

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LISTED MATTERS - COMMITTEE NO. AACLM4/2024

SUBJECT: NATIONAL RECONCILIATION WEEK AND NATIONAL NAIDOC WEEK 2024

MOTION **Moved:** Lucy Reed **Seconded:** Tara Dever

That the Committee notes the progress of National Reconciliation Week 2024 and provides advice to Council on events that could be hosted as part of National NAIDOC Week 2024.

CARRIED UNANIMOUSLY

Commentary:

Community Development Officer gave an overview of the report.

Discussions were held regarding Council's effort to involve community members in planning and facilitating events for community members to feel welcome to attend the events.

It was discussed that community groups and service providers consider participating in the family fun days.

CORRESPONDENCE

Nil

The Meeting Was Declared Closed at 11.30am

ENCLOSURES

There are no enclosures for this report

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Report No. CC24/2024
Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*
RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 12 March 2024 to 08 April 2024.

RECOMMENDATION

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

ENCLOSURES

- [1](#) ⇨ Outstanding Actions - All
- [2](#) ⇨ Completed Actions - All

Works and Infrastructure

Report No. WI6/2024

Works and Infrastructure



SUBJECT: *CESSNOCK LGA TRAFFIC AND TRANSPORT STRATEGY*

RESPONSIBLE OFFICER: *Infrastructure Manager – Cameron Clark*

SUMMARY

The purpose of this Report is to outline the consideration of submissions following public exhibition, and to seek Council's endorsement to adopt the Cessnock LGA Traffic and Transport Strategy Technical Report.

RECOMMENDATION

1. That Council notes the outcome of the public exhibition and submissions.
2. That Council adopts the Cessnock LGA Traffic and Transport Strategy.
3. That the General Manager respond to all submission acknowledging their input and to advise of Council's decision.

BACKGROUND

The *Draft Cessnock LGA Traffic and Transport Strategy* was prepared by Bitzios Consulting Pty Ltd in 2023 on behalf of Council.

The Draft Strategy aims to make the Cessnock LGA more accessible by accommodating greater travel choices to meet the needs of residents and visitors. The Draft Strategy's key priority is to create a people-friendly City by improving conditions for pedestrians, cyclists, motorist and those using public transport.

At its Ordinary Meeting of 15 November 2023, Council resolved the following:

1. That Council place the Draft Cessnock LGA Traffic and Transport Strategy 2023 on public exhibition for a period of twelve weeks.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Draft Cessnock LGA Traffic and Transport Strategy 2023.

This report provides a summary of the submissions received and how they have been addressed in the final Strategy that is being recommended for adoption.

REPORT/PROPOSAL

A review and update of the 2018 Traffic and Transport Strategy was necessary to recognise the significant population growth, changed work environments and travel behaviours since COVID-19. The Strategy also needs to maintain currency with Council's strategic planning, development and operational maintenance progress.

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Significant population growth will impact the existing transport network within and adjacent to the Cessnock LGA. The Strategy aims to identify improvements to accommodate future growth and to ensure the safe and efficient movement of traffic through, to and from and within new land release areas, as well as the existing residential, commercial and industrial areas.

As identified through public consultation and an independent review, the CTTS 2023 highlights a number of key transport challenges facing the Cessnock LGA, such as:

- LGA Growth and New Development
- Traffic Congestion
- Car Dependence
- Urban Spread
- Tourism
- Health and Ageing Population
- Journey to Work
- Climate Change
- Road Safety
- Road Management

The vision of the CTTS 2023 is defined as:

A people focussed transport network that is safe, sustainable, accessible, and connected which advances economic growth, tourism, and local amenity.

To achieve the vision statement for the CTTS 2023, six (6) key themes have been identified which aim to address the issues facing the future transport network.

These themes include:

Liveable

A liveable LGA is one that caters for the needs, and promotes the wellbeing, of all residents. This is vital to the on-going prosperity of the LGA, and one of the most important factors the Strategy considers.

Sustainable

A sustainable transport network is one that considers and accommodates the current population, but also supports the future generations within the LGA to ensure that they benefit from a strong and enduring transport system. Transport is a major contributor to carbon dioxide equivalent emissions globally, and in NSW it is the second highest contributor, behind electricity.

Safe

Safety is the most important consideration when designing and implementing a transport system. Every year over 1,000 Australians lose their lives on roads, and Cessnock is not immune to this statistic. In fact, Cessnock has a fatality and road casualty rate higher than National and State averages.

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Connected

A connected road system is the key to ensuring that people and goods are able to get where they need to be, when they need to be there. This is one of the most important roles that the transport network plays and is vital to the ongoing success of the Cessnock LGA.

Productive

A productive LGA is one that promotes business, industry and tourism and accommodates the workforce necessary to sustain these. The transport network plays a vital role in the productivity of the Cessnock LGA and is responsible for delivering the efficient movement of freight and people. A productive transport network with a high level of service provides an economic benefit by allowing shorter travel times for all transit modes, which increases economic potential.

Resilient

A resilient LGA is one that can respond to the emergent needs, as well as being capable of dealing with long term impacts of weather and climate events. The Cessnock LGA is in an area that annually experiences a number of severe weather events that impact the safety, productivity and connectivity of the transport network. Most notably this includes flooding, which can quickly cause road closures isolating people, properties, and even entire townships.

In developing the CTTS 2023 transport modelling was undertaken for the 2026, 2031, and 2041 design horizons to identify specific road network upgrade requirements for each design horizon.

As part of this modelling, a new road hierarchy was determined. This categorises each road based on the purpose, function, management, and design of the corridor, while also considering the future functions associated with the "Preferred Road Network Plan" to service the 2041 forecast growth. However, there are opportunities to implement proposed upgrades in stages as the need is recognised.

A copy of the Draft CTTS 2023 is provided under separate cover.

A Councillor Briefing on the Draft Strategy was held on Wednesday 8 November 2023.

OPTIONS

Option 1:

- That Council note the outcome of the public exhibition and community submissions.
- That Council adopt the Cessnock LGA Traffic and Transport Strategy.
- That the General Manager write to all those persons who made a submission thanking them for their input and to advise of Council's decision

This is the preferred option as it presents sound strategic direction to achieve a people focussed transport network that is safe, sustainable, accessible, and connected, which advances economic growth, tourism, and local amenity.

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Option 2:

- That Council note the outcome of the public exhibition and community submissions.
- That Council amend the Cessnock LGA Traffic and Transport Strategy and adopt the amended Strategy.

This is not the preferred option as much of the feedback received does not align with Council's future vision for traffic and transport needs throughout the LGA.

Option 3:

- That Council note the outcome of the public exhibition and community submissions.
- That Council decline adoption of the Cessnock LGA Traffic and Transport Strategy Technical Report.

This is not the preferred option as an updated strategy is necessary to recognise the significant population growth, changed work environments and travel behavior's since COVID-19. An updated strategy ensures currency with Council's contemporary strategic planning, development and operational maintenance progress.

CONSULTATION

The following stakeholders were consulted in the preparation of the Draft Strategy:

Internal

For the purpose of information transfer, reporting and monitoring progress throughout development of the strategy a project team was established.

External

- Transport for NSW
- Community / public consultation (community workshops)
- Council's website and online community survey
- Business Chambers, including: Cessnock Chamber of Commerce; Kurri Kurri District Business Chamber; Central Hunter Chamber of Commerce; Wollombi Valley Chamber of Commerce; Lovedale Chamber of Commerce
- NSW Police and Emergency Services
- NSW State Member for Cessnock
- Federal Member for Hunter
- Hunter TAFE
- LGA schools
- Bus Service Providers (Rover Coaches, Hunter Valley Buses)
- Taxi Service Providers
- Corrective Services NSW

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As shown in **Table 1** below, Council’s Communication and Engagement Team promoted the public exhibition of the draft strategy and sought community comment by means of newspaper advertisements, social media posts, website articles and face-to-face engagement sessions, as well as display of hard copies at Council owned premises.

As a result of this engagement, coupled with intense community interest in the proposed Wollombi Road Upgrade Project, there were 2,600 webpage visits, 1,160 copies downloaded and 139 formal submissions received.

Date	Event	Reach	Engagements	Likes and Reacts	Comments	Shares
1 December 2023	Have your Say on the Traffic and Transport Strategy	6.4K	703	67	48	18
17 Jan 2024 - 12:15	Facebook Live Q&A promotion 1	1.7K	29	3	2	1
18 Jan 2024 - 16:00	Engagement Face-to-face Pop-up promotion	3.7K	144	7	6	5
19 Jan 2024 - 18:02	Facebook Live Q&A promotion 2	2.4K	72	4	10	2
22 Jan 2024 - 16:47	Engagement Team Spotlight – Traffic and Transport Strategy	5.3K	563	35	14	2
24 Jan 2024 - 14:00	Facebook Live Q&A Session	2K	--	15	38	2
9 Feb 2024 - 15:47	Last Chance to Have your Say on the Traffic and Transport Strategy	14K	675	15	31	13
Total		35.5K	2186	146	149	41

Table 1 – CTTTS 2023-24 – Community Engagement Activities

Community Messaging Summary

The primary messages conveyed to the community were that the Strategy:

- Is a long-term strategic plan that allows flexibility;
- Is targeted to support projected growth to 2041;
- Provides for concurrent implementation of all traffic and transport projects;
- Guides decision making in relation to four- and ten-year delivery plans; and
- Supports the economy through the anticipated growth period.

Key Themes arising from Consultation and Council Comment

The main themes raised in public submissions were as follows:

- Wollombi Road Upgrade Project;
- Northern & Southern Alternate Routes (Bypasses);
- Existing Heavy Rail Corridor;
- Passenger Rail Service;
- Active Transport Infrastructure; and
- Mount View Road/Barrett Avenue intersection treatment.

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Wollombi Road Upgrade Project:

A number of submissions were not supportive to the proposed Wollombi road upgrade treatments.

Comment:

The preferred road network plan contained in the CTTS assumes that all committed upgrades to Wollombi Road will occur to meet the growing transport needs out to 2041 and beyond. Council is obliged to exercise its functions as the roads authority so as to provide safe and efficient outcomes to support increased transport demand and unlock housing. Without the proposed upgrade treatments Wollombi Road will not be able to satisfactorily service the community.

The proposed infrastructure upgrades for Wollombi Road are supported by multiple modelling reports and strategic investigations since 2009 when the land comprising Bellbird North URA was rezoned for residential purposes. The proposed road hierarchy set out in the CTTS 2023 including future northern and southern alternate routes is underpinned by these modelling reports and strategic investigations.

Northern & Southern Alternate Routes (Bypasses):

Submissions generally acknowledged the anticipated benefits of the proposed alternate routes, however expressed concerns and objections to the conceptualised route shown in the CTTS, particularly with respect to the Lovedale link.

Comment:

The 2041 Preferred Road Network Plan identifies the need to offset traffic demand along Wollombi Road with a future Lovedale Link – A new link connecting through Bellbird from Abbotsford Street to Mount View Road and Oakey Creek Road; then continuing north to provide a connection to Lovedale. This would include the upgrade of Lovedale Road to an Arterial Road standard and upgrades at the Hunter Expressway interchange. This link would provide an alternate access to the Hunter Expressway reducing pressure on Wollombi Road and Wine Country Drive.

The route depicted in the draft CTTS 2023 is indicative only and not the final or favoured route option. Any concept options considered will be subject to multi-criteria analysis, extensive community consultation and just-terms land acquisition.

Existing Rail Corridor and return of Passenger Rail Service:

Much of the community comment on the redundant rail freight corridor was from affiliates of a single interest group dedicated to the return of heavy rail services to Cessnock.

Comment:

Council is actively engaging with stakeholders and TfNSW in working towards acquiring the redundant coal freight rail corridor between Kurri Kurri and Bellbird/Pelton, for use as a multi-modal transport corridor.

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The retention of the rail corridor for heavy rail services to Cessnock, is prefaced on the assumption that the existing heavy rail infrastructure within the corridor is in good condition ready for conversion to use for passenger services. Discussions with Aurizon indicate that existing rail infrastructure has deteriorated, is not up to current standards and will require replacement.

Aurizon may wish to retain the portion of the railway corridor between South Maitland and Kurri Kurri which has potential for a future passenger link to Loxford and freight links to the redeveloped Kurri Kurri Hydro site.

The continuing length of railway corridor between Kurri Kurri and Aberdare is the subject of acquisition discussions with Aurizon, as is the remainder of the corridor between Aberdare and Pelton which is owned, or under the control of, Austar Colliery.

The opportunity to retain the rail corridor for a future multi modal transport need would be amenable for a variety of uses including cars, trucks buses, walking and cycling.

Active Transport Infrastructure:

A number of submissions call for improved walking and cycling infrastructure:

Comment:

To meet growing demand, Council currently works with developers to ensure the provision of footpaths and shared paths in new sub-divisions and urban release areas.

To address future walking and cycling needs Council may refresh and combine the existing adopted Pedestrian Access and Mobility Plan and LGA Cycling Strategy into a contemporary Active Transport Strategy.

Mount View Road/Barrett Avenue intersection treatment:

Numerous submissions were received which suggested that the Strategy advocated for a right ban at the intersection of Mount View Road and Barrett Avenue, Cessnock.

Comment:

The Mount View Road upgrade project currently being delivered by Council includes the addition of a dedicated right turn lane onto Barrett Ave to provide safer turn movements and alleviate traffic build-up for vehicles continuing along Mount View Road, as approved by the Local Traffic Committee at its meeting of 17 April 2023.

Further details of the extent of consultation undertaken is included in the Draft Strategy Submissions Summary Report and CTTS 2023 Community Consultation Summary.

Works and Infrastructure

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STRATEGIC LINKS

a. Delivery Program

The Strategy will provide a strategic direction for traffic and transport policy, guide land use and development, and inform priority road network linkages/upgrades. The Strategy aligns with the following objectives of the Cessnock 2036 Community Strategic Plan:

- 1.1 – Promoting Social Connections;
- 1.2 – Strengthening Community Culture;
- 2.1 – Diversifying Local Business Options;
- 2.2 – Achieving More Sustainable Employment Opportunities;
- 3.1 – Protecting & Enhancing the Natural Environment & the Rural Character of the Area;
- 3.2 – Better Utilisation of Existing Open Space; and
- 4.2 – Improving the road network.

b. Other Plans

Relevant plans and strategies identified within the Draft Strategy, including:

Cessnock LGA

- Cessnock Road Safety Strategic Plan 2020-24
- Cessnock Disability Inclusion Action Plan
- Cessnock Trails Strategy 2020
- Cessnock Pedestrian Access and Mobility Plan 2016
- Cessnock Cycling Strategy 2016
- Kurri Kurri Commercial Centre Masterplan 2017
- Cessnock Urban Growth Management Plan 2021
- Cessnock Road and Road Infrastructure Network Asset Management Plan
- Cessnock Commercial Precinct Program
- Cessnock City Council Climate Change Policy 2020
- Cessnock Local Strategic Planning Statement 2036
- Branxton Land Use Strategy and Structure Plan 2016

Hunter Region

- Lower Hunter Regional Strategy
- Hunter Region Plan 2041
- National Road Safety Strategy 2021 - 2030
- Hunter Regional Transport Plan 2041
- Hunter Valley Destination Management Plan 2022 – 2030
- Hunter Valley Visitor Economy Destination Management Plan 2022 - 2030
- TfNSW MR195 Integrated Transport Plan (not yet published)
- Hunter JO Strategy Plan 2032
- Richmond Vale Rail Trail Plan

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State & National

- Greater Newcastle Metropolitan Plan 2036
- Net Zero Plan: Stage 1 2020 – 2030 (NSW)
- Net Zero Emissions 2050
- TfNSW Future Transport 2056
- National Road Safety Strategy 2021 - 2030
- Greater Newcastle Future Transport Plan 2036
- National Road Safety Strategy 2021 – 2030
- Greater Newcastle Future Transport Plan 2036
- Other Plans

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The Traffic & Transport Strategy does not commit funding to identified outcomes. Rather it provides the vision to guide transport policy and priorities for investment in the transport network for Cessnock.

c. Legislative Implications

N/A

d. Risk Implications

If adopted the Strategy would guide the process of managing and prioritising traffic and transport demands stemming from high development growth within the Cessnock LGA. It will also be used to support future Council Delivery Plans (and associated annual operational plans) and City-Wide Infrastructure Contribution Plans.

The risks associated with Council not adopting the Draft Strategy may include:

- Continued reliance on the 2018 Traffic & Transport Strategy to guide Councils' transport priorities. However, it did not consider the significant development and population growth currently occurring and forecast to continue.
- Missed grant opportunities for key infrastructure projects that are not identified in the current 2018 Strategy and do not align with Local Government and State strategic policy.

e. Environmental Implications

Flora and Fauna: The ecological impact of new roads will be considered as part of detailed planning investigations in preparation of Environmental Impacts Assessments, Species Impact Assessments and Reviews of Environmental Factors.

Flooding: Flood affected locations will be considered as part of detailed planning investigations in preparation of Environmental Impacts Assessments.

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Urban and Rural Character: The Draft Strategy recognises the importance of the villages that make up the whole of City, and proposes connections and road upgrades to separate longer-distance through traffic from local access and shorter trips with the LGA.

Cultural Heritage: The heritage significance of any affected site will also be considered at detailed planning stages.

f. Other Implications

Nil

CONCLUSION

A contemporary Traffic & Transport Strategy will ensure that the Cessnock LGA is well-positioned to benefit from major regional infrastructure, urban growth and infill development.

Adoption of the updated Strategy will also assist Council in applying for State and Federal government funding for transport infrastructure upgrades and improvements that create a more livable, sustainable, safe, connected, productive and resilient road network.

ENCLOSURES

[1](#) Draft Cessnock LGA Traffic & Transport Strategy

[2](#) Traffic & Transport Strategy Engagement Report

Works and Infrastructure

Report No. WI7/2024

Works and Infrastructure



SUBJECT: *LICENCE AGREEMENT FOR KURRI KURRI AQUATIC AND FITNESS CENTRE*

RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Kate Harris*

SUMMARY

The current 30 year term for the management of Kurri Kurri Aquatic and Fitness Centre concludes on 30 June 2024. The purpose of this report is to advise Council of the intention to enter into a further five year option as per the terms of the existing agreement.

RECOMMENDATION

That Council notes the extension of the current Belgravia Health & Leisure Group Pty Ltd licence agreement to manage Kurri Kurri Aquatic and Fitness Centre for a further five year term, from 1 June 2024 to 30 June 2029.

BACKGROUND

Council entered into a licence agreement with Belgravia Health & Leisure Group Pty Ltd (Belgravia) for the management of Kurri Kurri Aquatic and Fitness Centre (KKAFC) in 2019.

The licence agreement provides for two additional five year term options once the initial five year agreement ends (30 June 2024).

This report discusses entering into a further five year term for management of KKAFC.

REPORT/PROPOSAL

Council has identified with Belgravia the intent to enter into a further five year period to manage the KKAFC and Belgravia has confirmed they would like to proceed with an additional term.

One area identified for significant improvement within the existing agreement is Key Performance Indicators (KPI's).

KPI's agreed to at the commencement of the contract period in 2019 with Belgravia include:

- Attendance,
- Meetings with key stakeholders,
- Report progress against the Business Plan and Annual Operational Report,
- Reduction of utility consumption,
- Implementation of environmental efficiencies, and
- Customer Experience.

The above KPI's are not adequate to measure the operational performance of the pool. This aligns with Council's resolution on 20 September 2023 where Council resolved:

- *That an independent consultant be engaged to provide a more detailed KPI performance review of the center prior to the tendering process.*

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Noting the above, Council's aquatics team has identified the following measures in addition to those outlined above to evaluate future performance:

- Report daily and weekly cleaning schedules on a monthly basis (Changerooms, Pool Concourse and Plant Rooms),
- Provide monthly microbiological reports of all pool water,
- Provide documentation of any corrective actions from fecal contaminations including any affected pool closures,
- Provide documentation of all plant related super-chlorination's, water balances, backwashes, and pressure gauge readings on filters. Additionally ensure correct operating procedures are in place regarding staff inductions and training including systematic and routine maintenance,
- Report any plant and equipment maintenance issues,
- Report any correspondence regarding facility maintenance calls to Council,
- Ensure all related signage regarding warning, regulatory and educational pool signage is in place and any old or damaged signage is replaced,
- Monthly discussion around existing staffing levels and recruitment strategies,
- Monthly facility walkthrough to be conducted by both a Cessnock City Council representative and Belgravia Leisure representative (Photo Evidence).

The above KPI's will be included within the renewed agreement with Belgravia.

OPTIONS

Nil

CONSULTATION

Internal engagement has been held with:

- Executive Leadership Team
- Aquatic Facilities Coordinator
- Principal Property Specialist
- Governance

External engagement has been held with:

- Belgravia Health and Leisure Group

STRATEGIC LINKS

a. Delivery Program

This report relates to the following objectives within the Delivery Program 2022-2026:

- 1.2.4 – Provide and manage a range of community, sporting and aquatic activities, and
- 3.2.4 – Provide and maintain recreation facilities, streetscapes and public open space

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b. Other Plans

- Margaret Johns Park Plan of Management.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

There is an existing annual budget allocation of \$250,000 for contract payments to Belgravia.

c. Legislative Implications

Nil

d. Risk Implications

N/A

e. Environmental Implications

Nil

f. Other Implications

Council staff continue to work on a Cost Benefit Analysis and developing a Service Improvement Plan (SIP) within the 2024/2025 financial year for Council's existing outdoor swimming pools at Branxton and Cessnock. The SIP aims to capture the current and future vision for aquatic services and to set clear direction and performance goals for service delivery.

CONCLUSION

In accordance with the existing terms of the licence agreement and together with improved KPI reporting, a further five year agreement will be entered into for the management and operation of KKAFC by Belgravia.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI8/2024

Works and Infrastructure



SUBJECT: *CREEK CROSSINGS IN THE LGA ADDRESSING BN2/2021*

RESPONSIBLE OFFICER: *Asset Planning Manager - Cam Martin*

SUMMARY

This report provides an overview of progress to install flood depth indicators (markers) and flood warning signs on road approaches to culverts and bridges in high flood risk locations in the Cessnock LGA.

The installation of flood markers in the LGA is considered to be an ongoing continuous improvement initiative.

RECOMMENDATION

That Council notes the progress to install flood depth indicators and flood warning signs at high flood risk locations within the Cessnock LGA.

BACKGROUND

A post-flood debrief meeting was held in on 6 May 2021 to discuss the performance of the Wollombi Flood Warning system following the March 2021 flood event. Attending the meeting were representatives of Cessnock City Council, Singleton Council, NSW SES, NSW RFS, and the Bureau of Meteorology. The minutes of this meeting identified the need for additional flood depth markers in the Wollombi area. One flood rescue from a car occurred during the event.

At its 2 June 2021 meeting, the Floodplain Management Committee considered the report Flood Marker Requirements for Bridges and Culverts. The minutes of the meeting (FLOCLM15/2021) were adopted at its ordinary meeting on 21 July 2021 (WI62/2021).

Floodplain Management Committee Resolution FLOCLM15/2021 is provided below:

- I. That Council investigates flood marker signage requirements for bridges and culverts.
- II. That Council allocates \$50,000 (from the Strategic Asset Planning budget) in 2021-2022 to identify and prioritise the location of new flood marker signs.
- III. That the Committee receives a report on the outcomes of the consultancy.

This report addresses two related resolutions:

- Floodplain Management Committee Resolution FLOCLM15/2021 (described above)
- Council Resolution BN2/2021

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Council Resolution BN2/2021 is provided below:

That the General Manager investigates the creek crossings in the Cessnock LGA as an action in the Operational Plan 2021/22. The action to include:

- Identification of the number and location of crossings,
- Do they have depth markers that are able to be clearly read,
- Do they have warning signs, and
- A report be presented to Council once the action is complete.

REPORT/PROPOSAL

Whilst flood depth markers already exist throughout the Cessnock LGA, there are opportunities to install additional depth indicators at high flood risk locations.

Rather than use a consultant, Council engineers undertook an analysis of flood marker requirements across the LGA. This analysis determined 36 locations, 15 out of 36 were identified high priority in the Cessnock LGA requiring flood warning signage and flood depth markers. Council's North and South Area Maintenance Coordinators were also consulted to further inform the requirements.

Council subsequently applied successfully for a \$100,000 grant through the Preparing Australian Communities Local Stream grant program. The key objective of this grant program is to improve the long-term resilience of Australian communities to natural hazards including bushfires, floods and tropical cyclones.

This grant has been used to implement the roll out of flood warning signage and flood depth markers at the 15 priority locations. Signage has been installed at the highest priority locations. Flood markers at remaining 21 sites to be progressively installed as funding becomes available.

Flood markers have been successfully installed at 15 priority locations. The Council's Works and Operations unit have undertaken two of these installations, while external contractors completed the installations at the remaining thirteen sites. All signage related to the grant project has been delivered and completed as scheduled by March 2024. Asset Planning will actively search for additional funding availability to extend installations over the remaining twenty one sites.

The installation of flood markers in the LGA is considered to be an ongoing core business function and continuous improvement initiative. Further updates regarding the ongoing rollout of flood depth markers and signage, as well as any forthcoming signage requirements, will be communicated to the Council's Floodplain Risk Management Committee.

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The table below shows the locations and the number of signage that have been installed:

	Road Name	Bridge Culvert Causeway	Survey & Installation Completed	Flood Depth Markers Required	Flood Warning Signs Required	Comments
1	Murrays Run Road, Laguna	Culvert	Yes	2	2	The installation of 2 flood depth markers and 2 flood warning signs at the location is completed.
2	Great North Road, Laguna	Culvert	Yes	2	2	The installation of 2 flood depth markers and 2 flood warning signs at the location is completed.
3	Great North Road, Laguna	Bridge	Yes	6	2	The installation of 6 flood depth markers and 2 flood warning signs at the location is completed.
4	Watagan Creek Road, Laguna	Bridge	Yes	0	2	This location already has two flood depth markers; only installed 2 flood warning signs.
5	Borree Valley Road/Track	Causeway	Yes	0	2	This location already has two flood depth markers; only installed 2 flood warning signs.
6	Yango Creek Road, Wollombi (HN734)	Causeway	Yes	0	0	Depth markers installed as part of causeway upgrade (Grant funding not used for this location)
7	Yango Creek Road, Wollombi (4.8km from Upper Yango Road Intersection)	Causeway	Yes	0	0	Depth markers installed as part of causeway upgrade (Grant funding not used for this location)
8	Yango Creek Road, Wollombi (HN430)	Causeway	Yes	0	0	Depth markers installed as part of causeway upgrade (Grant funding not used for this location)
9	Yango Creek Road, Wollombi (HN406)	Causeway	Yes	0	0	Depth markers installed as part of causeway upgrade (Grant funding not used for this location)
10	Stockyard Creek Road, Paynes Crossing	Bridge	Yes	2	2	The installation of 2 flood depth markers and 2 flood warning signs at the location is completed.
11	Narone Creek Bridge	Bridge	Yes	4	1	The installation of 4 flood depth markers and 1 flood warning sign at the location is completed.
12	Sweetmans Creek Bridge	Bridge	Yes	5	1	The installation of 5 flood depth markers and 1 flood warning sign at the location is completed.
13	Congewai Road, Congewai	Culvert	Yes	0	1	This location already has two flood depth markers; only installed 1 flood warning sign.
14	Gillards Road, Pokolbin	Culvert	Yes	1	0	The installation of 1 flood depth marker at the location is completed.
15	Tuckers Lane, North Rothbury	Causeway	Yes	1	0	The installation of 1 flood depth marker at the location is completed.
			Total Signages	23	15	

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OPTIONS

Nil

CONSULTATION

The following stakeholders have been consulted to inform flood warning sign and flood marker requirements and/or during the preparation of this Report:

- Floodplain Management Committee
- North and South Area Maintenance Coordinators
- Traffic and Transport Officers
- Community Recovery Officer
- NSW SES and RFS
- Wollombi community

STRATEGIC LINKS

a. Delivery Program

Grant funding has been used to implement the initial roll out of signage at 15 high priority sites out of 36 sites. Plans are to extend installations to cover the remaining sites if additional funding becomes available.

Objective 3.1 – Protecting and enhancing the natural environment and rural character of the area. 3.1.6 – Manage the risk and improve resilience to extreme weather events, flooding, bushfires, mine subsidence and land contamination.

Objective 4.2 – Improving the Road Network We have an acceptable, safe and affordable road network.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

There is currently no procedure to determine if flood level marker signs are required at bridge and major culvert locations, or audit trail of decisions relating to same.

There is a need to align to current standards, e.g. Australian Standard AS1742.2-2022 - Manual of uniform traffic control devices, Part 2: Traffic control devices for general use.

b. Financial Implications

Nil

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c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

That Council notes the progress to install flood depth indicators and flood warning signs at high flood risk locations within the Cessnock LGA. The installation at high priority areas is already completed and the project may close now until further funding gets available.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI9/2024

Works and Infrastructure



SUBJECT: ***NEW LANDFILL EXTENSION PROJECT - CHANGES TO BIODIVERSITY OFFSET AREA***

RESPONSIBLE OFFICER: ***Acting, Environmental & Waste Services Manager - Grant Hamilton***

SUMMARY

The purpose of this report is to seek a resolution to delegate the General Manager to authorise an amendment to the existing 88B instrument in relation to the biodiversity offset area at the Cessnock Waste Management Centre on Lot 1 DP1096161 and Lot 41 DP996992.

RECOMMENDATION

- 1. That Council amend the existing positive and restrictive covenant under Section 88B of the *Conveyancing Act 1919*, for the purpose of biodiversity offset for the proposed new landfill extension, on 36.39 ha of land comprising Lot 41 DP996992 and part of Lot 1 DP1096161.**
- 2. That Council authorises the General Manager to execute the documents relating to the covenants under Section 88B of the *Conveyancing Act 1919*.**

BACKGROUND

Council resolved at its ordinary meeting on 9 December 2020, to authorise the General Manager to execute documents relating to the placing of a positive and restrictive covenant under Section 88B of the *Conveyancing Act 1919*, for the purposes of a biodiversity offset area at the Cessnock Waste Management Centre (Lot 41 DP996992 and part of Lot 1 DP1096161). The Deposited Plan (DP1273951) was registered on 13 December 2021 creating a positive covenant and restriction on the property comprising of a Biodiversity Offset Area (the Offset Land).

The final design of the new landfill extension project results in an encroachment into the Offset Land. An ecological assessment confirms the ability to amend the Offset Land to incorporate another area of the site which does not conflict with the proposed landfill extension project and continues to meet the applicable offsetting principles required by the development consent.

REPORT/PROPOSAL

A condition of development consent for the new landfill extension project at the Cessnock Waste Management Centre (CWMC) requires the establishment and ongoing maintenance of a Biodiversity Offset Area comprising of a minimum of 25 hectares of endangered ecological community. This area has been included on the land title as a positive and restrictive covenant under Section 88B of the *Conveyancing Act 1919*.

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Before deciding on the final landfill extension design, consideration was given to compliance with the development consent but also what resulted in the best outcome from an economical, operational and environmental perspective for Council. The final design however resulted in an encroachment into the Offset Land. It is prohibited for development works to be undertaken within the easement. Council's consultant ecologist conducted an ecological assessment and confirmed the ability to amend the Offset Land to incorporate another area of the site which does not conflict with the proposed landfill extension project and continues to meet the applicable offsetting principles required by the development consent. An amendment was also made to the CMWC Biodiversity Offset Management Plan.

It will be necessary for the existing positive and restrictive covenant on the subject land to be revoked and a new covenant imposed reflecting the amended Offset Land.

Council's legal representative has advised that generally, any disposal of land or other property, including the granting of an easement over land in the ownership of Council, requires the resolution of the governing body (i.e. Council). The authorisation to execute the orders of rescission and imposing of the easement is able to be delegated to the General Manager.

The draft order of rescission or revocation is included as **Enclosure 1**.

The draft positive and restrictive covenant is included as **Enclosure 2**.

OPTIONS

Option 1 – That Council resolve to amend the existing 88B instrument.

This is the preferred option as the amended easement will allow for the landfill extension project to proceed based on the final and NSW EPA endorsed design and construction program

Option 2 – The Council resolve not amend the existing 88B instrument

This is not the preferred option as the design will require substantial modification resulting in significant delays to delivery of the new landfill project and will not result in any environmental benefit as there is suitable land elsewhere on the site that does not conflict with the proposed landfill extension project and continues to meet the applicable offsetting principles required by the development consent.

CONSULTATION

Samuel Mackie – Project Manager
Stuart Simington – Lindsay Taylor Lawyers

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2022 – 2026

- Objective 3.3 – Better Resource Recovery and Waste Management
- Objective 3.3.2 – Continue landfill extension project

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b. Other Plans

Operational Plan 2023 – 2024

- Objective 3.3.2.a – Continue management of Biodiversity Offset area for the landfill extension project

Waste and Resource Recovery Strategy 2020-25

- Action 7.4 a. Secure and commence management of the biodiversity offset area
- Action 7.4 c. Commence construction of Stage 1 of the landfill extension project

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council's cost for legal representation to oversee the 88B documentation and lodgement process are approximately \$3,500. This cost is funded as part of the adopted capital works budget CFW-2021-003 New Landfill Development.

c. Legislative Implications

Section 377 of the *Local Government Act 1993* prohibits the delegation of such functions:

(1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*

...

(h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*

Council has been advised that the rescission and revoking of an easement over land that is in the ownership of the Council requires the resolution of the governing body (i.e. Council). The authorisation to execute the orders of rescission and imposing of the easement is able to be delegated to the General Manager.

Section 88 of the *Conveyancing Act 1919* details the legislative process by which easements and restrictions on land are executed and managed. Council's legal representative have been engaged to oversee the executing of orders and lodgement of relevant documentation relating to the amended 88B instrument.

d. Risk Implications

The risks associated with the section 88B *Conveyancing Act 1919* process has been considered and minimised by engaging legal representation to ensure the correct legislative process is followed on behalf of Council.

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There is a risk that if the amendments to the 88B instrument is delayed, works within the Offset Land will not be able to be undertaken until such time as the easement has been registered. This may result in a delay to the commencement of the project.

e. Environmental Implications

Council's consultant ecologist (Eco-Logical Australia) has completed an ecological assessment of the site and have amended the CWMC Biodiversity Offset Area Management Plan. The assessment confirms the ability to amend the Offset Land to incorporate another area of the site which does not conflict with the proposed landfill extension project and continues to meet the applicable offsetting principles required by the development consent.

The Offset Land will comprise of 36.39 hectares of endangered ecological community Lower Hunter Spotted Gum - Ironbark Forest including the following threatened species:

- *Grevillea parviflora subsp. parviflora* (Small-flowered Grevillea),
- *Rutidosis heterogama* (Heath Wrinklewort), and
- *Callistemon linearifolius* (Netted Bottlebrush).

Amending the Offset Area will achieve a balance between development and environmental outcomes for Council and the community.

f. Other Implications

Nil

CONCLUSION

The Cessnock Waste Management Centre Biodiversity Offset Area is identified as a restricted easement on Deposited Plan DP1273951. It is prohibited to undertake works or development within the registered easement. The final landfill extension design results in an encroachment into the existing easement. It was deemed the best outcome for Council to amend the easement as opposed to redesigning the NSW EPA approved landfill extension.

Council's consultant ecologist confirms the ability to amend the Offset Land to incorporate another area of the site which does not conflict with the proposed landfill extension project and continues to meet the applicable offsetting principles required by the development consent.

To allow the new landfill extension project to proceed in accordance with the NSW EPA endorsed design and construction program, it is recommended that Council resolve to amend the existing positive and restrictive covenant and delegate authority to the General Manager to execute the documents on behalf of Council.

ENCLOSURES

- [1](#) CWMC Biodiversity Offset Area _ Draft 88B Instrument
- [2](#) CWMC Biodiversity Offset Area _ Draft Order of recission

Works and Infrastructure
Report No. WI10/2024
Works and Infrastructure



SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 18 MARCH 2024*

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 18 March 2024 be adopted as a resolution of the Ordinary Council.

- **TC9/2024 - That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch, in accordance with Various Roads Lovedale _ Lovedale Long Lunch Traffic Control Plans.**

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 18 MARCH 2024

OPENING: The meeting was opened at 9:40am

PRESENT: Councillor James Hawkins (Chairperson)
Senior Constable Monique Tanner - NSW Police
Mr Mark Morrison – TfNSW (By Zoom)

IN ATTENDANCE: Mr Richard Ingall – Rover Coaches
Mr Warren Jeffery – Principal Engineer, Traffic & Transport
Ms Alison Shelton – Road Safety Officer
Mrs Melissa Vile – Senior Business Support Officer, Infrastructure
Mr William Ridley – Bus Service Planner Hunter Valley CDC NSW (By Zoom – TC11/2024 only)
Ms Cheraz Barker – Grace Coaches (By Zoom – TC11/2024 only)

APOLOGIES

Nil

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Cessnock Local Traffic Committee held on 19 February 2024 as circulated, were previously confirmed as a true and correct record.

Works and Infrastructure

Report No. WI10/2024

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DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

LISTED MATTERS

SUBJECT: ***LOVEDALE, TALGA & WILDERNESS ROADS, LOVEDALE
TEMPORARY REGULATION OF TRAFFIC
LOVEDALE LONG LUNCH***

REPORT NO.: ***TC9/2024***

REFERENCE.: ***46/2024/1/1***

MATTER: Council received an application for the temporary regulation of traffic in connection with an existing development approval (8/2016/35/2) for the Lovedale Long Lunch, and has assessed the application, along with the associated Traffic Management Plan (TMP) and Traffic Guidance Schemes (TGSs).

Consent is sought under Section 116 of the *Roads Act 1993*, to regulate traffic on Lovedale, Wilderness and Talga Roads in Lovedale in connection with this traffic generating event.

DISCUSSION: The matter was described as per the report, and discussion as follows:

- All submissions tabled, reviewed and discussed – It was determined that the relevant TMP & TGS adequately addresses event requirements and should negate the concerns raised in the submissions.
- Specific condition to be added requiring the applicant to submit a written debrief report within 14 days of the completion of the event.

RECOMMENDATION

That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch, in accordance with Various Roads Lovedale _ Lovedale Long Lunch Traffic Control Plans.

SUPPORT: UNANIMOUS

CLOSURE

The Meeting Was Declared Closed at 10:15am

Works and Infrastructure

Report No. WI10/2024

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ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure

Report No. WI11/2024

Works and Infrastructure



SUBJECT: *MINUTES OF THE COMMUNITY ENGAGEMENT AWARDS AND GRANTS COMMITTEE HELD ON 20 MARCH 2024*

RESPONSIBLE OFFICER: *Acting, Environmental & Waste Services Manager – Grant Hamilton*

RECOMMENDATION

1. That the Minutes of the Community Engagement, Awards and Grants Committee Meeting of the 20 March 2024 be adopted as a resolution of the Ordinary Council.
2. That Council provides funds through the Sustainable Communities - Tidy Towns Environment Grant Program to:
 - Paxton Tidy Towns in the amount of \$4,000,
 - Hunter Region Landcare Network Inc. in the amount of \$3,000,
 - Kiray Putjung Aboriginal Corporation in the amount of \$1,817.93, and
 - Kurri Kurri Rotary Club in the amount of \$2,034.84.
3. That the General Manager writes to all applicants of the Tidy Towns Environment Grant Program advising them of the outcome of their application and thanking them for their contribution to the community and environment in the Cessnock Local Government Area.
4. That Council approve funding in accordance with the Schools Environment Grants Program for the following projects:
 - Cessnock Kids Preschool and Early Learning in the amount of \$200,
 - Weston Public School in the amount of \$500,
 - Branxton Preschool in the amount of \$200,
 - Kurri Kurri High School in the amount of \$992,
 - Alesco secondary College in the amount of \$997.89,
 - Goodstart Early Learning Kurri Kurri in the amount of \$200,
 - Kitchener Public School in the amount of \$496,
 - Paxton Public School in the amount of \$500,
 - Millfield Public School in the amount of \$500,
 - Ellalong Public School in the amount of \$500,
 - Aberdare Preschool in the amount of \$200,
 - Honey Tree Preschool in the amount of \$200,
 - Nulkaba Public School in the amount of \$382.15,
 - Cessnock East Public School in the amount of \$500, and
 - Bees Nees Early Learning & Childcare Centre in the amount of \$200
5. That Council acknowledge the \$1,068.04 shortfall in available grant funding will be funded by council's operational budget in this instance.

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6. That Council accept to increase the Schools Environment Grant Scheme funding from \$5,500 to \$7,000 to account for the 2023 decision to increase the funding amounts for High Schools from \$500 to \$1,000 (report No. CC20/2023) and to ensure adequate funds are available for all schools.
7. That Council provides funds through the Community Facilities – Community, Sporting and Environment Grant Scheme – Round 2 to:
 - Branxton Community Hall s355 Committee in the amount of \$3,987,
 - Branxton Preschool in the amount of \$9,202, and
 - Coalfields Local History Association in the amount of \$5,050.
8. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council’s community facilities.

MINUTES OF COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ANTE ROOM ON WEDNESDAY, 20 MARCH 2024, COMMENCING AT 1.00PM

PRESENT: The Mayor, Councillor Suvaal
Councillor Sander
Councillor Jurd
Councillor Moores
Kate Harris - Open Space & Community Facilities Manager (General Managers Delegate)
Grant Hamilton - Acting, Environment & Waste Manager

IN ATTENDANCE: Daniela Gambotto - Sustainability Officer
Kate Hicks – Recreation and Community Liaison Officer
India Anderson – Executive Assistant to Director Corporate & Community Services (Minute Taker)

INVITEES: Natalie Drage – Community & Cultural Development Manager
Megan Barnes – Principal Community Planner
Danielle Lloyd-Pritchard – Sustainability Officer
Chrissy Grainger – Customer Engagement Officer

APOLOGIES

APOLOGY **Moved:** Councillor Sander **Seconded:** Councillor Moores

That the apology tendered on behalf of Councillor Burke be accepted.

CARRIED UNANIMOUSLY

ACKNOWLEDGEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.

CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: Councillor Sander

Seconded: Councillor Moores

That the Minutes of the Community Engagement, Awards and Grants Committee held on 18 October 2023, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DOLCLM2/2024 - Schools Environment Grants 2023-24 - Mayor Suvaal declared a Non Pecuniary Interest + less than significant conflict for the reason that his son attends one of the non-eligible schools that applied for funding. Mayor Suvaal advised that he would remain in the meeting and participate in discussion and voting as the conflict would not be relevant to his decision.

Works and Infrastructure

Report No. WI11/2024

Works and Infrastructure



LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. DOLCLM1/2024

SUBJECT: SUSTAINABLE COMMUNITIES - TIDY TOWNS ENVIRONMENT GRANTS 2023-24

MOTION **Moved:** Councillor Moores **Seconded:** Councillor Sander

The Community Engagement, Awards and Grants Committee recommends:

1. That Council provides funds through the Sustainable Communities - Tidy Towns Environment Grant Program to:
 - Paxton Tidy Towns in the amount of \$4,000,
 - Hunter Region Landcare Network Inc. in the amount of \$3,000,
 - Kiray Putjung Aboriginal Corporation in the amount of \$1,817.93, and
 - Kurri Kurri Rotary Club in the amount of \$2,034.84.
2. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their contribution to the community and environment in the Cessnock Local Government Area.

CARRIED UNANIMOUSLY

Works and Infrastructure

Report No. WI11/2024

Works and Infrastructure



LISTED MATTERS - COMMITTEE NO. DOLCLM2/2024

SUBJECT: SCHOOLS ENVIRONMENT GRANTS 2023-24

Mayor Suvaal declared a Non Pecuniary Interest + less than significant conflict for the reason that his son attends one of the non-eligible schools that applied for funding. Mayor Suvaal remained in the meeting and participated in discussion and voting.

MOTION Moved: Councillor Sander **Seconded:** Councillor Moores

1. That the Community Engagement, Awards and Grants Committee make a recommendation that Council approve funding in accordance with the Schools Environment Grants Program for the following projects:

- Cessnock Kids Preschool and Early Learning in the amount of \$200,
- Weston Public School in the amount of \$500,
- Branxton Preschool in the amount of \$200,
- Kurri Kurri High School in the amount of \$992,
- Alesco secondary College in the amount of \$997.89,
- Goodstart Early Learning Kurri Kurri in the amount of \$200,
- Kitchener Public School in the amount of \$496,
- Paxton Public School in the amount of \$500,
- Millfield Public School in the amount of \$500,
- Ellalong Public School in the amount of \$500,
- Aberdare Preschool in the amount of \$200,
- Honey Tree Preschool in the amount of \$200,
- Nulkaba Public School in the amount of \$382.15,
- Cessnock East Public School in the amount of \$500, and
- Bees Nees Early Learning & Childcare Centre in the amount of \$200.

2. That the committee acknowledge the \$1068.04 shortfall in available grant funding will be funded by council's operational budget in this instance.

3. That the committee make application to Council for an increase in the Schools Environment Grant Scheme funding from \$5,500 to \$7,000 to account for the 2023 decision to increase the funding amounts for High Schools from \$500 to \$1,000 (report No. CC20/2023) and to ensure adequate funds are available for all schools.

4. That the committee thank all applicants for their contribution towards the enhancement of the local environment.

CARRIED UNANIMOUSLY

Works and Infrastructure

Report No. WI11/2024

Works and Infrastructure



LISTED MATTERS - COMMITTEE NO. DOLCLM3/2024

SUBJECT: 2023-24 COMMUNITY FACILITIES - COMMUNITY, SPORTING AND ENVIRONMENT GRANT - ROUND 2

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Sander

That the Community Engagement, Awards and Grants Committee recommends:

1. That Council provides funds through the Community Facilities – Community, Sporting and Environment Grant Scheme – Round 2 to:
 - Branxton Community Hall s355 Committee in the amount of \$3,987,
 - Branxton Preschool in the amount of \$9,202, and
 - Coalfields Local History Association in the amount of \$5,050.
2. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's community facilities.

CARRIED UNANIMOUSLY

CORRESPONDENCE

Nil

The Meeting Was Declared Closed at 1.22pm

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN4/2024

General Manager's Unit



NOTICES OF MOTION No. BN4/2024

SUBJECT: *BIN INFORMATION FOR ELDERLY*

COUNCILLOR: *Jessica Jurd*

MOTION

That

- 1. General Manager reports back to council, on what services council provide to the community and how the community can access to it.**
- 2. The Council look into ways of advertising these services, other than their website.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 April 2024.

RATIONALE

Council has so many important services for the community, that so many people do not know about. The website is hard to use for a lot of the community and most of our elderly community do not use computers. Now that the advertiser is no longer a service to spread this information, these changes, I believe would benefit the community.

SOURCE OF FUNDING:

Nil

DELIVERY PROGRAM:

Our community 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 effectively meet the community needs.

Notices Of Motion

Report No. BN4/2024

General Manager's Unit



DIRECTORS COMMENTARY:

The notice of motion asks the General Manager to prepare a list of what services Council offers the community and how the community can access each of these services. The motion is open-ended and broad, and would take significant staff time and resources to compile and note the potential financial impost.

In terms of promotion of services, in addition to detailing on relevant Council web pages, Council uses a wide variety of audience specific and multichannel communication methods to promote individual services. Some of the communication channels that are used to promote different services include social media pages, media releases, electronic direct mailouts via multiple channels, community events, decals on waste collection trucks, VMS boards, alerts through the Cessnock Waste App and printed community newsletters, flyers and posters, placed at stations across the LGA. Council also houses an online community directory on its website, where local organisations can promote the services they provide to the community, and update contact details and information to ensure relevancy. This can include organisations that run services from Council facilities, whether through a partnership or a hiring arrangement.

A static list of all council services is not something that is currently done and would be quickly outdated, particularly in the case of services that are ad hoc, available for a specific time period and/or reliant on grants. An example of this is the new counselling service currently available at the Cessnock Youth Service and Outreach Centre (CYCOS). This service is which was promoted through posters, social media posts and direct referral.

It is for this reason that a council's website is the most suitable source of information for residents to find services, because it offers comprehensive and up-to-date information directly from the source. The website is able to provide accurate, up-to-date information for residents on a wide range of topics in a centralised and easily accessible format. The search functionality on Council's website allows users to type in key words to quickly find what they are looking for, with search results automatically displayed by relevance for the user. Cessnock City Council also has a dedicated Digital Media Officer who manages the website, and works with teams across the organisation to keep information up-to-date and correct. Community members also have the ability to use a google search which in a significant number of cases takes you to the item without having to navigate the website.

Council is committed to providing a website that is accessible to the widest possible audience, regardless of technical ability. The team is always actively working to increase the accessibility and usability of the website which is why there is a contact on the homepage of the website to provide feedback. Council's Customer Relations team are also on hand if members of our community need help identifying a specific service or navigating the website – yet another service we provide.

Council's Media and Communications team, along with other Council areas who have social media channels and eNews platforms (Cessnock City Library, CYCOS, PACC, Advance Greater Cessnock, Environment and Waste, Community Engagement) are consistently promoting the services, programs, events, projects and opportunities on offer for residents of the Cessnock Local Government Area.

Notices Of Motion

Report No. BN4/2024

General Manager's Unit



Finally, the rationale in the notice of motion states that most of our elderly community do not use computers. Some doubt should be placed in this generalization as it is not reflected in evidence, which has demonstrated significant increases in the use of digital devices over the past decade, only accelerated during COVID. Recent data showed 80 per cent of older Australians used a mobile device to access the internet in the six months to June 2020, up from 51 per cent in 2017. Indeed, Cessnock City Libraries offers regular Tech Savvy Seniors events for older residents interested in brushing up or learning new digital skills.

Three case studies

Finally, to demonstrate how different communication channels are used to promote services effectively to the community via both digital and printed channels, here are three examples in the Waste and Environment area.

1. Mattress Drop Off Days – digitally promoted using social media, alerts from the Cessnock Waste App, and event and primary page on the Council website. Printed methods includes collection truck signage (kept current), VMS signage prior to the event, banner displayed at public buildings such as school fences.
2. Chemical Clean Out Days - digitally promoted using social media, alerts from the Cessnock Waste App, and event and primary page on the Council website. Printed methods includes VMS signage prior to the event
3. Community Sharps Bins – Council funds the provision of community sharps (syringes) bins at Cessnock and Kurri Hospital. digitally promoted using social media, alerts from the Cessnock Waste App, and a page on the Council website. Printed methods includes signage on the bins and information brochure/pamphlet at Council's administration building and Cessnock and Kurri libraries.

Recommended action and Proposed Alternate Recommendation

Rather than compiling a static list, a constructive way to promote council services and address the intention of the Nom, will be for the Media and Communications team to execute a 'Did you know we offer this service?' campaign. This campaign would aim to raise awareness among residents about the wide variety of services available to them, including the lesser-known services provided by Council. This can be rolled out via the various communication channels utilised by Council's Media and Communications team and can be commenced without the need for a Council resolution and be in place within 1-2 months.

1. **That Council notes the multiple communication channels already in operation for engagement with our community and promotion of the services, programs, events, projects and opportunities on offer for residents of the Local Government Area.**
2. **That Council notes the implementation during quarter 4 of 2023-24 of a 'Did you know we offer this service?' campaign" which aims to raise awareness among residents about the wide variety of services available to them, including the lesser-known services provided by Council.**

Notices Of Motion

Report No. BN4/2024

General Manager's Unit



Sgd: Jessica Jurd

Date: 11 March 2024

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN5/2024

General Manager's Unit



NOTICES OF MOTION No. BN5/2024

SUBJECT: *WOLLOMBI ROAD PUBLIC MEETINGS*

COUNCILLOR: *Jessica Jurd*

MOTION

That council:

- 1. Extend the Public Exhibition period by 2 weeks ending on the 17th May 2024, and**
- 2. Organise 2 public meetings in that time as per the Notice of Motion from the Council meeting on 21st February 2024.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 April 2024.

RATIONALE

As per the Notice of motion point 4 council was to provide public meetings and we are not following the recommendation as printed below. So many residents are telling me conflicting information and the only way to stop this is to hold a number of open meetings so everyone gets the same information. An extension of 2 weeks is not got to make a large difference to a works programme as large as this.

4. Requests the General Manager ensure all residents have the opportunity to access the same information regarding the Wollombi Road Upgrade Project by holding multiple, large scale, community information sessions for residents and businesses, and that Councillors be invited to attend these sessions.

SOURCE OF FUNDING:

N/A

DELIVERY PROGRAM:

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 needs.

Notices Of Motion

Report No. BN5/2024

General Manager's Unit



DIRECTORS COMMENTARY:

In line with the resolution from the Notice of Motion moved at the Ordinary Council Meeting on 21st February 2024 the project team increased the number of community information session from four to five as displayed on Councils' website. Three locations provide for large number of participants and have been resourced by a significant number of Council and project team staff to ensure every resident and/or business owner has access to someone.

The information sessions are outlined below:

Event	Date	Time	Location	Attendance	Venue capacity
1	Wednesday 27 March	5pm-7pm	Cessnock Library	12	20 (at one time)
2	Wednesday 3 April	6pm-8pm	Cessnock Leagues Club	13	450
3	Monday 8 April	5pm-7pm	Paxton Pub	7	100
4	Saturday 13 April	10am-12pm	Bellbird Hotel	TBC	200
5	Wednesday 17 April	4pm-5pm Live	Live Q&A (Facebook)	TBC	NA

These events have also been advertised more broadly via the following means:

- Websites - Wollombi Road Upgrades Cessnock City Council and Together Cessnock,
- Social media posts,
- Two stakeholder emails to the project's distribution list, and
- A printed project newsletter distributed in late March.

Provided below are some statistics relating to community feedback and information relating to the Wollombi Road Upgrade REF display so far:

- 38 submissions received for REF,
- 2700 visitors to Together Cessnock page,
- Just under 2,000 documents downloaded off the Together Cessnock page,
- Three information sessions held to date with a total of 32 attendees,
- 0 calls to 1800 number during exhibition period, and
- Two general project enquiries received during exhibition period.

ALTERNATE RECOMMENDED MOTION

- 1. That Council notes the statistics for community participation and access to information during Public Exhibition period up to 9 April 2024, and**
- 2. That Council supports the remaining information sessions and encourage community feedback on the REF be submitted by 3 May 2024.**

Sgd: Jessica Jurd

Date: 8 April 2024

ENCLOSURES

There are no enclosures for this report