13 August 2020

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, 19 August 2020 at 6.30 pm, for the purposes of transacting the undermentioned business.

The meeting is to be held as per the COVID-19 legislation Amendment (Emergency Measures) Bill 2020 and will be closed to the public. The public may view the meeting via a link on Councils website.

AGENDA:

PAGE NO.

(1) OPENING PRAYER

(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

(3) RECEIPT OF APOLOGIES

(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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(6) PETITIONS

(7) PUBLIC ADDRESS

(8) CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

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(18) COUNCILLORS' REPORTS

(19) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 19 AUG 2020

‡ *- 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 Model Code of Conduct

Council adopted its current Code of Conduct on 17 April 2019. 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.

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 and to refrain from being involved in any consideration or to vote on any such matter

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 notification

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 declarations of interest shall be recorded by the General Manager

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

Notice of Copyright and Disclaimer

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The entire chamber including the public gallery is included in the audio recordings and visitors in the gallery who attend Council meetings may have their voice captured and webcast.

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MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 15 JULY 2020, COMMENCING AT 6.30 PM

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

IN ATTENDANCE:
General Manager
Acting Director Planning and Environment (Strategic Planning Manager)
Director Corporate and Community Services
Acting Director Works and Infrastructure (Infrastructure Manager)
Economic Development Manager
Acting Strategic Planning Manager (Acting Principal Strategic Planner)
Information Technology Manager
Senior Media & Communication Officer
Corporate Governance Officer

APOLOGY: ***NIL***

MINUTES:

MOTION ***Moved:*** Councillor Stapleford
Seconded: Councillor Doherty

1337
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 17 June 2020 and the Minutes of the Extraordinary Council Meeting held on 24 June 2020,as circulated, be taken as read and confirmed as a correct record.

FOR	**AGAINST**
Councillor Olsen	Councillor Dagg
Councillor Doherty	Councillor Suvaal
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	**Total (2)**

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI8/2020

SUBJECT: ***DISCLOSURES OF INTEREST***

RECOMMENDATION

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

CC61/2020 - Granting of Council's Rebate Contribution on Pensioner Rates Policy – Councillor Fagg declared a Pecuniary Interest for the reason that he is an Australian Pensioner. Councillor Fagg advised that he would leave the Chamber and take no part in discussion and voting.

PE26/2020 - Planning Proposal: Reclassification and rezoning of Council owned land – Councillor Doherty declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he was the President of the Kurri Kurri District Business Chamber until 2016. Councillor Doherty advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he has no financial interest in the Planning Proposal.

PETITIONS

Councillor Stapleford tabled a petition from the community of Ellalong in support BN19/2020 – Multipurpose Half court within Ellalong Park.

ADDRESS BY INVITED SPEAKERS

One Submission was received from Brett Wild, Chairman, Military Armoured Restoration Society, Branxton Greta Memorial Cycleway Limited regarding GMU15/2020 - Request to rename the Branxton Greta Memorial Cycleway which was tabled and read.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU15/2020

SUBJECT: ***REQUEST TO RENAME THE BRANXTON GRETA MEMORIAL CYCLEWAY***

MOTION ***Moved:*** Councillor Dagg ***Seconded:*** Councillor Gray
1338
RESOLVED

That Council endorses the Hunter Anzac Memorial, as part of the Branxton Greta Memorial Cycleway.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

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

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1339

RESOLVED

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

NI5/2020	Notice of Intention to Deal with matters in Confidential Session.
	CC67/2020 – Minutes of the Confidential Strategic Property & Community Facilities Committee meeting held 2 July
	WI64/22020 – Minutes of the Confidential Floodplain Management Committee meeting held 3 June 2020 57
PE24/2020	Draft Community Engagement Strategy..... 74
PE25/2020	Planning Proposal: Additional Permitted Use at The Vintage.....119
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‡ CC65/2020	Investment Report - June 2020.....258
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WI63/2020	Minutes of the Floodplain Management Committee held 3 June 2020 312
‡ CO8/2020	BN14/2020 - Maybury Peace Park.....324
‡ CO9/2020	MM4/2020 - COVID-19 Pandemic - Financial Assistance 326

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI5/2020

SUBJECT: ***NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION.***

CC67/2020 – MINUTES OF THE CONFIDENTIAL STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 2 JULY

WI64/22020 – MINUTES OF THE CONFIDENTIAL FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD 3 JUNE 2020

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1340
RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (c) and (dii) of the *Local Government Act 1993*:

Repot No. CC672020 – Minutes of the Confidential Strategic Property & Community Facilities Committee meeting held 2 July as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

Report No. WI64/22020 – Minutes of the Confidential Floodplain Management Committee meeting held 3 June 2020 as it deals with commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council

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 Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM7/2020

SUBJECT: ***WOLLOMBI COALMINING PROPOSAL***

MOTION ***Moved:*** Councillor Pynsent
1341
RESOLVED

1. **That Council has recognised within its Local Strategic Planning Statement 2036 the unique heritage of national significance within the Wollombi Valley, and the importance of supporting and protecting the established and emerging tourism industry.**

2. **That Council writes to the Deputy Premier, The Hon John Barilaro MP, outlining Council's concern that the historic Wollombi Valley has been included in "potential areas for release for coal exploration under the Strategic Release Framework".**

3. **That Council requests a briefing from the Deputy Premier, The Hon John Barilaro MP, outlining the nature of the mining and the specific boundaries outlined.**

4. **That Council acknowledges the importance and economic benefit, of coalmining within the Cessnock Local Government Area and supports its continuation and establishment in other more conducive locations.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU8/2020

SUBJECT: ***MOTIONS OF URGENCY***

RECOMMENDATION

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

Councillor Suvaal

Invitation to Sporting Teams

That the General Manager urgently write to the NRL, A-League, Rugby Australia and other relevant men's and women's sporting bodies outlining the fantastic facilities and accommodation available in the Cessnock LGA should they wish to base a team here during the current COVID-19 pandemic.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

The Urgency Motion was ***PUT*** and ***CARRIED*** and will be dealt with at the conclusion of the listed matters on the Business Paper.

Councillor Olsen

Change to Roadworks

That when roadworks are changed in Cessnock, that have been approved by this Council, that this Council be notified of what changes have been made or they want to make.

The Mayor ruled Councillor Olsen's Motion of Urgency as not Urgent

Councillor Olsen

Frame Drive Bridge Roadworks

That the Councillors be told why the Frame Drive Bridge roadworks have failed, how Council is going to rectify this issue and approximate cost to repair this issue.

The Mayor ruled Councillor Olsen's Motion of Urgency as not Urgent.

DEFERRED BUSINESS

DEFERRED BUSINESS NO. WI22/2019

SUBJECT: ***UPGRADE CARPARK P8, 232A WOLLOMBI ROAD, REAR OF CESSNOCK HOTEL***

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Fitzgibbon
1342
RESOLVED

1. **That Council endorse the Concept Design for the upgrade of the Council owned car park at the rear of Cessnock Hotel in accordance with Figure 2 – Concept Design for Upgrade of P8.**

2. **That Council prioritise the upgrade based on the condition of the car park and demand for parking.**

3. **That a sign be placed at the entrance to the carpark.**

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Fagg	Councillor Dunn
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	**Total (2)**

CARRIED

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE24/2020

SUBJECT: ***DRAFT COMMUNITY ENGAGEMENT STRATEGY***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1343
RESOLVED

1. **That Council places the draft Community Engagement Strategy on public exhibition for a minimum period of 28 days and invite public submissions.**

2. **That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Community Engagement Strategy.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE25/2020

SUBJECT: ***PLANNING PROPOSAL: ADDITIONAL PERMITTED USE AT THE VINTAGE***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1344
RESOLVED

1. **That Council requests a Gateway determination for the Planning Proposal – Residential Flat Buildings Additional Permitted Use at 'The Vintage' from the Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979.***

2. **That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.**

3. **That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.**

4. **That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise, forward the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE26/2020

SUBJECT: ***PLANNING PROPOSAL: RECLASSIFICATION AND REZONING OF COUNCIL OWNED LAND.***

Councillor Doherty declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he was the President of the Kurri Kurri District Business Chamber until 2016. Councillor Doherty remained in the Chamber and participated in discussion and voting.

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Burke
1345
RESOLVED

1. **That Council requests a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Cessnock, East Branxton, Greta, Pelaw Main, and Weston from the Department of Planning, Industry and Environment pursuant to the *and Assessment Act 1979.***

2. **That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.**

3. **That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.**

4. **That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.**

5. **That Item 7 Maitland Street and Part of 107 Lang St Kurri Kurri be moved as per resolution to operational Land, with the rezoning being deferred for a further briefing to Council regarding future options regarding this site.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC58/2020

SUBJECT: ***MAYORAL & COUNCILLOR FEES 2020-21***

MOTION ***Moved:*** Councillor Dunn ***Seconded:*** Councillor Suvaal
1346
RESOLVED

1. **That Council sets the annual Mayoral Fee for 2020-21 at $45,360 in accordance with the provisions of Section 249 of the *Local Government Act 1993*.**

2. **That Council sets the annual Councillor Fee for 2020-21 at $20,800 in accordance with the provisions of Section 248 of *the Local Government Act 1993*.**

3. **That Council sets an allowance for 2020-21 of $800 to be paid to the Deputy Mayor, with the Mayoral fee adjusted accordingly.**

4. **That Council notes that the category for Council has changed to Regional Centre and that the recommended fees are set at mid-point rather than maximum due to the current situation with COVID-19 and the budgeted allocation for 2020-21.**

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	**Total (1)**

CARRIED

CORPORATE AND COMMUNITY NO. CC59/2020

SUBJECT: ***HARDSHIP POLICY***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1347
RESOLVED

That Council adopts the Hardship Policy.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC60/2020

SUBJECT: ***DEBT COLLECTION (RATES, ANNUAL CHARGES AND SUNDRY DEBTORS) POLICY***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1348
RESOLVED

That Council adopts the Debt Collection (Rates, Annual Charges and Sundry Debtors) Policy.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC61/2020

SUBJECT: ***GRANTING OF COUNCIL'S REBATE CONTRIBUTION ON PENSIONER RATES POLICY***

Councillor Fagg declared a Pecuniary Interest for the reason that he is an Australian Pensioner. Councillor Fagg left the Chamber and took no part in discussion and voting.

Councillor Fagg left the meeting, the time being 7.13pm

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
1349
RESOLVED

1. **That Council adopts the Granting of Council's Rebate Contribution on Pensioner Rates Policy.**

2. **That Council distribute a media release reaffirming Council support for this policy which gives eligible pensioners a larger rebate than the one we are required to provide.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	**Total (0)**

CARRIED UNANIMOUSLY

Councillor Fagg returned to the meeting, the time being 07:14 PM

CORPORATE AND COMMUNITY NO. CC62/2020

SUBJECT: ***RELATED PARTIES DISCLOSURE POLICY***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1350
RESOLVED

That Council adopts the Related Parties Disclosure Policy.

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC63/2020

SUBJECT: ***RESOLUTIONS TRACKING REPORT***

MOTION ***Moved:*** Councillor Burke ***Seconded:*** Councillor Dagg
1351
RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC64/2020

SUBJECT: ***ORDINARY MEETINGS OF COUNCIL - TEMPORARY AMENDMENT TO THE CODE OF MEETING PRACTICE***

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
1352
RESOLVED

That Council temporarily amends clause 3.1 of the Code of Meeting Practice, which deals with the timing of Ordinary Meetings of Council, to hold one meeting per month for the months of August and September 2020, due to the ongoing uncertainty with COVID-19.

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	**Total (1)**

CARRIED

CORPORATE AND COMMUNITY NO. CC65/2020

SUBJECT: ***INVESTMENT REPORT - JUNE 2020***

MOTION 1353 ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon

RESOLVED

That Council receives the Investment Report for June 2020 and notes:

- **Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order**
- **Council's month end balance was $47,140,822, year to date interest earned to 30 June 2020 was $676,050 and the interest earned for June 2020 was $47,477.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC66/2020

SUBJECT: ***MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 2 JULY 2020***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1354
RESOLVED

1. **That the Minutes of the Strategic Property & Community Facilities committee meeting of 2 July 2020 be adopted as a resolution of the Ordinary Council.**

2. **That Council amends the Cessnock Local Environmental Plan 2011 to reclassify the following properties from Community to Operational land:**

    - **204 - 218 Vincent Street & 2 Cessnock Street Cessnock (nine lots)**
    - **Cessnock Road Weston Lot: 18 Sec: 27 DP: 979187**
    - **6 William Street Cessnock Lot: 3 SEC: J DP: 4927**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI57/2020

SUBJECT: ***ALLOCATION OF LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM FUNDING***

MOTION ***Moved:*** Councillor Sander ***Seconded:*** Councillor Gray
1355
RESOLVED

That Council endorses the following projects to be undertaken through the Australian Government's Local Roads and Community Infrastructure Program where Cessnock City Council is eligible to receive $1,065,399 of funding;

- **Weston Public School Zone precinct upgrade - $150,000**
- **Branxton Town Centre Upgrade Stage 3 - $330,000**
- **Government Road Weston Road Pavement Upgrade – $300,399**
- **CPAC Back Stage Access Project - $200,000**
- **Visitor Information Centre Improvements - $85,000**
- **That the General Manager facilitate a briefing/workshop before the next Council meeting to outline the current status of all projects "Recovery Stimulus Projects" adopted by Council in report WI38/2020**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI58/2020

SUBJECT: ***RESTART NSW RESOURCES FOR REGIONS PROGRAM ROUND SEVEN - EXPRESSIONS OF INTEREST***

MOTION ***Moved:*** Councillor Burke ***Seconded:*** Councillor Gray
1356
RESOLVED

1. That Council endorses the lodgement of six applications under the NSW Government's Resource for Regions Round Seven Program, being the following in priority order;

1. **Cessnock Pool Splash Pad - $680,000**
2. **Kurri Kurri CBD Upgrade Stage 3 - $482,198**
3. **Youth Driver Training Community Program - $100,000**
4. **Richmond Vale Rail Trail Project Planning - $50,000**
5. **Cessnock Performing Arts Centre Cultural Hub Redesign - $500,000**
6. **Cessnock Airport Upgrade - $900,000**

2. That Council notes Projects No.5 and No.6 are additional to Council's allocated amount of $1,312,198 for the Round Seven Program.

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	**Total (1)**

CARRIED

WORKS AND INFRASTRUCTURE NO. WI59/2020

SUBJECT: ***BADDELEY PARK AND CARMICHAEL PARK MASTERPLANS***

MOTION 1357 ***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Fitzgibbon

RESOLVED

1. That Council places the draft Baddeley Park and Carmichael Park Masterplans on public exhibition for a minimum period of 28 days and invite public submissions with the following amendments to the Baddeley Park Masterplan.

a) The training field at the end of the sportsground be made into a second full sized ground.

b) The carpark at the end of the sportsground have a connecting car bridge to the carpark across the creek.

c) That a track be built along the creek bank and around the rest of the park joining up to the track on Cessnock Street behind the highschool.

d) The main cricket ground be kept as a cricket ground and the second cricket ground be used as an extra soccer ground.

2. That the following points be investigated by Council for possible inclusion at a later date:-

e) A portion of the land across the road from the sportsground be acquire and made into a formalized carpark with three rows of 90 degree parking.

f) The Old Southey Dam be acquired by Council as an alternative water supply to the sporting complex.

3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final suite of Masterplans.

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI60/2020

SUBJECT: ***REGIONAL MATTRESS RECYCLING TENDER***

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
1358
RESOLVED

That Council endorses its participation in a proposed tender for a Regional Contract for the collection and processing of mattresses.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI61/2020

SUBJECT: ***MINUTES OF THE ROADS REVIEW COMMITTEE MEETING HELD 12 JUNE 2020***

MOTION ***Moved:*** Councillor Dunn ***Seconded:*** Councillor Stapleford
1359
RESOLVED

That the Minutes of the Roads Review Committee Meeting of 12 June 2020 be adopted as a resolution of the Ordinary Council.

Councillor Dagg left the meeting, the time being 7.47pm

Councillor Dagg returned to the meeting, the time being 7.49pm

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	**Total (1)**

CARRIED

WORKS AND INFRASTRUCTURE NO. WI62/2020

SUBJECT: ***MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 15 JUNE 2020***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1360
RESOLVED

That the Minutes of the Local Traffic Committee Meeting of 15 June 2020 be adopted as a resolution of the Ordinary Council.

1. ***TC12/2020*** **- That Council authorises the installation of regulatory signage and line marking on Cooper and Stanford Streets, Heddon Greta in accordance with the Stanford Street Heddon Greta _ Signage & Line Marking Diagram.**

2. ***TC13/2020*** **– That Council authorises the installation of regulatory parking *SIGNAGE* on Station Street, Weston in accordance with the Station Street Weston _ Signage Diagram.**

3. ***TC14/2020*** **– That Council authorises the installation of regulatory parking signage on Broke Road, Pokolbin in accordance with the Broke Road Pokolbin _ Signage Diagrams.**

4. ***TC15/2020*** **- That Council authorises the installation of Bus Zone signage on *WOLLOMBI* Road, Cessnock, in accordance with the Wollombi Road Cessnock _ Bus Zone Signage Diagram.**

5. ***TC16/2020*** **- That Council authorises the installation of regulatory parking *SIGNAGE* and line marking on Wilderness Road, Lovedale, in accordance with the Wilderness Road Lovedale _ signage & line marking diagram.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI63/2020

SUBJECT: ***MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE HELD 3 JUNE 2020***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1361
RESOLVED

1. That the Minutes of the Floodplain Management Committee of 3 June 2020 be adopted as a resolution of the Ordinary Council.

2. ***FLOCLM12/2020***

a) That Council endorses the improvement and management actions identified in the Mount View Detention Basin Operation & Maintenance Plan.

b) That Council notes the budget of $180,000 in 2020-21 and $40,000 in 2021-22, which is required to implement improvement and management actions.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN15/2020

SUBJECT: ***INVESTIGATE POTENTIAL INCLUSION OF STREETS INTO THE 21-22 OPERATIONAL BUDGET AS A DESIGN & INVESTIGATION PROJECT***

Councillor Doherty left the meeting, the time being 7.57pm

Councillor Doherty returned to the meeting, the time being 8.00pm

MOTION ***Moved:*** Councillor Olsen ***Seconded:*** Councillor Dunn

That Council direct the General Manager to;

1. Investigate the potential for inclusion of the following streets into the 21-22 operational budget as design and investigation projects with a further report to come back to Council once rehabilitation costs are known so we can approve these streets for inclusion in the 2022/23 budget.

- **a) Rawson Street Aberdare from Pokolbin Street to Colliery Street**
- **b) Hetton Street Bellbird from Wollombi Road to Prince Street**
- **c) O'Connors Road from Ingles Lane to Oakey Creek Road**
- **d) Lindsay Street Cessnock from Maclean Street to Mavis Street**

PROCEDURAL MOTION ***Moved:*** Councillor Suvaal
Seconded: Councillor Fagg

1362
RESOLVED

That the report be deferred pending the completion of the Roads Review.

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Stapleford
Councillor Fagg	Councillor Fitzgibbon
Councillor Suvaal	Councillor Dagg
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	**Total (4)**

CARRIED

BUSINESS WITH NOTICE NO. BN16/2020

SUBJECT: ***COUNCIL TO ALLOW RESIDENTS TO USE 19/2020 FINANCIAL YEAR WASTE VOUCHERS DUE TO CLOSURE OF WASTE MANAGEMENT CENTRE***

MOTION ***Moved:*** Councillor Olsen ***Seconded:*** Councillor Dunn
1363
RESOLVED

1. **That Council allow residents use of Dump passes supplied in the 19/2020 financial year up until the end of August 2020 due to the closure of the centre for a period of time.**

2. **That a media release be issued to notify the community of these changes.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN17/2020

SUBJECT: ***COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF POLICY***

MOTION ***Moved:*** Councillor Olsen ***Seconded:*** Councillor Dunn

That Council make the following change to the Councillor Access to Information and Interaction with Staff Policy.

- **Delete all of 4.3**

Councillor Olsen withdrew the Motion.

BUSINESS WITH NOTICE NO. BN18/2020

SUBJECT: ***DEVELOPMENT APPLICATION APPROVALS FOR EVENTS***

MOTION ***Moved:*** Councillor Olsen ***Seconded:*** Councillor Dunn

That Council review the policy for Development Application for the number of attendees to require a Development Application.

AMENDMENT ***Moved:*** Councillor Gray ***Seconded:*** Councillor Dagg

That the General Manager facilitate a briefing to outline any differences in the procedures in lodging an events Development Application between Cessnock and neighbouring Councils.

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

The Amendment was ***PUT*** and ***CARRIED*** and as such became the ***MOTION***.

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

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Dagg
1364
RESOLVED

That the General Manager facilitate a briefing to outline any differences in the procedures in lodging an events Development Application between Cessnock and neighbouring Councils.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN19/2020

SUBJECT: ***MULTIPURPOSE HALF COURT WITHIN ELLALONG PARK***

MOTION ***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Dunn
1365
RESOLVED

1. **That the General Manager investigate the possibilities and cost of a multipurpose half court within Ellalong Park or exercise equipment.**

2. **That also in this investigation additional locations where multipurpose half courts or exercise equipment might be installed, such as Wollombi, Pokolbin, O'Neill park West Cessnock.**

FOR	**AGAINST**
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	**Total (1)**

CARRIED

CORRESPONDENCE

CORRESPONDENCE NO. CO8/2020

SUBJECT: ***BN14/2020 - MAYBURY PEACE PARK***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1366
RESOLVED

That the correspondence from Transport for NSW regarding the intersection of Cessnock Road and Maybury Peace Park, Weston be received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO9/2020

SUBJECT: ***MM4/2020 - COVID-19 PANDEMIC - FINANCIAL ASSISTANCE***

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1367
RESOLVED

That Council notes the correspondence received from The Assistant Minister to the Prime Minister and Cabinet, The Hon Ben Morton MP on behalf of the Prime Minister, the Hon Scott Morrison MP regarding the request for financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO10/2020

SUBJECT: ***BN10/2020 NOM - FUNDING SUPPORT FOR YOUTH PROGRAMS***

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Burke
1368
RESOLVED

1. **That Council notes the correspondence from the Hon. Bronnie Taylor MLC, Minister for Mental Health, Regional Youth and Women in relation supporting Regional programs such as Cessnock Youth Centre and Outreach Service.**

2. **That Council write to the Hon Greg Hunt MP Minister of Health asking him to honour the Coalitions pre election promise to establish a full service Headspace in Cessnock.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

8.41PM
Confidential reports (closed session)

MOTION ***Moved:*** Councillor Burke ***Seconded:*** Councillor Sander
1369
RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

8.43PM
Open Session

That the meeting move back into open session and the General Manager reported on the outcomes.

CORPORATE AND COMMUNITY NO. CC67/2020

SUBJECT: ***MINUTES OF THE CONFIDENTIAL STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 2 JULY 2020***
This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

MOTION ***Moved:*** Councillor Dunn ***Seconded:*** Councillor Sander
1370
RESOLVED

1. **That the Minutes of the Confidential Strategic Property & Community Facilities Committee of 2 July 2020 be adopted as a resolution of the Ordinary Council.**

2. **That Council endorse the sale of 16 Vincent Street Cessnock Lot 901 DP 1145687 and 3A Cumberland Street Cessnock Lot 902 DP 1145687.**

3. **That the General Manager be delegated to negotiate the sale in accordance with independent valuation advice and execute documentation required to effect the transaction at a timing the General Manager deems most beneficial to Council and that the building can be used for operational (non-public) purposes whilst it is retained by Council.**

4. **That the residual funds from the sale of the premises at 16 Vincent Street and 3A Cumberland Street, Cessnock be allocated to the establishment of the Cultural HUB at the Cessnock Performing Arts Centre.**

FOR	**AGAINST**
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI64/2020

SUBJECT: ***MINUTES OF THE CONFIDENTIAL FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD 3 JUNE 2020***
This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Lyons
1371
RESOLVED

1. That the Minutes of the Confidential Floodplain Management Committee of 3 June 2020 be adopted as a resolution of the Ordinary Council.

2. ***FLOCLM8/2020***

a) That Council endorses the public exhibition of the draft Heddon Greta Minor Flood Study and Concept Design for 42 days.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

MOTION OF URGENCY

INVITATION TO SPORTING TEAMS

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Gray
1372
RESOLVED

That the General Manager urgently write to the NRL, A-League, Rugby Union and other relevant sporting bodies outlining the fantastic facilities and accommodation available in the Cessnock LGA should they wish to base a team here during the current COVID-19 pandemic.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	**Total (0)**

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 8.47pm

CONFIRMED AND SIGNED *at the meeting held on 19 August 2020*

……CHAIRPERSON

……GENERAL MANAGER

MINUTES OF EXTRAORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL HELD VIA ZOOM ON WEDNESDAY, 5 AUGUST 2020, COMMENCING AT 5.15PM

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

IN ATTENDANCE:
General Manager
Acting Director Planning and Environment (Strategic Planning Manager)
Director Corporate and Community Services
Director Works and Infrastructure
Information Technology Manager
Senior Media & Communication Officer
Relief Executive Assistant
Corporate Governance Officer

APOLOGY:

MOTION ***Moved:*** Councillor Burke
Seconded: Councillor Suvaal

1373
RESOLVED that the apology tendered on behalf of Councillor Doherty, for unavoidable absence, be accepted and leave of absence granted.

FOR	**AGAINST**
Councillor Pynsent	
Councillor Burke	
Councillor Dagg	
Councillor Dunn	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Lyons	
Councillor Olsen	
Councillor Sander	
Councillor Suvaal	
Total (10)	**Total (0)**

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. PPDI2/2020

SUBJECT: ***DISCLOSURES OF INTEREST***

RECOMMENDATION

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

GMU16/2020 – Cessnock Correctional Access – Councillor Suvaal declared a Non Pecuniary Interest – Less than Significant Conflict for the reason that his sister is employed by Justice NSW. Councillor Suvaal advised that he would remain in the Chamber and take part in discussion and voting as the matter will not have an impact on her employment.

ADDRESS BY INVITED SPEAKERS

The following person has been invited to address the meeting of Council:

Speakers	For/Against Recommendation	Report	Page No.	Duration
Craig Findley	For	GMU16/2020 – Cessnock Correctional Centre Access	6	3 mins

Councillor Doherty attended the meeting, the time being 5.22pm
Councillor Stapleford attended the meeting, the time being 5.23pm

EXTENSION OF TIME ***Moved:*** Councillor Suvaal
Seconded: Councillor Fitzgibbon

1374

RESOLVED **that a one minute extension be granted to allow Mr Findley to complete his address**.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Pynsent	
Councillor Burke	
Councillor Dagg	
Councillor Dunn	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Lyons	
Councillor Olsen	
Councillor Sander	
Councillor Suvaal	
Total (12)	**Total (0)**

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU16/2020

SUBJECT: ***CESSNOCK CORRECTIONAL CENTRE ACCESS***

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Gray
1375
RESOLVED

1. That Council receives and notes the correspondence received from The Hon Minister Roberts dated 27 July 2020.

2. That Council supports and accepts the proposed scope of option 3(a) as follows:

a) Construction of a new access road connecting the existing internal Correctional Centre road network at the eastern site boundary to Occident St Nulkaba (drawing attached)

b) Re-sheeting / upgrade of the Occident St road pavement to the Kerlew St intersection.

c) The access road is to be of asphalt construction, designed for heavy vehicles with swale stormwater drainage, road lighting and palisade type fencing to neighbouring properties.

d) Signage wall and emergency gates.

e) Updated way finding signage throughout Cessnock consistent with the existing.

3. That Council notes and accepts the scope clarifications as follows:

a) The road alignment shown on the enclosed drawing is approximate noting that the final alignment will be determined during the detailed design process following land acquisition, geotechnical investigation and site surveying.

b) The proposal is reliant on the voluntary acquisition of NSW Health and private land, at market valuation.

c) The proposal does not include: reconstruction of Kerlew Street including the intersection at Occident Street; traffic calming / signage / road closures etc. in Nulkaba, intersection works at Wine Country Drive.

4. That Council considers any application lodged in respect of the subdivision of land and/or planning proposal in respect of the zoning of the road, in accordance with legislative requirements; and

5. That Council notes the advice provided which outlines that the proposal can proceed as a 'Review of Environmental Factors (REF) under Part 5 of the EP&A Act 1979.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Pynsent	
Councillor Burke	
Councillor Dagg	
Councillor Dunn	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Lyons	
Councillor Olsen	
Councillor Sander	
Councillor Suvaal	
Total (12)	**Total (0)**

CARRIED UNANIMOUSLY

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Fitzgibbon
1376

RESOLVED **that as per clause 3.29 of the Code of Meeting Practice the Mayoral Minute in regard to the Cessnock Correctional Centre Access be dealt with as a matter of urgency.**

FOR	**AGAINST**
Councillor Doherty	
Councillor Stapleford	
Councillor Pynsent	
Councillor Burke	
Councillor Dagg	
Councillor Dunn	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Lyons	
Councillor Olsen	
Councillor Sander	
Councillor Suvaal	
Total (12)	**Total (0)**

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Councillor Bob Pynsent

CESSNOCK CORRECTIONAL CENTRE ACCESS

MOTION ***Moved:*** **Councillor Pynsent**
1377
RESOLVED

1. **That the General Manager consult with Nulkaba residents during the design process for the Kerlew/Occident Street intersection. The consultation involve traffic calming, signage and road closures and the isolation of the traffic network in Nulkaba;**
2. **That the General Manager provide a briefing to Council outlining the results of the community consultation; and**
3. **That the General Manager provide a report to Council with the final design for Council's approval.**

FOR	**AGAINST**
Councillor Doherty	
Councillor Stapleford	
Councillor Pynsent	
Councillor Burke	
Councillor Dagg	
Councillor Dunn	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Lyons	
Councillor Olsen	
Councillor Sander	
Councillor Suvaal	
Total (12)	**Total (0)**

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 5.32m

CONFIRMED AND SIGNED *at the meeting held on 19 August 2020*

……CHAIRMAN

……GENERAL MANAGER

Disclosures Of Interest

Report No. DI9/2020

Corporate and Community Services

SUBJECT: ***DISCLOSURES OF INTEREST***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

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.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI6/2020

Corporate and Community Services

SUBJECT: ***NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION.***

CC78/2020 – CESSNOCK AIRPORT - HANGAR DISPUTE

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

RECOMMENDATION

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (g) of the *Local Government Act 1993*:

Repot No. CC78/2020 – Cessnock Airport – Hangar Dispute as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

ENCLOSURES

There are no enclosures for this report.

Mayoral Minute

Report No. MM8/2020

General Manager's Unit

MAYORAL MINUTE No. *MM8/2020*

SUBJECT: ***LOCAL GOVERNMENT EXCLUSION FROM NATIONAL CABINET***

RECOMMENDATION

1. **That Council agrees to send a letter to the Premier, the Hon Gladys Berejiklian MP, the Hon Joel Fitzgibbon MP, Federal Member for the Hunter, Meryl Swanson MP, Federal Member for Paterson and the State Member for Cessnock, Clayton Barr MP respectively which highlights the critical necessity for Local Government representation on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.**

2. **That Council notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.**

RATIONAL

On 13 March 2020, as the Coronavirus pandemic took hold around the world, the Council of Australian Governments (COAG) met in Sydney to discuss a range of issues of national importance. At that meeting First Ministers (the Prime Minister, Premiers and Chief Ministers) agreed to establish a National Cabinet to meet at least weekly to address the country's response to the coronavirus. The focus was primarily on the health and wellbeing of Australians and managing the health response. Over time National Cabinet has broadened its agenda to include a focus on managing coronavirus impacts across Australia. There was no Local Government representation on National Cabinet when it was established on the basis that its focus was on health.

On 29 May 2020, First Ministers, through the Prime Minister, announced the continuation of National Cabinet, which they considered to be a much more effective body than COAG for taking decisions in the national interest. Local Government was not given a seat at the National Cabinet table. However, ALGA as the national representative body of Local Government, was given a seat on the National Federation Reform Council (NFRC). The NFRC will meet once a year to focus on priority national federation issues such as Closing the Gap and Women's Safety. In addition to ALGA, the NFRC is comprised of the National Cabinet and the Council of Federal Financial Relations – Federal and State/Territory Treasurers.

National Cabinet, and the Commonwealth Government in particular, are looking towards pro-growth policies to lift investment and get Australians back to work. With a focus on jobs growth they are seeking ways to enable parts of the economy to grow. Local Governments are willing and necessary partners in developing and implementing reform. Reform involving the streamlining of legislation and regulation requires all the levels of government which are involved in regulation working together to achieve the benefits of reform for everyone without

imposing costs or burdens on local communities. Getting it right on the ground is Local Government's area of strength.

Councils facilitate, establish, and grow local businesses and economies. Economic development has always been at the core of every successful council. Councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and business alike. Many councils also provide business networking opportunities, business training, mentoring, and incubator facilities and employment hubs. It is local government that is best placed to drive locally-led recovery.

The challenge facing National Cabinet over the coming months is unlike any which has faced Australian governments in recent times and it will require the concerted, coordinated and complementary efforts of all three levels of government to rebuild consumer confidence, support business and recreate millions of jobs.

Australians expect their three levels of government to be working together, and to see evidence of that. Including Local Government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promote and implement National Cabinet decisions across the broadest implementation platform available to government.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU9/2020

Corporate and Community Services

SUBJECT: ***MOTIONS OF URGENCY***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

RECOMMENDATION

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

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit

Report No. GMU17/2020

General Manager's Unit

SUBJECT: ***CESSNOCK CITY COUNCIL UNION PICNIC DAY***

RESPONSIBLE OFFICER: ***Human Resource Manager - Darrylen Allan***

SUMMARY

This report provides Council with information on the approved date for the annual Cessnock City Council Union Picnic Day.

RECOMMENDATION

That the report be received and noted with the Union Picnic Day to be held on Friday, 30 October 2020; and that it be noted that staff are discouraged to hold an event on the day due to the COVID-19 pandemic.

BACKGROUND

The Cessnock City Council Picnic Association has written to the General Manager requesting that approval be given for the Annual Cessnock City Council Union Picnic Day to be held on Friday, 30 October 2020.

Council services, facilities and offices, including libraries, do not operate on the Union Picnic Day. Council employees are available for emergency situations.

REPORT

The *Local Government (State) Award 2020* (the Award) at clause 21B Union Picnic Day provides

(i) Union Picnic Day shall for the purposes of this Award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the employer and the union(s).

(ii) The union(s) shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.

(iii) Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day shall be paid ordinary pay for their normal working day.

(iv) Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to the employer to take annual leave, long service leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by the employer, or may be required by the employer to make up time.

The General Manager has approved Friday, 30 October 2020 as the Union Picnic Day in accordance with the Award, however has discouraged the Association from holding an event this year due to the COVID 19 pandemic.

Council services, facilities and offices, including libraries, do not operate on Picnic Day. Council employees are available for emergency situations.

Council will notify members of the Community of the closure by way of notices in local print media, on Council's website and all Council's social media outlets. In addition notices are to be posted in the Administration Building, Cessnock Library and Kurri Kurri Library.

STRATEGIC LINKS

a. Delivery Program

This report links to the community's desired outcome outlined of *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The budget for the salaries costs of the staff leave associated with the Union picnic day is factored into the Delivery Program and 2020/2021 Operational Plan.

c. Legislative Implications

Local Government (State) Award 2020

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

Council is advised of the date of the 2020 Union Picnic Day.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE27/2020

Planning and Environment

SUBJECT: ***DEVELOPMENT APPLICATION 8/2019/647/1 PROPOSING A TWO LOT TORRENS TITLE SUBDIVISION, FOLLOWED BY A 21 LOT COMMUNITY TITLE SUBDIVISION AND ASSOCIATED WORKS - CASUARINA DRIVE, POKOLBIN***

RESPONSIBLE OFFICER: ***Development Services Manager - Janine Maher***

APPLICATION NUMBER:	8/2019/647/1
PROPOSAL:	A two lot torrens title subdivision followed by a twenty-one lot community title subdivision and associated works
PROPERTY DESCRIPTION:	Lot 2302 DP 1209818 and Lot 1506 DP 1110274
PROPERTY ADDRESS:	Casuarina Drive, Pokolbin
ZONE:	SP3 - Tourist
OWNER:	Vintage Developments Pty Ltd
APPLICANT:	Stevens Group

RECOMMENDATION

1. That:

(i) Development Application No. 8/2019/647/1 proposing a two lot torrens title subdivision followed by a twenty-one lot community title subdivision and associated works at Casuarina Drive (Lot 2302 DP 1209818 and Lot 1506 DP 1110274) Pokolbin, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979,* subject to the conditions contained in this report.

(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- **There are no matters contained within any relevant State Environmental Planning Policies that preclude the granting of development consent;**

- **The proposed development is consistent with the provisions of *Cessnock Local Environmental Plan 2011*. In particular, the proposal is a permitted form of development and is consistent with the objectives of the SP3 zone;**

- **The proposed development upholds the requirements of Clause 7.11A, providing additional residential allotments within the stipulated quota for the site;**

- **The proposal has been assessed against the requirements of the Cessnock Development Control Plan 2010, and with the exclusion of two justified variations, is generally consistent with the prescriptive provisions;**

- **The variation to the Cessnock Development Control Plan 2010 where lots shall not exceed 22 metres in width, is supported. A total of 7 proposed lots have street widths greater than 22 metres; however the extra width is not deemed to create an adverse visual impact and will create varied and interesting street frontages;**

- **It is noted that the applicant does not seek to connect an additional intersection onto Wine Country Drive. Whilst contrary to the Cessnock Development Control Plan 2010, the proposed traffic arrangements have the support of Transport for NSW, and the additional 21 proposed allotments do not create the need for an additional road connection;**

- **It is concluded that no significant adverse effects are likely to result from approval of the development application.**

(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.*

REASON FOR REPORT

Development Application No. 8/2019/647/1 is being referred to Council for determination as a variation is proposed to Clause 2.4 Staging of Development in Chapter E.2 'The Vintage' of the Cessnock Development Control Plan 2010, and it is considered such variation constitutes a 'significant variation' in accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2019/647/1 seeking approval for a two lot torrens title subdivision, followed by a twenty-one lot community title subdivision and associated works at Casuarina Drive (Lot 2302 DP 1209818 and Lot 1506 DP 1110274), Pokolbin.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and no submissions were received.

The application proposes a variation to Clause 2.4 Staging of Development in Chapter E.2 'The Vintage' of the Cessnock Development Control Plan (CDCP) 2010. Specifically, the application seeks approval for the third stage of a residential precinct within the site known as 'The Vintage', known as 'Figtrees'. Clause 2.4 Staging of Development in Chapter E.2 'The Vintage' of the CDCP 2010, requires that a road connection to Wine Country Drive be completed prior to the release of any subdivision associated with Stage 3. The applicant proposes to vary this provision. In this regard, the application does not propose construction of the connection to Wine Country Drive in conjunction with this proposal. The applicant has provided reasons for this, which are outlined in this report.

In this case, it is considered that the applicant's justification is reasonable based upon the submitted Traffic Report and advice from Transport for NSW (TfNSW) confirming that the existing intersections serving 'The Vintage' have capacity to absorb the additional 21 community lots proposed under this Development Application. In addition to this, TfNSW have recommended that future development applications proposing any form of traffic generating development associated with 'The Vintage' be referred to TfNSW for assessment and comment. This action will ensure that TfNSW have the ability to determine the point at which existing intersection capacities are exhausted, and a new connection onto Wine Country Drive is therefore required.

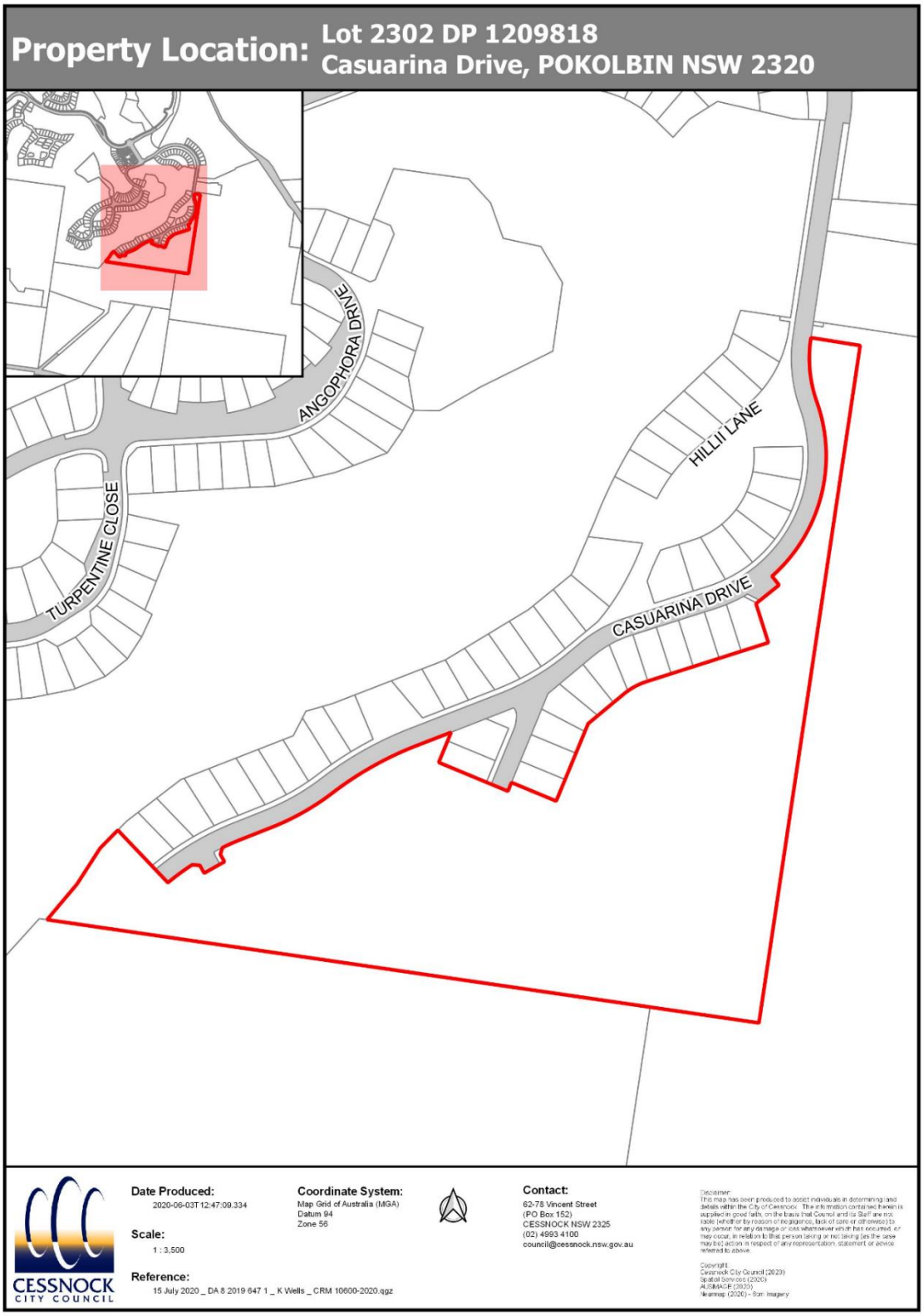
Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

Planning and Environment

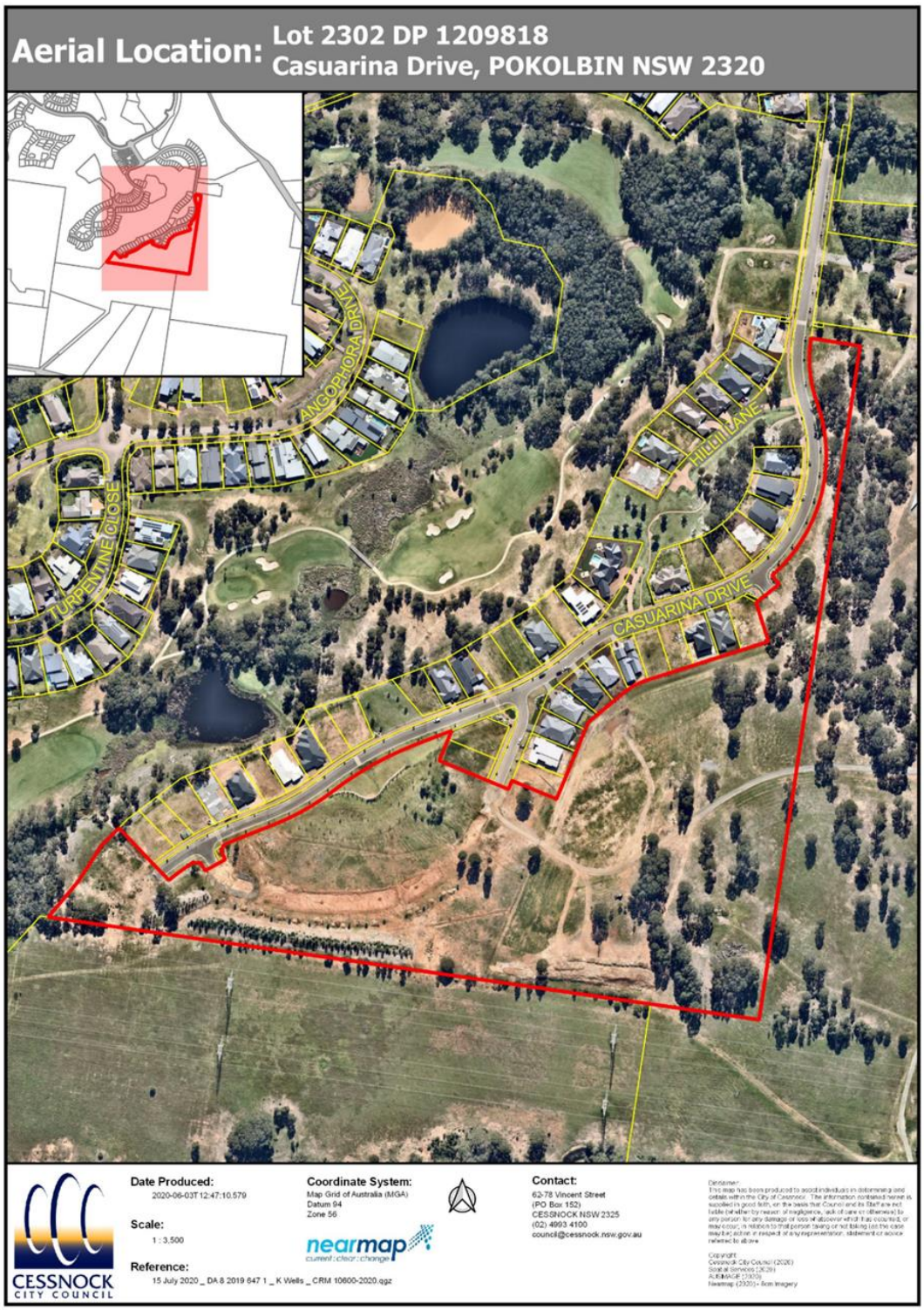
Report No. PE27/2020

Planning and Environment

LOCATION MAP



AERIAL


Aerial Location: Lot 2302 DP 1209818
Casuarina Drive, POKOLBIN NSW 2320
ANGOPHORA DRIVE
HILLTOP LANE
TURPENTINE CLOSE
CASUARINA DRIVE
Date Produced:
2020-06-03T12:47:10.579
Scale:
1 : 3,500
Reference:
15 July 2020 _ DA 8 2019 647 1 _ K Wells _ CRM 10600-2020.qgz
Coordinate System:
Map Grid of Australia (MGA)
Datum 94
Zone 56
nearmap
current : clear : change
Contact:
62-78 Vincent Street
(PO Box 152)
CESSNOCK NSW 2325
(02) 4993 4100
council@cessnock.nsw.gov.au
CESSNOCK
CITY COUNCIL

SITE DESCRIPTION AND LOCALITY

'The Vintage' is an integrated tourist development located on the western side of Wine Country Drive at its intersection with McDonalds Road. The subject site is approximately 9 km north of Cessnock. Existing uses at the site include a golf course, clubhouse, real estate sales office, as well as destination spa and villas. Residential allotments, accommodation units, pools, a gymnasium and tennis courts have also been established at the site.

The site the subject of this report is legally described as Lot 2039, Deposited Plan 1209818. A small encroachment of the vehicular turning head, as well as portions of the stormwater disposal area, will be located on the southern adjoining parcel, identified as Lot 1506 DP 1110274. The primary works are associated with Lot 2039, therefore unless otherwise specified, this report will refer to Lot 2039 as the 'subject site'.

The subject site is located on the south-eastern portion of 'The Vintage' lands. The site is accessed directly via Casuarina Drive, an internal road within 'The Vintage' precinct.

The subject site is a triangular shaped parcel of land. The subject land is relatively level and has been previously cleared of most natural vegetation, with the exception of a strand of trees in the south-west portion of the site. The land has been pasture improved under previous land uses, including livestock grazing.

Whilst buffered from high fire danger vegetation by existing 'Vintage' developments, the site is partially mapped as bushfire prone land.

HISTORY

'The Vintage' is a major tourist recreation facility at the northern entrance to the Vineyards district. The original consent for 'The Vintage' was granted in 1986. The consent was re-activated in 1996, and approved (13 December 1996) as a 'Major Integrated Tourist Recreation Facility' with associated permanent residential subdivision. The current application comprises the third and final stage of the approved Vintage masterplan.

Several modifications to the original consent have been made over time as well as additional consents relating to the main development components of the masterplan. Development Consent No. 5/1995/801474/1 (as amended) and the Cessnock Development Control Plan 2010 (Part E.2, 'The Vintage'), specify development controls for the precinct.

In 2008, an additional masterplan approval was granted by Council (Development Consent No. 8/2007/781/1). The consent permitted a resort hotel, spa, spa villas, and an amphitheatre. The spa and spa villas are now complete and operate under the name 'Chateau Elan'.

The works approved to date include:

- 482 residential allotments
- 40 rural residential allotments
- 485 tourist resort accommodation units
- An 18 hole golf course with clubhouse and recreation facilities

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

Date	Action
31 October 2019	Development Application No. 8/2019/647/1, lodged.
6 November 2019	The application is allocated to an assessment officer and internal/external referrals are initiated.
11 November – 25 November 2019	The application is placed on public exhibition. No submissions received.
16 November 2019	Development Engineering referral response is received. This referral requests that additional information be provided in regards to land ownership; notably the southern adjoining property where the turning head and stormwater discharge point encroaches upon. This information is requested from the applicant.
2 December 2019	A query regarding road connection to Wine Country Drive under Part E.2 The Vintage of the DCP, is made to the applicant.
24 December 2019	General Terms of Approval are received from the NSW RFS.
14 January 2020	Evidence is requested from the applicant to support their position that an access onto Wine Country Drive not be constructed in conjunction with the application.
29 January 2020	Strategic Planning referral response is received. The applicant is requested to provide a Traffic Impact Assessment Report to support non-connection to Wine Country Drive.
7 February 2020	Owner's consent is received. This enables a small portion of the necessary traffic turning head and stormwater drainage to be contained on the southern adjoining site, i.e., Lot 1506 DP1110274. The Traffic Impact Assessment is submitted. The information is referred to Councils Development Engineers for comment.
13 February 2020	Development Engineering referral response is received. The referral is pending finalisation, subject to comments from Transport for NSW (TfNSW). A referral to TfNSW is initiated.
13 March 2020	The TfNSW referral response is received. This referral does not support the proposed development; stating that connection to Wine Country Drive is required. This information is relayed to the applicant.
1 April 2020	A response to the TfNSW referral response is provided by the applicant. This response provides an analysis of existing and expected traffic counts in the area, supporting the applicant's position that the additional Wine Country Drive access is not required. This response is re-referred to TfNSW.

26 May 2020	The final referral response is received from TfNSW. This response agrees with the supplementary information provided by the applicant. The TfNSW referral states that the supplementary information provides sufficient evidence to indicate that the existing intersections are operating at satisfactory levels, and that an additional connection onto Wine Country Drive is not required at this time. This response is forwarded to Councils Strategic Planning and Development Engineering sections for comment.
3 June 2020	All internal referrals are completed. Council's Development Engineers and Strategic Planning sections support approval of the proposed subdivision. The Strategic Planning referral notes that the TfNSW referral response will be used in the preparation of the draft revision to Chapter E.2 The Vintage DCP.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2019/647/1 seeks approval for a two lot torrens title subdivision followed by a 21 lot community title subdivision. Each part of the proposal is summarised as follows:

Two Lot Torrens Title Subdivision

This part of the development proposal seeks consent for a two lot subdivision of Lot 2302 DP 1209818, creating proposed lot 2501 (2.93 hectares) and proposed lot 2502 (6.114 hectares).

Twenty One Lot Community Title Subdivision

Proposed Lot 2501 in the subdivision will then be the subject of the proposed 21 lot community title scheme, which will comprise 20 residential allotments and one community association parcel, known as Lot 1. This subdivision will be commonly referred to as 'The Figtrees'. The proposed community title lots will vary in size between 648.7sqm and 1073sqm.

The proposal also seeks to extend road access from Casuarina Drive into 'The Figtrees' subdivision to service the proposed lots. The community asset comprises parklands over 1.173 hectares (within Proposed Lot 1).

The residue lot (Proposed Lot 2502) in the two lot subdivision, will be the subject of future development applications.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. *State Environmental Planning Policy No. 55 – Remediation of Land*
2. *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
3. *Cessnock Local Environmental Plan 2011*

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

1. State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of *State Environmental Planning Policy No. 55 – Remediation of Land,* is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In this instance, the portion of the property required for the building works has previously been used for grazing. The past grazing practices of the site are not expected to have rendered the site unsuitable for the proposed development.

2. State Environmental Planning Policy No. 44 – Koala Habitat Protection

The subject application was lodged prior to the adoption of *State Environmental Planning Policy (Koala Habitat Protection) 2019*, which occurred on 1 March 2020. In this case the savings and transitional provisions contained in clause 15 apply, which state:

> *"A development application made, but not finally determined, before the commencement of this Policy in relation to land to which this Policy applies must be determined as if this Policy had not commenced."*

In light of this, *State Environmental Planning Policy No. 44 – Koala Habitat Protection*, applies to the subject development, as this was the relevant legislation at the time of lodgement of the application.

In the absence of evidence on site from recent ecological surveys, the lack of historical records close to the subject site, and the highly disturbed and managed nature of the subject site, it is considered that the site also does not comprise 'potential koala habitat' or 'core koala habitat' in accordance with Clauses 7 and 8 of the SEPP.

In consideration of the above, Council is not prevented from granting development consent to the development application, as per the provisions of Part 2, Clause 7(3)(a) of the SEPP, which states;

> *(3) If the council is satisfied:*
>
> *(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application…*

3. *Cessnock Local Environmental Plan 2011*

3.1 Permissibility

The subject site is zoned SP3 Tourist under the provisions of *Cessnock Local Environmental Plan (CLEP) 2011*.

The proposed development is categorised as subdivision of land under Section 6.2 of the *Environmental Planning and Assessment Act 1979,* which provides the following:

> *The division of land into two (2) or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.*

Pursuant to Clause 2.6 of CLEP 2011, *'land to which this Plan applies may be subdivided, but only with development consent'.*

In consideration of the above, the land can be subdivided, provided development consent has been obtained for such subdivision.

3.2 Objectives

The objectives of the *SP3 Tourist* zone are as follows:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To allow for integrated tourist development.*

It is considered that the proposed development is consistent with these objectives. The approved masterplan makes reference to the Stage 3 subdivision precinct, and the proposed subdivision is consistent with the masterplan.

The masterplan has determined the apportionment of tourist related and residential uses and the proposed community title subdivision remains within the provisions of the plan.

3.3 Relevant Clauses

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

- *Clause 4.1AA Minimum subdivision lot size for community title schemes*

The objective of this clause is to *"ensure that land… is not fragmented by subdivisions that would create additional dwelling entitlements."* The clause stipulates that community title applications lodged over land in the SP3 zone are subject to this clause [4.1AA (2) (b a)].

The specific requirement of the clause states: *"The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land."*

It is noted that the nominated land is not subject to the Lot Size Map which prescribes minimum lot sizes. The subdivision of land therefore does not have a minimum lot size with which it must comply.

The proposed twenty-one lot community title subdivision (phase 2) is consistent with the previous masterplan approval for the overall 'Vintage' site. The masterplan has accounted for the residential allotments proposed. The proposal will not create additional dwelling entitlements not otherwise anticipated by the masterplan.

The residual lots have been designed to accommodate the further stages to be lodged under future applications in accordance with the concept masterplan. Clause 7.11A of the Cessnock Local Environmental Plan 2011 provides considerations for the number of dwellings and other land uses permitted on the subject land, and is discussed further within this report.

- *Clause 5.10 Heritage Conservation*

The land is not identified as containing any European items of heritage, nor does any evidence exist that the site contains any indigenous artefacts or areas of significance. An Archaeological Report was prepared during the preparation of the masterplan development for the greater 'Vintage' precinct.

Notwithstanding the above, a precautionary advice note is included within the draft notice of determination stating:

'If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material'.

- *Clause 7.2 – Earthworks*

Earthworks are proposed in conjunction with the development application. Such works have been assessed and determined to satisfactorily meet the requirements of the clause, subject to the imposition of appropriate conditions of consent.

- *Clause 7.11A Integrated tourist development at Wine Country Drive, Palmers Lane and McDonalds Road, Rothbury*

This clause applies specifically to the land identified as 'The Vintage'. The application has been assessed against the provisions of this clause, and full compliance has been achieved.

The subject land is referenced within Clause 7.11A (1)(c), whereby Lots 1901–1904, DP 1202101, are included in the relevant lot list. Lots 1901 – 1904 DP 1202101, are the parent lots of the subject lot being Lot 2302 DP 1209818, therefore this clause is applicable to the development of any lots resultant from the resubdivision of the parent lots.

With regard to Clause 7.11A(2), an integrated tourist development has been approved on the land, via Development Consent No. 5/1995/801474. Clause 7.11A(2) provides that the total number of residential lots or dwellings shall not exceed 822 until at least 344 serviced apartments and hotel or motel accommodation units have been completed and issued with occupation certificates.

In relation to this, approval has been previously granted for 458 residential lots and 21 rural residential lots being a total of 498 dwelling houses. A total of 324 further dwelling houses are therefore permitted to be established before the number of serviced apartments and hotel or motel accommodation units needs to reach 344. At this stage, the spa accommodation ('Chateau Elan') provides 100 hotel accommodation units whilst the serviced apartments ('Grand Mercure Apartments'), provides 44 dual key units (i.e. a total of 144 hotel accommodation units have been issued with occupation certificate). A further 40 motel units have been approved (via Development Consent No. 2016/781), and have commenced construction.

In consideration of the above, compliance with this clause is achieved.

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

No Draft Environmental Planning Instruments are relevant to the application.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the relevant numerical standards in Cessnock Development Control Plan 2010. Discussion of any variations to the standards is provided after the compliance table:

Part E: Specific Development ***Chapter 2: 'The Vintage'***			
Provision	**Required**	**Provided**	**Complies?**
2.3.1.2 Residential (Single Residential Allotments)	Lot sizes will range between 450sqm – 1300sqm	The proposed lots vary in size between 637.5sqm – 1073 sqm.	Yes
	Battle-axe lots will include an additional area consisting of a 4.0 metre wide access handle.	All lots have individual street frontage; with the exception of proposed lot 6, 7 and 8. These lots are accessed via a shared driveway, which complies with the minimum width requirement.	Yes
	Frontage will generally be 15 -22 metres in width.	All lots exceed the minimum width requirement of 15 metres; however 7 proposed lots exceed 22 metres in street frontage width. These lots include: Proposed lot 11 = 27.14sqm Proposed lot 12 = 25.46sqm Proposed lot 13 = 24sqm Proposed lot 15 = 23.57sqm Proposed lot 18 = 24.22sqm Proposed 19 = 22.60sqm The exceedances are not considered to have a detrimental impact on the overall streetscape; in fact, the larger	**In part**

		property widths are encouraged in a residential setting as it softens the impact of clustered allotments. The wider street frontages are specifically complimentary to Objective (c) of the Objective (2.1.3) of this DCP, which is: *"To ensure that the subdivision pattern, site layout, and building design do not detract from the rural character of the locality."* It should be noted that future residential development within the precinct will be subject to review by the Vintage Development Review Committee (DRC), and will therefore be subject to architectural assessment and compliance with the adopted residential quality guidelines at 'The Vintage'.	
	Only one dwelling house will be allowed on each allotment. Residential flat buildings, multi dwelling housing, dual occupancies, dormitories, hostels and the like, are specifically excluded.	No residential development has been proposed as part of this development application.	N/A
2.4 Staging of Development	Council will not release the subdivision certificate to residential or rural residential lots within Stage 3 until such time as:	As outlined within this report, the subdivision is within the Stage 3 portion of the overall subdivision layout.	**No**

	a) the 'Azure' Special Residential (Resort) precinct, incorporating a minimum of 44 units, is complete and operational; and *b) a Certificate of Practical Completion is issued by Council and the RTA in respect to the Vintage Drive extension and its connection with Wine Country Drive; to constitute a major tourist recreation facility. The Staging Plan is shown at Figure 3.* *The staging of the development will enable roads and infrastructure to be progressively developed in a cost efficient and effective manner, and minimise site disturbance from engineering works by concentrating construction into finite areas of the overall site.*	The 'Azure' Special Residential (Resort) precinct has been completed and is operational as is known as the 'Grand Mercure Apartments'. Under this provision, an additional road connection is required to be constructed on Wine Country Drive in satisfaction of the requirements of Council and the RTA (now TfNSw). Wine Country Drive is a TfNSW controlled asset. TfNSW has been consulted as part of the assessment of this proposal and has subsequently confirmed that the development application does not warrant the connection to Wine Country Drive based on the traffic data provided and the scale of development proposed.	
2.5.1 Monetary Contributions	The developer shall contribute towards the costs of residential, large lot residential and tourist development under Section 94 of the Environmental Planning and Assessment Act, 1979 in accordance with Council's adopted Contributions Plans for Residential and Tourist Developments.	Section 7.11 (cf Section 94) Contributions have been imposed on the draft notice of determination in accordance with the *City Wide Infrastructure Contributions Plan 2020.*	Yes
2.6.2.3 Archaeology	Minimise impact of the development on local Aboriginal heritage.	The recommendations of the Archaeological Report approved with	Yes

		the original masterplan provides for the excavation and salvage of some areas, the destruction of some sites, and the preservation of others. These recommendations have been approved by the Department of Environment, Climate Change and Water (DECC&W) via the original masterplan consent.	

Variation Proposed – Lot Frontage

A minor variation is proposed to Provision 2.3.1.2, which requires that proposed lots not exceed 22 metres in width.

A total of 7 proposed allotments exceed the recommended maximum lot width, comprising widths varying between 22.6 metres to 27.14 metres. The larger lot widths are considered to be a beneficial asset to the streetscapes. The lot widths provide variety to the proposed lot alignment and compensate for the slightly irregular lot shape created by the curved road frontages.

There are no adverse impacts associated with the increased lot widths, and on this basis, the variation is supported.

Variation Proposed – Intersection

As outlined above, the applicant has provided evidence to demonstrate that an additional intersection on Wine Country Drive is not warranted by the scale of the proposal, and at this point in the overall development of 'The Vintage' balance land.

The applicant has provided the following justification for the variation:

- The applicant has claimed in an email to Council that the requirement to connect to Wine Country Drive was *"put to bed"* by TfNSW more than 18 years ago. The applicant stated that a letter was received from TfNSW specifically stating that the connection would not be required in exchange for past upgrade works to the McDonalds Road/Vintage Drive intersection. No further evidence has been provided by the applicant to support this claim.

- The applicant states that the new connection to Wine Country Drive is more appropriate for the resort component (also identified within Stage 3 of the masterplan). The applicant specifically states that the additional access onto Wine Country Drive was *"never intended to serve residential subdivision."*

Road connections to Wine Country Drive are controlled by TfNSW who have not raised objection to delaying a new connection to Wine Country Drive. The variation to clause 2.4 under the DCP chapter is therefore supported by TfNSW at this point in time.

Council's strategic planning section has reviewed this response from TfNSW and concluded that: *"…on the basis of this TfNSW response, staff will proceed to recommend that the DCP be amended to remove the reference to traffic requirements. We will instead propose a clause that requires DA's for traffic generating development within "The Vintage" to be referred to TfNSW regardless of Infrastructure SEPP triggers. The proposed to (sic) amendment to the DCP is yet to be reported to Council, and may not be supported by Council.*

In light of this, it is recommended that you include a justification for varying the existing DCP on the basis of the TfNSW referral."

Essentially the strategic planning referral response is stating that:

- The amendments to the DCP are likely to remove the clause requiring connection to Wine Country Drive under Stage 3 works.
- In place of this clause, all Development Applications for traffic generating works will be required to be referred to TfNSW for comment.
- The proposed variation to the existing DCP (i.e. this Development Application) is supported, subject to TfNSW referral comments.

The strategic purpose of Clause 2.4 of the DCP is preserved in a number of ways. Firstly, the recommendation to refer all future Development Applications associated with 'the Vintage' to TfNSW ensures that TfNSW has the ability to determine the point at which existing traffic arrangements have been exhausted, and a new connection onto Wine Country Drive is warranted.

Additionally, the future intent for an additional access point onto Wine Country Drive is preserved via the recent approval (4 December 2019) of another integrated tourist facility by the Hunter and Central Coast Regional Planning Panel (Development Consent No. 2016/557), commonly referred to as 'Golden Bear', on the western side of Wine Country Drive. Condition 39 of this consent was prepared in conjunction with TfNSW, and states as follows:

> *"Prior to lodgement of a development application for stage 2, the applicant is to consult with Roads & Maritime Services (RMS) regarding future access arrangements from Wine Country Drive. Evidence of consultation is to be provided to Council.*
>
> *Access to development proposed under stage 2 of the development shall be via a four (4) way, single lane circulating roundabout on Wine Country Drive servicing both the subject development and the proposed development of the 'The Vintage' balance land (located to the west of the subject land on Wine Country Drive). The roundabout design shall be approved by Council in consultation with the RMS in conjunction with any development application for stage 2.*
>
> *No residential development shall access Wine Country Drive prior to satisfactory arrangements having been completed under Stage 2 of the development proposal."*

This condition specifically references 'The Vintage' as being associated with the development of the four lane roundabout. This condition, coupled with the recommended requirement to refer all future traffic generating development applications to TfNSW, ensures that the eventual goal of connecting 'The Vintage' precinct to Wine Country Drive, is maintained.

In isolation, the proposed 21 community title lots do not create a nexus for constructing an additional connection onto Wine Country Drive. The decision as to when a nexus is established for a new connection to Wine Country Drive will be determined by TfNSW upon review of all future traffic generating development applications.

(a)(iiia) The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4

No such agreement has been proposed as part of this application.

(a)(iv) The provisions of the regulations

There are no matters prescribed by the Regulations that apply to this development.

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

Natural Hazards

Bushfire

The proposed development is classed as 'Integrated Development' pursuant to Section 4.47of the *Environmental Planning and Assessment Act 1979*, with approval from the NSW Rural Fire Service (RFS) required for the subdivision of bushfire prone land. The land could lawfully be used for residential purposes; therefore the provision of Section 100b of the *Rural Fires Act 1997,* applies.

The entire land is identified as bushfire prone land. The area in the east provides the largest area of remnant vegetation, with predominantly grasslands located in the south and western portion of the site. The corresponding mapping shows that the site contains vegetation categories 3 bushfire buffer areas.

The RFS provided a Bushfire Safety Authority via General Terms of Approval (GTA's) on 23 December 2019, thereby satisfying this matter.

Flora and Fauna Impacts

Portions of the vegetation onsite is mapped as Lower Hunter Spotted Gum – Ironbark Forest Endangered Ecological Community (EEC) and Central Hunter Ironbark Forest – Spotted Gum – Grey Box Forest EEC.

The submitted Ecological Report (prepared by AEP, dated September 2019), states that the proposed subdivision will result in the removal of approximately 0.1 hectares of native vegetation, scattered over the site.

Recent aerial imagery and inspection of the site indicates that the majority of previously existing scattered vegetation has already been removed. Essentially, no new vegetation removal is required under this proposal. Of the vegetation that was identified for removal, the Ecological Report states that no tree hollows were identified.

The main cluster of vegetation, situated in the south-western portion of the site, will be retained and featured within the landscaped shared community property parcel.

A small portion of the north western corner of the site is mapped under the Biodiversity Values schedule. This portion of the site is not impacted by the subdivision (and will be retained within the residue allotment). The southern adjoining allotment (which will contain part of the turning head and stormwater discharge area), is also mapped under the Biodiversity Values schedule. No vegetation removal or associated impact is anticipated to this portion of the land.

The proposed area of native vegetation clearing is 0.1 hectares, which, being under the 0.5 hectare threshold, does not trigger the Biodiversity Offset Scheme or the requirement to prepare a Biodiversity Development Assessment Report (BDAR).

Access, Transport and Traffic

Roads and Access

Wine Country Drive is a classified state road, and accordingly, comment was sought from TfNSW as part of the assessment.

As outlined previously, the applicant does not intend to connect to Wine Country Drive as is required under clause 2.4 of Chapter E.2 'The Vintage' within the Cessnock Development Control Plan 2010.

TfNSW was consulted on this matter, and the agency advised that the existing intersections serving 'The Vintage' precinct are capable of absorbing any expecting traffic increase associated with this subdivision. TfNSW support the variation to the DCP at this point in time.

In forming this view, it is noted that there is no reasonable apportionment argument that the additional 21 community title allotments create the necessity for a new connection onto Wine Country Drive. The determination for when the new connection onto Wine Country Drive is required can be served by referring all future traffic generating Development Applications within 'The Vintage' to TfNSW.

This action will enable TfNSW to review the traffic capacities of each intersection serving 'The Vintage'; ultimately leading to a determination as to when existing intersections have breached their capacity, thereby creating justification for a new access intersection onto Wine Country Drive to be constructed.

It is noted that the recent 'Golden Bear' integrated tourist development adjoining 'The Vintage' on the eastern side of Wine Country Drive relies upon the construction of a shared access on Wine Country Drive with 'the Vintage'. In fact, the intersection allowing access to the 'Golden Bear' precinct corresponds with the road reserve set aside for future roundabout works required by 'The Vintage' development.

Whilst it is acknowledged that a 21 lot community subdivision would not ordinarily require the implementation of new access onto Wine Country in isolation, the eventual connection to Wine Country Drive has always been the desired outcome, taking into account the development of 'the Vintage' in its entirety. It is anticipated that continued liaison between Councils strategic planning section and TfNSW will occur during the preparation of the new 'the Vintage' DCP chapter.

Traffic

The applicant submitted a Traffic Impact Assessment (prepared by Intersect Traffic, dated 5 February 2020 and amended March 2020), in support of the proposal. TfNSW and Council's Development Engineers conducted a review of traffic matters.

Importantly, the submitted Traffic Impact Assessment provides evidence to demonstrate that the existing intersections serving 'The Vintage' site have capacity to accommodate the proposed vehicle loads associated with the additional 21 community lots. The intersections include:

- McDonalds Road/Wine Country Drive for vehicles approaching from the north
- Broke Road/Wine Country Drive for vehicles approaching from the south
- McDonalds Road/Vintage Drive for vehicles entering 'The Vintage'.

The McDonalds Road/Wine Country Drive intersection was identified as being near its capacity. TfNSW has recommended that any future traffic generating development applications within 'The Vintage' precinct be accompanied by a Traffic Impact Assessment, and referred to TfNSW for review.

The remaining intersections are determined to have sufficient capacity to accommodate any increase in works within 'The Vintage'.

(c) The suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

The proposal is a continuation of development on the site which is in accordance with an approved masterplan.

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

The Development Application was publicly exhibited between 11 and 25 November 2019.

No submissions were received during the exhibition period.

(e) The public interest

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

Based on the above assessment, it is considered that the proposed development is consistent with the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 Contributions are payable for the proposal.

In the event the application is approved, Section 7.11 Contributions totalling $10,883.87 for the initial two lot subdivision and $217,677.40 for the secondary community title subdivision would be payable, in accordance with the *City Wide Infrastructure Contributions Plan 2020.*

The above rate has been determined based upon an additional 20 lots enabling residential accommodation. The remaining 1 lot (within the 21 lot subdivision) will be dedicated as open space / community use; therefore residential contributions are not triggered for this lot.

INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	The development engineering review of the application involved the consideration of issues relating to stormwater, internal road construction, traffic generation and traffic load capacities. The referral concluded that satisfactory arrangements have been made with respect to these considerations, and no objection was raised to the proposal subject to the imposition of conditions.
Strategic Planning	Council's strategic planning unit are currently reviewing Chapter E.2 The Vintage of the Cessnock Development Control Plan 2010. The proponent is currently preparing a draft amended Chapter E.2 The Vintage of the Cessnock Development Control Plan 2010 (the draft DCP chapter). For this reason, this development application was referred to strategic planning for comment. The first referral advice was received on 29 January 2020. The comments requested the submission of a Traffic Study. The referral stated: 'The traffic study will need to demonstrate the that the applicant is able to provide an appropriate alternative access arrangement for the entirety of "Stage 3" of the original consent 5/1995/80147/4 on which the existing DCP Clause 2.4 is based. Access arrangements would need to cater for additional traffic generated by the stage and demonstrate why the existing DCP provisions should be varied'.

	The applicant provided the requested information, which was forwarded to the TfNSW for comment. TfNSW were satisfied with the Traffic Impact Assessment and accordingly recommended that: • A roundabout, or other connection to Wine Country Drive was not warranted under this development application. • Any further traffic generating development application lodged within 'The Vintage' is likely to generate the requirement for intersection upgrade to McDonalds Road/Wine Country Road. Such development applications shall be referred to TfNSW for comment. Strategic Planning will use the information contained in the TfNSW referral responses to continue preparing the review and revised Chapter E.2 'The Vintage' within the Cessnock Development Control Plan 2010. Council will be informed of the draft DCP progress accordingly.

EXTERNAL REFERRALS

The Development Application was referred to the following external agencies for comment:

Officer	Comment
New South Wales Rural Fire Service (NSW RFS)	General Terms of Approval were received from the NSW RFS on 23 December 2019.
Transport for New South Wales (TfNSW)	The application was referred to TfNSW for comment only. There was no legislative requirement to refer the application; however given the significance of the issue relating to connection to Wine Country Drive (a TfNSW asset), comment was sought. The initial referral to TfNSW was made on 13 February 2020. The first referral response was received on 11 March 2020, which objected to the proposal on the basis of non-compliance with the DCP (i.e. the absence of a connection to Wine Country Drive). The referral stated: *The Traffic Impact Assessment (submitted by the applicant) analyses the increase in lots proposed in the subject application, and through analysing the local street intersection of McDonalds Road and Vintage Drive determines:* • *The intersection operates adequately with the existing development, plus development proposed under this application, plus background growth over the next 10 years, and*

	• *The required roundabout connecting the site to Wine Country Drive is not required.* • *TfNSW highlight the following deficiencies in with the TIA providing this recommendation:* • *The analysis of a local street intersection will not determine if trips associated with this site can safely and efficiently access Wine Country Drive, and* • *The analysis did not account for the potential remaining development as allowed for within the LEP, which is in the order of an additional 850 accommodation units, 540 residential dwellings, as well as commercial / retail uses.* *TfNSW have provided consistent advice since 4 March 2008, when TfNSW advised Council that the preferred intersection treatment was a roundabout intersection shared with the site opposite. TfNSW recommended that a VPA be entered into between Council and the developers to ensure equitable contributions are made from both developers towards the intersection. TfNSW objects to the proposal and recommends that a strategic design for the required intersection be submitted with the application to commence the design review process.* In summary, at this stage of the assessment, TfNSW declined to support the removal of the requirement to connect to Wine Country Drive at the commencement of Stage 3 works and remained firm on their position that a Voluntary Planning Agreement should be entered into between proponents for 'The Vintage' and 'Golden Bear', a recently approval integrated tourist development on the opposite side of Wine Country Drive. This information was relayed to the applicant, who then provided a revised Traffic Impact Assessment. This report was re-referred to TfNSW, who provided an amended referral response, dated 25 May 2020. This referral stated: *TfNSW has reviewed the amended information and consider that the provision of the additional access to Wine Country Drive is not required at this time. The Wine Country Drive and McDonalds Road intersection remains the primary access to the site from the north, and Wine Country Drive at Broke Road is the primary access from the south.* *The referral continued to state that for traffic approaching from the south, the Broke Road and Wine Country Drive intersection is capable of accommodating existing and projected increased traffic. The McDonalds Road and Wine Country Drive Basic Right (BAR) intersection (used for vehicles approaching form the north) is near capacity; however the proposed 21 lot addition will not exceed this capacity. Within this referral, TfNSW recommends that "any*

	further development applications which generate any traffic will require the intersection to be upgraded to at least a CHR(s)/BAL. This should be demonstrated within the TIA of any further Development Applications within the Vintage development." Essentially this confirms that TfNSW does not consider the construction of a roundabout in accordance with Chapter E.2 of the DCP, warranted at this point. The referral remains silent on when (if ever) TfNSW will require the additional access onto Wine Country Drive; however TfNSW have oultined that any future traffic generating development applications proposing additional traffic movements on Wine Country Drive, will result in the need for an intersection upgrade to McDonalds Road and Wine Country Drive.

CONCLUSION

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

As outlined in the report, it is considered unlikely that the development will result in any adverse impacts. The subdivision design is consistent with the direction provided by the original masterplan approval for 'The Vintage'.

The variation to Clause 2.4 of the DCP 2010, requiring an additional connection to Wine Country Drive in alignment with the commencement of Stage 3 residential works is supported. Based upon an argument of apportionment, this development application does not trigger the necessity for an additional connection onto Wine Country Drive at this time. This position is supported by TfNSW, the authority for Wine Country Drive.

In consideration of the above, it is recommended that the application be approved subject to the conditions contained in this report.

ENCLOSURES

1⇩ TfNSW Correspondence
2⇩ Subdivision plan - 2 lot subdivision
3⇩ Subdivision plan - 21 lot community title subdivision

.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by NSW RFS (Date 23 December 2019) shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/20419/647/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing Ref: 11634(6) – SUB – 103 – G Amended Issue – Boundary and Pathway (x2)	Stevens Group	27 September 2019
Plan of Subdivision	David Ian Turner	31 August 2017
Drawing No. LP02, Rev C	Moir Landscape Architecture	17 April 2019
Concept Engineering Plans Project No. 11634(6)3, Rev D, Plans 001, 002, 101, 111, 201, 202, 211, 501, 802	ADW Johnson	27 September 2019

Document Title	Prepared By	Dated
Statement of Environmental Effects	Stevens Group	October 2019
Ecological Assessment Report	AEP	September 2019
Stormwater Management Plan	ADW Johnson	27 February 2019

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

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

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

3. City Wide Infrastructure Contributions Plan 2020

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a *CC*:

(1) Two Lot Subdivision

Contribution Type	Amount Payable
Open Space and Recreation Facilities	$6,512.07
Community Facilities	$1,729.41
Cycleway Facilities	$1,371.90
Roads and Traffic	$1,109.80
Plan Administration	$160.69
Total	$10,883.87

(2) Twenty –One Lot Community Title Subdivision

Contribution Type	Amount Payable
Open Space and Recreation Facilities	$130,241.40
Community Facilities	$34,588.20
Cycleway Facilities	$27,438.00
Roads and Traffic	$22,196.00
Plan Administration	$3,213.80
Total	$217,677.40

A copy of the *City Wide Infrastructure Contributions Plan 2020* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

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

4. Long Service Levy

In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing $25,000 or more. The Long Service Levy is payable prior to the issue of a *SWC*.

5. Road – Fees

The applicant shall lodge payment of fees and contributions as follows:-

Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

a) Road fees - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment.

b) Road fees – PC supervision in accordance with Councils adopted fees and charges current at the time of payment.

The fees shall be payable prior to the issue of a *SWC* / *Section 138* for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

6. Road – Construct Casuarina Drive

The registered proprietors of the land shall construct the following for a distance of approximately 45m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, and approved by Council prior to the release of the *SWC* / S138 Roads Act Approval.

(a) Construct 8m wide sealed pavement within an 18m road reserve;

(b) Construct kerb and gutter;

(c) Topdress and turf footpath;

(d) Construct concrete shard path 2.5 metres wide ;

(e) Construct drainage works;

(f) Construct a minimum 8.5m turning head.

7. Road – Construct Fig Tree Crescent

The registered proprietors of the land shall construct the following for a distance of approximately 270m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, and approved by Council prior to the release of the *SWC* / S138 Roads Act Approval.

(a) Construct 8m wide sealed pavement within an 18m road reserve

(b) Construct kerb and gutter

(c) Topdress and turf footpath

(d) Construct concrete shard path 2.0 metres wide

(e) Construct drainage works.

8. Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted are to demonstrate compliance with this requirement and be approved by the *CA* prior to the issue of a *SWC.*

9. Flooding – Downstream Impacts

Prior to the issue of a *SWC*, the applicant shall provide evidence to the *CA* that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year, to the 1 in 100 year Average Recurrence Interval (ARI) storm events, by the inclusion of on-site stormwater detention controls. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property.

Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's "Engineering Requirements for Development".

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics.

The plans submitted are to demonstrate compliance with this requirement and be approved by the *CA* prior to the issue of a *SWC*.

PRIOR TO COMMENCEMENT OF WORKS

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

10. Soil and Water Management Plan

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the *CA* as satisfying these matters prior to the commencement of works.

a) Minimise the area of soils exposed at any one time

b) Conservation of top soil

c) Identify and protect proposed stockpile locations

d) Preserve existing vegetation. Identify revegetation technique and materials

e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner

f) Control surface water flows through the site in a manner that:

i) Diverts clean-runoff around disturbed areas

ii) Minimises slope gradient and flow distance within disturbed areas

iii) Ensures surface run-off occurs at non erodible velocities

iv) Ensures disturbed areas are promptly rehabilitated.

g) Sediment and erosion control measures in place before work commences

h) Materials are not tracked onto the road by vehicles entering or leaving the site.

i) Details of drainage to protect and drain the site during works.

11. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

12. S138 Roads Act Approvals

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

13. Protection of Trees to be Retained

The area beneath the canopies of the trees to be retained must be fenced prior to the commencement of works. The fencing must encompass the maximum possible area covered by the drip line of the canopy, and must remain in place until the completion of building works. The fencing should be a minimum of 1.8 metres high chain-link or welded mesh fencing. The fencing is to be maintained for the duration of the building works.

Services should be located to avoid disturbing tree roots. Trenches required for the installation of services should be located outside of the fenced area.

All areas within the perimeter of the safety fencing are to be covered with woodchip mulch to a depth of 100mm. All steep gradients unable to be effectively covered with mulch are to be protected with hessian cloth to be kept at a moisture level sufficient to ensure the preservation of tree root systems.

Tree protection signage is required to be attached to each tree protection zone, displayed in a prominent position.

14. Soil and Water Management Plan Implemented

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

15. Relocation of Services

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

16. Road - Bonds

The applicant shall pay the following:-

a) A performance and maintenance bond of a minimum of $1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *Section 138* approval.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

DURING WORKS

The following conditions are to be complied with during works.

17. 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.

18. 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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

19. Requirement for a Subdivision Certificate

Prior to the issue of a *SC*, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

a) Evidence that all conditions of Development Consent have been satisfied

b) Evidence of payment of all relevant fees

c) The 88B instrument plus six (6) copies

d) All surveyor's or engineer's certification required by the Development Consent

e) Lot numbers to correspond with street numbering

20. All Services Provided Within Lots

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

21. Section 50 – Hunter Water Act 1991

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991*. Such evidence shall be submitted to Council prior to the release of the final plan of survey for the subdivision and the *SC*.

22. Provision of Utilities

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

23. Telecommunications

Prior to the issue of *SC* the developer must provide documentary evidence to the *CA* that the telecommunications carrier is satisfied that the fibre ready facilities are fit for purpose and an agreement has been made with the carrier for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all premises/individual lots.

ADVISORY NOTES

1. If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

Transport for NSW

CR2020/002396
SF2012/052106
MJD

25 May 2020

General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Attention: Kristen Wells

Development Application 8/2019/647/1 – Two Lot Torrens Title Subdivision with 21 lot Community Title Subdivision - 1093 Wine Country Drive Pokolbin

I refer to Cessnock City Council's notice to Transport for NSW (TfNSW) dated 5 May 2020 of development application 8/2019/647/1 (**the Development Application**).

I also refer to TfNSW's previous submission in response to the Council referral, dated 2 March 2020, regarding the Development Application. I note that a Traffic Impact Assessment (TIA) by Intersect Traffic has been amended, with the updated TIA (dated 31 March 2020) assessing the subject development, and also providing for additional proposed development being a residential flat building and a commercial development. These additional developments are not the subject of the referred Development Application, and have not been assessed in this response.

TfNSW has reviewed the amended information and consider that the provision of the additional access to Wine Country Drive is not required at this time. The Wine Country Drive and McDonalds Road intersection remains the primary access to the site from the north, and Wine Country Drive at Broke Road is the primary access from the south.

Wine Country Drive and McDonalds Road is currently provided as a Basic Right (BAR) intersection. A review of the *Austroads Guide to Traffic Management, Part 6, Intersections, Interchanges and Crossings*, using the traffic volumes provided within the TIA and the trip generation from the subject development, results in the BAR remaining appropriate. TfNSW note however that the assessment is borderline with warranting an upgrade. TfNSW suggest that any further development applications which generate any traffic will require the intersection to be upgraded to at least a CHR(s)/BAL. This should be demonstrated within the TIA of any further Development Applications within the Vintage development.

Wine Country Drive at Broke Road has been upgraded to a CHR/CHL intersection and is likely appropriate for the level of development proposed under the subject application. It is recommended that any future development applications provide an assessment of this intersection to ensure that it remains an appropriate layout.

On determination of this matter, please forward TfNSW a copy of the Notice of Determination within seven days in accordance with clause 104(4) of the ISEPP. Should you require further

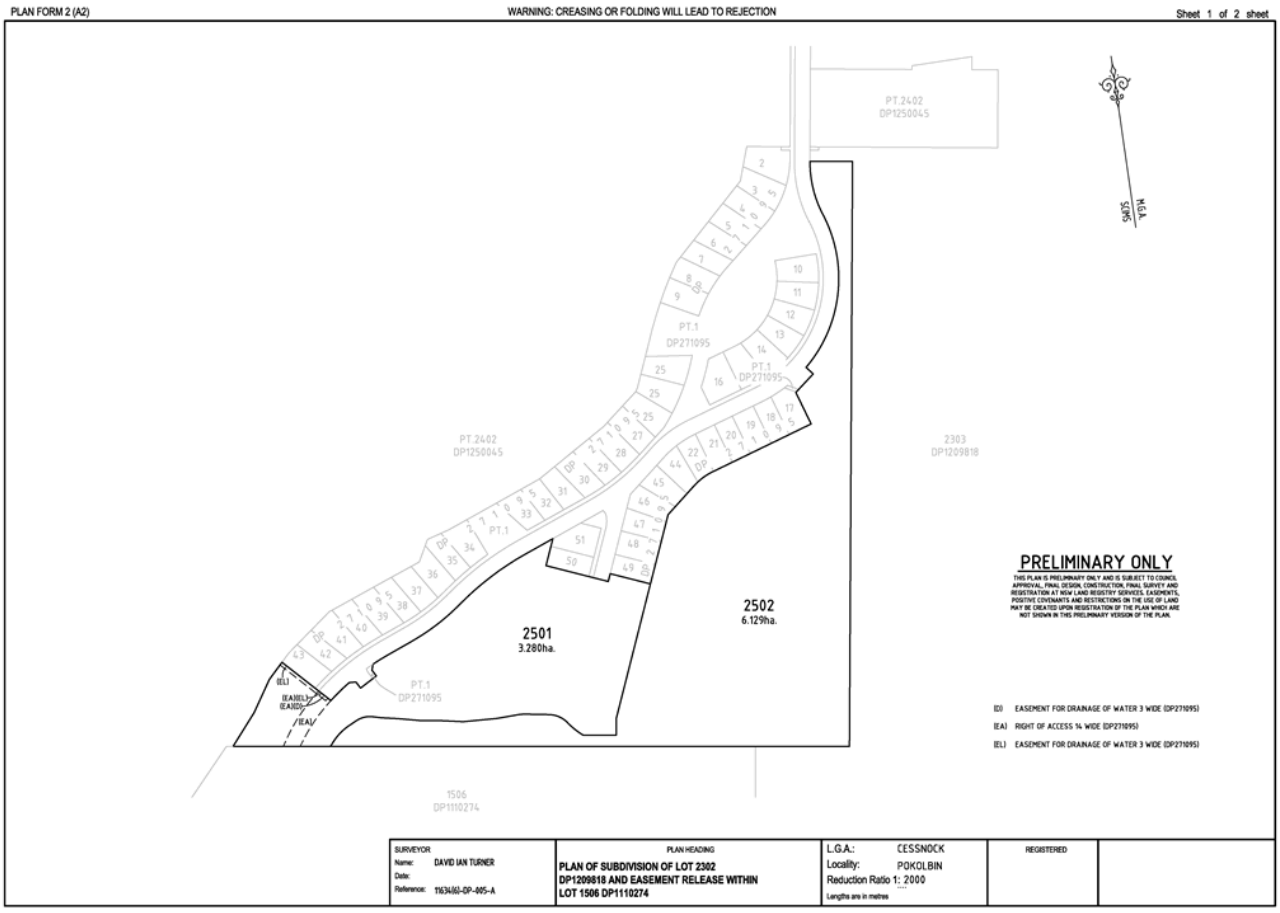
Transport for NSW
Level 8, 266 King Street, Newcastle NSW 2300 | Locked Bag 2030, Newcastle NSW 2300 |
ABN 18 804 239 602

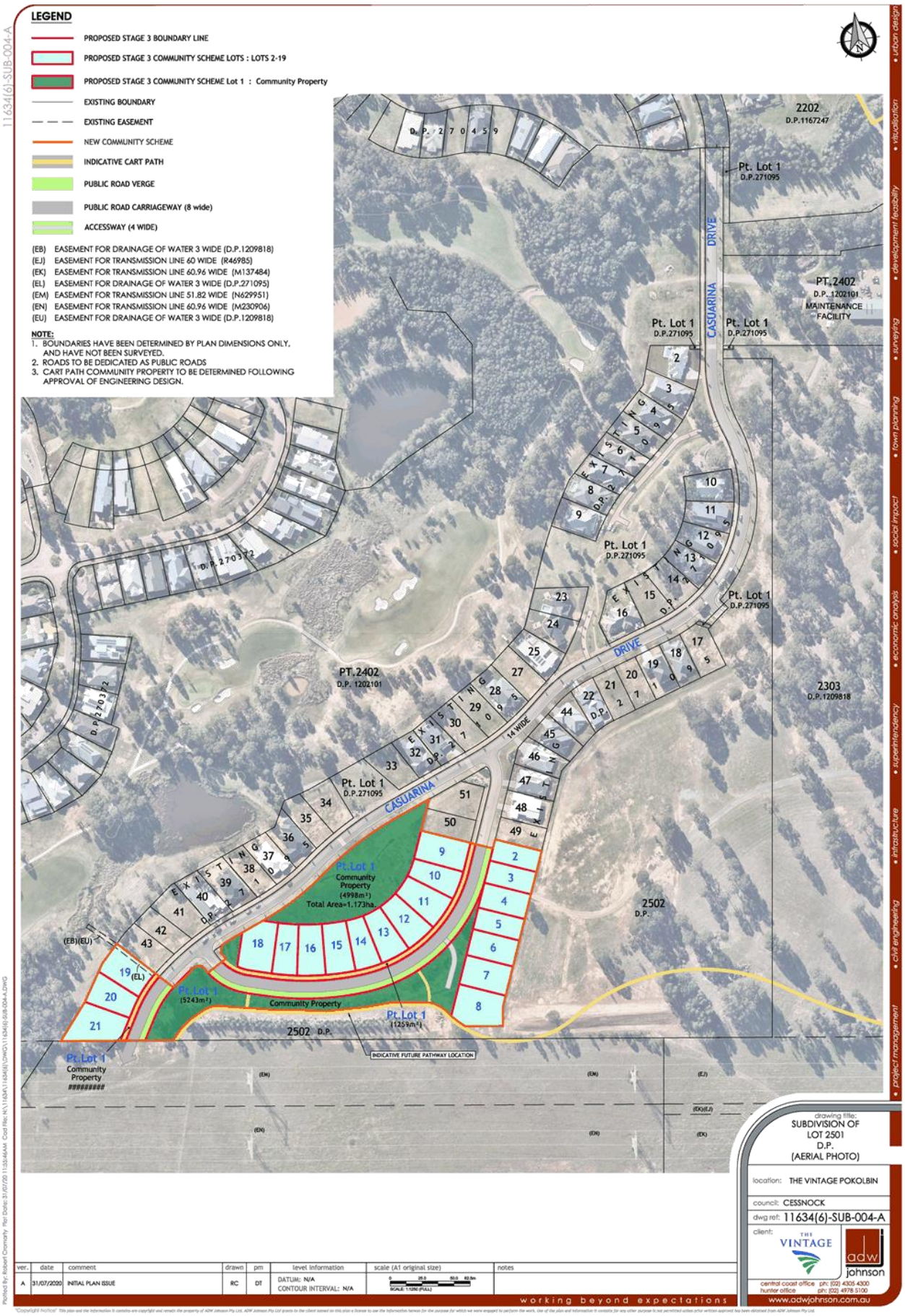
information, please contact Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region


PLAN FORM 2 (A2)
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
Sheet 1 of 2 sheet
PT.2402
DP1250045
PT.1
DP271095
2303
DP1209818
2501
3.280ha.
2502
6.129ha.
1506
DP1110274
PRELIMINARY ONLY
THIS PLAN IS PRELIMINARY ONLY AND IS SUBJECT TO COUNCIL APPROVAL, FINAL DESIGN, CONSTRUCTION, FINAL SURVEY AND REGISTRATION AT NSW LAND REGISTRY SERVICES. EASEMENTS, POSITIVE COVENANTS AND RESTRICTIONS ON THE USE OF LAND MAY BE CREATED UPON REGISTRATION OF THE PLAN WHICH ARE NOT SHOWN IN THIS PRELIMINARY VERSION OF THE PLAN.
(D) EASEMENT FOR DRAINAGE OF WATER 3 WIDE (DP271095)
(EA) RIGHT OF ACCESS 14 WIDE (DP271095)
(EL) EASEMENT FOR DRAINAGE OF WATER 3 WIDE (DP271095)
SURVEYOR
Name: DAVID IAN TURNER
Date:
Reference: 11634(6)-DP-005-A
PLAN HEADING
PLAN OF SUBDIVISION OF LOT 2302 DP1209818 AND EASEMENT RELEASE WITHIN LOT 1506 DP1110274
L.G.A.: CESSNOCK
Locality: POKOLBIN
Reduction Ratio 1: 2000
Lengths are in metres
REGISTERED


LEGEND
PROPOSED STAGE 3 BOUNDARY LINE
PROPOSED STAGE 3 COMMUNITY SCHEME LOTS : LOTS 2-19
PROPOSED STAGE 3 COMMUNITY SCHEME Lot 1 : Community Property
EXISTING BOUNDARY
EXISTING EASEMENT
NEW COMMUNITY SCHEME
INDICATIVE CART PATH
PUBLIC ROAD VERGE
PUBLIC ROAD CARRIAGEWAY (8 wide)
ACCESSWAY (4 WIDE)
(EB) EASEMENT FOR DRAINAGE OF WATER 3 WIDE (D.P.1209818)
(EJ) EASEMENT FOR TRANSMISSION LINE 60 WIDE (R46985)
(EK) EASEMENT FOR TRANSMISSION LINE 60.96 WIDE (M137484)
(EL) EASEMENT FOR DRAINAGE OF WATER 3 WIDE (D.P.271095)
(EM) EASEMENT FOR TRANSMISSION LINE 51.82 WIDE (N629951)
(EN) EASEMENT FOR TRANSMISSION LINE 60.96 WIDE (M230906)
(EU) EASEMENT FOR DRAINAGE OF WATER 3 WIDE (D.P.1209818)
NOTE:
1. BOUNDARIES HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY, AND HAVE NOT BEEN SURVEYED.
2. ROADS TO BE DEDICATED AS PUBLIC ROADS
3. CART PATH COMMUNITY PROPERTY TO BE DETERMINED FOLLOWING APPROVAL OF ENGINEERING DESIGN.
CASUARINA DRIVE
Pt. Lot 1 D.P.271095
PT.2402 D.P. 1202101
MAINTENANCE FACILITY
2202 D.P.1167247
2303 D.P.1209818
2502 D.P.
D.P.270459
D.P.270372
EXISTING D.P.
14 WIDE
Pt.Lot 1 Community Property (4998m²) Total Area=1.173ha
Pt.Lot 1 (5243m²)
Community Property
Pt.Lot 1 (1259m²)
INDICATIVE FUTURE PATHWAY LOCATION
Pt.Lot 1 Community Property
drawing title: SUBDIVISION OF LOT 2501 D.P. (AERIAL PHOTO)
location: THE VINTAGE POKOLBIN
council: CESSNOCK
dwg ref: 11634(6)-SUB-004-A
client: THE VINTAGE
adw johnson
central coast office ph: (02) 4305 4300
hunter office ph: (02) 4978 5100
www.adwjohnson.com.au
working beyond expectations
ver. A | date 31/07/2020 | comment INITIAL PLAN ISSUE | drawn RC | pm DT
level information DATUM: N/A CONTOUR INTERVAL: N/A
scale (At original size) SCALE: 1:1250 (FULL)
notes
11634(6)-SUB-004-A
urban design • visualisation • development feasibility • surveying • town planning • social impact • economic analysis • superintendency • infrastructure • civil engineering • project management

Planning and Environment

Report No. PE28/2020

Planning and Environment

SUBJECT: ***DEVELOPMENT APPLICATION 8/2020/79/1 PROPOSING THE TORRENS TITLE SUBDIVISION OF ONE LOT INTO THREE LOTS - 1 PALMER STREET, MULBRING***

RESPONSIBLE OFFICER: ***Development Services Manager - Janine Maher***

APPLICATION NUMBER:	8/2020/79/1
PROPOSAL:	Torrens title subdivision of one lot into three lots
PROPERTY DESCRIPTION:	Lot 5, DP151882
PROPERTY ADDRESS:	1 Palmer Street, Mulbring
ZONE:	R5 – Large Lot Residential
OWNER:	Michael and Bianca Judd
APPLICANT:	Mr M Judd CARE Fragar Planning and Development

RECOMMENDATION

1. That:

(i) Development Application No. 8/2020/79/1 proposing the torrens title subdivision of one lot into three lots at 1 Palmer Street (Lot 5 DP151892), Mulbring, be refused pursuant to Sections 4.16 and 4.17 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:

- **Council has no statutory power to grant consent to the development application in accordance with Clause 4.6(6) of *Cessnock Local Environmental Plan 2011*.**
- **The proposed development is inconsistent with the objectives of the R5 – Large Lot Residential zone.**
- **The proposed development is inconsistent with the development standard and objectives prescribed in Clause 4.1 – Minimum Lot Size of *Cessnock Local Environmental Plan 2011*.**
- **The proposed development is contrary to the public interest.**

(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*

REASON FOR REPORT

Development Application No. 8/2020/79/1 is being referred to Council for determination as the Application is recommended for refusal, and the refusal is merits-based.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2020/79/1 seeking approval for the torrens title subdivision of one lot into three lots at 1 Palmer Street, Mulbring.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and no submissions were received.

The proposed development is not considered suitable given the significant non-compliance with the development standard presribed in clause 4.1 of *Cessnock Local Environmental Plan 2011,* and furthermore, the proposed development is effectively prohibited by virtue of clause 4.6(6) of *Cessnock Local Environmental Plan 2011.* In this regard, clause 4.6(6) specifically precludes the utilisation of clause 4.6(2) to vary a development standard in relation to the subdivision of certain environmental and rural zoned land.

Furthermore, the development is not considered appropriate given the lack of services (recticulated sewer) provided to the subject site, and uncertainty regarding the suitability of the site for future intended development purpose/s. Further, it is noted that the development will increase land available for residential development within a locality which is poorly serviced in respect of community and commercial facilities. This is contrary to the provisions of *Cessnock Local Environmental Plan 2011*.

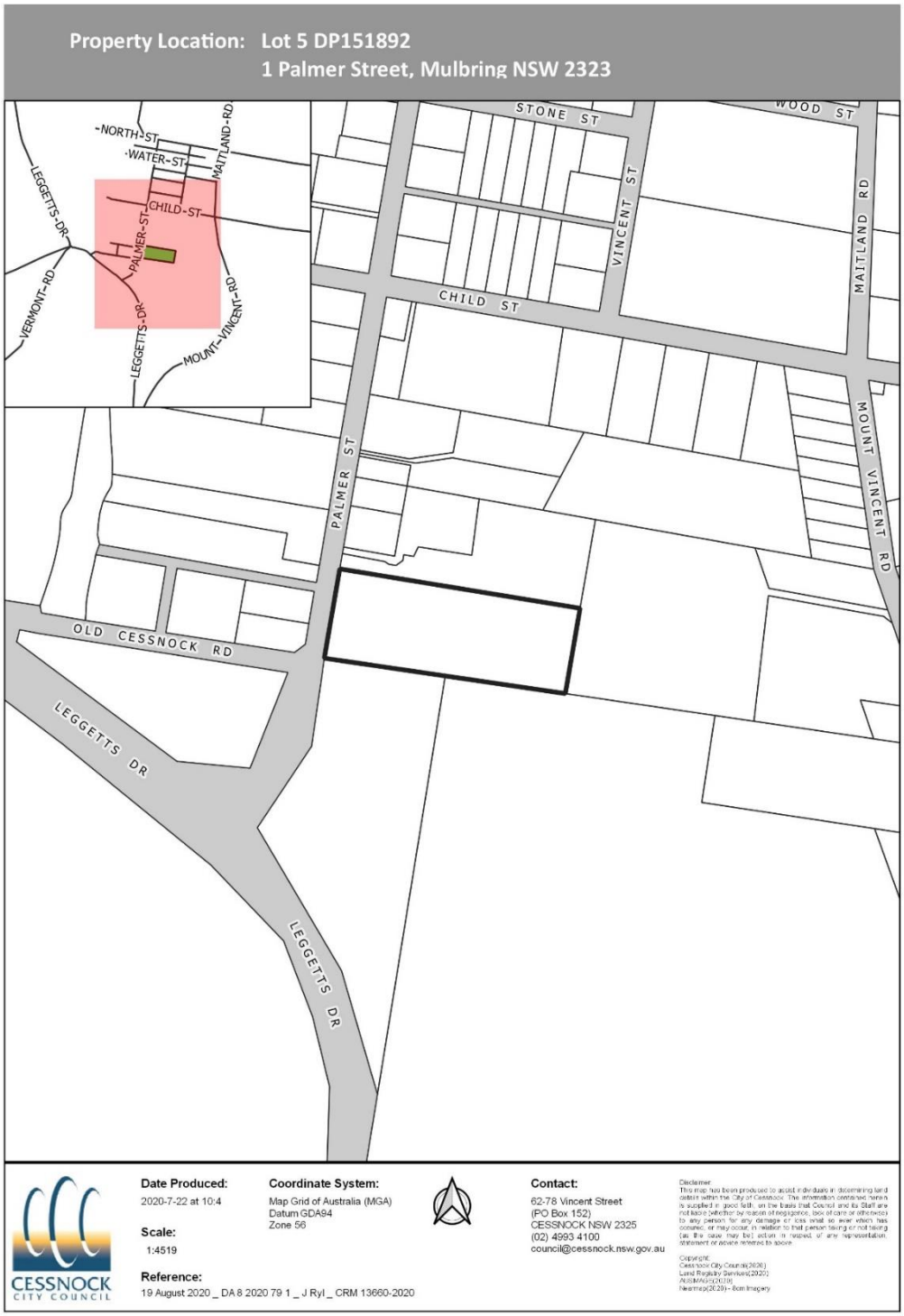
Based on the assessment, it is recommended that the Development Application be refused subject to the reasons for refusal included in this report.

Planning and Environment

Report No. PE28/2020

Planning and Environment

LOCATION MAP

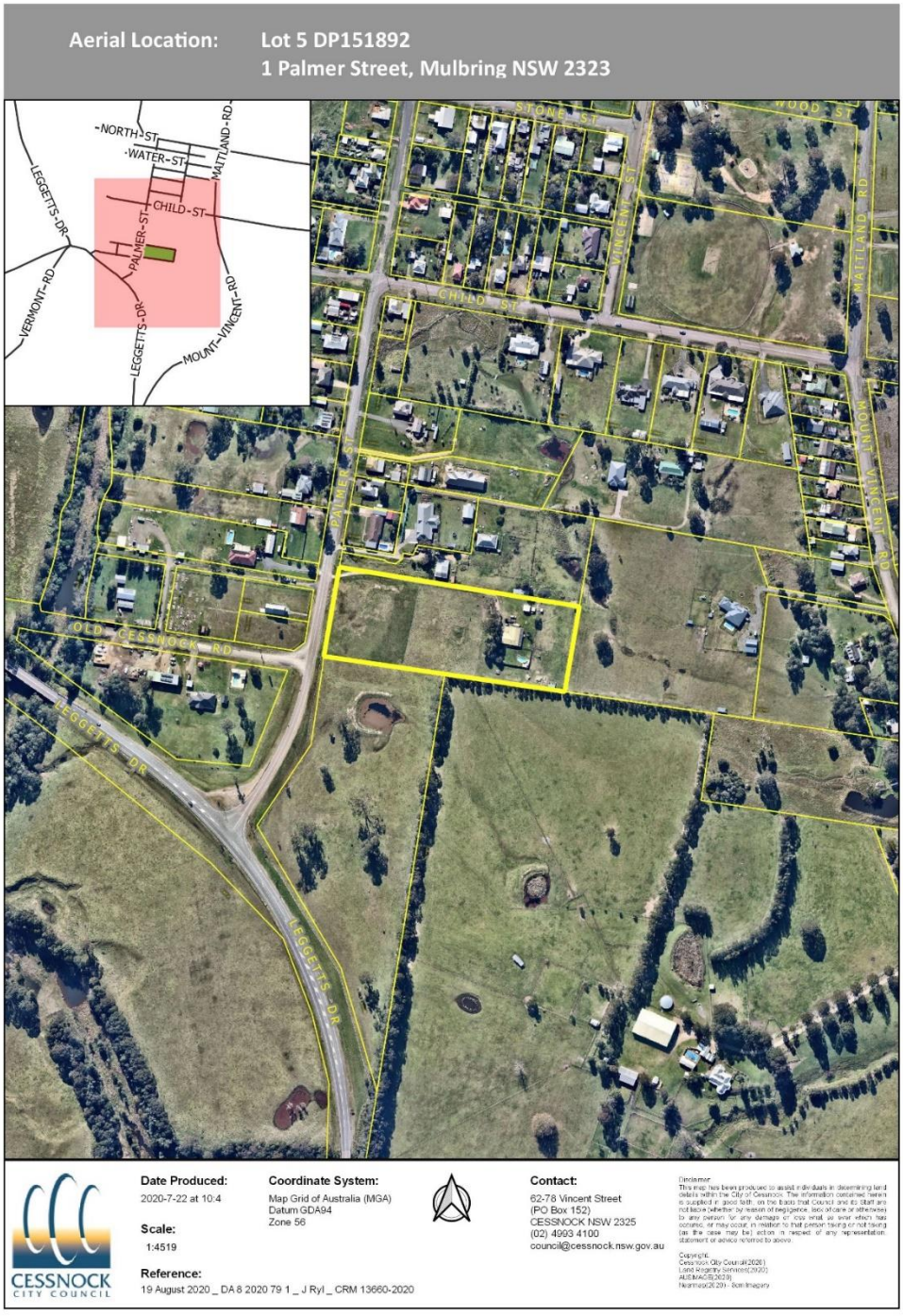


Planning and Environment

Report No. PE28/2020

Planning and Environment

AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 1 Palmer Street, Mulbring and is legally described as Lot 5, Deposited Plan 151892.

The subject site is located on the eastern side of Palmer Street. The site has a frontage of 88.25m to Palmer Street, a depth of 234.5m, an overall site area of 2.02ha, and is rectangular in shape. Vehicular access to the site is available from the Palmer Street frontage.

The subject site is currently occupied by a single-storey brick veneer dwelling with swimming pool, shed and animal shelters located towards the rear of the site.

The surrounding properties are characterised by a mixture of development as the subject land is located on the fringe of the township of Mulbring on the cusp of the adjoining rural land utilised for grazing purposes. Surrounding properties are characterised by single-storey dwellings of mixed construction, ancillary development to dwellings (sheds and swimming pools), and rural land uses (animal shelters and cattle yards) on lots of varying sizes and shapes. The subject site is located approximately 200 metres from the state significant road route B82, commonly known as Leggetts Drive.

Relevant development consents issued in relation to the property include:

- Development Consent No. 6/1993/794 – swimming pool
- Development Consent No. 6/1993/859 – machinery shed and carport

HISTORY

The history of the subject Development Application, including pre-lodgement advice, is summarised in the following table:

Date	Action
25 September 2018	Advice provided by Council officers to a planning consultant (acting on behalf of the owner), that a Pre-DA Meeting would not be facilitated as the development proposed would be unable to be approved by Council given the requirements of Clause 4.6(6) of *Cessnock Local Environmental Plan 2011.*
25 March 2019	Advice provided to the property owner via Councillor memo, advising of the development standards required to be met by subdivision of the subject land. Specifically, the memo states that *'…….property unable to be subdivided having regard to the provisions outlined above as the minimum lot size applicable in this instance is 2 hectares'.* Memo also confirms that Council's Duty Planner had recently received a phone enquiry concerning the subdivision of the subject site, and that the advice provided was wholly consistent with the advice contained in the memo.

14 February 2020	Development Application lodged with Council
20 February 2020	• Application assigned to planning officer for assessment • Internal referrals initiated to Principal Development Engineer and Senior Environmental Health Officer • External referral initiated to New South Wales Rural Fire Service (NSW RFS)
24 February 2020	Development Application placed on public exhibition for a period of 14 days. No submissions received.
28 February 2020	Referral received from Senior Environmental Health Officer raising no objection to proposal.
3 March 2020	Referral received from Principal Development Engineer, whereby additional information is requested.
13 March 2020	Additional information is requested, as follows: • A Geotechnical Assessment of Proposed Lot 51 which verifies that the dam which was located on proposed Lot 51 and filled previously, was filled in accordance with *AS3798-2007 'Guidelines on Earthworks for Commercial and Residential Developments'.* The assessment is also to address any contamination found within the dam footprint and any subsequent remediation work required to be undertaken.
21 April 2020	Additional information is received from the applicant in respect of the Geotechnical Assessment.
21 April 2020	Internal referral initiated to Principal Development Engineer for further assessment of the application in light of the additional information received.
20 April 2020	External referral response received from New South Wales Rural Fire Service. The NSW RFS grant General Terms of Approval (GTA's) with conditions.
12 May 2020	Correspondence issued to applicant providing update on the assessment of the application. Importantly, applicant advised of the relevance of Clause 4.6(6) of the CLEP 2011, which effectively results in a prohibition of Council granting consent to the proposed development. The applicant is offered the opportunity to withdraw the application and receive a partial refund of fees paid upon lodgement of the development application.
18 May 2020	Correspondence received from applicant, whereby further justification in relation to the proposed variation is provided.
1 June 2020	Correspondence issued to applicant advising that Council officers are of the opinion that a Clause 4.6 variation to the development standard cannot be utilised in order to exclude the development from the prohibition identified in Clause 4.6(6). A final opportunity to withdraw the development application is afforded to the applicant at this time.
4 June 2020	The applicant requests that the development application be determined.
July 2020	Assessment finalised.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2020/79/1 seeks approval for the torrens title subdivision of one lot into three lots at 1 Palmer Street, Mulbring.

Specifically, the proposed development involves the creation of three (3) residential lots, with site areas as follows:

- Proposed Lot 51 – 5035m^2. Proposes a direct access to be constructed with future dwelling directly from Palmer Street.
- Proposed Lot 52 – 5496m^2 (excluding access handle). Proposes a battle-axe handle to be constructed on the southern boundary for a length of 68.12 metres and a width of 6 metres
- Proposed Lot 53 – 8238m^2 (excluding access handle). Proposes to retain the existing dwelling, swimming pool and ancillary structures located on the subject land. The existing driveway which runs along the northern boundary for a distance of 138 metres is proposed to be retained as a battle-axe handle servicing this proposed lot.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. *State Environmental Planning Policy No.55 (Remediation of Land)*
2. *Cessnock Local Environmental Plan 2011*

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

1. *State Environmental Planning Policy No. 55 Remediation of Land*

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of SEPP No. 55 – Remediation of Land, is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site has historically been used for grazing land and rural residential purposes. A large dam was historically located in the front third of the subject land closest to Palmer Street (Proposed Lot 51 location). Over time, the dam has been filled in, as depicted in the following images:



Figure 1: The dam footprint can be clearly seen on 21 August 2010.



Figure 2: In July 2017, the dam is clearly filled in, and additional fill is identifiable on the site of the dam footprint.

A review of Council's records has confirmed that no approval has been granted for the works associated with filling of the dam. Accordingly, the issue of contamination was raised with the applicant in conjunction with the application the subject of this report. As a result, the applicant submitted a Site Contamination Report which outlined that *"the investigation is to evaluate, based on the available information, and according to the client's request, the contamination status of the soils within the Dam, as a result of historical backfilling".*

The inspection undertaken concluded that *"subject to the above, it is considered that the historical dam area within the western portion of the site, as it currently stands, is* ***SUITABLE*** *for its intended land use".*

2. *Cessnock Local Environmental Plan 2011*

2.1 Permissibility

The subject site is zoned R5 – Large Lot Residential under the provisions of *Cessnock Local Environmental Plan (CLEP) 2011*.

The proposed development is categorised as subdivision of land under Section 6.2 of the *Environmental Planning and Assessment Act 1979,* which provides the following:

> *The division of land into two (2) or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.*

Pursuant to Clause 2.6 of CLEP 2011, *'land to which this Plan applies may be subdivided, but only with development consent'.*

In consideration of the above, the land can be subdivided, provided development consent has been obtained for such subdivision.

2.2 Objectives

The objectives of the R5 – Large Lot Residential zone are as follows:

- *'To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality'*

The proposed development is inconsistent with this objective as it would negatively impact on the scenic quality of the locality, through the incremental encroachment of predominantly residential purposes adjoining rural land. The size of the proposed lots having regard for the area required for onsite waste water disposal area, setbacks and access would result in little to no potential for the development to preserve the rural setting or value add to the scenic quality of Mulbring.

- *'To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future'*

The proposed development is inconsistent with this objective as it would not result in the orderly and economic development of urban land in the future. As proposed, each lot will require the provision of onsite waste water disposal areas which will result in large areas of the lot being unsuitable for development should reticulated sewer be provided to Mulbring in the future. In the event reticulated sewer is provided, the size of the lots would result in the land being unsuitable for intensification consistent with land uses permissible in the any future zone/s applied to the lots.

- *'To ensure that development in the area does not unreasonably increase the demand for public services or public facilities'*

The proposed development is inconsistent with this objective as it will result in increased population in the locality, thereby creating an increase in demand for public services or public facilities.

- *'To minimise conflict between land uses within this zone and land uses within adjoining zones'*

The proposed development is inconsistent with this objective as the conflict between adjoining landuses specifically, rural land and a major road, have not been addressed by the applicant. Acoustic impacts of the major road (Leggetts Drive), located approximately 200m from the subject land, would negatively impact on the intended future use of the lots. Acoustic measures such as acoustic walls and solid fencing would be uncharacteristic of the area and unsightly in the landscape.

In addition, the creation of additional lots directly adjoining rural land may result in additional conflicts including, odour and noise from machinery and livestock.

2.3 Relevant Clauses

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

- **Clause 4.1 – Minimum Subdivision Lot Size**

In part, Clause 4.1 states as follows (emphasis added to those parts of the clause relevant to assessment of the application, **in bold***)*:

> ***'(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.***
>
> ***(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.***
>
> *(4) This clause does not apply in relation to the subdivision of any land—*
>
> > *(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
> >
> > *(b) by any kind of subdivision under the Community Land Development Act 1989.*
>
> ***(4A) Despite subclause (3), a lot resulting from the subdivision of the following land must not be less than the minimum size specified below in relation to the land—***
>
> > *(a) (Repealed)*
> >
> > *(b) if the lot is on land identified as "T2" on the Lot Size Map and the subdivision will result in the creation of lots that are not able to be serviced by a reticulated water and reticulated sewerage system—2,000 square metres,*

> ***(c) if the lot is on land identified as "T3" on the Lot Size Map and the subdivision will result in the creation of lots that are not able to be serviced by a reticulated water and reticulated sewerage system—2 hectares.***
>
> *(4B) For the purposes of calculating the size of a lot for the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the lot size is to be calculated by excluding the area of the access handle.'*

In summary, whilst it is noted that the minimum lot size map prescribes a minimum lot size of 2000m^2 over the subject land, the land is additionally identified as "T3" on the Lot Size Map.

Sub clause (4A)(c) specifies that despite sub clause (3), if the lot is on land identified as "T3" on the Lot Size Map and the subdivision is unable to be serviced by both reticulated water and a reticulated sewer system, the applicable minimum lot size to be applied in these instances is 2 hectares.

It is noted that the subject site is presently 2.02 hectares in size and was created by a subdivision approved by the Council of the Shire of Tarro, covered by Shire Clerk's Certificate No.126, on 28 November 1928.

Whilst water utilities are available, no reticulated sewer service is available. In this regard, the provision of sewer to the site would require the extension of the closest service which is located approximately 7km away, through rural zoned land. It is noted that the applicant does not propose to carry out these works. Therefore, the applicant does not propose to provide a reticulated sewer service to the site.

In consideration of the above, the applicable development standard to be applied in the circumstances of this proposed development is that of a minimum lot size of 2ha.

The proposed lot sizes result in a significant variation to the minimum lot size requirement, as follows:

- Proposed Lot 51 is 5035m^2 in area, which results in a 74.83% variation
- Proposed Lot 52 is 5496m^2 in area (excluding access handle), which results in a 72.52% variation
- Proposed Lot 53 is 8238m^2 in area (excluding access handle), which results in a 58.81% variation

It is considered that the proposed development will not ensure minimum lot sizes are provided that are appropriate for the R5 – Large Lot Residential zone, and the uses permitted in the zone, including dual occupancies, secondary dwellings and extensive agriculture.

The minimum lot sizes proposed do not reflect the vision for the locality, as identified within the recently adopted Local Strategic Planning Statement (LSPS).

On the basis of the above, it is considered that the proposed development is inconsistent with the provisions of Clause 4.1.

- **Clause 4.6 – Exceptions to Development Standards**

In part, Clause 4.6 states as follows (emphasis added to those parts of the clause relevant to assessment of the application, **in bold**):

'(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note.

When this Plan was made, it did not include Zone RU1 Primary Production, Zone RU6 Transition, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).'

It is noted that the application was accompanied by a written request seeking to justify a variation to the minimum lot size development standard, consistent with sub clause 4.6(3). However, in this case, a critique of the applicant's request has not been undertaken due to the express prohibition prescribed by sub clause 4.6(6). In this regard, sub clause 4.6(6) provides an exclusionary provision (i.e. a provision which restricts the use of cl 4.6(2)).

In respect of sub clause 4.6(6), the following is noted:

- the proposal does not meet the standard prescribed in 4.6(6)(a), as the proposed subdivision results in the creation of 2 or more lots (in this case, 3 lots in total), below the minimum lot size required by sub clause (4A)(c), which is 2 hectares; and

- the proposal does not meet the standard prescribed in 4.6(6)(b), as the proposed subdivision results in the creation of 3 lots that are less than 90% of the minimum area specified for such a lot by a development standard, which is 2 hectares.

In the case of *David Casson trading as Casson Planning & Development Services v Upper Hunter Shire Council [2017] NSWLEC 1279,* Commissioner Dixon identified in the facts of the judgement at [12] '*the minimum lot size requirements in Clause 4.1 of the LEP are development standards however, it is agreed that a cl 4.6(6) precludes a variation of the development standard in this case'.*

In summary, the proposed subdivision is contrary to the requirements of clause 4.6(6) which acts as a prohibition. In this instance, the applicable minimum lot size is 2 hectares as the subject land is not proposed to be connected to both reticulated sewer and water. In recognition of the application not complying with clause 4.6(6), Council has no power to approve the application.

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

No Draft Environmental Planning Instruments are relevant to the application.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

As the proposed development is precluded from deliberation having regard for the requirements of Clause 4.6(6) of *Cessnock Local Environmental Plan 2011*, the matter of the proposal's compliance with the relevant numerical standards in Cessnock Development Control Plan 2010, is not considered appropriate.

Whilst Council is precluded from granting consent, an assessment of the proposal against the relevant provisions of the DCP has been undertaken for the purposes of ensuring a complete and proper assessment.

Part D: Specific Development

Chapter 1: Subdivision Guidelines

Provision	Required	Provided	Complies?
R5 Large Lot Residential Subdivision Element 1: Lot size and shape	Each lot must comply with the minimum area shown on the lot size map of CLEP 2011. In this case, the minimum area is 2ha because both reticulated sewer and water are not provided.	Lot / Area Proposed Lot 51 / 5035m^2 Proposed Lot 52 / 5904m^2 Proposed Lot 53 / 9180m^2	**No**
	Suitable Building Envelope dimension of 20m	The submitted subdivision plan does not clearly demonstrate an appropriate building envelope is capable of being provided having regard for the required setbacks.	**No**
	Consideration of natural features.	Natural features were not adequately considered. i.e., filling of historic dam located on Proposed Lot 51.	**No**
	Significant Vegetation to be retained.	The existing vegetation on Proposed Lot 53 is to be retained. There is no other significant vegetation existing on the subject site.	Yes
	Width to depth ratio not to exceed 1:4, and lot configuration to facilitate establishment of a dam on proposed lots	All proposed lots are compliant with width to depth ratio, however, the overall size of the proposed lots precludes the development capability of a dam on any of the proposed lots.	Yes
Element 2: Agriculture	Compliance with Part C: Chapter 4: Land Use Conflict and Buffer Zones.	The applicant has not considered the requirement for a 50 metre buffer zone to adjoining agriculture land.	**No**
	Agriculture potential shall not be diminished.	The proposed lot sizes will negate the ability for	**No**

Part D: Specific Development ***Chapter 1: Subdivision Guidelines***			
Provision	**Required**	**Provided**	**Complies?**
		the lots to sustain agricultural uses, i.e. the keeping of livestock.	
Element 3: Effluent Disposal	Effluent Disposal Report	A report has been submitted which suggests the proposed lot sizes are capable of sustaining development	Yes
	Disposal of effluent shall not create a health nuisance.	Council's Environmental Health Team have assessed the information submitted and confirm the proposed lots should be capable of sustaining on-site waste management.	Yes
	Subdivision creating 5 or more allotments of 2.0ha or less and within 2km of an existing sewerage system may be required to extend the sewerage system.	The application proposes the creation of less than 5 lots.	N/A
Element 4: Flora and Fauna	In accordance with Chapter 2: Flora and Fauna Survey Guidelines	The application was not accompanied by a Flora and Fauna assessment, however, as outlined previously, the existing vegetation on Proposed Lot 53 is to be retained, and there is no other significant vegetation existing on the subject site.	Yes
Element 5: Hazards	Bushfire compliance with PBP 2019	The development application was assessed by NSW RFS as being capable of complying with the requirements of PBP 2019.	Yes
Element 6: Heritage			N/A
Element 7: Roads and Access	In accordance with Council's 'Engineering	The development could comply with applicable requirements.	Yes

Part D: Specific Development ***Chapter 1: Subdivision Guidelines***			
Provision	**Required**	**Provided**	**Complies?**
	Standards for Development'.		
	A maximum of two lots may gain access from a 'right of carriage-way'.	Each lot proposes their own access point.	Yes
Element 8: Soil and Water Management	A Soil and Water Management Plan or compliance with Council's 'Engineering Standards for Development' be required	The development could comply with applicable requirements.	Yes
Element 9: Stormwater Management and Drainage	In accordance with Council's 'Engineering Standards for Development'.	The applicant has not provided details of how stormwater associated with the development would be managed.	**No**
Element 10: Utility Services	Adequate water supply for domestic use and fire fighting.	Not applicable at subdivision stage, rather, this is a relevant consideration for any future dwelling/s.	N/A
	Electricity shall be provided.	No information confirming servicing availability has been provided, however it is assumed electricity is available given the existence of powerlines in Palmer Street.	Yes
	Reticulated sewerage system to be provided in accordance with Element 3.	Refer to previous comments.	**No**
Element 11: Visual Amenity	Access ways should avoid steep slopes, ridge tops and be placed so as to minimize impact on visually interesting places.	The applicant has proposed the provision of battle-axe allotments running along both sides of the proposed lots with a third lot to gain access directly from Palmer Street. The provision of a battle-axe handle on the southern boundary is not supported as this would	**No**

Part D: Specific Development ***Chapter 1: Subdivision Guidelines***			
Provision	**Required**	**Provided**	**Complies?**
		result in a visual impact that is detrimental to the scenic landscape of the locality. This boundary is identified as requiring landscape buffer planting in the view sensitive zone of Schedule 3 of this DCP chapter.	

(a)(iiia) The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4

No such agreement has been proposed as part of this application.

(a)(iv) The provisions of the regulations

There are no matters prescribed by the Regulation that are applicable to this matter.

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

The proposed development is likely to result in a number of additional impacts upon the locality including:

1. Changes to the aesthetic character of the area, impacting upon the scenic quality of the surrounding landscape.
2. Increase in the demand for public services as a result of additional residential lots.

Consideration of these matters is provided below:

1. Changes to the aesthetic character, impacting the scenic quality of the surrounding landscape

The site is surrounded by residential and rural land uses. The village of Mulbring is located at the foot of Heaton State Forest and Sugerloaf National Park to the east, and Wallis Creek to the west.

The proposed lots would result in the creation of an additional two (2) allotments directly adjoining land zoned rural. In this regard, directly adjoining the subject site and surrounding Mulbring are large to moderate sized RU2 – Rural Landscape lots. The existing allotment presently offers a transition between the adjoining rural land uses and the residential land uses within Mulbring by providing an appropriate setback when viewed from nearby locations.

2. Increase in the demand for public services as a result of additional residential lots

It is acknowledged that other lots located within the R5 – Large Lot Residential zone within Mulbring towards the RU5 - Village zone have been subdivided under previous legislation (*Cessnock Local Environmental Plan 1989*), to a minimum lot size of 4000m$^{2.}$ This was the applicable development standard which applied at the time provided the site benefited from a connection to reticulated water).

With the Standard Instrument (Local Environmental Plans) Order gazetted on 31 March 2006, and a greater emphasis on Ecologically Sustainable Development (ESD) principles, the requirement for the connection to the reticulated sewer and water for lots within the R5 zone were adopted across the Local Government Area.

As demonstrated by the above assessment, the proposed development is likely to have a significant impact on both the natural and built environments, with the density of the development proposed resulting in impacts on the character of the area, which will alter the scenic quality of the surrounding landscape, along with increasing the demand for public services.

In consideration of the above, it is concluded that the proposed development is likely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be unsuitable for the proposed development for the following reasons:

- The minimum lot size proposed is unsuitable and does not meet the development standard required by clause 4.1 of CLEP 2011. Furthermore, the variation proposed is prohibited by clause 4.6(6).
- The proposed development will result in a negative impact upon the scenic character of the area.
- The subject site has been filled with no record of the works undertaken, nor sufficient information provided relating to the compaction of the filled area. Therefore, Council cannot be certain that the subject site would be capable of the intended purpose (residential dwelling), in terms of geotechnical suitability. The burden of proving the suitability of land is not a liability that should be passed onto a future owner.
- The proposed development will increase the likelihood of conflict between land uses within the R5 Large Lot Residential zone and the adjoining RU2 – Rural Landscape zone.

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

The Development Application was publicly exhibited between 24 February 2020 and 9 March 2020.

No submissions were received during the exhibition period.

(e) The public interest

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

Based on the above assessment, it is considered that the proposed development is contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 Contributions would usually be payable for the development proposed, however given the circumstances of the case and Council's inability to grant consent to the development application having consideration to clause 4.6(6) of *Cessnock Local Environmental Plan 2011*, Section 7.11 Contributions have not been calculated in this instance.

INTERNAL REFERRALS

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

Officer	Comment
Principal Development Engineer	The application is not considered to meet relevant engineering provisions. A geotechnical assessment of Proposed Lot 51 verifying that the filled in dam was carried out in accordance with AS3798-2007 'Guidelines on Earthworks for Commercial and Residential Development', was submitted in response to a request for additional information. However, the geotechnical assessment provided failed to clearly demonstrate that the land is suitable for residential purposes. Any fill deposited on the site, should have been deposited in accordance with Council's Development Engineering Specifications and *Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'*. The applicant has failed to clearly demonstrate that such works were undertaken in accordance with Council's Development Engineering Specifications. A stormwater management plan has not been provided for assessment, and it is unclear as to how stormwater would be managed onsite. Interallotment drainage may be required.

Senior Environmental Health Officer	The application may be supported from an environmental health/OSSM position, however, details would be specific to each lot and development proposed. An area of 1200m^2 is shown on the wastewater report plan dedicated to each of the three proposed allotments however, there is no indication of a reserve area as required by Council. Details to the type of system and disposal of wastewater would be subject to individual circumstances of each allotment. Although the proposal indicates a future dwelling envelope on Lots 2 and 3 (provided within wastewater report only), it should be noted on all plans to identify and preserve the available irrigation envelope nominated for the relevant land application area and protect it from encroachment by development (both directly within the area and via encroachment of minimum setback distances).

EXTERNAL REFERRALS

The Development Application was referred to the following external agency for comment:

Agency	Comment
NSW RFS	General Terms of Approval and Bush Fire Safety Authority issued.

CONCLUSION

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

The proposed development is inconsistent with the objectives of the R5 – Large Lot Residential zone of the *Cessnock Local Environmental Plan 2011*.

The proposed development fails to meet the objectives and development standards as required by Clause 4.1 – Minimum Subdivision Lot Size of *Cessnock Local Environmental Plan 2011*. In this instance, because the site is not connected to a reticulated sewer service, nor does the application propose such a connection, the minimum lot size is 2 hectares. All three (3) of the proposed lots are significantly non-compliant with this development standard. Furthermore, the development standard cannot be varied by virtue of Clause 4.6(6), and therefore, Council is unable to grant consent to the application.

Based on the assessment, it is recommended that Development Application No. 8/2020/79/1 be refused, subject to the reasons for refusal included in this report.

ENCLOSURES

1⇩ Plan of proposed subdivision
2⇩ Applicant's written request in respect of proposed Clause 4.6 variation
3⇩ Applicant's further written request in respect of proposed Clause 4.6 variation

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REASONS FOR REFUSAL

1. The proposed development is inconsistent with the objectives of the R5 – Large Lot Residential zone of *Cessnock Local Environmental Plan 2011* for the reasons outlined below:
   - The proposal would negatively impact on the scenic quality of the locality, with the incremental encroachment of predominantly residential purposes adjoining rural land. The size of the proposed lots having consideration for the required onsite waste water disposal area, setbacks and access, would result in little to no potential for the development to preserve the rural setting or value add to the scenic quality of Mulbring.
   - The proposal would not result in the orderly and economic development of urban land in the future, as each proposed lot would require the provision of onsite waste water disposal areas which would result in large areas of the lots being unsuitable for future development should reticulated sewer be provided to Mulbring in the future.
   - The proposed development requires connection to a reticulated sewer service which results in an unreasonable demand for public services to facilitate the development proposed. Hunter Water Corporation would, from the nearest sewer main, be required to extend the sewer main by approximately 7km through rural zoned land which have extensive land areas that do not require connection to a reticulated sewer service. The extension and provision of the public facility is not economical given the predominant surrounding land uses.
   - Conflict between adjoining landuses specifically, rural land and a major road, have not been addressed by the applicant. Acoustic impacts of the major road Leggetts Drive would negatively impact on the intended future use. Acoustic measures such as acoustic walls and solid fencing would be uncharacteristic of the area and unsightly in the landscape. (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).

2. The development is contrary to the provision of *Cessnock Local Environmental Plan 2011* clause 4.1 – Minimum Subdivision Lot Size in that Proposed lots 51, 52 and 53 do not meet the minimum lot size specified of 2 hectares (where reticulated sewer is unable to be provided to the proposed lots) (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).

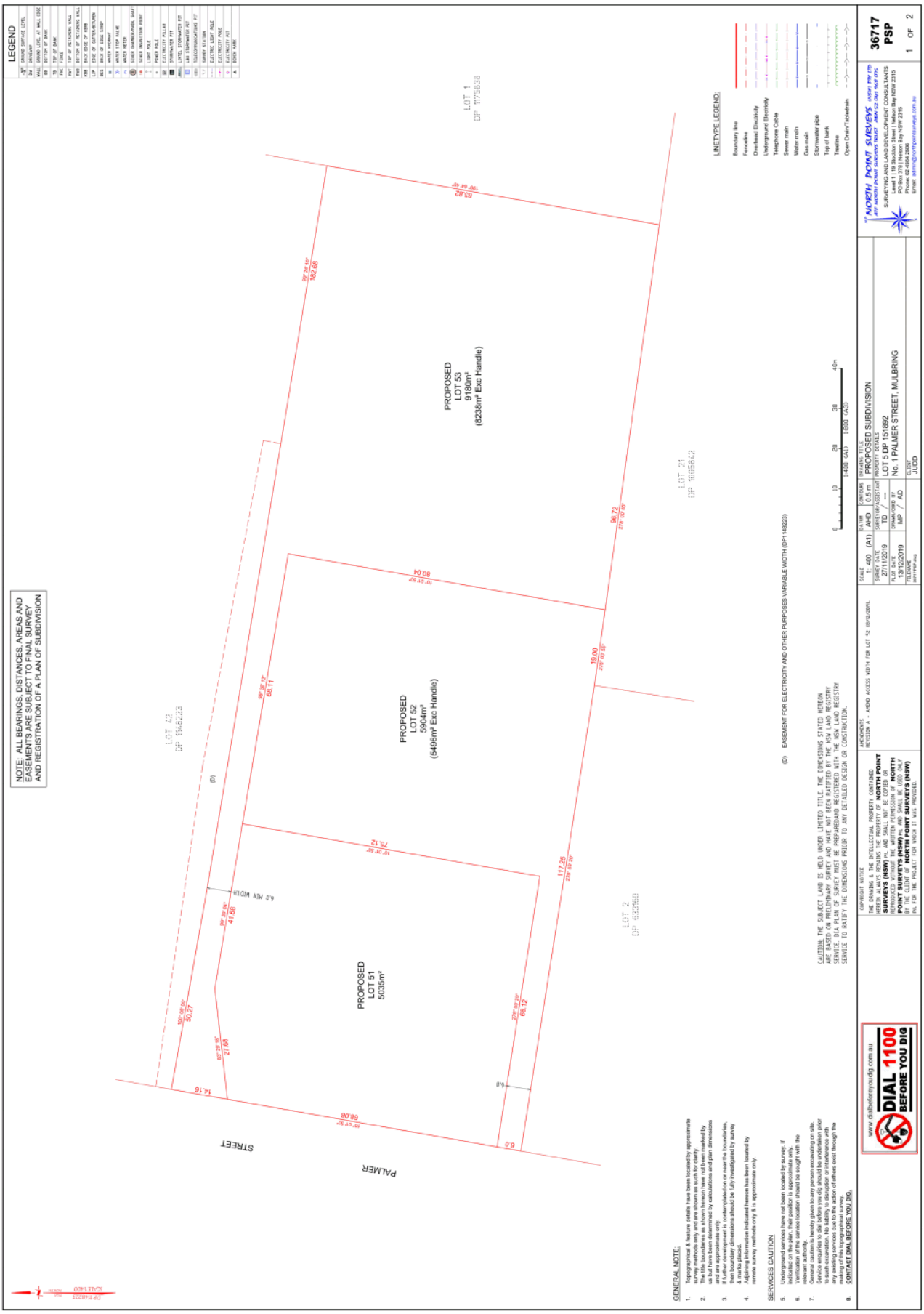
3. The development is contrary to the provision of *Cessnock Local Environmental Plan 2011* clause 4.6(6) – Exceptions to Development Standards, as sub clause (6) acts to preclude variations to development standards relating to the subdivision of land within certain rural and environmental land zones. As a result, the proposed development is precluded from variation to clause 4.1 of *Cessnock Local Environmental Plan 2011* as:
   - the proposal does not meet the standard prescribed in 4.6(6)(a), as the proposed subdivision results in the creation of 2 or more lots (in this case, 3 lots in total), below the minimum lot size required by sub clause (4A)(c), which is 2 hectares; and
   - the proposal does not meet the standard prescribed in 4.6(6)(b), as the proposed subdivision results in the creation of 3 lots that are less than 90% of the minimum area specified for such a lot by a development standard, which is 2 hectares.

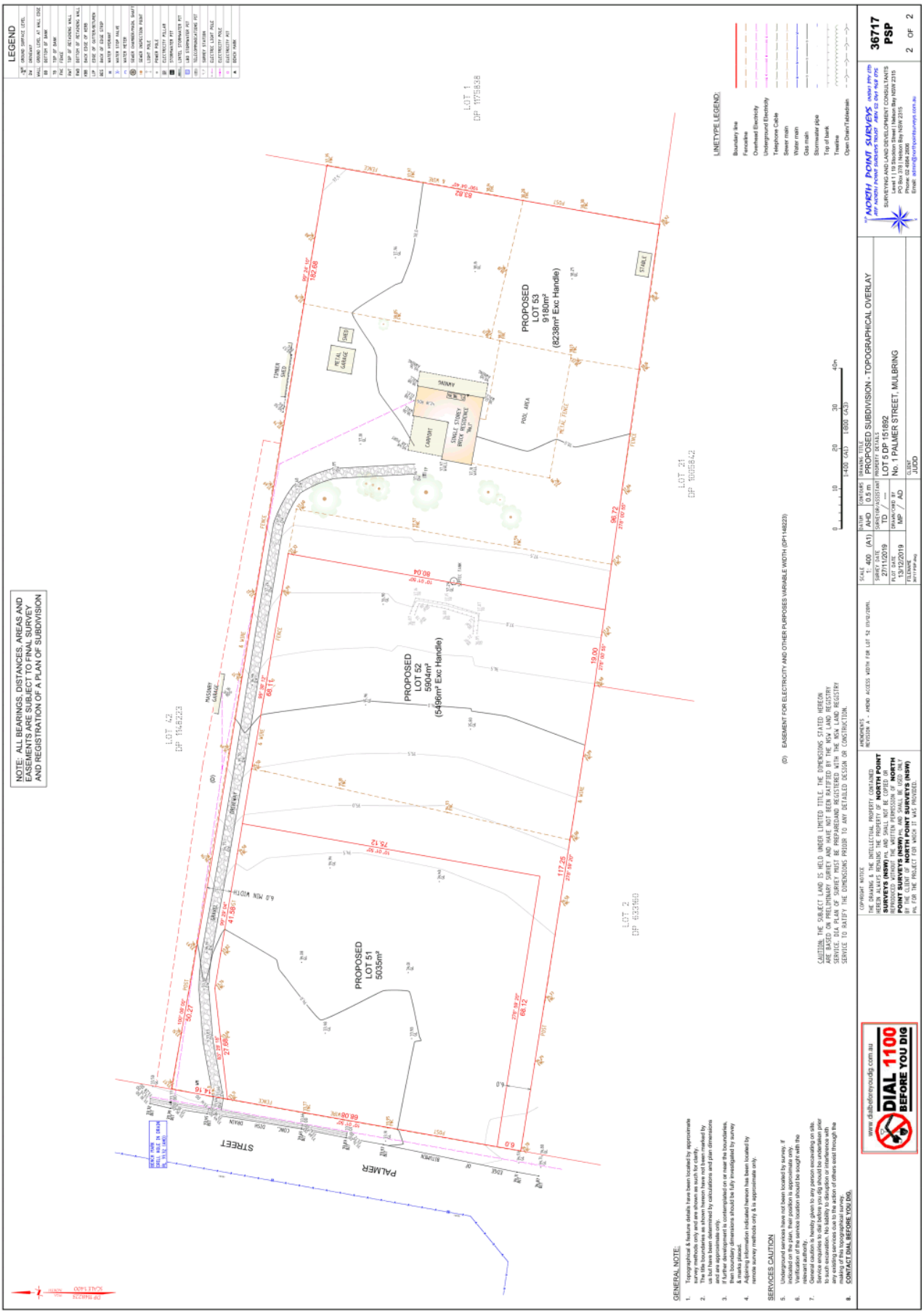
   (Section 4.15 (1)(a)(i) *Environmental Planning and Assessment Act 1979*).

4. The proposed development is inconsistent with the natural and built character of the locality and will result in a negative impact on the exisiting visual landscape, and the exisiting character of the area (Section 4.15(1)(b) *Environmental Planning and Assessment Act 1979*).

5. The subject site is not considered suitable for the reasons outlined below:
   - The minimum lot size proposed is unsuitable and does not meet the development standard required by clause 4.1 of CLEP 2011. Furthermore, the variation proposed is prohibited by clause 4.6(6).
   - the proposed development will result in a negative impact upon the scenic character of the area.
   - the subject site has been filled with no record of the works undertaken available nor sufficient information provided relating to the compaction of the filled area. Therefore, Council cannot be certain that the subject site would be capable of the intended purpose (residential dwelling), in terms of geotechnical suitability. The burden of proving the suitability of land is not a liability that should be passed onto a future owner.
   - the proposed development will increase the likelihood of conflict between land uses within the R5 Large Lot Residential zone and the adjoining RU2 – Rural Landscape zone. (Section 4.15(1)(c) *Environmental Planning and Assessment Act 1979*).

6. The proposed development is not in the public interest (Section 4.15(1)(e) *Environmental Planning and Assessment Act 1979*).


LEGEND
NOTE: ALL BEARINGS, DISTANCES, AREAS AND EASEMENTS ARE SUBJECT TO FINAL SURVEY AND REGISTRATION OF A PLAN OF SUBDIVISION
PROPOSED LOT 53 9180m² (8238m² Exc Handle)
PROPOSED LOT 52 5904m² (5496m² Exc Handle)
PROPOSED LOT 51 5035m²
LOT 1 DP 1175838
LOT 21 DP 1005842
LOT 2 DP 633560
LOT 42 DP 1142223
PALMER STREET
(D) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES VARIABLE WIDTH (DP1148223)
LINETYPE LEGEND:
Boundary line
Fenceline
Overhead Electricity
Underground Electricity
Telephone Cable
Sewer main
Water main
Gas main
Stormwater pipe
Top of bank
Treeline
Open Drain/Tablestrain
GENERAL NOTE:
SERVICES CAUTION
DIAL 1100 BEFORE YOU DIG
www.dialbeforeyoudig.com.au
NORTH POINT SURVEYS
36717
PSP
1 OF 2


LEGEND
NOTE: ALL BEARINGS, DISTANCES, AREAS AND EASEMENTS ARE SUBJECT TO FINAL SURVEY AND REGISTRATION OF A PLAN OF SUBDIVISION
PROPOSED LOT 53 9180m² (8238m² Exc Handle)
PROPOSED LOT 52 5904m² (5496m² Exc Handle)
PROPOSED LOT 51 5035m²
LOT 1 DP 1175838
LOT 21 DP 1005642
LOT 2 DP 633560
LOT 42 DP 1142223
PALMER STREET
SINGLE STOREY BRICK RESIDENCE
CARPORT
AWNING
POOL AREA
METAL GARAGE
TIMBER SHED
PROPOSED SUBDIVISION - TOPOGRAPHICAL OVERLAY
LOT 5 DP 151892
No. 1 PALMER STREET, MULBRING
NORTH POINT SURVEYS
36717
PSP
GENERAL NOTE:
SERVICES CAUTION
DIAL 1100 BEFORE YOU DIG

1 Palmer Street
Mulbring NSW 2323

Clause 4.6 Variation

3 February 2020

THE COUNCIL APPROVAL EXPERTS

Created	NL
Checked	JG

FRAGAR PLANNING & DEVELOPMENT • p: 1300 008 138
Fragar P & D Pty Ltd as trustee for The Fragar Family Trust ABN: 63 020 268 764 • e: info@councilapproval.com.au • w: councilapproval.com.au

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Clause 4.6 Application to Vary a Development Standard

1. The Subject Site

The subject site is located at 1 Palmer Street Mulbring NSW 2323 and is legally described as Lot 5 DP 151892. The property is generally rectangular in shape with boundaries of 88.25 metres (east), 232.9 metres (north), 83.99 metres (east) and 232.96 metres (south). The property has frontage and legal access from Palmer Street.

Surrounding landuses are rural residential to the north and west and rural to the east and south. Wallis creek is located approx. 240m to the west.

Address	Lot DP	Size
1 Palmer Street, Mulbring NSW 2323	Lot 5 DP 151892	2.0119 ha.



Diagram 1: Aerial Photos

Subject Site



Diagram 2: Locality Plan

2. Proposed Development

The proposed development is to subdivide the subject site into 3 lots. The site comprises an area of 2.0119 ha. and is mapped with a minimum subdivision lot size of 2000m^2, thus could theoretically be subdivided into 10 lots. However, the site is mapped as T3 on the minimum lot size map, thus Cl 4.1 (4A)(c) of LEP 2011 applies. This clause prohibits subdivision to less than 2ha. unless the site is connected to both reticulated water and sewer. The site is connected to reticulated water, however there is no sewerage treatment plant in Mulbring, thus no reticulated sewer connection is available.

This proposal relies on a Cl 4.6 variation to development standard Cl 4.1 (4A)(c) to permit subdivision of the site with onsite disposal of sewerage and a clause 4.6 variation request is provided with this development application. The attached onsite wastewater management plan prepared by Envirotech, confirms that the property can support a 3 lot subdivision with onsite waste disposal on each of the resulting lots.

3. Clause 4.6

Clause 4.6 of the Cessnock LEP 2011 permits departures from development standards in certain circumstances. In this case, it is necessary to consider if compliance with the development standard is consistent with the aims of the policy and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the *Environmental Planning and Assessment Act 1979 (EP&A Act) being:*

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The aims and objectives of CLEP 2011 Clause 4.6 are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Under Clause 4.6(3) and (4) of the CLEP 2011, consent for a development that contravenes a development standard must not be granted unless the consent authority is satisfied that:

(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(3)(b) there are sufficient environmental planning grounds to justify contravening the development standard.

(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,

These matters, along with case law judgements from the NSW Land and Environment Court, are addressed below.

4. Environmental Planning Instrument Details (Cessnock LEP 2011)

4.1 What is the name of the environmental planning instrument that applies to the land?

Cessnock Local Environmental Plan 2011 (CLEP 2011)

4.2 What is the zoning of the land?

R5 – Large Lot Residential

4.3 What are the objectives of the zone?

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones*

4.4 What is the development standard being varied?

Cl 4.1 (4A)(c) of the Cessnock LEP 2011, Minimum subdivision lot size.

4.5 Under what clause is the development standard listed in the environmental planning instrument?

Cl 4.1 of the Cessnock LEP 2011.

(1) The objectives of this clause are as follows—
(a) to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,

(b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Cessnock.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land—
(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
(b) by any kind of subdivision under the Community Land Development Act 1989.

(4A) Despite subclause (3), a lot resulting from the subdivision of the following land must not be less than the minimum size specified below in relation to the land—
(a) if the lot is on land is identified as "T1" on the Lot Size Map and the subdivision will result in the creation of a battle-axe lot—600 square metres,
(b) if the lot is on land identified as "T2" on the Lot Size Map and the subdivision will result in the creation of lots that are not able to be serviced by a reticulated water and reticulated sewerage system—2,000 square metres,
(c) if the lot is on land identified as "T3" on the Lot Size Map and the subdivision will result in the creation of lots that are not able to be serviced by a reticulated water and reticulated sewerage system—2 hectares.

(4B) For the purposes of calculating the size of a lot for the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the lot size is to be calculated by excluding the area of the access handle.

The site is mapped as T3 on the minimum lot size map, thus Cl 4.1 (4A)(c) of LEP 2011 applies. This clause prohibits subdivision to less than 2ha. unless the site is connected to both reticulated water and sewer. The site is connected to reticulated water, however there is no sewerage treatment plant in Mulbring, thus no reticulated sewer connection is available.

4.6 What are the objectives of the development standard?

(1) The objectives of this clause are as follows—
(a) to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,
(b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Cessnock.

4.7 What is the numeric value of the development standard in the environmental planning instrument?

The site is mapped with a minimum lot size of minimum lot size of 2000m^2, however, as it is mapped as T3, Cl 4.1 (4A)(c) requires a minimum 2ha. unless the site is connected to both reticulated water and sewer.

The site is connected to reticulated water, however there is no sewerage treatment plant in Mulbring, thus no reticulated sewer connection is available. Therefore the applicable numeric standard is 2ha.

4.8 What is proposed numeric value of the development standard in your development application?

The proposed numeric value is:

Lot 51: 5035m^2

Lot 52: 5904m^2 (5496m^2 excluding access handle)

Lot 53: 9180m^2 (8238m^2 excluding access handle)

4.9 What is the percentage variation (between your proposal and the environmental planning instrument)?

The percentage variation sought is:

Lot 51: 119.55%

Lot 52: 113.78% (excluding access handle)

Lot 53: 83.31% (excluding access handle)

5. NSW Land and Environment Court Case Law

Several key Land and Environment Court (NSW LEC) judgements have refined the manner in which variations to development standards are required to be approached. The key findings and direction of each of these matters are outlined in the following discussion.

5.1 Wehbe v Pittwater [2007] NSW LEC 827

The decision of Justice Preston in *Wehbe v Pittwater [2007] NSW LEC 827,*(expanded on the findings in *Winten v North Sydney Council),* identified 5 ways in which the applicant might establish that compliance with a development standard is unreasonable or unnecessary. It was not suggested that the five ways were the only ways that a development standard could be shown to be unreasonable or unnecessary.

The five ways outlined in *Wehbe* include:

> *1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (**First Way**).*
> *2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (**Second Way**).*
> *3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (**Third Way**).*
> *4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (**Fourth Way**).*
> *5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (**Fifth Way**).*

In the Micaul decision Preston CJ confirmed that the requirements mandated by SEPP 1 (as discussed in Wehbe) are only relevant in demonstrating that compliance with a development standard is unreasonable or unnecessary for the purpose of Clause 4.6(3)(a).

5.2 Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, initially heard by Commissioner Pearson, upheld on appeal by Justice Pain, it was found that an application under Clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

1. Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP;
2. That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
3. That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs;
4. All three elements of clause 4.6 have to be met and it is best to have different reasons for each but it is not essential.

5.3 Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7

In Randwick City Council v Micaul Holdings, the Court allowed a departure from development standards, provided the processes required by clause 4.6 are followed, a consent authority has a broad discretion as to whether to allow a departure from development standards under clause 4.6, even where the variation is not justified for site or development specific reasons.

Preston CJ noted that *the Commissioner did not have to be satisfied directly that compliance with each development standard was unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request had adequately addressed the matter in clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.*

5.4 Zhang v City of Ryde

Commissioner Brown reiterated that clause 4.6 imposes three preconditions which must be satisfied before the application could be approved:

> *1. The consent authority must be satisfied that the proposed development will be consistent with the objectives of the zone;*
>
> *2. The consent authority must be satisfied that the proposed development will be consistent with the objects of the standard which is not met; and*
>
> *3. The consent authority must be satisfied that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening* the development standard.

It is only if all of these conditions are met that consent can be granted to the application, subject to an assessment of the merits of the application.

The Commissioner applied the now familiar approach to determining consistency with zone objectives by considering whether the development was antipathetic to the objectives.

In contrast to four2five, the reasons relied on to justify the departure from the standards in this case were not necessarily site specific.

5.5 Action Pty Ltd v Woollahra Municipal Council [2018]

In Action Pty Ltd v Woollahra Municipal Council, the court demonstrated the correct approach to the consideration of clause 4.6 requests, including that the clause does not require that a development that contravenes a development standard, must have a neutral or better environmental planning outcome than one that does not.

6. Consideration

The following section addresses the provisions of clause 4.6 of the BMLEP 2015 together with principles established in the NSW Land and Environment Court Case Law outlined above.

Clause 4.6(3)(A) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case (and is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case)?

In order to demonstrate that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, the Five (5) Part Test established in Winten v North Sydney Council and expanded by Justice Preston in Wehbe v Pittwater [2007] NSW LEC 827 is considered:

The five ways outlined in *Wehbe* include:

Five (5) Part Test - Wehbe v Pittwater

1. ***The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).***

The objective of the standard are as follows:

(a) to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,

Comment

Consistent. The Council has mapped the subject site with a minimum subdivision lot size of 2000sqm. The proposed 1 into 3 lot subdivision will produce lots ranging from 5035sqm to 9180sqm, exceeding the mapped 2000sqm. This is a common lot size for the R5 – Large Lot Residential Zone.

The site is located on the edge of the village of Mulbring and is surrounded by lots with varying sizes, including a number of lots with access handles. The proposed subdivision is consistent with the established pattern in the locality.



Diagram 3: Aerial Image, illustrating the subdivision pattern in the locality

The mapping of the site as T3, prohibits subdivision to less than 2ha. unless the site is connected to both reticulated water and sewer. The site is connected to reticulated water but there is no reticulated sewer available in Mulbring. Despite this the site remains suitable for subdivision, as the onsite wastewater management report provided with this application, demonstrates the proposed lots are suitable for onsite waste disposal as an alternative to reticulated sewer connection, until connection to a sewerage treatment plant becomes available.

(b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Cessnock.

Comment

Consistent. The subject site is mapped zone R5: Large Lot Residential under the Cessnock Local Environmental Plan at *Greta (Illalong) (Figure 1), Mulbring (South) (Figure 2) and Abermain (North) (Figure 3).* The site is identified in *Mulbring (South) Development Principles (Concept) Plan* which is reproduced below.

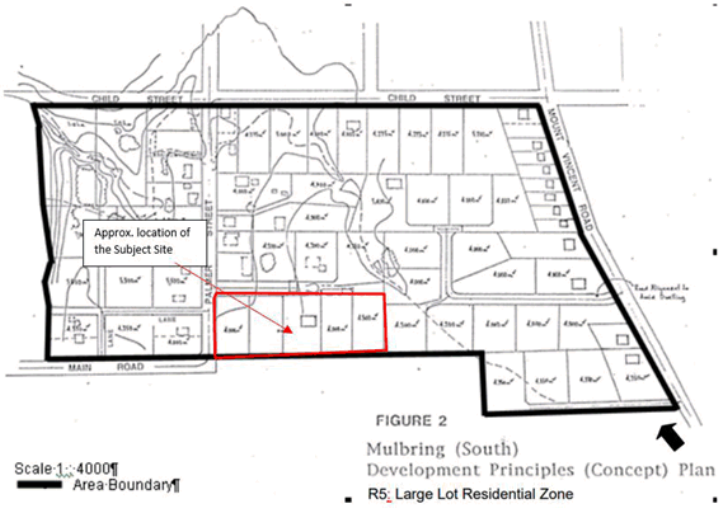


FIGURE 2
Mulbring (South)
Development Principles (Concept) Plan

As the Mulbring concept plan clearly illustrates, the settlement strategy for the site, is for lots with a minimum size of 4000sqm. The LEP has reduced this minimum lot size further to 2000sqm. The proposed development to create 3 lots with a range in size of 5035sqm to 9180sqm, remains consistent with the settlement strategy for the locality.

2. ***The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).***

This exception to development standards request does not rely on this reason.

3. ***The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).***

This exception to development standards request does not rely on this reason.

4. ***The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).***

This exception to development standards request does not rely on this reason.

5. ***The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).***

This exception to development standards request does not rely on this reason.

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the minimum lot size for dual occupancies control pursuant to the First Way outlined in Wehbe.

Thus it is considered that compliance with Clause 4.6(3)(a) is satisfied.

Clause 4.6(3)(B) – Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient grounds to permit the variation of the development standard. In particular:

- The proposed variation satisfies the objectives of the underlying intent of Clause 4.3, and therefore the merits of the proposal are considered to be worthy of approval. It has been demonstrated within Council and the Courts to apply a reasonable approach in supporting variations to development standards,
- Strict numerical compliance would thwart the underlying objectives of the controls,
- The onsite wastewater management report submitted with this application demonstrates the proposed lots are suitable for onsite wastewater disposal, in the absence of a sewerage treatment plant in Mulbring,
- By supporting this variation to the minimum subdivision lot size, in its current form, it is considered that an appropriate degree of flexibility be applied, which results in a reasonable subdivision, consistent with the existing subdivision pattern in the locality.
- The extent of the variation is considered to be in the public interest as the proposal remains consistent with the objectives of the zone.
- The proposed variation adequately satisfies the underlying objectives of the controls and will not result in any unacceptable built, natural, social or economic impacts for consideration under the Act.

Clause 4.6(4)(A)(ii) – Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone which the development is proposed to be carried out.

Zone – R5 General Residential

Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

Consistent. The proposal is for a 1 into 3 lot subdivision, which will provide 2 additional lots in the village of Mulbring. The modest development retains large lot sizes consistent with the rural residential setting. The site does not contain environmentally sensitive land.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Consistent. The proposed lots are located on the fringe of the village of Mulbring and will not hinder future development of the land, should this be the desired option of future residents.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

The development proposes 2 additional lots, which will result in a minor increase in traffic movements, which can be easily accommodated by the existing road network in the locality. The proposal will result in a minor and reasonable increase in demand for water and electricity, with sewage to be disposed of onsite.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Consistent. The proposed development retains the existing rural residential use for the land and will not create any conflict with adjoining properties.

Despite the proposal seeking an exception to the minimum lot size clause, the proposed lot layout will have minimal effect, as onsite waste management can be easily provided and the proposed subdivision pattern is consistent with the existing lot pattern and settlement strategy for Mulbring.

The proposed development is not contrary to the public interest, because it is consistent with the objectives of the standard (see Cl 4.6(3)(A)) and objectives for development within the zone.

Clause 4.6(5)(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,

The non-compliance will not raise any matter of State or Regional Significance.

Clause 4.6(5)(b) the public benefit of maintaining the development standard,

The proposed development is not contrary to the public interest, accordingly there can be no quantifiable or perceived public benefit in maintaining the standard.

Clause 4.6(5)(c) any other matters required to be taken into consideration by the Secretary before granting concurrence

How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act
Strict compliance with the standard would hinder the attainment of the objects specified in section 1.3 of the Act.

Strict compliance with the standard would hinder the attainment of the objects specified in section 1.3 of the Act

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

Strict compliance with the development standard would hinder the development for the purpose of *promoting the orderly and economic use and development of land, promoting the delivery and maintenance of affordable housing and promoting good design and amenity of the built environment.*

Conclusion

The proposed development is for a 1 into 3 lot subdivision on land zoned R5 – Large Lot Residential at 1 Palmer Street Mulbring.

As described within this report, the site is mapped with a minimum subdivision lot size of 2000m^2, however it is also mapped as T3 on the minimum lot size map, thus Cl 4.1 (4A)(c) of LEP 2011 applies. This clause prohibits subdivision to less than 2ha. unless the site is connected to both reticulated water and sewer. The site is connected to reticulated water. There is no sewerage treatment plant in Mulbring, thus no reticulated sewer connection is available.

As such the proposed subdivision relies on this Cl 4.6 variation to development standard Cl 4.1 (4A)(c) to permit subdivision of the site with onsite disposal of sewerage. The attached onsite wastewater management plan prepared by Envirotech, confirms that the property can support a 3 lot subdivision with onsite waste disposal on each of the resulting lots.

This Cl. 4.6 variation report concludes that strict numerical compliance is unnecessary and unreasonable given that the proposed variation sought, is consistent with the underlying objectives of the standard, despite the numerical variation. Further it is concluded that there are sufficient environmental planning grounds to permit the variation of the development standard.

The proposed variation satisfies the objectives of the zone, underlying intent of Clause 4.6 and Clause 4.1, and therefore the merits of the proposed variation are considered to be worthy of approval.

THE COUNCIL APPROVAL EXPERTS

18 May 2020

Ms. Julia Ryl
Senior Planning Assessment Officer
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Dear Ms. Ryl,

Re: Intention to Refuse Letter (12 May 2020) – DA 8/2020/79/1

Thank you for your letter dated 12 May 2020 in relation to the intention to refuse current development application at 1 Palmer Street, Mulbring (DA 8/2020/79/1).

Your letter states Council's assessment has found that Council has no statutory ability to recommend approval of the development application.

It is our opinion that this information would have been more appropriately raised in the request for additional information letter dated 13 March 2020, to allow us adequate time to consider the full list of the issues of concern to Council. This correspondence was silent on the concern in relation to the permissibility of the proposal, instead raising concerns with a merit issue in relation to the dam. It is noted that this merit issue has been raised again pursuant to the correspondence dated 12 May 2020. Council's decision not to raise the issue of permissibility at the earliest opportunity is of concern to us.

The concerns raised in relation to the permissibility of the proposal are strongly disputed. Further, it appears the interpretation of the request has been incorrectly applied by Council in this instance.

Clause 4.6 of the *Cessnock LEP 2011* was applied in this case to vary clause 4.1(4A)(c), *"to permit subdivision of the site with onsite disposal of sewerage"*. The request would vary a non-numerical standard, being the requirement for lots to be connected to reticulated sewer, instead recognising that adequate on-site management arrangements could be made, thus permitting consideration of the proposal under clause 4.1 and subsequently, a minimum lot size of 2000m^2 or greater, which the proposed lots comply with.

The inference that, Council has *"no statutory ability to recommend approval of the development application"* on the basis of clause 4.6 (6) is therefore disputed. This is because clause 4.6(6) relates specifically to undersized lots. No undersized lots would be created as a result of this application. All three proposed lots would exceed the 2000m^2 minimum lot size. Further, clause 4.1(4A)(c) is not precluded from consideration under clause 4.6.

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Clause 4.6 of the Cessnock LEP 2011 allows for exceptions to development standards, provided it can be demonstrated to the consent authority that:

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

As stated in the Clause 4.6 Variation Report prepared to support this application, *"The site is connected to reticulated water, however there is no sewerage treatment plant in Mulbring, thus no reticulated sewer connection is available".*

Whilst the full clause 4.6 request has previously been submitted to support the proposal, and the justification in line with the legislation can be reviewed in its entirety in this document, the following brief statements are made in relation to matters (a) and (b) raised above:

- Compliance with the development standard is considered unreasonable or unnecessary in the circumstances of this case given no reticulated sewer connection is available in Mulbring, as there is no sewerage treatment plant. Therefore, under current LEP controls the lot pattern reflected across much of the village of Mulbring would not be supported, as no lot could meet this requirement. Restricting the subdivision of this land to the minimum size of 2ha on the basis of a reticulated sewer connection is considered unreasonable or unnecessary in the circumstances, given the proposed lot pattern is reflected across the wider locality, despite the absence of a sewerage treatment plant in which these lots could connect to. Further, Council's own strategic document, *Mulbring (South) Development Principles (Concept) Plan,* demonstrates that the settlement strategy for the site, is for lots with a minimum size of 4000sqm. The LEP has reduced this minimum lot size further to 2000sqm. The proposed development to create 3 lots with a range in size of 5035sqm to 9180sqm, remains consistent with the settlement strategy for the locality. Therefore, strict compliance is considered unnecessary and unreasonable given that the proposed variation sought, is consistent with the underlying objectives of the standard, despite the numerical variation.
- The Onsite Wastewater Management Plan concludes that the three proposed lots can adequately accommodate onsite wastewater management systems and that there is sufficient area on each proposed lot for this system to be situated upon the lot. These findings have been prepared in accordance with Government regulations and Australian Standards. On this basis it is concluded that there are sufficient environmental planning grounds to permit the variation of the development standard.

Therefore, based on the above points, it is considered that clause 4.6(6) is not relevant to this proposal and the submitted clause 4.6 variation request, as the requested variation would not result in any undersized lots as all would exceed the 2000m^2 minimum, lot size.

The concerns raised in relation to the filling of the former dam on proposed Lot 51 are not considered relevant to a subdivision proposal, which makes no request in relation to construction on the site.

I draw your attention to email correspondence dated 24 March 2020, in which you state *"Specifically, the land has to be considered suitable for the future intended use, in this case it would be expected that the construction of a dwelling and other ancillary structures commonly constructed in association with a dwelling would be intended to be constructed on this proposed Lot by a future owner".*

The construction of a dwelling upon the site is not relevant to this application, as no structure is proposed on the site. Therefore, the relevance of the fill of the dam and soil compaction is not of relevance at this stage. The legislation requires, as you correctly point out in the email, that the land must be considered suitable for the future intended use in relation to any potential contamination. The Geotechnical Report provided clearly states:

*"Based on the available laboratory analytical result information and site inspection observations, in regards to the underlying soils within the historical Dam area within the western portion of the site, the risk to human and environmental onsite receptors to Heavy Metals, Hydrocarbons, PAHs and Asbestos is **LOW** as all four (4) soil samples collected and tested were reported by the laboratory to have contaminant concentrations **BELOW** the adopted site assessment criteria for HIL A, as per the NEPM, 2013. Therefore, no further environmental investigations are warranted within the Dam area within the western portion of the site."*

In line with the requirements of *State Environmental Planning Policy No 55 – Remediation of Land,* Council can be satisfied that the site is suitable for the proposed use.

The construction of a structure is not considered relevant to the proposal currently before Council, as no construction is proposed on site. This matter can be adequately dealt with as part of any future applications that request consent for the construction of any future structures, when it is more appropriate to consider the fill and compaction of the soil in the vicinity of the dam in proposed Lot 51. Any concerns with this can be addressed at this stage.

In regard to this matter as part of this application, there are a number of options available to Council to register the concerns with fill and compaction as part of this application, allowing these issues to be identified on the title and dealt with in more detail at an appropriate stage. This matter does not appear to warrant rejection of this application on this grounds outlined by Council, given concerns relating to contamination have been alleviated by way of the Geotechnical Report, the proposal outlines no intent to construct on any of the proposed lots, the fill and compaction relates to a section of a site that comprises approximately 2000m^2 of a proposed 5035m^2 and options remain available to Council in terms of the ongoing management on this site.

We would implore Council staff to review their intention to refuse this application on the basis outlined in Council correspondence (12 May 2020), given the justification provided in this letter. Clause 4.6(6) is not considered of relevance to this proposal as no undersized lots will be created, with all three lots exceeding the minimum lot size applied to the land of 2000m^2. The clause 4.6 request is made to vary the non-numerical standard for a requirement to connect to reticulated sewer on the basis that compliance with the development is unreasonable or unnecessary in light of the reasons outlined above and in the supporting documentation previously submitted.

Similarly, as has been demonstrated by the supporting documentation, adequate arrangements can be made to ensure there are sufficient environmental planning grounds to permit the variation of the development standard.

Kind Regards,

Ella Wilkinson

Town Planner

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Planning and Environment

Report No. PE29/2020

Planning and Environment

SUBJECT: ***SECTION 4.55(2) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT NO. 2002/284 SEEKING TO ALTER SUBDIVISION LAYOUT; INCREASE THE NUMBER OF RESIDENTIAL LOTS FROM 29 TO 41 ALONG WITH A RESIDUE LOT AND A DRAINAGE RESERVE; ALTER (INCREASE) THE ROAD WIDTH, REDUCE THE VEGETATION BUFFER AND IMPLEMENT THE SUBDIVISION IN THREE PHASES - O'SHEA CIRCUIT, CESSNOCK***

RESPONSIBLE OFFICER: ***Development Services Manager - Janine Maher***

APPLICATION NUMBER:	8/2002/284/4
PROPOSAL:	Section 4.55(2) Application proposing to modify Development Consent No. 2002/284 seeking to alter subdivision layout; increase the number of residential lots from 29 to 41 along with a residue lot and a drainage reserve; alter (increase) the road width, reduce the vegetation buffer and implement the subdivision in three phases
PROPERTY DESCRIPTION:	Lot 1210, DP 1102977
PROPERTY ADDRESS:	O'Shea Circuit Cessnock
ZONE:	R2 – Low Density Residential under Cessnock Local Environmenta Plan 2011
OWNER:	Cessnock City Council
APPLICANT:	Cessnock City Council

RECOMMENDATION

1. That:

(i) The Section 4.55(2) Application (8/2002/284/4) proposing to modify Development Consent No. 2002/284 seeking to alter subdivision layout; increase the number of residential lots from 29 to 41 along with a residue lot and a drainage reserve; alter (increase) the road width, reduce the vegetation buffer and implement the subdivision in three phases at O'Shea Circuit Cessnock, be approved pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

The modified proposal is considered to be substantially the same development as that for which consent was granted.

The proposed alterations to the conditions are appropriate given the proposed golf course no longer adjoins the eastern boundary of the site.

(iii) In considering community views, the following is relevant:

The modified proposal will have similar outcomes/impacts as the approved subdivision.

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

2. That Council notify in writing the persons who made a submission with regard to the Section 4.55(2) Application, of Council's decision.

REASON FOR REPORT

The Section 4.55(2) Application proposing to modify Development Consent No. 2002/284 is being referred to Council for determination because the land is owned by Council and Council has a commercial interest in the development. Accordingly, under the provisions of Council's adopted Policy '*Council as the applicant and/or owner in respect of a Development Application, Section 96 Application, and/or Section 82A Application Policy'*, the application must be assessed by an independent town planning consultant and referred to Council for consideration and determination.

EXECUTIVE SUMMARY

Council is in receipt of a Section 4.55(2) Application (8/2002/284/4) proposing to modify Development Consent 8/2002/284/1 which granted approval for construction of stage 8 of the "Vineyard Grove" residential estate consisting of 29 residential lots. Subsequent modification of the orginal consent has resulted in increased lot yield (34 residential lots).

The Section 4.55(2) Application seeks the following modifications to the consent:

- Alter the layout of the proposal as per the submitted plan which provides the following changes for the approved plan from the latest modified consent:
    - Slight changes to road alignment and width to meet current standards.
    - Establishment of stormwater basin to control flows into the adjoining residential subdivision (previously approved as a golf course).
    - Alterations to lot boundaries and frontages to create an increased yield (41 residential lots).
    - Removal of the vegetation buffer along the eastern boundary (previously required as a visual barrier between the lots and golfcourse).
- Introduce three (3) stages for the proposed subdivision construction/release.
- Modify Condition 1 to recognise amended plans.
- Remove Condition 9 which requires a golf safety screen along certain boundaries.
- Remove Condition 21 which requires an open chain wire fence along the boundary of the golf course.
- Remove Condition 25 which provides building construction restrictions to address previous concerns of the golf course.
- Alter Condition 29 to remove reference to the golf course safety fence.
- Alter Condition 38 to recognise the amended drainage reserve.

A number of other modifications to conditions have been identified having regard to the proposed plan changes, that have not been sought but are required as a result of the modification.

- Add Condition 2A to require additional developer contributions required as a result of modifications.
- Amend Condition 5 to reference modified plan.

The Section 4.55(2) Application has been assessed against the *Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Section 4.55(2) Application was publicly exhibited. Two (2) submissions representing one (1) household were received, and both were in objection to the proposal. The issues and concerns raised in the submissions are addressed in the following report.

The Section 4.55(2) Application proposes changes to the lot layout approved under the original development consent. Whilst the modification increases the number of lots in the subdivision, the development footprint is largely unaltered. The amendments are considered minor in nature, and overall it is considered that the development will remain substantially the same as that approved initially.

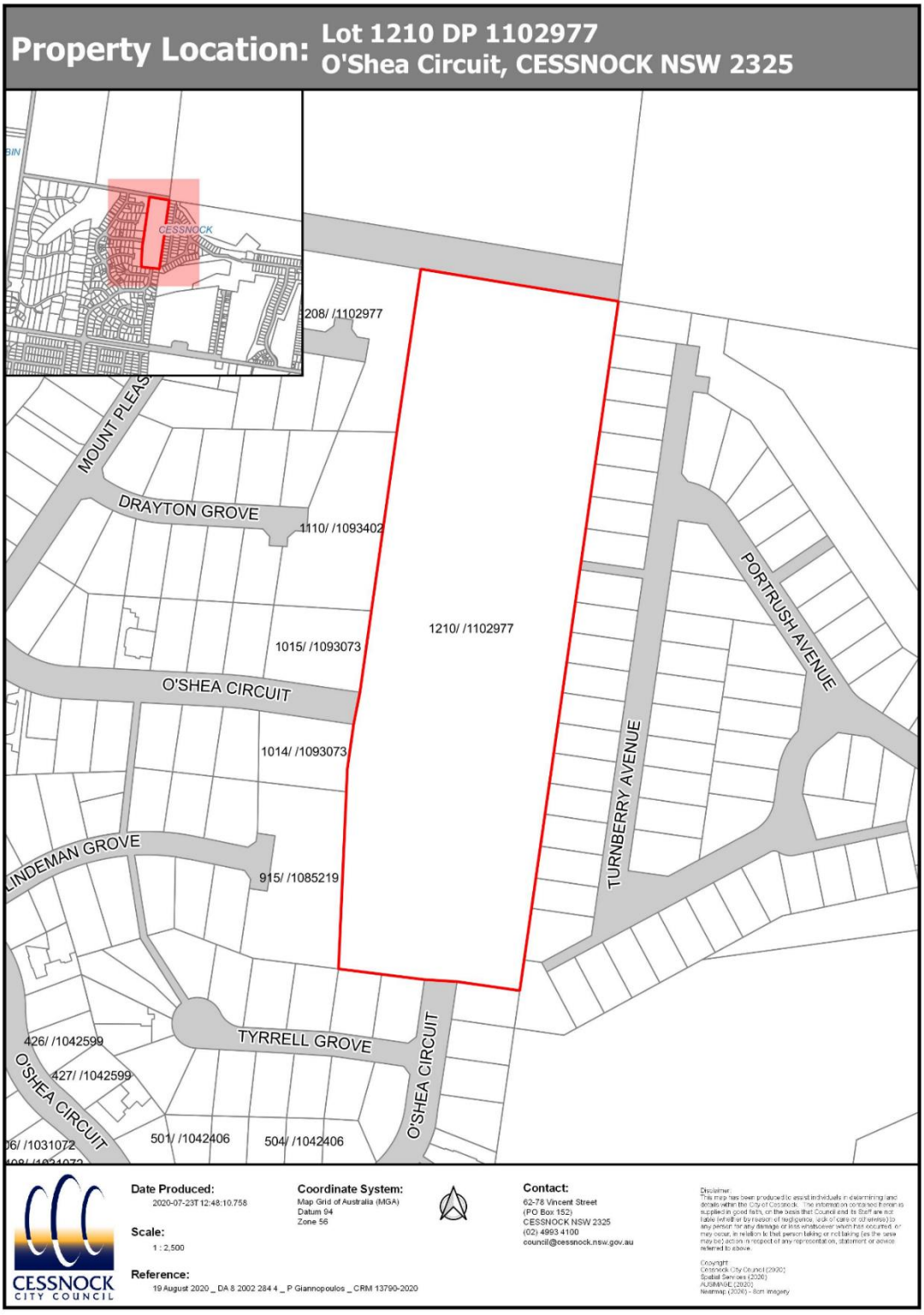
Based on the assessment, it is recommended that the Section 4.55(2) Application be approved subject to the conditions included in this report.

Planning and Environment

Report No. PE29/2020

Planning and Environment

LOCATION MAP

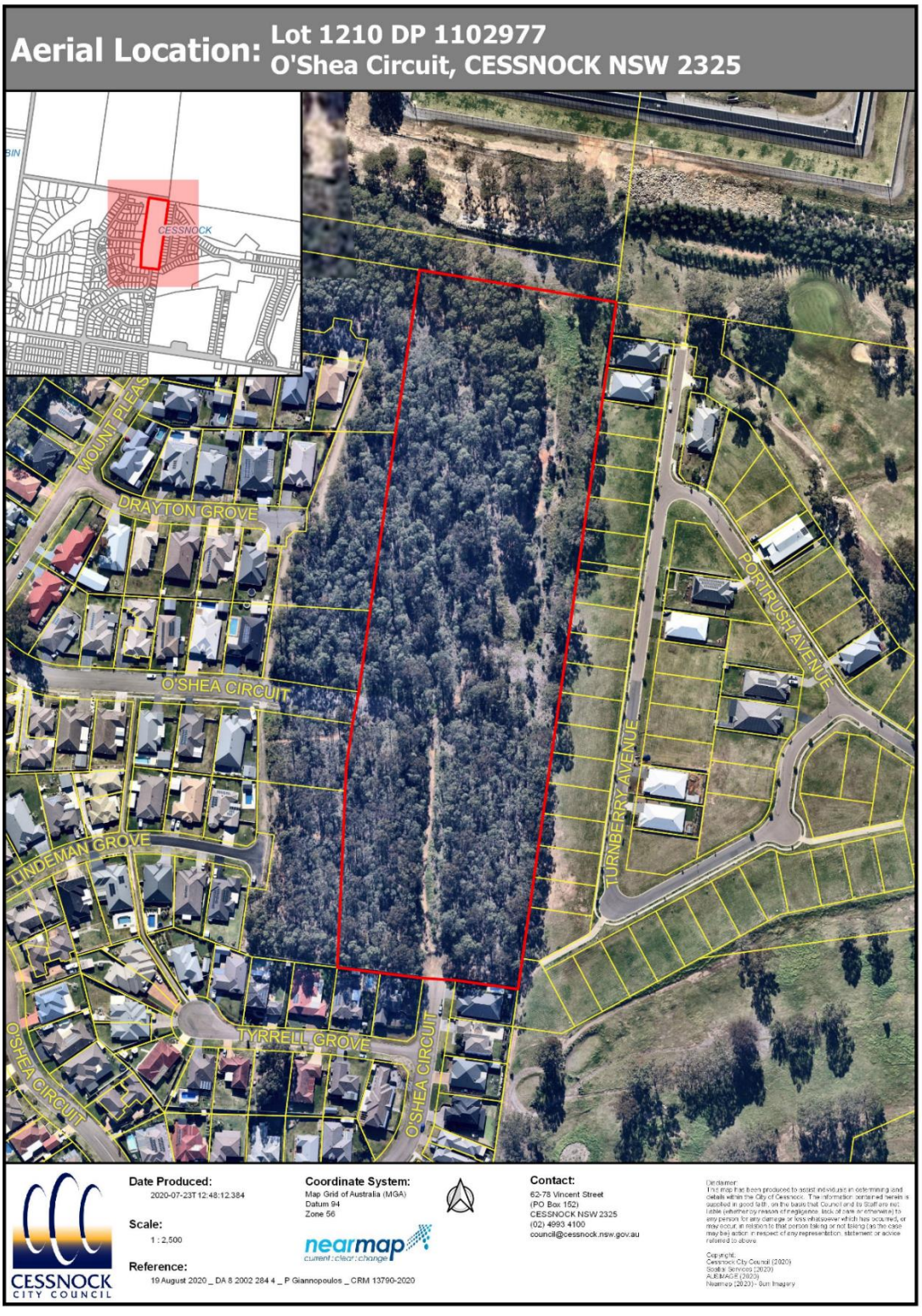


Planning and Environment

Report No. PE29/2020

Planning and Environment

AERIAL



REPORT PREPARED BY INDEPENDENT TOWN PLANNING CONSULTANT

The following report has been prepared by Gavin Maberly-Smith of 'Coastplan Group'.

SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as O'Shea Circuit, Cessnock and is legally described as Lot 1210, Deposited Plan 1102977.

The subject site connects with O'Shea Circuit at its western and southern boundaries. The site has a frontage of approximately 18 metres to each frontage. The site also adjoins an unformed road reserve at its northern end and has a frontage of approximately 110 metres to this unformed road reserve. The land has an overall site area of 4.264 hectares.

The subject site is currently vacant but has been subject to previous filling and clearing works associated with the approved subdivision.

The surrounding properties are characterised by low density residential development located to the east, south and west of the site. Land to the north contains large open areas which are part of the Cessnock Correctional Facility.

BACKGROUND AND DETAILS OF THE SECTION 4.55(2) APPLICATION

Development Application No. 8/2002/284/1 proposing construction of stage 8 of the "Vineyard Grove" residential estate, consisting of 29 residential Lots, was approved on 3 September 2003.

The Section 4.55(2) Application, proposes the following modifications:

Alter the layout of the proposal as per the submitted plan which provides the following changes for the approved plan from the latest modified consent:

- **Slight changes to road alignment and width to meet current standards.**
- **Establishment of stormwater basin to control flows into the adjoining residential subdivision (previously approved as a golf course).**
- **Alterations to lot boundaries and frontages to create an increased yield (41 residential lots).**
- **Removal of the vegetation buffer along the eastern boundary (previously required as a visual barrier between the lots and golfcourse).**

These amendments are discussed in the body of the report, and are reflected in the draft notice of determination.

Introduce three (3) stages for the proposed subdivision construction/release

This amendment is discussed in the body of the report, and is reflected in the draft notice of determination.

Modify Condition 1 to recognise amended plans

Condition 1 currently prescribes as follows:

1. The proposed development being carried out strictly in accordance with the details set out within Development Application No. 8/2002/284/1 and documentation contained in correspondence dated 24 and 25 March from the proponent to Cessnock City Council.

The subdivision is to generally comply with the allotment and staging arrangements shown on plan entitled Vineyard Grove Estate Stage 8 dated 14//02/05 and numbered P24 edition E except as modified by McElwee Stratasurv Drawings 40004/1 – 20 As amended Sheets E 1-E28, Dated 17 November 2009. revision F.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council's approval.

The applicant proposes to amend Condition 1 to read as follows:

1. *The proposed development being carried out strictly in accordance with the details set out within Development Application No. 8/2002/284/1 and documentation contained in correspondence dated 24 and 25 March from the proponent to Cessnock City Council and information contained in subsequent applications to modify the consent.*

The subdivision is to generally comply with the allotment and staging arrangements shown on the plan entitled "Vineyard Grove Stage 8, Subdivision Proposal" dated 12 February 2019 (Issue 4) prepared by Tony Mexon and Associates.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new Development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council's approval.

Deletion of Condition 9

Condition 9 currently prescribes as follows:

9. The applicant shall construct a 5.5 metre high steel framed wire mesh structure in the vicinity of proposed lots 811-815 and the 12th green of The Oaks Golf and Country Club, to prevent stray golf balls entering and damaging property within these lots. The structure is to be similar to the to the existing structure behind the 2nd green of The Oaks Golf and Country Club and is to be structurally certified by an appropriately qualified structural engineer. The exact dimension and location of the structure shall be approved by Council's Development Services Manager prior to issue of a construction certificate for the structure. Construction is to be completed prior to the release of the subdivision certificate.

Reason
To ensure the development does not adversely impact on the operation of the neighbouring golf course.

Deletion of Condition 21

Condition 21 currently prescribes as follows:

21. The applicant shall provide a 1.8m high plastic coated chain wire fence (black or green) along the boundary of the development with The Oaks Golf and Country Club. The fence is to be erected prior to release of the subdivision certificate.

Reason
To ensure the security of the golf course is maintained.

Deletion of Condition 25

Condition 25 currently prescribes as follows:

25. The registered proprietors of the whole of the land contained in the plan of subdivision shall, prior to endorsement and release of the final plan of survey and subdivision certificate at their costs and expense, enter a positive covenant over all of the land comprised in the plan of subdivision that borders The Oaks Golf and Country Club providing as follows:-

(a) Covenanting with the Council (the prescribed Authority) that all dwellings be constructed with a tiled roof, and

(b) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

Reason
To ensure that dwellings constructed beside the neighbouring golf course have a non reflective roof that could cause distraction to golfers.

Amendment of Condition 29

Condition 29 currently prescribes as follows:

29. The retaining wall at the eastern boundaries of the lots adjoining the Golf Course is to be constructed 300mm inside the boundaries and shall have a maximum height of 1.2m above the natural surface level. The retaining wall is to be designed to facilitate the golf safety fence required by Condition 9 of the consent where necessary.

The retaining wall adjacent to the street frontage of the lots shall be a maximum height of 1.2m.

All retaining walls are to be constructed of a similar style and materials as constructed in Stage 6 and 7 of Vineyard Grove Estate.

The structural engineer's design shall be submitted to and approved by Council prior to issue of the Construction Certificate.

Reason
To ensure adequate provision is made to retain fill.

The applicant proposes to delete the condition or amend Condition 29 to read as follows:

29. The retaining wall at the eastern boundaries of the lots along the eastern side of the site is to be constructed 300mm inside the boundaries and shall have a maximum height of 1.2m above the natural surface level. Where retaining wall height exceeds 1m an appropriate barrier/balustrade shall be provided to prevent persons falling.

The retaining wall adjacent to the street frontage of the lots shall be a maximum height of 1.2m.

All retaining walls are to be constructed of a similar style and materials as constructed in Stage 6 and 7 of Vineyard Grove Estate.

The structural engineer's design shall be submitted to and approved by Council prior to issue of the Construction Certificate.

Reason
To ensure adequate provision is made to retain fill.

Amendment of Condition 38

Condition 38 currently prescribes as follows:

38. The applicant shall dedicate the 6m wide drainage reserve between lots 810 and 811 to Council at no cost to Council.

Reason
To ensure the dedication and preservation of drainage reserves within public ownership.

The applicant proposes to amend Condition 38 to read as follows:

38. The applicant shall dedicate the drainage reserve between proposed lots 828 and 829 to Council at no cost to Council.

Reason
To ensure the dedication and preservation of drainage reserves within public ownership.

HISTORY

The history of the Section 4.55(2) Application, is summarised in the following table:

Date	Action
27 February 2019	Section 4.55(2) Application lodged with Council.
4 April 2019	Independent planning consultant engaged to assess application.
9 May 2019	Comments received from Council's ecologist.
15 May 2019	Additional information requested from applicant in relation to bushfire assessment and ecological assessment.
4 June 2019	Bushfire information in relation to modification received.
5 June 2019	Letter sent to applicant seeking clarification of bushfire matters and reiterating request for ecological assessment.
1 August 2019	Meeting held with applicant, consultant planner and Council's Team Leader Development Services to discuss outstanding matters.
2 August 2019	Additional bushfire information submitted.
29 January 2020	Phone conference with applicant and their ecologist; consultant planner and Council's Team Leader Development Services to discuss ecological assessment requirements.
7 February 2020	Preliminary ecological advice received from applicant.
2 March 2020	Applicant advised of need for final ecological advice.
24 June 2020	Final ecological advice received. Information assessed and considered satisfactory.

APPLICANT'S POSITION IN RELATION TO THE SECTION 4.55(2) APPLICATION

The applicant lodged a submission in support of the Section 4.55(2) Application, which is included as an enclosure to this report.

The applicant's comments, and a response to each, are outlined below:

Amended Plans

At the time of the original consent (8/2002/284/1) the layout of the neighbouring golf course and residential development proposed a golf green adjoining the eastern boundary of the subject site. Over the course of approval, the construction of the Golf Course and associated subdivision, now constructed, the layout has been modified and the eastern boundary of the site is adjacent to residential dwellings.

The revised plans accommodate an amended drainage strategy, lot yield and construction phasing.

The change of circumstances for the adjoining land with residential lots now adjoining the site allows an alternate layout and changes the circumstances for drainage.

Condition 9

The golf course no longer directly adjoins the subdivision, as such the fence is not required. The condition is inconsistent with other approvals and conditions should be deleted.

The fence was required originally due to proximity to the golf course and is no longer necessary.

Condition 21

The golf course no longer directly adjoins the subdivision, as such the fence is not required. The condition is inconsistent with other approvals and conditions should be deleted.

The fence was required originally due to proximity to the golf course and is no longer necessary.

Condition 25

The golf course initially requested this condition in order to reduce the glare to golfers. However, as the golf course was not constructed directly adjoining the Vineyard Grove Subdivision it is considered that the proposed lots no longer need to be subject to the covenant. The condition is inconsistent with other approvals and conditions should be deleted.

The changes to the development outcomes on the adjoining land are considered relevant and negate the need for such a control over buildings on the lots.

Condition 29

The golf course is no longer directly adjoining the proposed subdivision, as such the safety fencing to the retaining walls is no longer required. The condition is inconsistent with other approvals and conditions should be deleted.

Whilst the safety fence is no longer required, there is still a benefit to controlling fill heights at the boundaries to minimise impacts between residential properties. There has been no discussion seeking alteration to the fill heights and it is recommended that the condition be amended to remove the requirement for the golf fencing only.

Condition 38

This condition is not consistent with the amended proposal as the drainage reserve has increased and is proposed between lots 828 and 829 to align with the drainage configuration of the neighbouring development. This condition should be amended to reflect the amended subdivision plan and note the new lot numbers.

The required drainage reserve for the new detention basin is wider than 6m and amendments to the condition are necessary to reflect the changes to the layout and drainage approach.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.55

Section 4.55(2) Other Modifications

Section 4.55(2) of the EP&A Act states:

> *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
>
> *(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
> *(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
> *(c) it has notified the application in accordance with:*
> *(i) the regulations, if the regulations so require, or*
> *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment:

The following is noted in respect of the above:

(a) The modifications sought will result in the development being substantially the same as originally approved. Whilst the proposal results in an increased lot yield, it is not considered significant in terms of the overall development outcomes and maintains similar residential outcomes for the development.

(b) The conditions to be varied by the modification have not been imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister.

(c) The Section 4.55(2) Application was notified in accordance with exhibition requirements in the Cessnock Development Control Plan (DCP) 2010, and two (2) submissions were received.

(d) The submissions received have been considered within this report.

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

Section 4.55(3) of the *Environmental Planning and Assessment Act 1979* specifies that *'in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application'.*

The following matters are relevant to the assessment of the Section 4.55(2) Application:

(a)(i) The Provisions of any Environmental Planning Instrument
The Environmental Planning Instruments that relate to the Section 4.55(2) Application are:

1. Cessnock Local Environmental Plan 2011

An assessment of the Section 4.55(2) Application under the Environmental Planning Instruments is provided below:

2. Cessnock Local Environmental Plan 2011

2.1 Permissibility

The subject site is zoned R2 – Low Density Residential under the provisions of Cessnock Local Environmental Plan 2011 (CLEP). The matter of permissibility of the development is not relevant to consideration of this Section 4.55(2) Application, as the approved land use remains the same. Subdivision remains permissible with consent under the provisions of clause 2.6 of the LEP.

2.2 Objectives

The matter of zoning objectives is not relevant to consideration of this Section 4.55(2) Application, as the approved land use remains the same and the overall development will therefore continue to be consistent with the objectives of the zone.

2.3 Relevant Clauses

The Section 4.55(2) Application was assessed against the following relevant clauses of CLEP 2011:

Clause 4.1 Minimum Subdivision Lot Size

The Minimum Lot Size Maps in the LEP identify that the minimum lot size affecting the land is 450m^2.

The proposed lot sizes on the amended plan of subdivision vary between 652m^2 and 867m^2 and meet the development standard under clause 4.1.

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

No Draft Environmental Planning Instruments are relevant to the Section 4.55(2) Application.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

The following provisions of Cessnock Development Control Plan 2010 are relevant to consideration of the Section 4.55(2) Application. Discussion of any variations to the standards is provided after the compliance table:

	Part D: Specific Development ***Chapter 1: Subdivision Guidelines***			
Provision	**Required**	**Current (approved)**	**Modified (proposed)**	**Complies?**
Lot Size and Shape	Size meets LEP Control	>450m^2	>450m^2	Yes
	Site frontage minimum 18m	20m – 25m	16m – 22m	No
	Lot depth greater than 20 metres	22m – 50m	30m – 51m	Yes

Local Street Design	Saxonvale Grove reserve – 18m O'Shea Circuit Reserve Width-18m	13m 18m	15m 18m (minimum)	**No** Yes

Variations Proposed

As outlined above, the amendments to lot layout do not meet the following prescriptive measures contained within the DCP:

- Site frontage
- Road width

With regard to the site frontages of the lots, it is noted that the lots with a frontage of less than 18 metres have a depth more than twice the DCP minimum and allow for the siting and construction of a dwelling house and ancillary buildings, the provision of private outdoor space and convenient vehicle access and parking.

The proposed lot frontages will maintain a low-density residential streetscape and are consistent with frontages approved for other recent subdivisions in the area. As such, the proposed lot frontages are considered consistent with the performance criteria.

With regard to the road reserve width proposed, whilst the road width for Saxonvale Grove is less than the standard provided in the DCP, it has actually increased in width compared to the current approved plans and still allows for the construction of a suitable road for the number of lots served and is considered to meet the objectives for the control.

Council's engineers have supported the change to the road width proposed.

Accordingly, the modified subdivision proposal is considered to be consistent with the performance criteria of the DCP.

(a)(iiia) The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4

No such agreement has been proposed as part of this Section 4.55(2) Application.

(a)(iv) The provisions of the regulations

There are no matters prescribed by the Regulations that apply to this Section 4.55(2) Application.

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

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

The following discussions are provided in regard to key considerations in relation to impacts:

Biodiversity

The modification is required to consider the provisions of the *Biodiversity Conservation (Saving and Transitional) Regulation 2017*, especially clause 30A of the Regulation which states:

> ***30A New Act applies to modifications of planning approvals granted or applied for before commencement of new Act***
> *(1) The provisions of Division 4 of Part 7 of the new Act apply to applications for the modification of a planning approval:*
> *(a) where the planning approval was granted before the commencement of the new Act, and*
> *(b) where the planning approval was granted on or after the commencement of the new Act, as a result of the determination of a pending or interim planning application.*
> *(2) For that purpose:*
> *(a) the provisions apply in relation to the original development as proposed to be modified, and*
> *(b) a biodiversity development assessment report is required to be submitted and taken into consideration if Division 4 of Part 7 of the new Act would have applied to the original development (as proposed to be modified) if planning approval had been granted after the commencement of the new Act, and*
> *(c) however a biodiversity development assessment report is not required to be submitted if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification will not increase the impact on biodiversity values, and*
> *(d) the biodiversity development assessment report submitted with the application for modification:*
> *(i) is to take into account any measures already taken to avoid, minimise or offset the impact on biodiversity values in connection with the planning approval before the proposed modification, and*
> *(ii) is to take into account only the additional impact on biodiversity values resulting from the modification of the development and not those associated with the development as approved, and*
> *(e) if an application for the original development as proposed to be modified would have been required to be refused because of serious and irreversible impacts on biodiversity values, the application for modification is required to be refused.*

To address this issue, in accordance with (2)(c), the consent authority is required to determine whether or not the proposed modification will increase the impact of the proposal on biodiversity values.

To address this issue, the applicant has provided an ecologist's review of the approved clearing and modified clearing and the values of the vegetation to be removed. The review demonstrates that there are only small areas of existing vegetation required to be cleared for the widened road, etc., which were not previously the subject of previous clearing approvals. It is noted that the existing consent only allows clearing for the purposes of roads and other infrastructure (drainage easements and pathways) with vegetation on the lots to be retained and considered for removal prior to consent being granted for the subdivision. The proposed modification does not seek to alter the intent and outcome of this condition, but some change is necessary to reference the new plan of subdivision.

Based on the ecological information, it is considered that Council could determine that the proposed modification will not increase the impact on biodiversity values, given the following:

- Additional clearing areas for roads and infrastructure is relatively minor (0.1026 hectare), primarily the additional width and realignment of O'Shea Circuit and Saxonville Grove.
- There is a similar reduction in permitted clearing as a result of the realignment of Saxonville Grove.
- The area of additional clearing is less than 2,500m^2 threshold which would require the implementation of the Biodiversity Offsets Scheme.
- The vegetation on the land was floristically commensurate with Lower Hunter Spotted Gum Ironbark Forest but the vegetation community is a highly disturbed regrowth area with minimal habitat features and has low biodiversity value.
- A five part test of significance determined that the proposed modifications are *unlikely to have a significant impact on threatened species, populations and the area of Lower Hunter Spotted Gum Ironbark Forest on the site.*

Given the above, it is concluded that the proposed modifications are of minimal impact to ecological values on the land and area.

Character and setting

The site is a large parcel of R2 zoned land located in an established residential area. The approved and modified subdivision provide low density residential allotments suitable for low density residential development. Furthermore, the lots are generally consistent with residential lots established in the adjoining residential areas.

In consideration of the above, it is concluded that the proposed subdivision will be consistent with the desired character for the area.

Traffic

The proposed modification involves a small increase in number of lots approved which will result in a slight increase in traffic generated from the subdivision. This volume of traffic is not considered to be significant and will be consistent with the modelled traffic generation figures for the original subdivision proposals and masterplan for the area.

It is noted that the original consent issued for this subdivision included road connections with the ends of Lindeman Grove and Drayton Grove, and a new road to the north. These connections were removed in precious modifications and the proposed plans maintain traffic connections consistent with the latest approved plans.

(c) The suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development with the zoning character and urban connections being highly suitable for residential subdivision of the land.

The land is mapped as bushfire prone on the Bushfire Prone Land Maps. Whilst subdivision of land would usually be subject to a Bushfire Safety Authority, this application was lodged prior to such requirements and was not integrated development. The modification likewise is not integrated development. The future development of the sites would, however, be subject to bushfire assessment and the applicant has provided a bushfire review of the modified subdivision proposal. The assessment has revealed that the proposed changes would be consistent with the Rural Fire Service Guidelines.

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

The Section 4.55(2) Application was publicly exhibited between 27 March 2019 and 10 April 2019.

Two (2) submissions were received during the exhibition period, representing one (1) household. Of the submissions received, both were in objection to the proposal. The following discussion addresses the issues and concerns raised in the submissions:

Existing Noise/Light Issues with adjacent Corrections Facility

The Objectors' dwelling is close to the corrections facility and reports impacts from light and noise from the corrections facility. Concern is raised that loss of trees on the subject site will increase potential light spill and noise exposure, and new owners will be closer to the corrections facility and potential impacts.

Comment
The proposed modification does not result in a significant increase in tree removal. The area approved for lots remains the same and the modification does not alter the disturbance area for future development. The issue of proximity of new lots to the corrections facility is largely a matter for the market to determine in sale of the lots.

Illegal Dumping on the land and clean up

Concern has been raised that there has been illegal dumping on the land and it may be contaminated.

Comment
It appears that there has been some dumping of rubbish on the land. It would be appropriate for rubbish to be removed and the land remediated before sale. The proposed modification does not result in any alterations to potential contamination, etc., as compared to the original development.

Completion for sale of lots in Stonebridge Estate

Objector raises concerns that there are several lots for sale in Stonebridge Estate and that the competition of further lots makes no sense and will lead to cheaper lots, resulting in higher incidence of rental housing, etc.

Comment
The issues of competition and marketing of land is not relevant to the assessment of the proposed modification. The land is zoned for residential development and has an existing consent for residential subdivision similar to the modified plan. The objectors' concerns tend to relate more to whether Council should develop the lots in the current market, etc.

Would prefer to see the land undeveloped

Objectors would prefer to see the land left as a nature reserve or park as people ride bikes through existing tracks, etc.

Comment
This is a question for Council as a corporate entity rather than as a planning consent authority and is not relevant to the proposed modification. The land is zoned for residential use and the proposed subdivision is consistent with this zoning. The land has been approved for residential subdivision since 2003.

Traffic Volumes on Mount View Road

Concern is raised that the traffic on Mount View Road is currently heavy in the morning and afternoon peaks of school days and adding additional lots is not going to help.

Comment
As discussed, the proposed modification does provide an additional seven (7) lots. The additional traffic generation for these lots is not significant and would make minimal change to the traffic characteristics on Mount View Road.

(e) The public interest

The public interest is served through the detailed assessment of this Section 4.55(2) Application under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments and Council Policies.

Based on the above assessment, the Section 4.55(2) Application is consistent with the public interest.

SECTION 7.11 CONTRIBUTIONS

In the event the Section 4.55(2) Application is approved, the Section 7.11 Contribution amount will be amended as follows:

Addition of a new condition requiring payment for an additional 12 lots (including 5 lots approved under the previous modification) under the *City Wide Infrastructure Contributions Plan 2020* as detailed in the table below:

DA number:	**8/2020/284/4**
Property address:	**O'Shea Circuit Cessnock**
DA Planner:	
Date:	14/07/2020

Locality:	Cessnock		
District Catchment:	Cessnock		
Enter Subdivision details:			
How many existing lots/dwellings?	29		
How many lots/dwellings proposed?	41		
Net increase in lots/dwellings	12		
Contributions:	**per lot**	**Total**	
Open Space and Recreation Facilities	$6,512.07	$78,144.84	
Community Facilities	$1,729.41	$20,752.92	
Cycleway Facilities	$1,371.90	$16,462.80	
Roads and Traffic	$1,109.80	$13,317.60	
Plan Administration	$160.69	$1,928.28	
Total contributions	$10,883.87	$130,606.44	

INTERNAL REFERRALS

The Section 4.55(2) Application was referred to the following Council officers for comment:

Officer	Comment
Consultant Development Engineer	The proposed modifications are supported from an engineering perspective.
Ecologist	The proposed modifications do not trigger the Biodiversity Offsets Scheme under thresholds or the Biodiversity Values Map. Impact not significant and no additional conditions considered necessary.

EXTERNAL REFERRALS

The Section 4.55(2) Application was not required to be referred to any external agencies for comment.

CONCLUSION

The Section 4.55(2) Application has been assessed in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979*, and all relevant instruments and policies.

The Section 4.55(2) Application proposes changes to the lot layout approved under the original development consent. The amendments are considered minor in nature, and overall it is considered that the development will remain substantially the same as that approved initially.

As a result of the assessment, the requested modifications have been generally supported and changes to the consent have been recommended. In addition, other minor changes to conditions have also been required to recognise the amendment of the plans.

Based on the assessment, it is recommended that the Section 4.55(2) Application be approved subject to the conditions included in this report.

ENCLOSURES

1⇩ Plan of Proposed Subdivision
2⇩ Application for Modification

.

CONDITIONS OF CONSENT

It is recommended that Development Consent No. 8/2002/284/1 be modified in the following manner:

1. Amend Condition 1 to read

1. The proposed development being carried out strictly in accordance with the details set out within Development Application No. 8/2002/284/1 and documentation contained in correspondence dated 24 and 25 March from the proponent to Cessnock City Council and information contained in subsequent applications to modify the consent.

The subdivision is to generally comply with the allotment and staging arrangements shown on plan entitled "Vineyard Grove Stage 8, Subdivision Proposal" dated 12 February 2019 (Issue 4) prepared by Tony Mexon and Associates.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council's approval.

2. Add New Condition 2A

2A. A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a *CC*:

Cessnock District Catchment	
Contribution Type	**Amount Payable**
Open Space and Recreation Facilities	$78,144.84
Community Facilities	$20,752.92
Cycleway Facilities	$16,462.80
Roads and Traffic	$13,317.60
Plan Administration	$1,928.28
Total	**$130,606.44**

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

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

3. Amend Condition 5 to read

5. This consent allows the removal of trees and other vegetation from the site of approved roads, easements to drain water and pathways identified on plan entitled "Vineyard Grove Stage 8, Subdivision Proposal" dated 12 February 2019 (Issue 4) prepared by Tony Mexon and Associates.

Further clearing of trees and other vegetation on each of the proposed allotments to facilitate the construction of future housing shall only occur after written permission has been granted by Council and Rural Fire Services to ensure bushfire risk is minimised.

Reason
To ensure that only trees and vegetation directly affected by development is removed from the site and to grant approval for such removal whilst minimising bushfire risk to dwellings located within previously approved stages.

4. Delete Condition 9

5. Delete Condition 21

6. Delete Condition 25

7. Amend Condition 29 to read

29. The retaining wall at the eastern boundaries of the lots along the eastern side of the site is to be constructed 300mm inside the boundaries and shall have a maximum height of 1.2m above the natural surface level. Where retaining wall height exceeds 1m an appropriate barrier/balustrade shall be provided to prevent persons falling.

The retaining wall adjacent to the street frontage of the lots shall be a maximum height of 1.2m.

All retaining walls are to be constructed of a similar style and materials as constructed in Stages 6 and 7 of Vineyard Grove Estate.

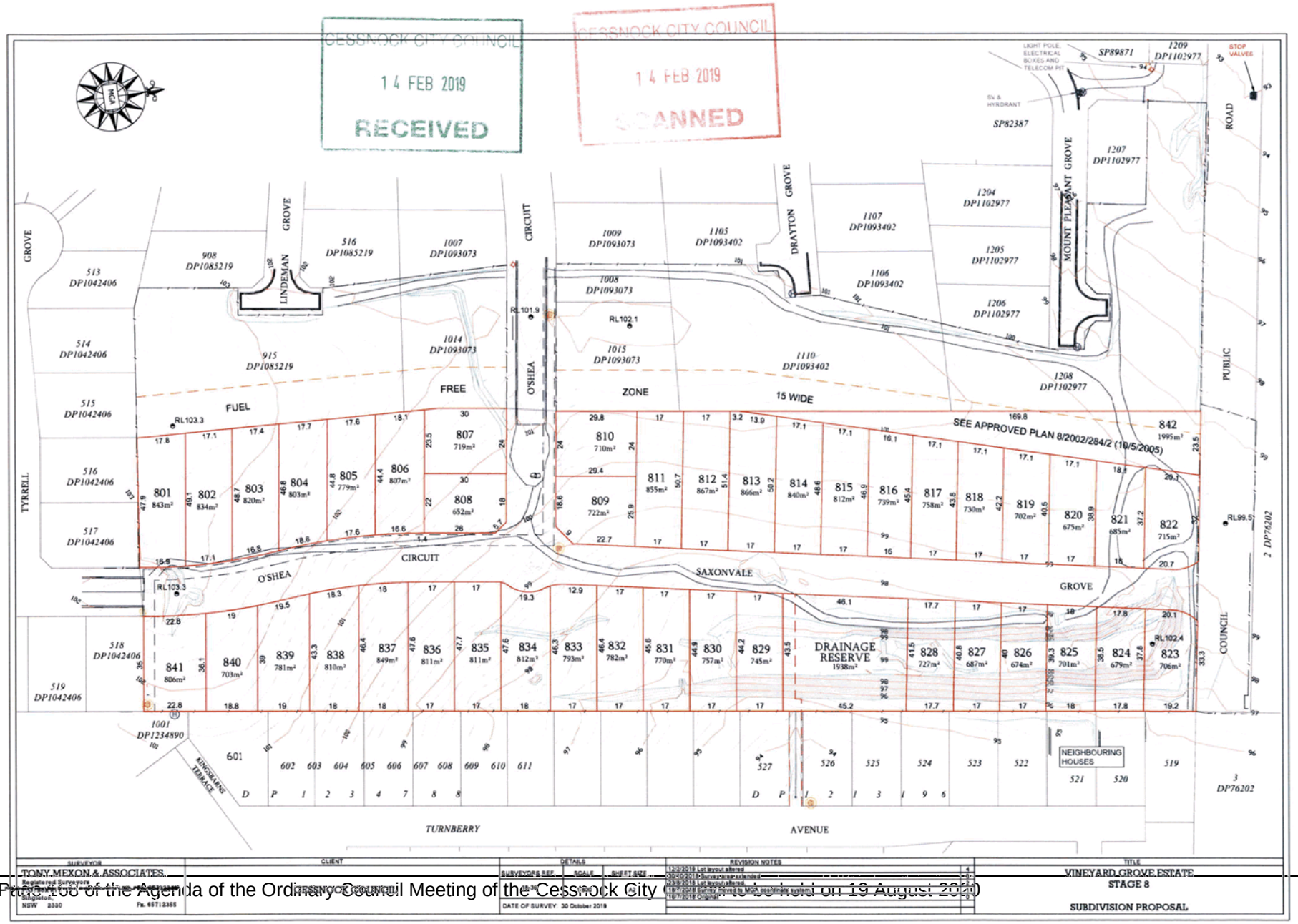
The structural engineer's design shall be submitted to and approved by Council prior to issue of the Construction Certificate.

Reason
To ensure adequate provision is made to retain fill.

8. Amend Condition 38 to read

38. The applicant shall dedicate the drainage reserve between proposed lots 828 and 829 to Council at no cost to Council.

Reason
To ensure the dedication and preservation of drainage reserves within public ownership.


CESSNOCK CITY COUNCIL
14 FEB 2019
RECEIVED
CESSNOCK CITY COUNCIL
14 FEB 2019
SCANNED
GROVE
LINDEMAN
CIRCUIT
O'SHEA
DRAYTON
GROVE
MOUNT PLEASANT GROVE
ROAD
PUBLIC
COUNCIL
TYRRELL
FUEL
FREE
ZONE
15 WIDE
SEE APPROVED PLAN 8/2002/284/2 (10/5/2005)
SAXONVALE
GROVE
CIRCUIT
O'SHEA
DRAINAGE RESERVE
1938m²
NEIGHBOURING HOUSES
KINGSBARNS TERRACE
TURNBERRY
AVENUE
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SURVEYOR
TONY MEXON & ASSOCIATES
Registered Surveyors
Land Development Consultants
Singleton.
NSW 2330
Fx. 6571 2385
CLIENT
CESSNOCK COUNCIL
DETAILS
SURVEYORS REF.
SCALE
SHEET SIZE
DATE OF SURVEY: 30 October 2019
REVISION NOTES
12/02/2019 Lot layout altered
30/05/2019 Survey area extended
23/07/2019 Lot layouts altered
18/07/2019 Survey revised to MGA coordinates
19/7/2019 Original
TITLE
VINEYARD GROVE ESTATE
STAGE 8
SUBDIVISION PROPOSAL

Statement of Environmental Effects

s4.55 Application, Vineyard Grove Stage 8

O'Shea Circuit, Cessnock

Lot 1210 DP 1102977

Joe O'Connor
February 2019

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1. Introduction

The Statement of Environmental Effects has been prepared to support the request for an s4.55 modification to development consent 8/2002/284 that approved the original subdivision. The original consent was granted prior to the construction of the neighbouring subdivision to the east, being the Stonebridge Estate (part of the Cessnock Golf Course). At the time of the original consent (8/2002/284/1) the layout of the neighbouring golf course and residential development proposed a golf green adjoining the eastern boundary of the subject site (refer to Figure 1). Over the course of approval, construction of the Golf Course and associated subdivision, now constructed, the layout has been modified and the eastern boundary of the site is adjacent to residential dwellings.

As a result of changes to the neighbouring golf club and subdivision, some of the conditions that were imposed upon the Vineyard Grove Stage 8 proposal to visually and physically separate the Golf Course operation are no longer required. As such, this proposal seeks to update the development consent so that it is consistent with other plans and approvals.

The modification seeks to amend and or delete the following conditions of consent:

Number	Condition
1	*The proposed development being carried out strictly in accordance with the details set out within Development Application No. 8/2002/284/1, documentation contained in correspondence dated 24 and 25 March from the proponent to Cessnock City Council and as amended 10 May 2005. (8/2002/284/2).* *The subdivision is to generally comply with the allotment and staging arrangements shown on plan entitled Vineyard Grove Estate Stage 8 dated 14//02/05 and numbered P24 edition E except as modified by McElwee Stratasurv Drawings 40004/1-20 As amended Sheets E1 – E28, dated 17 November 2009, revision F (refer to Appendix 1).* **Reason** This application contains revised plans to accommodate an amended drainage strategy, lot yield and construction phasing. As such, the condition needs to be amended to reference the new plans, namely the proposed subdivision plan by Tony Mexon & Associates entitled "Vineyard Grove Estate Stage 8, Subdivision Proposal" revision 4, dated 12 February 2019, the general arrangement plan entitled "Proposed subdivision, O'Shea Circuit Cessnock," Issue D, dated 11 February 2019 prepared by RPS.
9	*Applicant to construct a 5.5m high steel framed wire mesh structure on lots 811 - 815 and 12th green of golf course.* **Reason** The golf course no longer directly adjoins the proposed subdivision, as

	such the fence is not required. This condition is inconsistent with other approvals and conditions and should be deleted.
21	*Applicant to provide a 1.8m high plastic coated chain wire fence along the boundary to the Golf Course, fence to be erected prior to the release of the subdivision certificate.* **Reason** The golf course no longer directly adjoins the proposed subdivision, as such the fence is not required. This condition is inconsistent with other approvals and conditions and should be deleted.
25 (as modified in s4.55 issued 10/05/2005)	*The registered proprietors of the whole of the land contained in the plan of subdivision shall, prior to the endorsement and release of the final plan of survey and subdivision certificate at their costs and expense, enter a positive covenant over all of the land comprised in the plan of subdivision that borders The Oaks Golf and Country Club as follows:* *a) Covenanting with the Council (the prescribed Authority) that all dwellings be constricted with a tiled roof, and* *b) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.* *All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner on whose behalf the applicant had lodged the application.* **Reason** The golf course initially requested this condition in order to reduce the glare to golfers. However, as the golf course was not constructed directly adjoining the Vineyard Grove subdivision it is considered that the proposed lots no longer need to be subject to a covenant. This condition is inconsistent with other approvals and conditions and should be deleted.
29 (as modified in s4.55 issued 8/12/2010)	*The retaining wall to eastern boundaries of the lots adjoining the Golf Course is to be constructed 300mm inside the boundaries and shall have a maximum height of 1.2m above natural surface level. The retaining wall is to be designed to facilitate the golf safety fence mentioned in condition 9 of the consent where necessary.* **Reason** The golf course no longer directly adjoins the proposed subdivision, as such the safety fencing to the retaining wall is no longer required. This condition is inconsistent with other approvals and conditions and should be deleted.

38 (new condition added to s4.55 issued 8/12/2010)	*Provide 6m wide drainage reserve between lots 810 and 811 dedication to council.* **Reason** This condition is not consistent with the amended proposal as the drainage reserve has increased and is proposed between lots 828 and 829 to align with the drainage configuration of the neighbouring development. This condition should be amended to reflect the amended subdivision plan and note the new lot numbers.
Vegetation buffer on plans	The plans as approved (entitled Vineyard Grove estate Stage 8 dated 14/02/05 and numbered P24 edition E except as modified by McElwee Stratasurv Drawings 40004/1 – 20 As amended Sheets E 1-E28, Dated 17 November 2009, revision F (refer to Appendix 1). Sheet E4 of these plans, entitled "Plan & Typical Sections" show a vegetation buffer to the east and north of the site. The legend on the plan sheet states "Remove old trees, replant with advanced young trees." **Reason** The intention of the buffer was to provide visual and physical separation to the golf course. Given that the golf course no longer directly adjoins the proposed subdivision, the vegetation buffer is no longer required. A previous version of the subdivision plan indicated that the buffer would form part of the tree retention area (i.e. the public reserve area to the west of the site), subsequent approvals, namely the latest approved plan being the McElwee Stratasurv Drawings 40004/1 – 20 As amended Sheets E3 and E4, Dated 17 November 2009, revision F (refer to Appendix 1), clearly indicate that the buffer to the east would be replanted "with advanced young trees." This is further evidenced by the inter-allotment drainage and proposed cut and fill which would make any tree retention in the buffer impractical. Additionally, Council (as land owner) has a Hazard Reduction Certificate to clear an area of 20m x 342.50m (the length of the eastern boundary) which was applied for to protect the owners of the adjoining late, within Stonebridge Estate (refer to Appendix 2). The requirement of the certificate is to annually clear the area adjoining the property. As such, any buffer to this area would cause on going maintenance and fire related issues to the proposed subdivision and neighboring subdivision. Furthermore, Council had approved CC 10/2002/284/1 dated 10 October 2003 which approved the filling of lots (previously known as lots 807 – 816) to the northeast of the site. The filling of these lots

	included the removal of trees (including the habitat trees). These works further mean that there is no tree retention practicable in this area. As previous proposal for the vegetation buffer is inconsistent with other conditions and approvals, this requirement should be removed, and the proposed plans should be adopted.
Increase to lot yield	The plans as approved (entitled Vineyard Grove estate Stage 8 dated 14/02/05 and numbered P24b edition E except as modified by McElwee Stratasurv Drawings 40004/1 – 20 As amended Sheets E 1-E28, Dated 17 November 2009, revision F. These plans (sheet E4), show thirty four (34) residential lots and one (1) residue lot. The modified proposal seeks to increase the yield to forty one (41) lots, one (1) residue lot to be dedicated to Council (lot 42) and a drainage reserve.
	Reason Modifications to the drainage reserve have required that the layout be increased from 6m wide to 46m wide reducing the subdivision yield. As such, the layout has been modified to account for this change and increase the yield. This has been achieved by narrowing some of the lots. Some of these lots are less than the prescribed 18m widths required for subdivision lots, however a justification will be provided within this report to address this.
Increase Saxonvale Grove road reserve	The plans as approved (entitled Vineyard Grove estate Stage 8 dated 14/02/05 and numbered P24b edition E except as modified by McElwee Stratasurv Drawings 40004/1 – 20 As amended Sheets E 1-E28, Dated 17 November 2009, revision F. These plans (sheet E4), show a road reserve of 13 meters to Saxonvale Grove road. The modified proposals seeks to increase the road reserve to 15 meters.
	Reason The increase in the road reserve from 13 to 15 meters will allow better vehicular access, turning and parking to Saxonvale Grove.
Phased Construction of the development	Phased construction of the development as follows: Phase 1: Lots 801-808 and Lots 835-841; Phase 2: Lots 809-816 and Lots 829-834; and

Phase 3: Lots 817-828, as well as Lot 842 public reserve, and drainage reserve to be dedicated to Council.

Refer to Appendix 3.

Reason

The three phases will assist with the proposed sales and construction program of the development.

1.1. History

Vineyard Grove Estate is a 12 stage subdivision which was developed and constructed by Council in the early 2000s. The Estate which is now fully occupied, apart from Stage 8, sees a mix of quality housing.

Stage 8 of the Estate has an existing approval for 34 residential lots, ranging in size from 800m2 – 1240m2 over two stages (Stage 8a has 19 lots and 8b has 15 lots, DA 8/2002/284/1).

The initial development application was determined on 3 September 2003, and gave consent for the construction of twenty nine (29) lots. Since that time, two separate applications to modify the consent have been approved, addressing conditions of the consent and effectively increasing the yield to thirty four (34) residential lots and one residue lot to become part of the Council reserve to the west of the site.

On 10 October 2003 a construction certificate was issued for the Filling of Proposed Lots 807 to 816 and these works have been undertaken.

The development approval has been activated by way of the above works as well as the construction of a rising main sewer line that traverses the site.

1.2. Consultation with Council

Informal consultation with Council's Development Services Manager, Janine Maher, and Development Services Team Leader, Richard Forbes was held on 7 May 2018. A further meeting was undertaken on 19 December 2018 to confirm the nature and extend of the proposed modifications. During these meeting Council staff were generally in support of the proposed modifications.

2. Site Analysis

2.1. Site Description

The subject property is a slightly irregular rectangular shaped, 4.246 hectare parcel of englobo land zoned R2 located in the north- western periphery of the town of Cessnock.

The site is mostly timbered with underbrush, the removal of which is part of the approval within the development consent.

3. Proposed Development

The proposal as approved remains predominately the same, apart from the proposed modifications as listed above. Namely the construction of:

- Forty one (41) residential lots, drainage reserve and one (1) residue lot to be transferred to Council upon registration of the subdivision, constructed over three phases as follows:
  - Phase 1: Lots 801-808 and Lots 835-841;
  - Phase 2: Lots 809-816 and Lots 829-834; and
  - Phase 3: Lots 817-828, as well as Lot 842 public reserve, and drainage reserve to be dedicated to Council.
- Roads, services and associated site works in order to facilitate the subdivision.

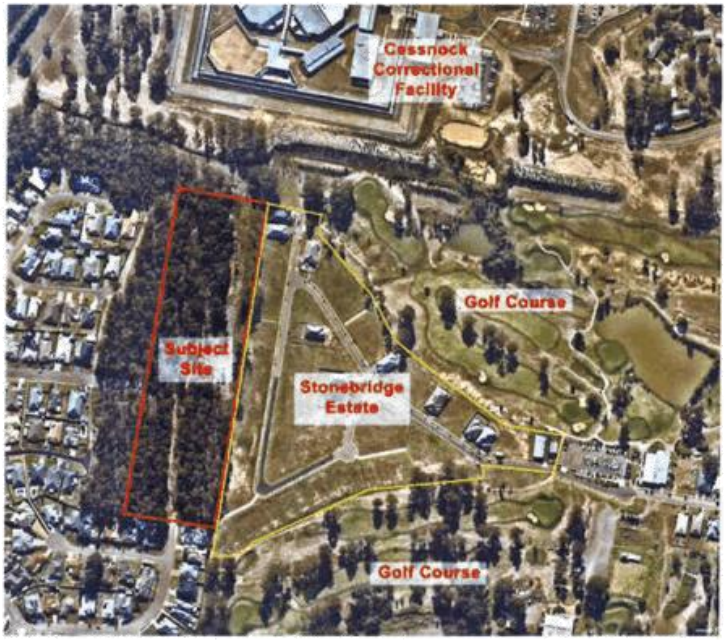


Figure 1 – Subject site and neighbouring context

4. Legislative Framework

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under section 4.15 pf the EP&A Act 1979 that is relevant to the proposed development.

4.1. Environmental Planning & Assessment Act 1979

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a) the provisions of:

i. any environmental planning instrument, and

The proposed subdivision is permitted with the consent of Council. The proposal meets the objectives and relevant standards of the Cessnock Local Environmental Plan 2011 (LEP) as detailed at Section 4.2.

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

There are no Draft plans applicable to the subject site at this time.

iii. any development control plan, and

The proposal generally satisfies the requirements of the relevant chapters of the Cessnock Development Control Plan 2010 (DCP) as is detailed in Section 4.3 of this Statement of Environmental Effects. Where variations to the DCP occur justification is provided outlining how the proposal remained to be reasonable and suitable for the site.

iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no prescribed matters that prohibit the proposed subdivision.

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

Impacts of the proposal on the natural environment are considered to be minimal, the proposal represents the last stage in a 12 stage subdivision that has already reached practical completion and subsequent development with dwelling houses.

The proposal will have minimal impact on the built environment as physical works proposed relate to the provision of upgraded drainage facilities. The proposed subdivision will result in a residential build form comprising large lots, all being almost double the minimum lot size of the area and will be consistent with the surrounding streetscape.

The proposal will ensure that the remaining stage of the Vineyard Grove subdivisions sited on appropriate allotments and will provide for sought after larger residential lots within a well serviced area.

c) *the suitability of the site for the development,*

The land is zoned to permit the proposed subdivision, the site is located within an established residential area and as such the site is suitable for the proposed development.

d) *the public interest.*

The public interest will be served by the approval of this subdivision as it will provide for additional housing opportunities within an established and well serviced residential area.

The proposal is considered conducive to Council policies and will not result in unreasonable impacts on the surrounding area.

The following Environmental Planning Instruments (EPI's) and Development Control Plans (DCP's) are relevant to the proposed subdivision and have been addressed below:

- Cessnock Local Environmental Plan 2011
- Cessnock Development Control Plan 2010

4.2. Cessnock Local Environmental Plan 2011

Under the provisions of the Cessnock Local Environmental Plan 2011 (LEP) the site is zoned R2 Low Density Residential.

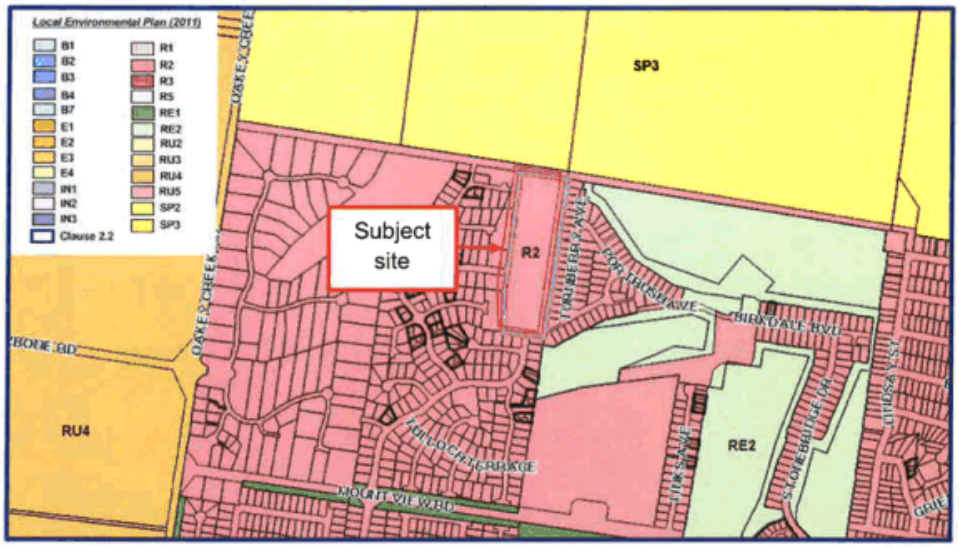


Figure 2: Zoning

4.1 Minimum subdivision lot size

The subject site has a nominated Lot Size (MLS) of 450m^2.

The proposed subdivision will provide for 41 residential lots with a lot size ranging from 652m^2 to 866m^2, as such being compliant with the provisions of the LEP.

The subject site is within the area identified as "T1" however, will not result in battle-axe allotments.

7.4 Airspace operations

The subject site is mapped within the Obstacle Limitation Surface area, however the proposed subdivision will not result in proposed development that will penetrate the Limitation or Operations Surface. As such, the consent authority can approve the proposal without consultation with the relevant Commonwealth body.

4.3. Cessnock Development Control Plan 2010

The proposal involves the Torrens title subdivision of 41 residential lots, drainage reserve and bush reserve to be dedicated to Council (lot 842), and has been assessed against the provisions of the Cessnock Development Control Plan 2010, as follows:

1.10 Departures and requests for variations to this DCP

The proposal seeks to amend the lot numbers within the subdivision, resulting in the provision of a total of 41 residential lots. To achieve this 25 of the lots will have a street frontage of under 18m. Of the lots which are less than 18m, 24 lots are between 17-18m and one lot is between 16-17m in width. The objective of this requirement is to ensure that a building can comfortable to be designed to properly sited on the proposed lot. Given the depth of the lots, all of which are in excess of the 20m minimum requirement, this requirement can still be easily achieved. This difference in lot width (i.e. 16-18m in width) represents a variation of between 6-12% to the minimum lot width requirement.

All the lots will remain well over the minimum lot size (450m^2) and as such it is considered that the proposed variation to the DCP is of minimal impact and will not result in detrimental development within the Vineyard Grove area.

C.2 Flora and Fauna Survey Guidelines

A Flora and Fauna Assessment Report was prepared by Conacher Travers Pty Ltd for Stages 6 – 12 of Vineyard Grove Estate and submitted with the original development application. At the time of the preparation of this report a detailed ecological survey and assessment was undertaken and it was determined under the provisions of the then *Threatened Species Conservation Act (1995)* that the proposed subdivision, totalling 7 stages, would not cause a significant impact on threatened species, populations or endangered ecological communities.

The proposal relates to one stage (Stage 8) of the subdivision works addressed under the Flora and Fauna Assessment Report, the remaining six stages have been completed with construction of dwelling houses having occurred.

C.4 Land Use Conflict and Buffer Zones

Due to the actual layout of the Stonebridge Golf Course the proposal seeks to delete Condition 29 of the consent as it is no longer reasonably required to construct the retaining wall, associated fencing and provide for a vegetation buffer zone.

At the time of the original consent for Stage 8 of Vineyard Grove the neighbouring Stonebridge Golf Course had been master planned to include greens adjoining the subject site. Since the original Vineyard Grove approval Stonebridge Golf Course and associated residential development has been approved (8/2013/656/1-3) and constructed. The layout of the Stonebridge Golf Course development was modified and the land adjoining Stage 8 of Vineyard Grove was developed with over 70 residential lots.

C.5 Waste Management and Minimisation

To allow for safe and efficient waste collection, the proposed subdivision has been designed to consider waste management requirements and ensure that future dwellings can be integrated with Councils standard waste service.

A detailed waste management plan associated with construction and drainage works will be prepared prior to commencement of works and submitted with Construction Certificate documentation.

C.7 Trees & Vegetation Management

A Flora and Fauna Assessment Report was prepared by Conacher Travers Pty Ltd for Stages 6 – 12 of Vineyard Grove Estate and submitted with the original development application. The proposed modified subdivision layout does not include changes to the Wildlife and Vegetation corridor approved under the original consent and detailed within the Flora and Fauna Assessment Report.

D.1 Subdivision Guidelines

1.3 General Requirements for Subdivision

The proposed development seeks to modify the approved Stage 8 subdivision of Vineyard Grove. The modifications seek to the remove of conditions no longer relevant to the development due to changes to surrounding developments, specifically the layout of Stonebridge Gold Course. Due to the deletion of conditions and subsequent removal of the conditioned vegetation buffer area, the proposal seeks minor alterations to the subdivision layout. This includes the redesign of the drainage detention basin and an increase in lot yield to 41 residential lots. The proposed subdivision remains compliant with the general requirements for subdivision as set out within the DCP.

1.7 Specific requirements for R2 and R3 Residential Subdivision

1.7.1 Element 1: Lot Size and Shape

Prescriptive Measure *(as relevant to the proposal)*	**Justification**
a) The minimum lot size is the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.	The proposed subdivision provides 41 residential lots ranging in size from 651m^2 to 867m^2, satisfying the provisions of the CLEP.
b) Allotments shall have a minimum width of 18 metres at the building line.	Of the proposed 41 lots, 16 of them have a width of equal or greater than 18 metres at the building line. Due to site constraints including bushfire (APZ) and drainage requirements 24 lots within the subdivision will have a minimum width of 17 at the building line, and one lot is 16m. This difference in lot width (i.e. 16-18m in width) represents a variation of between 6-12% to the minimum lot width requirement.
c) An allotment shall not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling-house.	All proposed lots are have a depth of more than 20 meters.

f) Vegetation which adds significantly to the visual amenity of a locality and / or which is environmentally significant or of habitat value shall be conserved in the design of the subdivision proposal.	The proposal retains the vegetation and wildlife corridor incorporated in the original consent.
g) Lots shall be designed to allow the construction of a dwelling-house with a maximum cut or fill of 1.0 metre from the natural ground level (ie. the dwelling-house shall be designed to conform to the existing topography).	

1.7.4 Element 4: Local Street Design

The proposed subdivision comprises 41 lots and will provide 18m road reserve and 11m minimum carriageway to O'Shea Circuit, 15m road reserve and 8m minimum carriageway to Saxonvale Grove. As such the proposed road design is compliant with the DCP. The proposed subdivision will comprise both rollover and upright kerbing and carriage way parking provisions.

1.7.6 Element 6: Solar Access and Lot Orientation

A majority of the lots are oriented east – west which allows for solar access to the rear of lots where living and private open spaces will be planned.

1.7.7 Element 7: Stormwater Management

The stormwater strategy has been changed since the previous approval, with the modified design allowing for all of the stormwater to be treated and detained within the proposed basin. Further, the modified design allows for an above ground detention basin. The preliminary plans are included in this application for review.

1.7.8 Element 8: Utility Services

Utility design is being undertaken by Connect Infrastructure, however the details of this design are still being finalised.

5. Conclusion

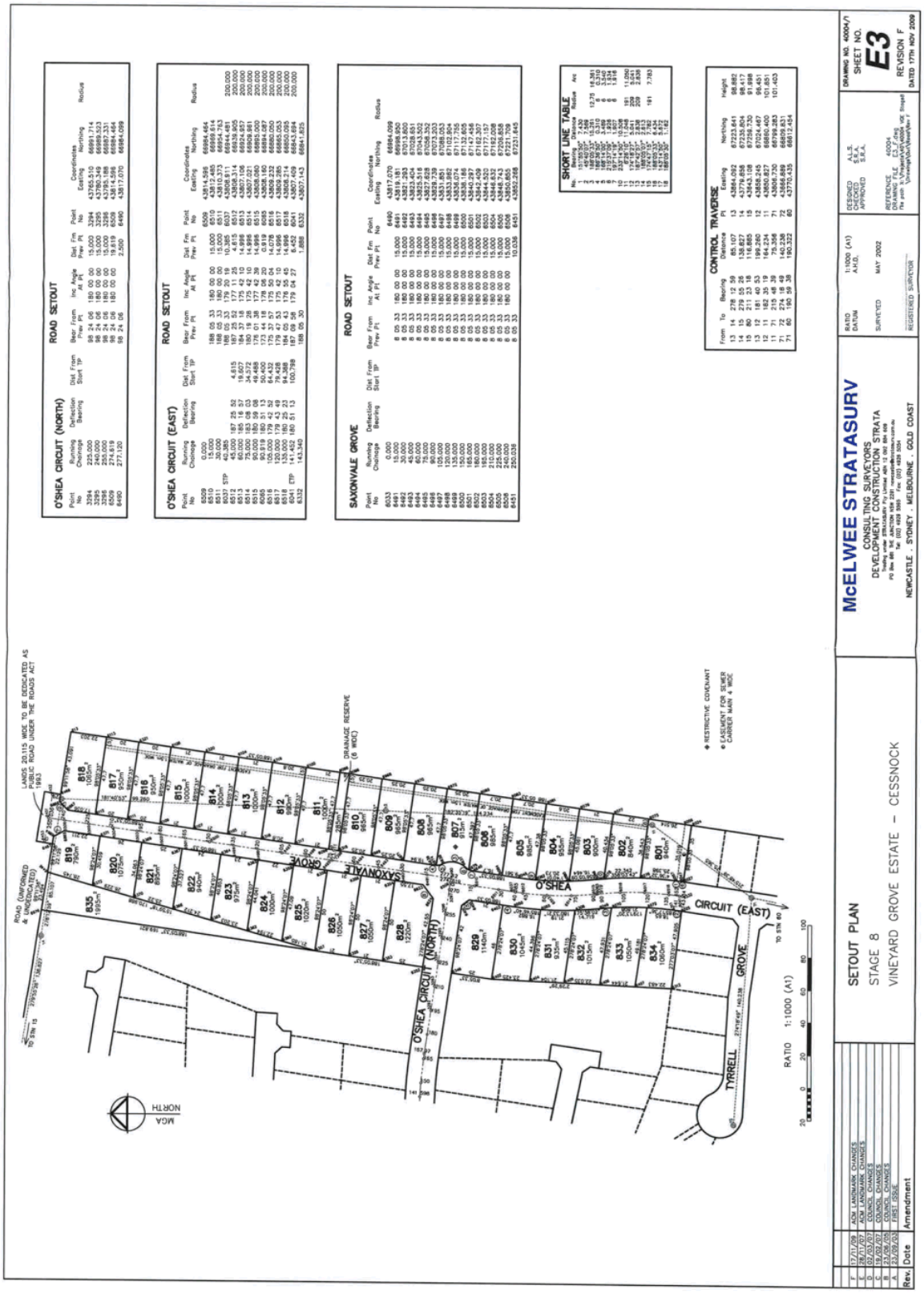
The proposed modification to the Stage 8 Vineyard Grove is consistent with the established subdivision pattern of Vineyard Grove and provides for larger residential allotments within an existing residential area. The subdivision conforms to surrounding land uses, being the surrounding residential development and the Stonebridge Golf Course.

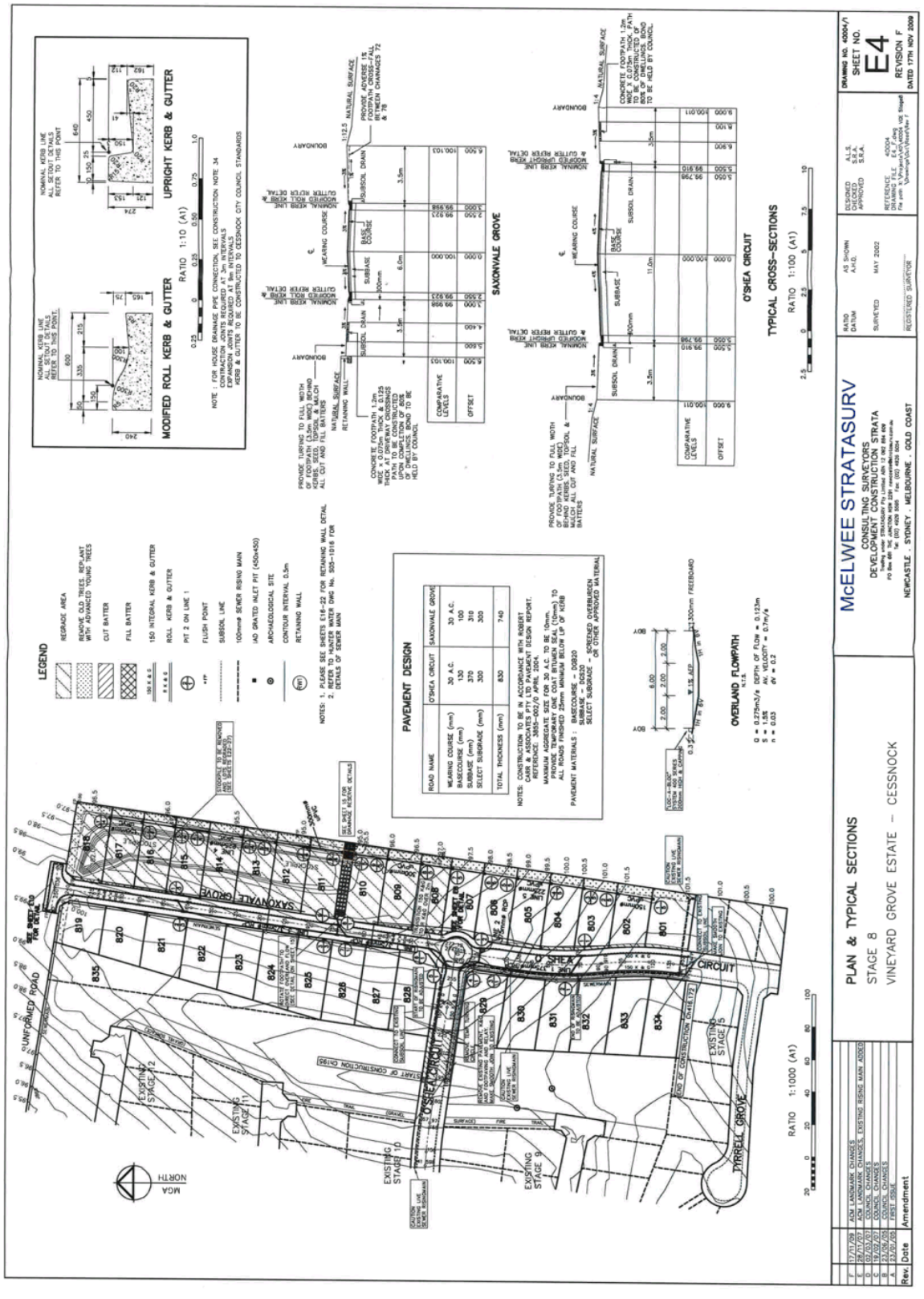
The proposal has been assessed in accordance with the provisions of Section 4.5 of the EP&A Act 1979 and is considered to be satisfactorily meet the requirements set out by the Act. . It is considered that no adverse environmental impact will occur as a result of the proposal.

In consideration of the matters addressed throughout this Statement of Environment Effects, it is sought that Council approve this Section 4.55(1A) modification.

Appendix 1 – Approved Subdivision Plan

McElwee Stratasurv Drawings 40004/1-20 As amended Sheets E3 & E4, dated 17 November 2009, revision F


McELWEE STRATASURV
CONSULTING SURVEYORS
DEVELOPMENT CONSTRUCTION STRATA
NEWCASTLE . SYDNEY . MELBOURNE . GOLD COAST
SETOUT PLAN
STAGE 8
VINEYARD GROVE ESTATE – CESSNOCK
SHEET NO. E3
REVISION F
DATED 17TH NOV 2009
RATIO 1:1000 (A1)
SURVEYED MAY 2002
O'SHEA CIRCUIT (NORTH)
O'SHEA CIRCUIT (EAST)
SAXONVALE GROVE
TYRRELL GROVE
DRAINAGE RESERVE (6 WIDE)
RESTRICTIVE COVENANT
EASEMENT FOR SEWER CARRIER MAIN 4 WIDE
NORTH
RATIO 1:1000 (A1)


McELWEE STRATASURV
CONSULTING SURVEYORS
DEVELOPMENT CONSTRUCTION STRATA
NEWCASTLE . SYDNEY . MELBOURNE . GOLD COAST
PLAN & TYPICAL SECTIONS
STAGE 8
VINEYARD GROVE ESTATE – CESSNOCK
DRAWING NO. 40004/1
SHEET NO.
E4
REVISION F
DATED 17TH NOV 2009
LEGEND
REGRADE AREA
REMOVE OLD TREES, REPLANT WITH ADVANCED YOUNG TREES
CUT BATTER
FILL BATTER
150 INTEGRAL KERB & GUTTER
ROLL KERB & GUTTER
PIT 2 ON LINE 1
FLUSH POINT
SUBSOIL LINE
100mmø SEWER RISING MAIN
140 GRATED INLET PIT (450x450)
ARCHAEOLOGICAL SITE
CONTOUR INTERVAL 0.5m
RETAINING WALL
MODIFIED ROLL KERB & GUTTER
UPRIGHT KERB & GUTTER
RATIO 1:10 (A1)
PAVEMENT DESIGN
ROAD NAME
O'SHEA CIRCUIT
SAXONVALE GROVE
WEARING COURSE (mm)
BASE COURSE (mm)
SUBBASE (mm)
SELECT SUBGRADE (mm)
TOTAL THICKNESS (mm)
30 A.C.
150
375
300
825
740
OVERLAND FLOWPATH
TYPICAL CROSS-SECTIONS
RATIO 1:100 (A1)
SAXONVALE GROVE
O'SHEA CIRCUIT
TYRRELL GROVE
UNFORMED ROAD
EXISTING STAGE 11
EXISTING STAGE 12
EXISTING STAGE 10
EXISTING STAGE 9
EXISTING STAGE 15
NORTH
RATIO 1:1000 (A1)
Rev. Date Amendment
F 17/11/09 ADM LANDMARK CHANGES
E 28/11/07 ADM LANDMARK CHANGES, EXISTING RISING MAIN ADDED
D 02/03/07 COUNCIL CHANGES
C 19/02/07 COUNCIL CHANGES
B 31/08/06 COUNCIL CHANGES
A 23/05/06 FIRST ISSUE

Appendix 2 – Hazard Reduction Certificate

Bush Fire Hazard Reduction Certificate
Environmental Approval for Works

In accordance with section 100G of the *Rural Fires Act 1997*,
this certificate (certificate number HR16100678161-1)

Authorised by: Cessnock City Council

For works to be carried out at:

For the purpose of: Managing Asset Protection Zone to protect multiple residential buildings

using the following method of hazard reduction works:

- Mechanical - Slashing/Trittering, of width 20.00 metres and length 342.50 metres

in accordance with the attached map (if supplied)

This certificate shall be effective from 7 October 2016 and expires on 6 October 2019

This certificate provides authority to carry out Bush Fire Hazard Reduction work on the land described above in accordance with

- the Bush Fire Risk Management Plan that applies to Cessnock City Council
- the *Bush Fire Environmental Assessment Code February 2006*; and
- the conditions specified overleaf.

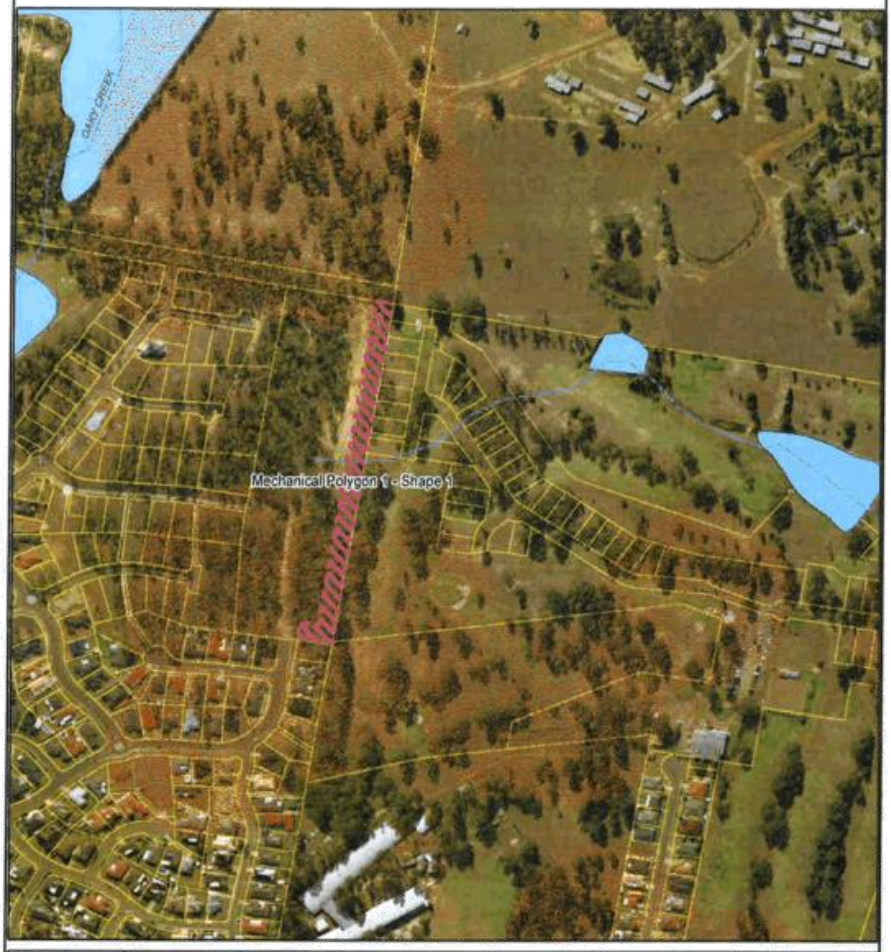
Authorisation by a person authorised under the *Rural Fires Act 1997* to grant this certificate

Signed
Ian Turnbull
Principal Natural Environment Planner

Date:07/10/2016

Bush Fire Hazard Reduction Certificate HR16100678161-1

in accordance with section 100G of the *Rural Fires Act 1997*



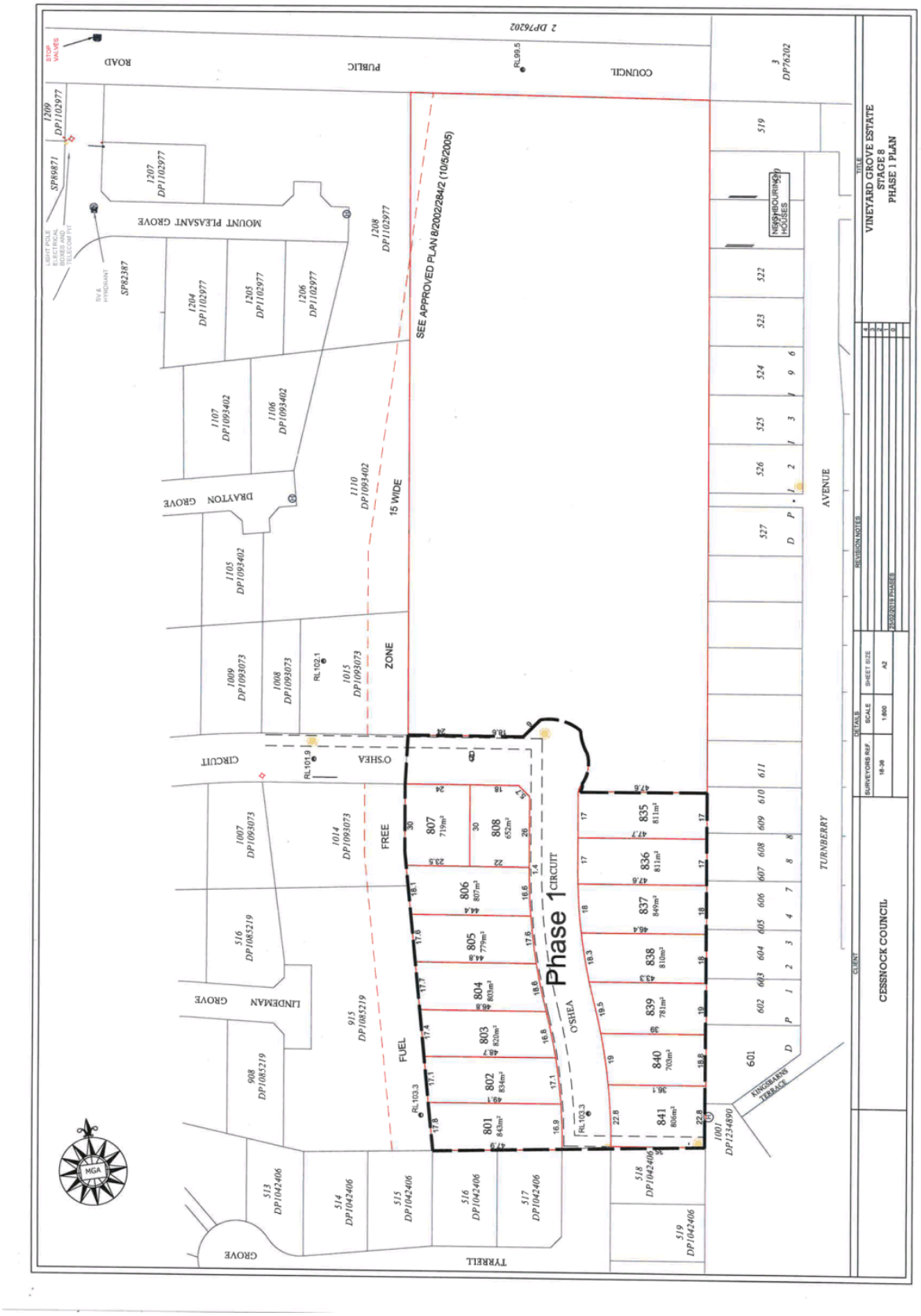
Proposer Name: Cessnock City Council

Certificate End Date: 6 October 2019

Location Description:

Method	Dimensions
Mechanical Polygon 1 - Slashing/Trittering	20.00m x 342.50m

Appendix 3 – Proposed phases


VINEYARD GROVE ESTATE
STAGE 8
PHASE 1 PLAN
CESSNOCK COUNCIL
Phase 1
SEE APPROVED PLAN 8/2002/284/2 (10/5/2005)
15 WIDE
ZONE
FREE
FUEL
AVENUE
TURNBERRY
O'SHEA CIRCUIT
MOUNT PLEASANT GROVE
DRAYTON GROVE
LINDEMAN GROVE
KINGSBARNS TERRACE
TYRRELL GROVE
NEIGHBOURING HOUSES
MGA

Planning and Environment

Report No. PE30/2020

Planning and Environment

SUBJECT: ***CITIES POWER PARTNERSHIP***

RESPONSIBLE OFFICER: ***Acting Strategic Planning Manager – Iain Rush***

SUMMARY

The purpose of this Report is to seek Council's endorsement to write to the Climate Council and request to join the Cities Power Partnership.

RECOMMENDATION

That Council writes to the Climate Council requesting to join the Cities Power Partnership Program.

BACKGROUND

At the Hunter Joint Organisation (Hunter JO) Board meeting on 11 June 2020, it was recommended that the Hunter JO work with member councils and the Cities Power Partnership (CPP) to encourage additional Hunter JO member councils to join the CPP and identify climate 'pledges' through which to focus regional collaborative efforts by councils, the Hunter JO and CPP.

Council is a member council of the Hunter JO and is also represented on the Hunter JO Board. Member councils of the Hunter JO that are currently members of the CPP include, but are not limited to:

- Upper Hunter Shire Council;
- City of Newcastle;
- Lake Macquarie City Council (pledges to be determined – councils have 6 months from joining the CPP to establish their pledges);
- Muswellbrook Shire Council;
- Mid Coast Council (pledges to be determined); and
- Central Coast Council.

The climate pledges made by these councils under the CPP are summarised in **Enclosure 1**.

REPORT/PROPOSAL

The CPP is Australia's largest local government climate network, made up of over 123 councils from across the country. Local councils who join the partnership make five climate pledges in either renewable energy, efficiency, transport or working in partnership to tackle climate change. Councils who join have 6 months to decide upon and make their pledges. Further information on the CPP program is provided in **Enclosure 2**.

It is recommended that Council develop the five pledges in consultation with the Hunter JO and other member councils, with consideration given to the common regional pledges. It is important that the five pledges be developed at the same time as the proposed Climate Change Strategy, which Council staff will be preparing this financial year. This will ensure Council's

pledges are consistent with the direction and actions identified in the proposed Climate Change Strategy.

To join the CPP, the Mayor is required to write to the CEO of the Climate Council, requesting to join the CPP Program. The letter must acknowledge that as a Power Partner, Council will undertake the actions listed below.

1. Within 6 months, identify 5 items included in the CPP Pledge that your council will strive to achieve. (Noting that some projects already in the council pipeline could be included towards a council's pledge).
2. Complete a 12 monthly online survey that provides the Climate Council with basic information on how you are progressing on the 5 pledge items that council has selected;
3. Nominate a point of contact within your council that the Climate Council can liaise with on Climate Power Partnership matters, including contact details; and
4. Confirm that you are willing to connect and collaborate with other local councils to share knowledge.

A letter has been drafted for Council's review and endorsement and this is provided at **Enclosure 3**.

The benefits of joining the Cities Power Partnership Program, include:

- connecting and collaborating with other local councils to share environmental knowledge;
- demonstrating that Council is committed to taking meaningful action on climate change, consistent with Council's recently adopted Climate Change Policy;
- reducing greenhouse gas emissions and improving energy efficiency;
- improving Council's prospects of receiving grant funding for climate related projects; and
- eligibility for CPP assistance when applying for climate related project funding.

OPTIONS

Nil

STRATEGIC LINKS

a. Other Plans

Joining the CPP is consistent with Council's recently adopted Climate Change Policy. Council staff will commence working on the preparation of a Climate Change Strategy in the current financial year. It is important the pledges Council selects for the CPP Program are pledges that are achievable and consistent with the direction and actions of the proposed Climate Change Strategy.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Joining the Partnership will not have any direct environmental implications. However, the pledges we make are likely to reduce Council's and the region's greenhouse gas emissions, improve efficiency of council operations and potentially reduce operating costs. This is consistent with Council's recently adopted Climate Change Policy.

f. Other Implications

Nil

CONCLUSION

It is recommended the Council write to the Climate Council and request that Council join the Cities Power Partnership Program.

ENCLOSURES

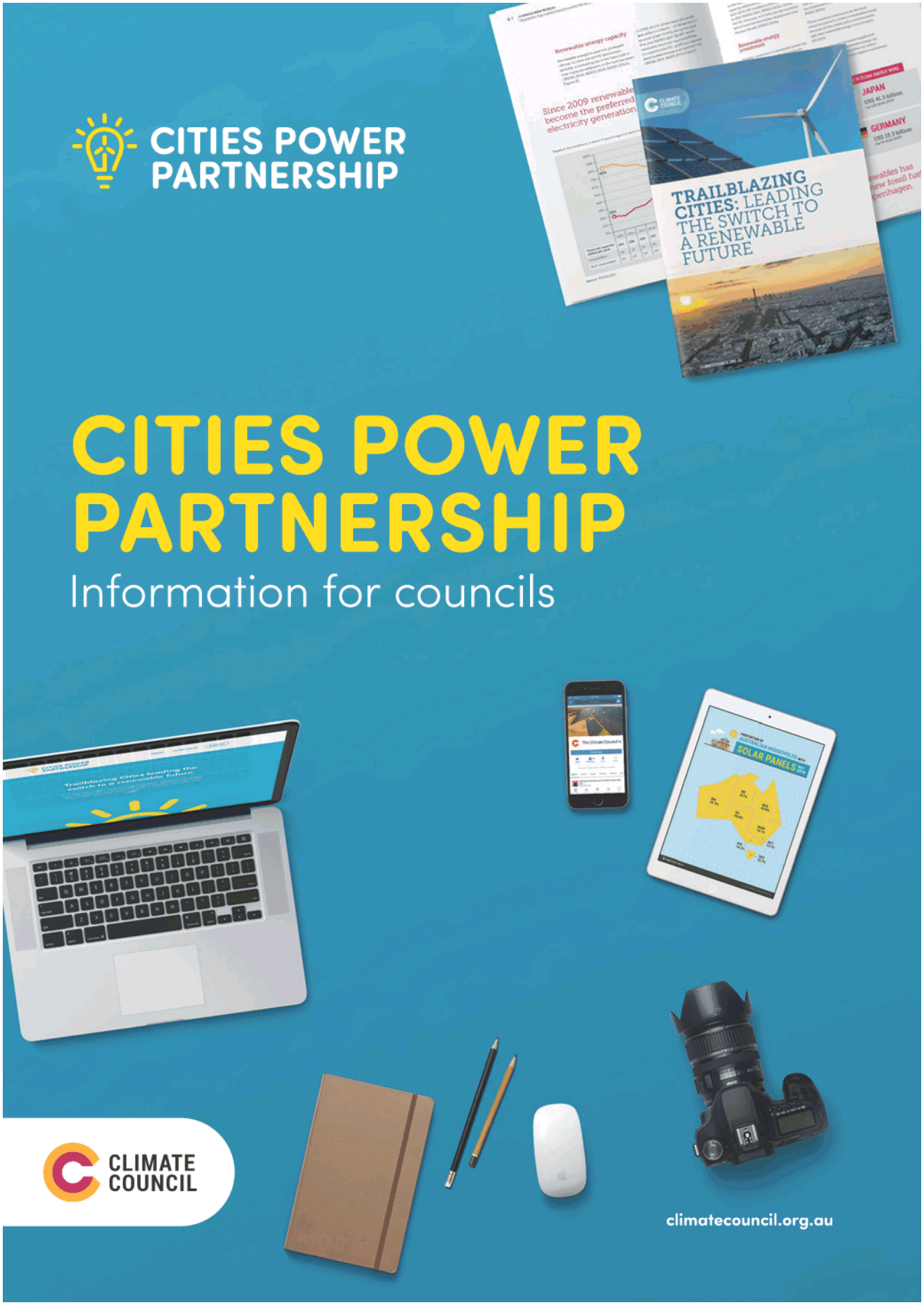
1⇩ Pledges of Local Councils
2⇩ Cities Power Partnership - Information for Councils
3⇩ Draft Letter from Council

Enclosure 1

Pledges of Hunter JO member Council who are currently members of the Cities Power Partnership

Council	Pledges
Upper Hunter Shire Council	• Install renewable energy (solar PV and battery storage) on Council buildings. • Ensure Council fleet purchases meet greenhouse gas emissions requirements and support the uptake of electric vehicles. • Develop education and behaviour-change programs to support local residents and businesses tackle climate change through clean energy, energy efficiency and sustainable transport. • Encourage sustainable transport use such as public transport, walking and cycling through Council transport planning and design. • Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
City of Newcastle	• Opening up unused Council managed land for renewable energy. • Support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities. • Install renewable energy (solar PV and battery storage) on Council buildings. • Roll out energy efficient lighting across the municipality. • Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
Muswellbrook Shire Council	• Install renewable energy (solar PV and battery storage) on Council buildings. • Adopt best practice energy efficiency measures across all Council buildings, and support community facilities to adopt these measures. • Support community facilities to access renewable energy through incentives, support or grants. • Facilitate large energy users collectively tendering and purchasing renewable energy at a low cost. • Power Council operations by renewable energy, and set targets to increase the level of renewable power for Council operations over time.
Mid Coast Council	To be determined (councils have a six-month period from joining CPP in which to establish their pledges)

Central Coast Council (a member of the Hunter Jo Environment Program)	• Install renewable energy (solar PV and battery storage) on Council buildings. • Implement landfill gas methane flaring or capture for electricity generation • Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles. • Identify opportunities to turn organic waste into electricity. • Roll out energy efficient lighting across the municipality. • Support local community energy groups with their community energy initiatives.
Lake Macquarie City Council	To be determined (councils have a six-month period from joining CPP in which to establish their pledges)


CITIES POWER PARTNERSHIP
TRAILBLAZING CITIES: LEADING THE SWITCH TO A RENEWABLE FUTURE
CITIES POWER PARTNERSHIP
Information for councils
SOLAR PANELS
CLIMATE COUNCIL
climatecouncil.org.au

Cities Power Partnership

cpp@climatecouncil.org.au
citiespowerpartnership.org.au

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Australia's largest
network of
cities and towns
tackling
climate change

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2 The Climate Council

3 The Challenge

3 Local Champions

5 A Snapshot of the Cities Power Partnership

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6 Become a Partner

7 Power Up

7 Power On

8 What Does Success Look Like?

9 **Frequently Asked Questions**

10 Appendix A

13 Appendix B

15 References

Executive Summary

Australia is on the frontline of climate change and its impacts.

We continue to swelter through record breaking heat, lengthening bushfire seasons, worsening coastal flooding and supercharged storms. Meanwhile, the national energy debate is reaching fever pitch, with renewable energy lambasted by our nation's political and industry leaders as unreliable and unaffordable, whilst "clean coal" technology and gas expansion is being promoted as Australia's future energy solution. As climate impacts worsen and government action stagnates, the window of opportunity to limit the warming of the planet is rapidly closing.

Throughout all of these challenges, local heroes have quietly been getting on with the job. Cities and towns across Australia are surging ahead with emissions reduction plans, switching to cleaner energy and building greener, efficient and more resilient communities. The Cities Power Partnership (CPP) elevates and accelerates this action across the country. We know that transforming the way cities use and generate energy alone has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement.

The program engages with towns and cities, via local councils, throughout Australia and incentivises councils to increase renewable energy and energy efficiency, improve transport and engage in advocacy. Members are also given access to a national knowledge hub and a project assesment and tracking tool. They are buddied with other cities to knowledge share, visited by domestic and international experts, connected with community energy groups and celebrated at events with other local leaders. We also showcase the incredible achievements of cities in national, local and social media to millions and share their successes with our community of over 200,000 members and supporters.

"Cities and towns across Australia are surging ahead with emissions reduction plans"

$102m

worth of media.

448m

cumulative audience.

112

reports.

The Climate Council

The Climate Council is Australia's leading climate communications organisation. To date the Climate Council has produced 112 reports on climate impacts and solutions and was the number one organisation communicating on climate change nationally in 2018.

The Climate Council brings a unique set of skills that enable us to build and deliver the Cities Power Partnership program and ensure that it differs from existing programs for local councils. The Climate Council has significant media reach, generating nearly $102 million worth of media, reaching a cumulative audience of 448 million. This media reach is a key incentive for cities to join the program as well as working to strengthen public support across the country for climate action at the local level.

In addition, the Climate Council hosts a wealth of leading experts in climate impacts and renewable energy solutions whose technical knowledge is key to helping local councils to implement emissions reduction measures.

The Climate Council also uses its national status and the credibility of its Climate Councillors to connect councils across the country with community energy groups and local organisations who can help councils to implement energy efficiency and renewable energy measures quickly and effectively, as well as assist with accessing funding and incentives for councils to act.

The Challenge

Global heat records have been broken again, with the past four years being the hottest years on record. In Australia, 2018 was the third hottest year on record, and nine of the ten hottest years on record have occurred since 2005. Australians continues to swelter through record breaking heat, lengthening bushfire seasons, worsening coastal flooding and supercharged storms.

The emission of greenhouse gases from the burning of fossil fuels like coal, oil and gas, are driving these dramatic changes of the climate system and need to be drastically reduced. However, the window of opportunity to limit the warming of the planet and its catastrophic impacts is rapidly closing and governments are struggling to meet this challenge at the pace required.

Local Champions

In the face of these challenges local champions have emerged.

Around the world and across Australia, towns and cities of all shapes and sizes are getting on with the job. They are surging ahead with emissions reduction plans, switching to cleaner energy and building greener, efficient and more resilient communities. From booming urban centres to small rural townships, local governments and groups of determined residents have been energy and climate trailblazers in many ways. Towns and cities can shape how land is used, investments are made and millions of dollars worth of renewable energy is rolled out. They can influence how new homes and businesses are built, determine the ways in which hundreds of thousands of residents will travel each day and band together to lobby for much needed state and federal policy change. Transforming the way cities use and generate energy alone has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement (IEA 2016).

"Local governments and groups of determined residents have been energy and climate trailblazers in many ways."




CARBON
CERTIFICATION &
RISK MANAGEMENT







A Snapshot of the Cities Power Partnership

100

Member councils & growing.

300+

Towns and cities represented.

12m

Australians represented.

The Climate Council's Cities Power Partnership (CPP) seeks to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities to date. We are calling on Mayors, Councilors and communities to take the next step towards a sustainable, non-polluting energy future by joining the CPP.

The CPP launched mid 2017, along with a Climate Council cities report authored by some of Australia's leading experts, a brand new CPP website and a media campaign featuring the 35 trailblazing councils who joined the partnership in round 1.

A round 2 launch in January 2018 saw us grow to 70 members, representing 8 million Australians and making us the largest climate action program for local government in the country. Round 3 launched in late 2018 and brought the CPP up to 100 local government areas. We now represent over 125 local governments and more than 300 towns and cities and rural shires across all Australian states and territories. See Appendix C for member list.

The CPP launch broke Climate Council media coverage records

The CPP media launch was held at the Mt Majura Solar Farm in the ACT and featured Climate Councilor Professor Tim Flannery, Climate Council CEO Amanda McKenzie, ACT Environment Minister Shane Rattenbury MLC and Lane Crockett, Head of Renewable Infrastructure, Impact Investment Group.

A record breaking coverage of 8 front pages, 250+ broadcast media items and 210+ print & online items. Each of the attending Mayors and Councillors and council communications teams received a comprehensive media kit including:

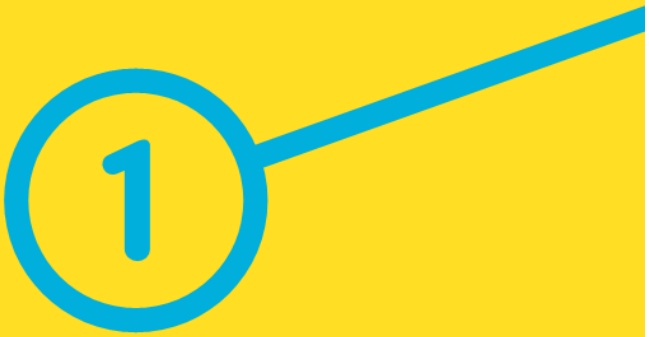
- Tailored media hits report,
- Certificate ceremony photos with Professor Tim Flannery,
- Mayoral test drive photos of the CPP branded Tesla electric cars,
- Individual interviews to camera explaining reasons for joining the Cities Power Partnership and what Council hopes to achieve,
- Drone footage of the Mt Majura solar farm tour,
- Parliament house media stop video footage

Participating councils who join the partnership have 6 months to select 5 key actions from the partnership pledge ranging from renewable energy, efficiency, transport and advocacy (see Appendix A for full pledge list and Appendix B for pledge examples).

Future applications

Please contact us at cpp@climatecouncil.org.au to find out how your council can join the program

How the Cities Power Partnership Works



Become a Partner

Act:
Councils sign up to be a Partner.

Knowledge:
Partners get exclusive access to the extensive online knowledge hub, webinars and Azility reporting tool.

Connect:
Each Partner is connected with other local councils to knowledge share throughout the year.

Profile:
Partners are profiled in national and local media, online and to our 200,000 members and supporters.



Power Up

Act:
Partners have 6 months to select 5 key actions from the partnership pledges ranging from renewable energy, efficiency, transport and advocacy. They must identify a point of contact within council who will liaise with the Climate Council and work to implement their actions. Pledges are submitted by each partner and profiled online.

Knowledge:
Partners will have ongoing access to the knowledge hub, reporting tool, webinars with domestic and international experts as well as communications and advocacy training where required.

Connect:
Partners are connected with councils across state borders to deepen knowledge sharing across joint project areas of interest. Councils can also be connected with their local community energy group and relevant local organisations who can help with implementation of emission reduction actions. Councils who are already leading will play an important knowledge sharing role with other partners.

Incentives:
Partners will be assisted with applications for project funding, third party grants and renewable energy incentives as they become available.

Profile:
Partners and their local success stories will be profiled in the media by our dedicated CPP team Media Advisors working with Council communications teams. Climate Councillors will travel to a range of communities across Australia to engage in community events and talk to councils.

Power On

Act:
Partners report on progress against key actions in a 6 monthly survey, following the submission of their 5 pledge items.

Knowledge:
Partners access local and international knowledge and inspiration at through our knowledge hub and various roundtables.

Connect:
Partners are brought together to celebrate the high achieving towns and cities at our national Summit and networking events throughout the year.

Profile:
Success stories are continually celebrated in the media. The CPP annual awards, recognise & celebrate best practice project outcomes, collaborations and individual contributions. Climate Councillors travel to a range of Australian communities, as more towns and cities become Partners and lead the switch to non-polluting energy across the country.

What Does Success Look Like?

By the end of 2019, the Cities Power Partnership generated more than 5000 media items and at 128 members and growing, is now the largest climate action program for local government in the country.

The Partners are supported to implement their pledge items through webinars with topic experts, access to shared project data via the knowledge hub and networking with their peers.



Frequently Asked Questions

When did the Cities Power Partnership launch?

It launched in July 2017. This launch included the launch of the CPP website, the Local Government Action research report, a media and stakeholder launch which showcased the 35 towns and cities who had already pledged and a national media campaign.

A round 2 launch was held in January 2018 to welcome a further 30 councils joining in the latter half of 2018, bringing the total to 100 councils in every state and territory.

Can the broader community nominate their town or city to be part of the Cities Power Partnership?

Yes. Nominations can easily be made through the website at citiespowerpartnership.org.au/nominate/. Tell us why you think your council or any other would be a good fit and if you have recommended points of contact within councils, either staff or elected representatives, we're all ears.

How do community energy organisations get involved?

We are actively reaching out to community energy organisations across the country to get involved. The Cites Power Partnership wants to profile and connect community energy groups with councils involved in the partnership. There is an action pledge under "Work Together and Influence" for councils to strive to "support community energy groups with their community energy initiatives". This connection is vital to help councils achieve success as community energy groups and the community more broadly can provide on the ground support, including workshops and modelling, to help councils achieve their energy and sustainability commitments.

What if a town or city is already leading in renewable energy and sustainability, what does their city get out of joining the partnership?

Cities leading the way play an essential role in the partnership. They share their knowledge with other cities, their successes are celebrated to an audience of millions to inspire others and they will have access to resources and incentives to help them to continue to lead.

Many trailblazing cities who are already leading will have some of their existing initiatives counted towards their partnership pledges.

Appendix

Appendix A: The Partnership Action Pledges

Participating councils who join the partnership will have 6 months to select 5 key actions from the options below.

Renewable Energy

1. Develop supportive planning laws to encourage residents and industry to adopt renewable energy.
2. Use council resources to support the uptake of renewable energy
3. Install renewable energy (solar PV and battery storage) on council buildings.
4. Support community facilities to access renewable energy through incentives, support or grants.
5. Power council operations by renewable energy, and set targets to increase the level of renewable power for council operations over time.
6. Provide incentives and/or remove barriers to encourage local businesses to take up solar power and battery storage.
7. Support local community renewable energy projects, and encourage investment in community energy.

8. Opening up unused council managed land for renewable energy.
9. Facilitate large energy users collectively tendering and purchasing renewable energy at a low cost.
10. Set minimum renewable energy benchmarks for new developments.
11. Electrify public transport systems and fleet vehicles and power these by 100% renewable energy.
12. Lobby electricity providers and state government to address barriers to local renewable energy uptake.
13. Identify opportunites to turn organic waste into electricity.
14. Implement landfill gas methane flaring or capture for electricity generation.
15. Create a revolving green energy fund to finance renewable energy projects.

Energy Efficiency

1. Set minimum energy efficiency benchmarks for all planning applications.
2. Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures.
3. Roll out energy efficient lighting across the municipality.
4. Provide incentives for energy efficient developments and upgrades to existing buildings.
5. Incentivise use of energy efficient heating and cooling technologies.
6. Create a green revolving energy fund to finance energy efficiency projects

Sustainable Transport

1. Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
2. Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
3. Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.
4. Ensure that new developments are designed to maximize public and active transport use, and support electric vehicle uptake.
5. Support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities.
6. Reduce or remove minimum car parking requirements for new housing and commercial developments where suitable public transport alternatives exist.
7. Lobby state and federal governments to increase sustainable transport options
8. Create disincentives for driving high emitting vehicles.
9. Convert council waste collection fleet to hydrogen or electric power.

Work Together and Influence

1. Set city-level renewable energy or emissions reduction targets.
2. Lobby state and federal government to address barriers to the take up of renewable energy, energy efficiency and/or sustainable transport.
3. Set up meetings and attend events to work with other cities on tackling climate change.
4. Develop education and behaviour-change programs to support local residents and businesses to tackle climate change through clean energy, energy efficiency and sustainable transport.
5. Lobby for state and federal support for a just transition away from coal-driven industry for local workers and the community.
6. Develop procurement policy to ensure that the practices of contractors and financers align with council's renewable energy, energy efficiency and sustainable transport goals.
7. Support the local community to develop capacity and skills to tackle climate change.
8. Support local community energy groups with their community energy initiatives.
9. Achieve 100% divestment from fossil fuel aligned investments at the earliest possible date.

Appendix

Appendix B: Pledge Examples

Renewable energy

Action	Examples	Link
Install renewable energy (solar PV and battery storage) on council buildings	Bathurst Council installed solar systems across nine council buildings	https://www.bathurst.nsw.gov.au/environment/energy-sustainability/ solar-power-on-council-buildings. html
Facilitate large energy users collectively tendering and purchasing renewable energy at a low cost.	The Melbourne Renewable Energy Project involves bringing together a number of large energy users to collectively tender for renewable energy.	https://www.melbourne.vic.gov.au/business/sustainable-business/mrep/Pages/melbourne-renewable-energy-project.aspx

Energy efficiency

Action	Examples	Link
Roll out energy efficient lighting across the municipality.	Wingecarribee Shire Council - participation in Lighting the Way Streetlighting upgrade	http://media.wsc.nsw.gov.au/council-and-endeavour-energy-roll-out-street-light-upgrade/
Create a green revolving energy fund to finance energy efficiency projects	Penrith City Council Sustainability Revolving fund has supported 42 projects to the value of more than $1.5 million. Combined these projects result in savings of almost $600,000 each year, along with abatement of more than 3,100 tonnes of CO2e.	https://www.penrithcity.nsw.gov.au/Documents/Waste-and-Environment/Sustainability-Revolving-Fund-Guidelines/

Sources: IEA 2016; IRENA 2016

Sustainable transport

Action	Examples	Link
Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.	Charge Together initiative	https://www.chargetogether.com/about-the-program
Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.	Regional 3 Council Program Waverley, Woollahra & Randwick Councils	http://www.waverley.nsw.gov.au/top_link_pages/news_and_media/council_news/news/a_nsw_first_for_electric_vehicle_owners

Work together and influence

Action	Examples	Link
Set city-level renewable energy or emissions reduction targets.	Darebin has set a target of zero net carbon emissions across Darebin by 2020 and released the first ever Climate Emergency Plan.	https://www.bathurst.nsw.gov.au/environment/energy-sustainability/solar-power-on-council-buildings.html
Support the local community to develop capacity and skills to tackle climate change	Hepburn Shire and ZNet Hepburn Shire created the 10 year Community Transition Plan	https://z-net.org.au/hepburn/

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cpp@climatecouncil.org.au
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22 July 2020

Ms Amanda McKenzie
Chief Executive Officer
The Climate Council

Email: cpp@climatecouncil.org.au

Contact: Emma McDermott
Our Ref: TRIM
Your Ref:

Dear Amanda

Joining the Cities Power Partnership Program

I am writing to you to request that Cessnock City Council (Council) be admitted as a member of the Cities Power Partnership Program. Council understands that by joining the Cities Power Partnership Program as a Power Partner, we will be required to:-

- identify five (5) pledges included in the Cities Power Partnership Pledge within six (6) months of joining the program. Council will need to strive to achieve the five (5) pledges;
- complete an annual online survey that provides the Climate Council with basic information on how we are progressing on the five (5) pledges;
- nominate a point of contact (details provide below); and
- confirm that Council is willing to connect and collaborate with other local councils to share knowledge.

Council's primary contact for the Cities Power Partnership Program is our Senior Environment Planner, Emma McDermott. If you would like to discuss anything in relation to the program, please do not hesitate to contact Emma on (02) 4993 4180 or via email emma.mcdermott@cessnock.nsw.gov.au.

Yours faithfully

Bob Pynsent
Mayor of Cessnock

t: 02 4993 4100 **f**: 02 4993 2500
p: PO Box 152 Cessnock NSW 2325 or DX 21502 Cessnock
e: council@cessnock.nsw.gov.au **w**: www.cessnock.nsw.gov.au
ABN 60 919 148 928

Planning and Environment

Report No. PE31/2020

Planning and Environment

SUBJECT: ***LOCAL POLICY FRAMEWORK FOR THE CESSNOCK LGA VINEYARD'S DISTRICT***

RESPONSIBLE OFFICER: ***Acting Strategic Planning Manager - Iain Rush***

SUMMARY

The purpose of this Report is to recommend to Council that a new local policy framework for the Cessnock LGA Vineyard's District be developed. The recommended policy framework will be based on the Department of Planning, Industry and Environment's (DPIE) 'Local Character Statement' (LCS) approach to planning areas that have a distinctive or unique character.

Substantial community input has been gathered in relation to the development of a new policy framework for the Vineyard's District throughout 2019 and 2020, including through the Cessnock Vineyard's District Community Reference Group (the CRG), consultation associated with the Local Strategic Planning Statement (LSPS) and a survey carried out in late 2019 relating to the Vineyard's District, to which 454 people responded.

Subject to Council's endorsement, the new policy framework will be implemented as part the comprehensive Local Environmental Plan (LEP) review, which is scheduled to commence this financial year.

RECOMMENDATION

1. That Council prepare a 'Local Character Statement' for the Cessnock LGA Vineyard's District, with a focus on the following Key Strategic Areas:

- **strategic agricultural (primarily viticultural) land;**
- **important vegetation and fauna corridors;**
- **visually significant land; and**
- **centre and nodes.**

2. That Council implement the local policy framework as part of the comprehensive review of the Cessnock *Local Environmental Plan 2011* and in consultation with Singleton Council and representatives from the established viticultural areas in Cessnock to:

- **give effect to the Local Character Statement through the Cessnock Local Environmental Plan 2011;**
- **investigate an appropriate zone for the Vineyard's District centre and nodes;**
- **review the range of permitted land-uses in the RU4 Primary Production Small Lots Zone and SP3 Tourist Zone; and**
- **review clause 7.6 of the Cessnock Local Environmental Plan 2011 relating to the minimum requirement of 10 hectares for tourist and visitor accommodation in the RU4 Primary Production Small Lots Zone.**

3. That Council notify members of the Cessnock Vineyard's District Community Reference Group of its decision and thank them for their input.

BACKGROUND

The Cessnock Local Government Area (LGA) Vineyard's District encompasses an area of land to the north west of the Cessnock Town Centre, designated by the RU4 Primary Production Small Lots Zone (see **Figure 1**).

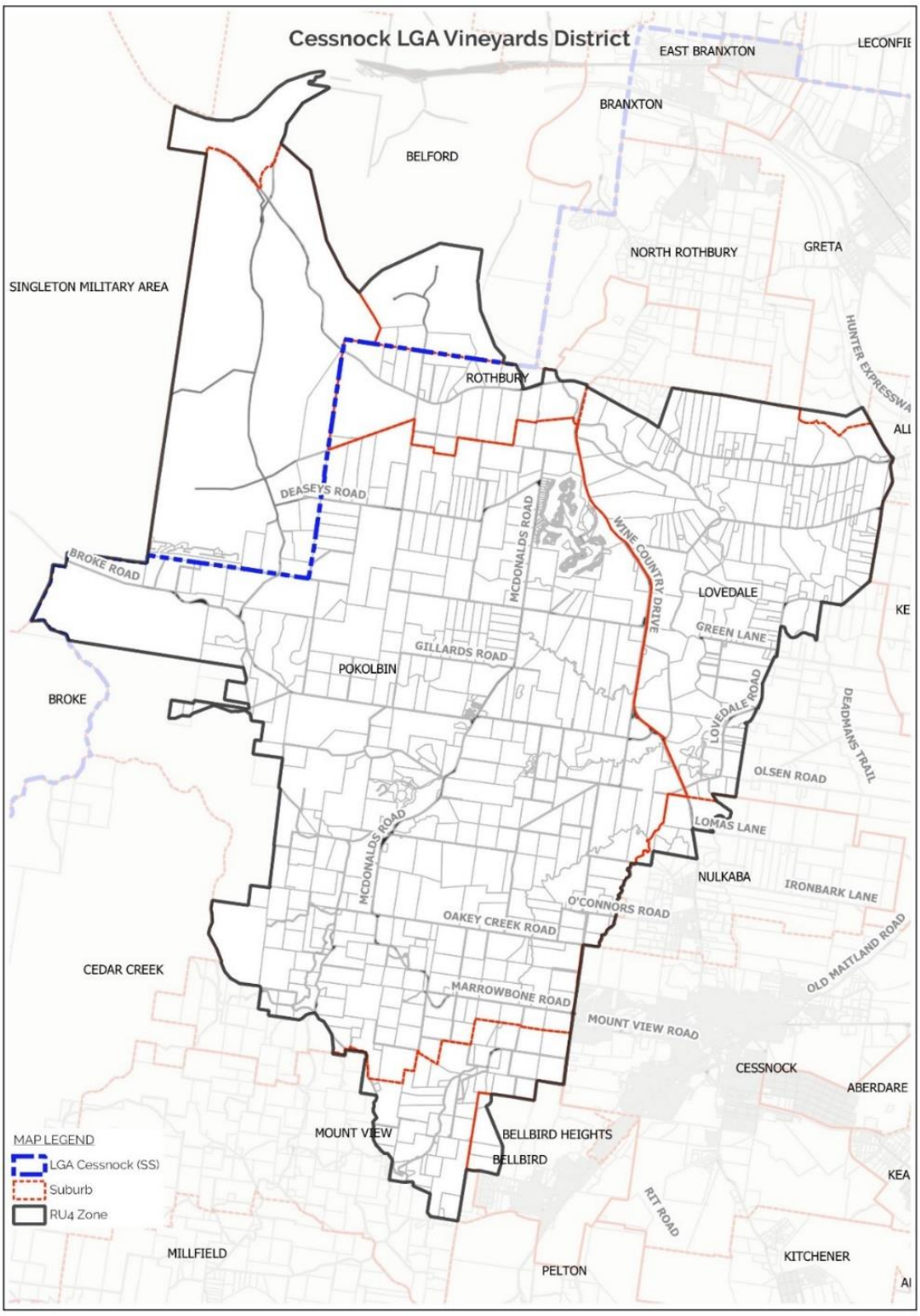


Figure 1 *- Cessnock LGA Vineyard's District*

The Cessnock LGA Vineyard's District is the major component of the broader Hunter Valley Wine Region, which is the nation's oldest, continuous wine growing area and is internationally recognised for producing premium wines. The broader Hunter Valley Wine Region includes land at Broke, Fordwich, Pokolbin and Belford in the Singleton LGA and land in the Upper Hunter Valley.

The wine sector is an extremely important component of the local economy, delivering an annual economic contribution of over half a billion dollars in gross output. The industry supports approximately 2,800 direct and indirect jobs across the Hunter Valley and accounts for 15 percent of total visitation to the Hunter Valley and 20 percent of overnight stay visitors. For Cessnock, this equates to 279,000 overnight visitors each year.

The Vineyard's District contains a diverse range of supporting tourism development, including cellar door premises, wineries, tourist and visitor accommodation, restaurants and a variety of cultural and recreational facilities and events. The Vineyard's District is a particularly difficult area to plan for given the wide range of permitted development, the extensive history of viticulture and the potential for incompatible developments and land-uses.

In November 2018, Council resolved to not proceed with a planning proposal to align the RU4 Primary Production Small Lots Zone with that of Singleton Council. The decision was made on the basis of community feedback and the view that a more comprehensive review of the local planning framework for the Vineyard's District was required. While there are a several issues relevant to the review of the local planning framework for the Vineyard's District, the principal issue is how to achieve a 'balance' between agricultural and non-agricultural development so all industry sectors remain economically viable.

In April 2019, a Vineyard's District Community Reference Group (the CRG) was established by Council to provide local knowledge and advice regarding possible changes to the local planning framework for the Cessnock LGA Vineyard's District. Several meetings of the CRG occurred throughout 2019 and 2020, culminating in the preparation of this report and recommended policy framework for the Vineyard's District.

A councillor briefing was provided on 12 August 2020 to present the outcomes of the Vineyard's District CRG meetings and the recommended local policy framework for the Vineyard's District.

REPORT/PROPOSAL

Substantial community input has been gathered in relation to a new policy framework for the Vineyard's District throughout 2019 and 2020, including through:

- the Cessnock Vineyard's District Community Reference Group (the CRG);
- consultation associated with the Local Strategic Planning Statement (LSPS); and
- a survey carried out in late 2019 relating to the Vineyard's District, to which 454 people responded.

The survey outcomes are discussed in the consultation section of this report.

The feedback provided to Council regarding the Vineyard's District has resulted in a recommended policy framework based on the DPIE's 'Local Character Statement' (LCS) approach to planning areas that have a distinctive or unique character. A LCS is a planning document that describes the important characteristics of an area that need to be managed and protected. A LCS also describes the desired future character of an area.

The LCS for the Vineyard's District will be a self-contained document or DCP chapter that places emphasis on merit-based design and assessment. This is typically achieved by assessing development against a narrative. The document will also contain specific principles and development controls to give effect to numerical design standards, such as building setbacks, form, height, density and appearance. The LCS will be afforded legislative weight through the LEP. This means that its contents must be considered when Council plans or assesses development in the area to which the LCS relates. The LCS will include an overarching vision, development objectives and masterplan, incorporating character statements and specific development controls.

Vision and development objectives

The vision and development objectives for the Cessnock LGA Vineyard's District have been developed in consultation with the CRG and reflect the core statements of the Vineyard's Vision, adopted by Council in 2012. The recommended vision for the Cessnock LGA Vineyard's District is: *'The leading wine and tourism region in Australia'.* The overarching development objectives are to:

- recognise and protect the primacy of the vineyards;
- maintain and enhance the rural amenity, character and scenic vistas of the region; and
- encourage and foster a mix of complementary business, accommodation and employment options.

Masterplan and Precinct Character Statements

The masterplan for the Vineyard's District will identify four Key Strategic Areas:

- strategic agricultural (primarily viticultural) land;
- important vegetation and fauna corridors;
- visually significant land; and
- centre and nodes.

For the purpose of the LCS, a 'Key Strategic Area' is land that contains similar natural, agricultural or built attributes. Character statements will be developed for each of the key strategic areas and these will be the primary mechanism guiding development outcomes in the Vineyard's District. Importantly, the key strategic areas will not be mutually exclusive. Two or more key strategic areas may apply to the same land, in which case the character statement for each would need to be considered in the assessment of any development on that land. The LCS will also contain specific principles and development controls to give effect to numerical design standards, such as building setbacks, form, height, density and appearance.

The masterplan for the Vineyard's District will also reflect the adopted elements of Council's Cycling Strategy and Trails' Strategy. These documents provide Council's adopted direction regarding the location of new cycleways and trail connections throughout the Vineyard's District and between the established integrated tourist nodes and the vineyard's centre.

Strategic agricultural land

The first Key Strategic Area relates to land that is 'strategic agricultural land'. The principal planning objective for development that occurs on strategic agricultural land will be minimising impacts on planted vineyards and preserving and enhancing the rural and viticultural amenity of the area.

Tourist development, such as accommodation, will continue to be permitted on strategic agricultural land, subject to an assessment of its compatibility with the LCS and any numerical standards, including standards relating to density, setbacks and built form.

At this point, it is not possible to be any more definitive regarding the location of the region's important agricultural land. This is primarily due to a lack of data. The NSW Department of Primary Industries (DPI) is presently mapping the Hunter Region's important agricultural land and, when complete, the LCS may reflect the outcomes of this review.

Important vegetation and fauna corridors

The second Key Strategic Area relates to land that contains important vegetation or comprises corridors for fauna movement. The highest planning consideration for development in this precinct will be impact on native vegetation. Development will be strictly controlled through a combination of character statement, numerical development standards, the *Biodiversity Conservation Act 2016* and the need for external agency referrals.

Land in this precinct contributes to the overall amenity of the Vineyard's District and provides habitat for native fauna. Development within or adjacent to these areas will be subject to specific development standards to reduce potential impacts on vegetation.

Visually significant land

The third Key Strategic Area relates to that land which is considered visually significant. The highest planning consideration for development in this precinct will be impact on views from public land, such as roads, cycleways, trails and lookouts. Development within or immediately adjacent to these areas will be subject to additional development standards to mitigate visual impacts.

While some data presently exists regarding the visually significant land in the Vineyard's District, this information will need to be further refined in consultation with the established viticultural areas in Cessnock.

Centre and nodes

The final Key Strategic Area relates to that land in the Vineyard's District that contains existing integrated tourism development, including The Vintage, future 'Golden Bear' development, Cypress Lakes Resort and Crowne Plaza. In addition, an area of land between Harrigan's Irish Pub and Pokolbin Village on the southern side of Broke Road will be identified as a 'Specialised Tourist Centre'. Subject to a planning proposal, Council will investigate an appropriate zone for the Specialised Tourist Centre and nodes to acknowledge the historical evolution of these areas as a focus for more intensive tourism, retail and community development.

Resulting amendments to the Cessnock Local Environmental Plan 2011

Implementation of a LCS for the Vineyard's District will necessitate several amendments to the LEP, including giving legal effect to the LCS in the local planning framework. This means that the contents of the document must be considered when Council plans or assesses development in the area to which the LCS relates.

Specific amendments to the LEP are also proposed to give effect to certain aspects of the LCS, including:

- investigating an appropriate zone for the Vineyard's District centre and nodes;
- reviewing the range of permitted land-uses in the RU4 Primary Production Small Lots Zone and SP3 Tourist Zone; and
- reviewing clause 7.6 of the LEP relating to the minimum requirement of 10 hectares for tourist and visitor accommodation in the RU4 Primary Production Small Lots Zone.

The manner in which the LEP handles dwelling entitlements will not be addressed in the Vineyard's District Project. The dwelling entitlement matter needs to be addressed holistically (i.e. LGA wide) and not in an ad hoc manner. As such, the matter will be deferred to the comprehensive LEP review, which is due to commence this financial year.

OPTIONS

1. Support the recommendation to prepare a new policy framework for the Cessnock LGA Vineyard's District based on the Department of Planning, Industry and Environment's 'Local Character Statement' (LCS) approach and give legal effect to the document through the *Cessnock Local Environmental Plan 2011*. *This is the recommended option.*

2. Not support the recommendation to prepare a new policy framework for the Cessnock LGA Vineyard's District for the following reasons:

   (*To be provided by Council*).

   This option is not recommended. Council's existing policy framework is dated and is not sufficiently flexible to appropriately regulate the range of development that is currently permitted in the Vineyard's District.

CONSULTATION

Substantial community input has been gathered in relation to a new policy framework for the Vineyard's District throughout 2019 and 2020, including through:

- the Cessnock Vineyard's District Community Reference Group (the CRG);
- councillors attending reference group meetings (CRG);
- consultation associated with the Local Strategic Planning Statement (LSPS); and
- a survey carried out in late 2019 relating to the Vineyard's District, to which 454 people responded.

Cessnock Vineyard's District Community Reference Group

In April 2019, a Vineyard's District CRG was established by Council to provide local knowledge and advice regarding possible changes to the local planning framework relating to the Cessnock LGA Vineyard's District. The CRG includes representation from Hunter Valley Wine and Tourism Association, Parish of Pokolbin, Around Hermitage, Lovedale Chamber of Commerce, NSW Department of Planning, Industry and Environment, NSW Department of Primary Industries, Property Council of Australia, Singleton Council, landowners, vignerons, property developers, wine tourism professionals and town planning consultants. The CRG achieves a broad representation of views relating to the Cessnock LGA Vineyard District.

Several meetings of the CRG occurred throughout 2019 and 2020 and have culminated in the preparation of this report and recommended local policy framework for the Vineyard's District. The CRG has assisted in the development of the community survey, the overall vision and development objectives for the Cessnock LGA Vineyard's District. The CRG also provided critical feedback regarding the LCS approach and assisted in the drafting of a Discussion Paper, which may be exhibited in conjunction with the new policy framework, if endorsed by Council.

The LCS approach for the Vineyard's District, including narratives for key strategic areas is largely supported by the CRG. In contrast, precincts based on 'branded' viticultural areas was not overwhelmingly supported, primarily due to the branded precinct areas being a product of tourism marketing and not necessarily a good indicator of planning outcomes. The 'branded' viticultural areas include: Around Heritage, Lovedale, Central Pokolbin, Parish of Pokolbin and Mount View.

Based on feedback provided by the CRG, it became evident that the most useful approach to manage development in the Vineyard's District is an assessment of the compatibility of the development against key strategic areas, i.e. similar natural, physical and built attributes of the land.

Vineyard's District Community Survey

For a period of six weeks in August and September of 2019, Cessnock City Council conducted a community survey relating to the Cessnock LGA Vineyard's District. The survey primarily focused on two questions:

1. What things presently add value to the character and amenity of the Vineyard's District?
2. What things should there be more or less of in the Vineyard's District?

In answering these questions, respondents were able to select from a predetermined list of features relevant to the Vineyard's District.

A total of 454 people responded to the survey. The features most highly valued by respondents were grape vines, cellar doors and scenic views. The least valued features were residential housing estates, short-term rental accommodation and shops, see **Figure 1** and **Figure 2** below. Detailed survey outcomes are included at **Enclosure 1**.

One of the many notable outcomes of the survey is the correlation between the importance of a particular feature and the need for it to be located in the Vineyard's District, for example, short-term rental accommodation and tourist resorts.

The results of the community survey will help guide the development of the LCS and amendments to the LEP. Specifically, the survey outcomes will assist Council refine the RU4 Primary Production Small Lots Zone Land-Use table.

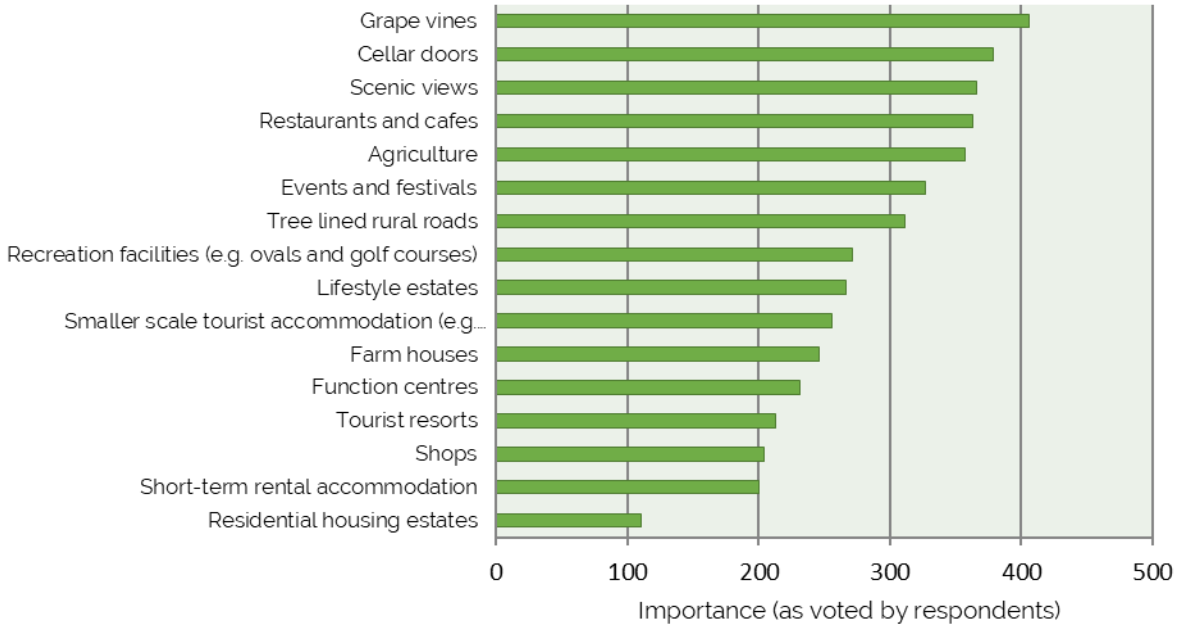


Figure 1 *- Cessnock LGA Vineyard's District*

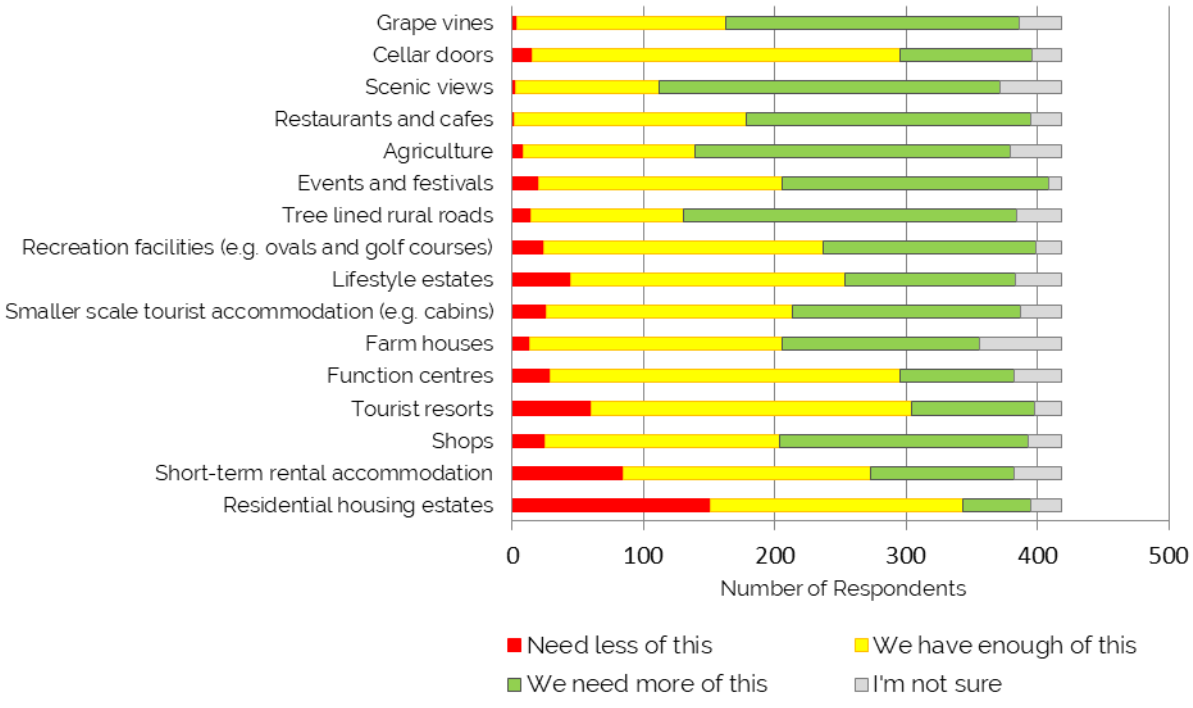


Figure 2 *- Cessnock LGA Vineyard's District*

STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

Hunter Regional Plan 2036

The *Hunter Regional Plan* 2036 (HRP) provides the overarching strategic framework to guide the NSW Government's land use planning priorities and decisions in the Hunter Region. The NSW Government's vision for the Hunter is, "the leading regional economy in Australia with a vibrant new metropolitan city at its heart." To achieve this vision the Government has set four goals for the region:

1. The leading regional economy in Australia
2. A biodiversity–rich natural environment
3. Thriving communities
4. Greater housing choice and jobs.

The proposed local planning framework is consistent with directions 9, 10, 13 and 14 of the Hunter Regional Plan 2036 in that it seeks to recognise and protect the primacy of viticulture and maintain the scenic rural landscape of the Vineyard's District, which draws tourism to the area.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) sets out strategies and actions to drive sustainable growth across much of the Lower Hunter Region. The GNMP applies to the majority of the Cessnock LGA Vineyard's District. The proposed local planning framework is consistent with strategies 6 and 13 of the GNMP, which seek to promote tourism and protect the rural amenity outside urban areas, respectively.

Local Strategic Planning Statement (2036) (LSPS)

The Local Strategic Planning Statement (LSPS) is a high-level strategic document that sets the planning direction for the LGA until 2036. The LSPS implements relevant actions from the HRP and the GNMP as well as Council's own priorities as set out in the Cessnock Community Strategic Plan 2027 and other adopted plans and strategies. The LSPS will shape how the LEP and the DCP evolve over time and will guide how population growth and development are managed in the LGA. The proposed local planning framework for the Vineyard's District is consistent with planning priorities 8, 9, 10, 22, 23, 26 and 27 LSPS.

Vineyards Vision Statement

The proposed local planning framework reflects the intent of the Vineyards Vision to recognise and protect the primacy of the vineyards agricultural land use in the Cessnock RU4 Primary Production Small Lots Zone, while supporting compatible forms of tourist development.

IMPLICATIONS

a. Policy and Procedural Implications

This Report has regard to the provision of the *Environmental Planning and Assessment Act 1979* and associated Regulations.

b. Financial Implications

The cost of this project is funded from Council's Strategic Land Use Planning budget. The cost of preparing the LCS and planning proposal, if endorsed, will be funded from Council's Strategic Land Use Planning budget.

c. Legislative Implications

Guidelines for development in the Cessnock LGA Vineyard's District are presently set out in chapter E.3 of the Cessnock Development Control Plan 2010 (the DCP). While several amendments have been made to the Vineyard's District DCP chapter over the years, a comprehensive review has not occurred since the chapter's initial adoption, over 20 years ago, on 2 December 1998.

The recommended policy framework for the Vineyard's District is based on the DPIE's LCS approach to planning areas that have a distinctive or unique character. The LCS for the Vineyard's District will be a self-contained document or DCP chapter that places emphasis on merit-based design and assessment. The LCS will be afforded legislative weight through the LEP. This means that its contents must be considered when Council plans or assesses development in the area to which the LCS relates. The LCS will include an overarching vision, development objectives and masterplan, incorporating character statements and specific development controls.

It is recommended that Council implement the local policy framework as part of the comprehensive review of the *Cessnock Local Environmental Plan 2011* and in consultation with Singleton Council and representatives from the established viticultural areas in Cessnock.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

This report recommends a new policy framework for the Cessnock LGA Vineyard's District based on the Department of Planning, Industry and Environment's 'Local Character Statement' approach to planning areas that have a distinctive or unique character. The LCS approach, including narratives for key strategic areas, is largely supported by the Cessnock Vineyard's District Community Reference Group. It is recommended that the new policy framework is prepared in conjunction with the comprehensive Local Environmental Plan (LEP) review, which is scheduled to commence this financial year.

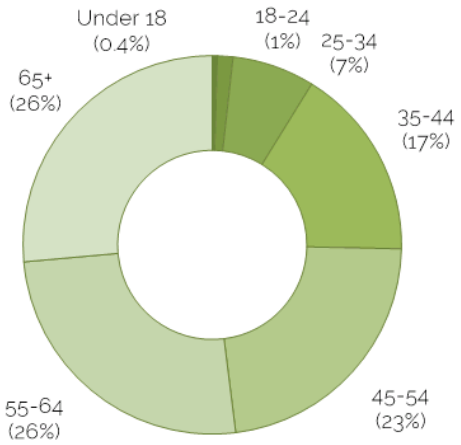
ENCLOSURES

1⇩ Cessnock Vineyard's District Community Survey - Detailed Outcomes

Vineyard's District Community Survey Outcomes Report

Question 1: What is your age?

Almost 75% of respondents were aged over 45 years. Respondents aged 24 years and younger accounted for less than 2% of the total responses.



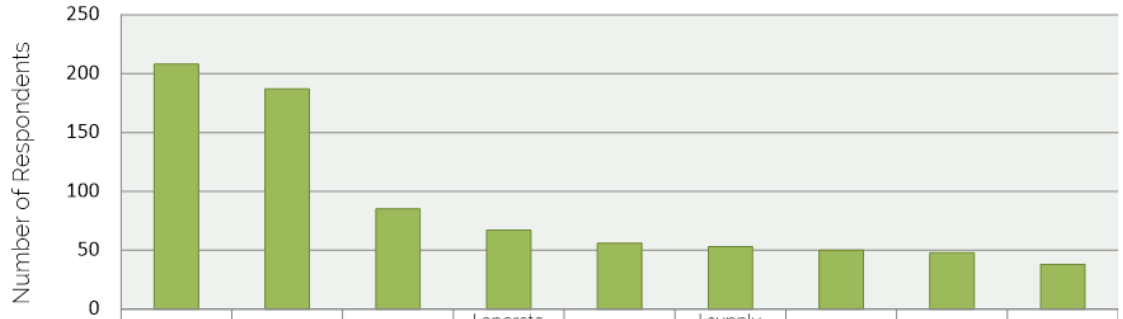
Question 2: What is your relationship to the Cessnock LGA Vineyards District?

Respondents were able to select more than one option when answering this question.

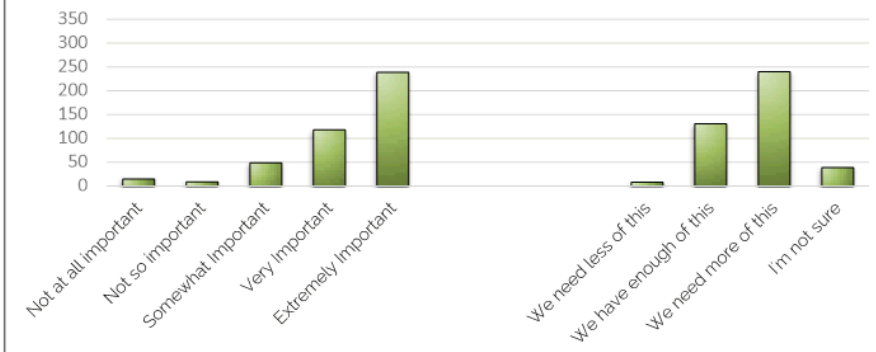
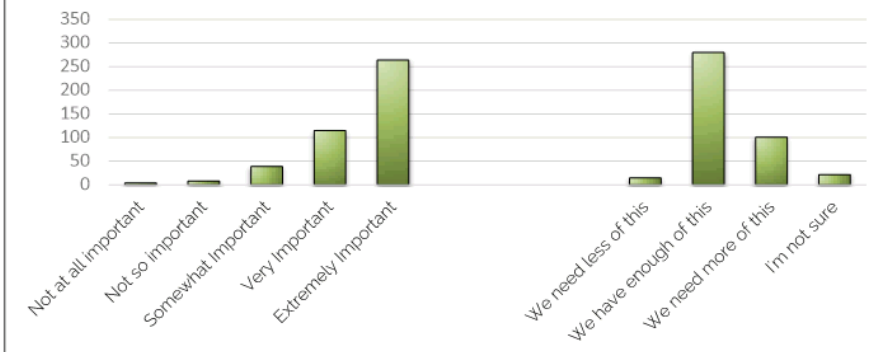
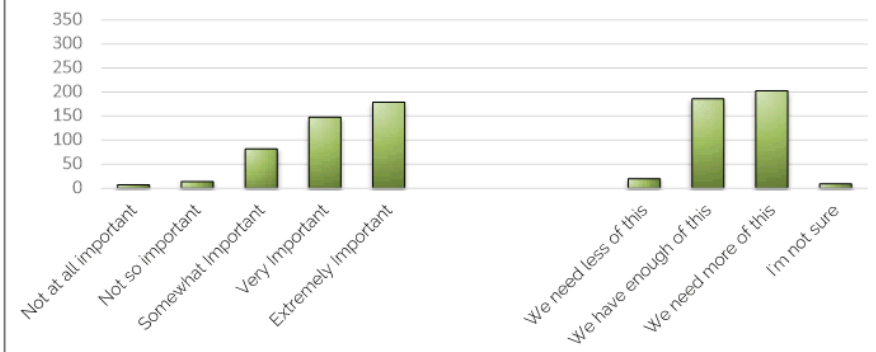
Almost half the respondents noted that they own land and/or live in the Cessnock LGA Vineyards District.

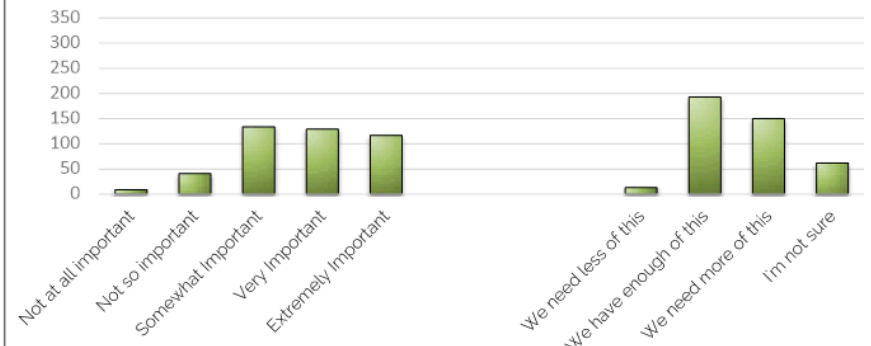
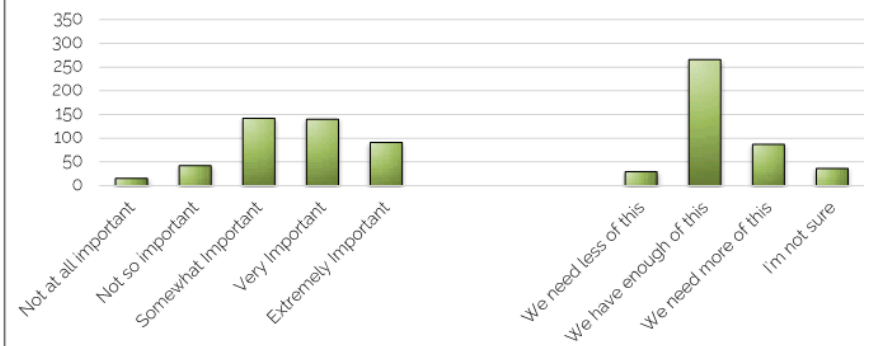
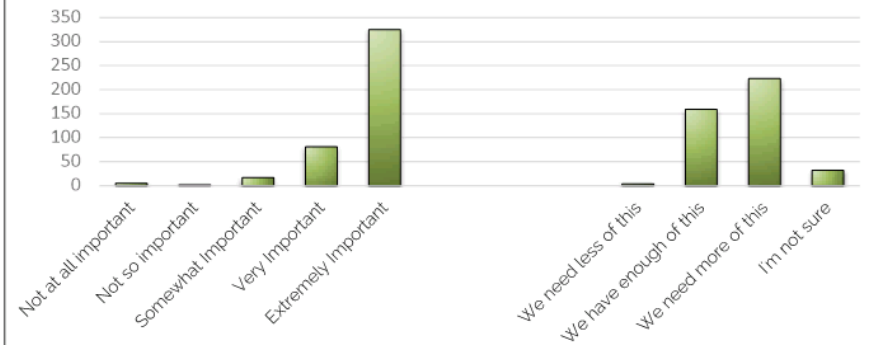
Vignerons accounted for 8% of the total responses. Respondents who operate a tourist development accounted for almost 15% of the total responses.

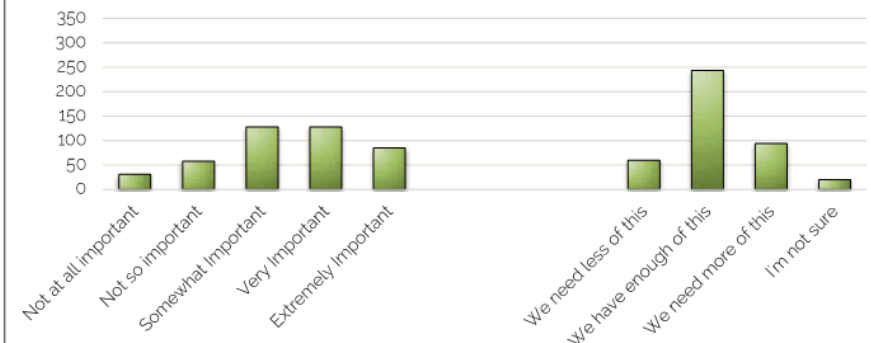
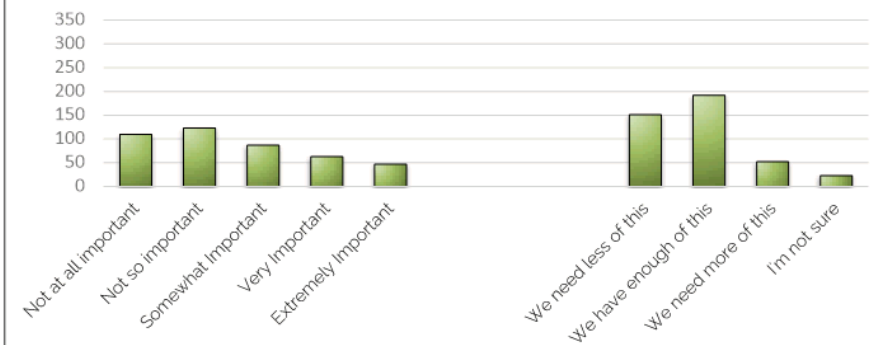
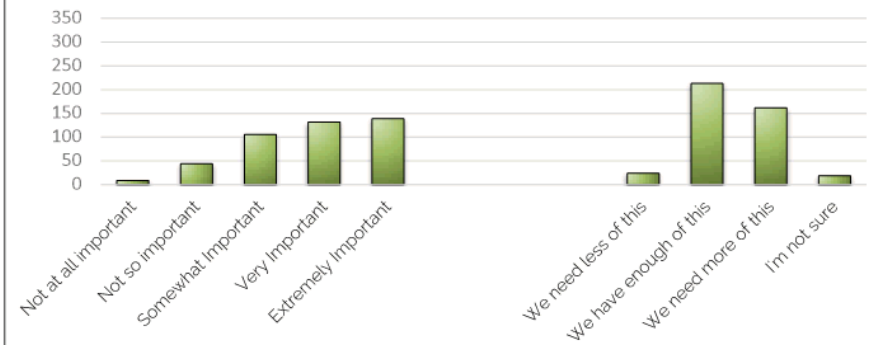
'Other' responses included people who live outside the Cessnock LGA Vineyards District, real estate agents, tour operators, former residents, government agencies and other agriculturalists.

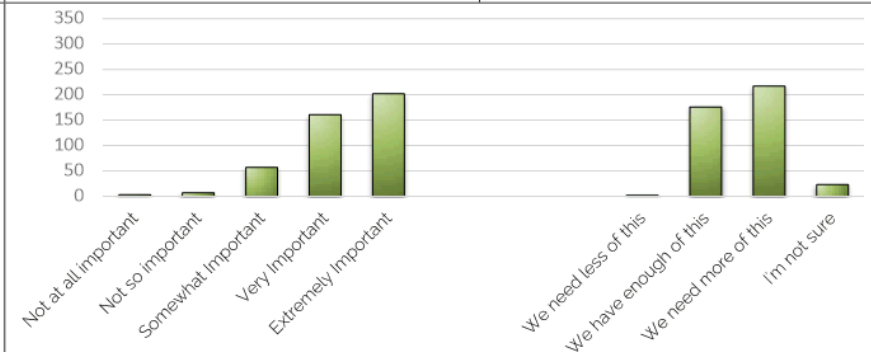
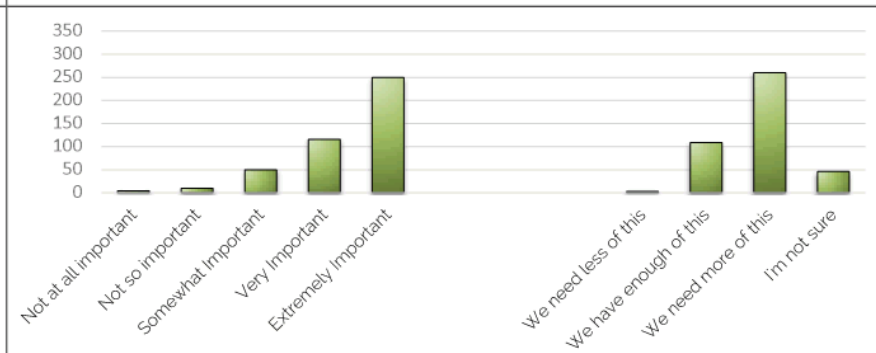
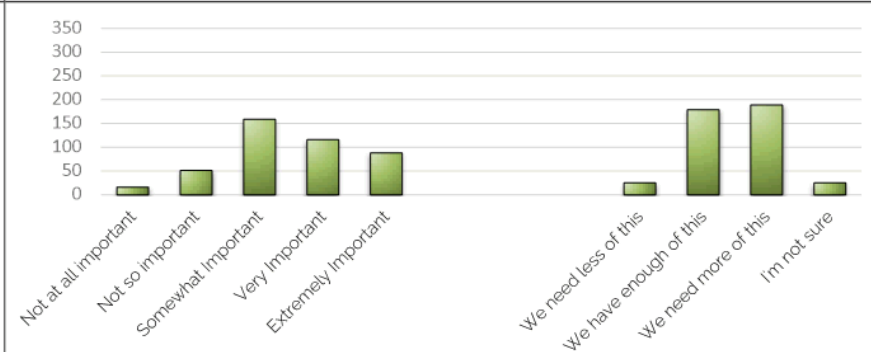


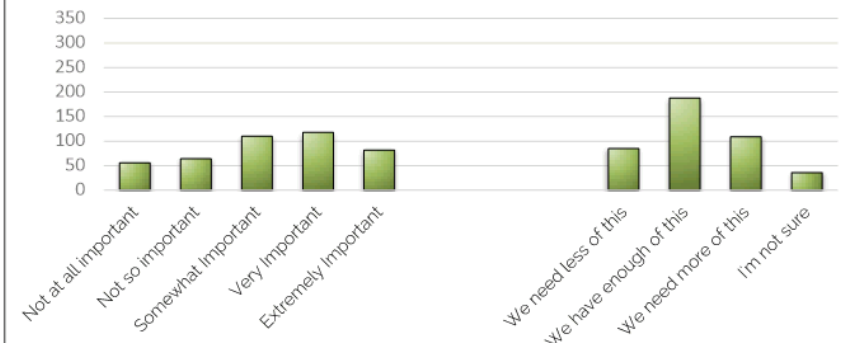
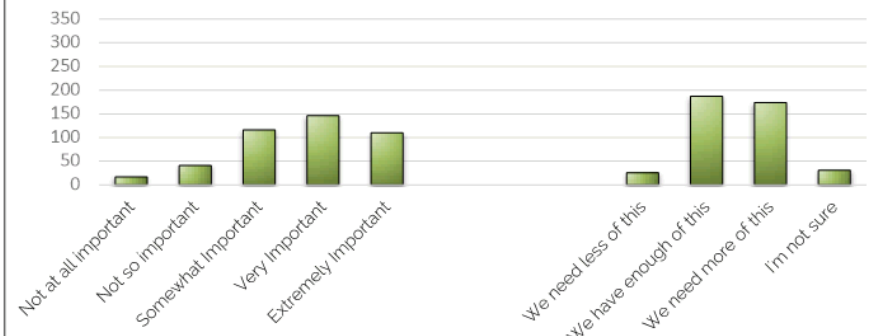
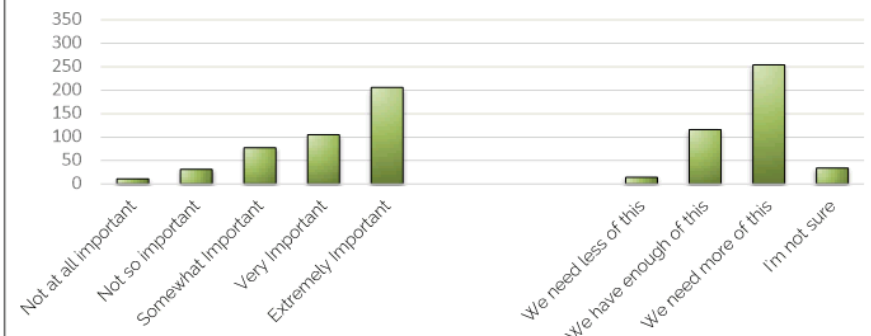
	I live in the Vineyards District	I own land in the Vineyards District	I am employed in the Vineyards District	I operate a tourist development in the Vineyards District	I am a visitor to the Vineyards District	I supply goods or services to the Vineyards District	Other	I manage property in the Vineyards District	I am a vigneron
Respondents	208	187	85	67	56	53	50	48	38

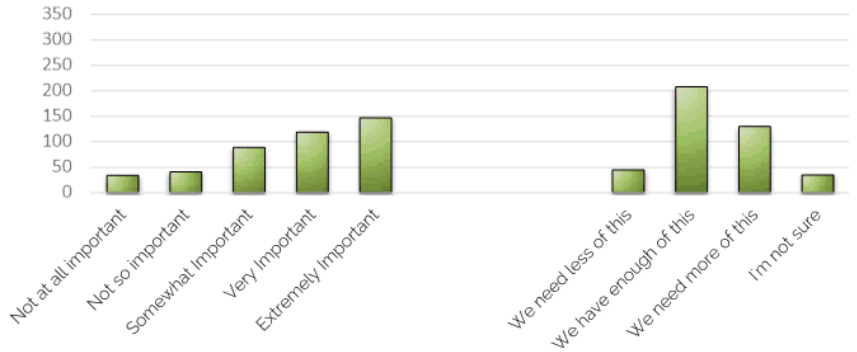
Development type or landscape elements	Question 3: How important are the following things in terms of their positive contribution to the character and amenity of the Cessnock LGA Vineyards District? (Based on 418 Responses)	Question 5: Would you like to see more or less of the following things in the Cessnock LGA Vineyards District? (Based on 430 Responses)
Agriculture		
Cellar doors		
Events and festivals		

Development type or landscape elements	Question 3: How important are the following things in terms of their positive contribution to the character and amenity of the Cessnock LGA Vineyards District? (Based on 418 Responses)	Question 5: Would you like to see more or less of the following things in the Cessnock LGA Vineyards District? (Based on 430 Responses)
Farm houses		
Function centres		
Grape vines		

Development type or landscape elements	Question 3: How important are the following things in terms of their positive contribution to the character and amenity of the Cessnock LGA Vineyards District? (Based on 418 Responses)	Question 5: Would you like to see more or less of the following things in the Cessnock LGA Vineyards District? (Based on 430 Responses)
Tourist resorts		
Residential housing Estates		
Recreation facilities (e.g. ovals and golf courses)		

Development type or landscape elements	Question 3: How important are the following things in terms of their positive contribution to the character and amenity of the Cessnock LGA Vineyards District? (Based on 418 Responses)	Question 5: Would you like to see more or less of the following things in the Cessnock LGA Vineyards District? (Based on 430 Responses)
Restaurants and cafes		
Scenic views		
Shops		

Development type or landscape elements	Question 3: How important are the following things in terms of their positive contribution to the character and amenity of the Cessnock LGA Vineyards District? (Based on 418 Responses)	Question 5: Would you like to see more or less of the following things in the Cessnock LGA Vineyards District? (Based on 430 Responses)
Short-term holiday letting (e.g. Air BnB)		
Smaller scale tourist accommodation (e.g. cabins)		
Tree lined rural roads		

Development type or landscape elements	Question 3: How important are the following things in terms of their positive contribution to the character and amenity of the Cessnock LGA Vineyards District? (Based on 418 Responses)	Question 5: Would you like to see more or less of the following things in the Cessnock LGA Vineyards District? (Based on 430 Responses)
Lifestyle estates, including a combination of tourist accommodation, tourist facilities and permanent housing		

Question 4:

Is anything not included in Question 3 that you feel is important in terms of its positive contribution to the current character and amenity of the Cessnock LGA Vineyards District?



(Wordcloud summary based on 148 Responses)

Corporate and Community

Report No. CC68/2020

Corporate and Community Services

SUBJECT: ***T092021HUN PROVISION OF TREE MAINTENANCE***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The purpose of this report is to consider and accept The Regional Procurement Tender for Provision of Tree Maintenance.

RECOMMENDATION

1. **That Council accepts the Regional Procurement Tender for the Provision of Tree Maintenance (T092021HUN).**
2. **That Council accepts the panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Tree Maintenance (T092021HUN), in no order of preference;**
    - **Active Tree Services Pty Ltd t/a Active Tree Services.**
    - **Asplundh Tree Expert Australia t/a Summit Open Space Services.**
    - **TreeServe Pty Ltd.**
3. **That Council notes the contract term for Tender Provision of Tree Maintenance (T092021HUN) is from 1 October 2020 to 30 September 2022 with an option for one 12-month contract extension based on satisfactory supplier performance.**

BACKGROUND

Council currently utilises Regional Procurement Contract (T291718HUN) for the Provision of Tree Maintenance. The contract was established for the period 1 January 2017 to 30 September 2019 with a one-year extension until 30 September 2020.

Regional Procurement has called an open Panel Source tender for a new contract to run from 1 October 2020 to 30 September 2022 with an option for a 12-month contract extension based on satisfactory supplier performance.

After conducting analytics on historical data, the estimated annual expenditure per annum for this contract is estimated to be $175,000 per annum.

TENDER PROCESS

Regional Procurement invited Tenders on Tenderlink on 19/05/2020 on the Regional Procurement e-tender portal, Tenderlink.

Tenders closed on 10.00am on 9 June 2020 with eight tenders received from the following suppliers to supply participating councils:

- Active Tree Services Pty Ltd t/a Active Tree Services
- Agility Professional Tree Service Pty Ltd

- Asplundh Tree Expert Australia t/a Summit Open Space Services
- CJ Murphy Tree Recycling Services Pty Ltd
- CJW Tree Services Pty Ltd
- D & C Tree Services Pty Ltd
- Savco Vegetation Services Pty Ltd
- TreeServe Pty Ltd

Regional Procurement evaluated the tenders on 9 July 2020 at Cessnock City Council with officers present being:

- Mark Kentish from Regional Procurement
- Lyall Green - Vegetation and Civic Spaces Coordinator
- Craig Wade - Team Leader Contracts and Tendering

The evaluation was in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Processes.

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*.

All participating evaluation panel members including the Regional Procurement facilitator signed conflict of Interest Declarations.

- No late tenders were received.
- All tenderers were noted as active on the ASIC website.
- Itemised price schedules were submitted.
- Scenario pricing was used in the evaluation as tabled below.
- All tenderer insurance records were verified.

All tenders were deemed conforming to the Tender requirements.

Confidentiality and probity were maintained throughout the process.

The Regional Procurement Evaluation Report is attached as ***Confidential Enclosure 1***

It is recommended that Council accepts the Regional Procurement Tender for the Provision of Tree Maintenance (T092021HUN) and appoints panel tenderers as preferred suppliers in no order of preference as follows, with information relating to the location of the companies provided for information:

- Active Tree Services Pty Ltd t/a Active Tree Services - located in Mona Vale
- Asplundh Tree Expert Australia t/a Summit Open Space Services - located in Thornton
- TreeServe Pty Ltd - located in Horsley Park

OPTIONS

1. That Council accepts the Regional Procurement Tender for the Provision of Tree Maintenance (T092021HUN) and appoints the recommended panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Tree Maintenance (T092021HUN), in no order of preference.

   This is the recommended option.

2. That Council decline to accept the Regional Procurement tender and that Council complete its own tender process.

   This option is not the preferred option, as the Regional Procurement tender process achieved a suitable result. The period for Council conducting the tender process would likely negatively affect the completion of the Delivery Program. Council has benchmarked pricing and the results are not likely to be more competitive than the Regional Procurement tender has produced.

CONSULTATION

The tenders were reviewed by Council operational staff:

- Vegetation and Civic Spaces Coordinator
- Team Leader Contracts and Tendering, Financial Services

STRATEGIC LINKS

Acceptance of the tender will contribute to achieving the following objective of the Delivery Program 2017 – 21:

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

a. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Acceptance of Regional Procurement Tender is in accordance with:

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

b. Financial Implications

Funding is available for acceptance of the tender via program budgets within Council's Operational Plan 2020-21.

c. Legislative Implications

Acceptance of Regional Procurement Tenders is in *accordance Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

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

- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
   (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
   (b) decline to accept any of the tenders.

2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.

3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
   (a) postpone or cancel the proposal for the contract,
   (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
   (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
   (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
   (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
   (f) carry out the requirements of the proposed contract itself.

4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:

(a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
(b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

Council's exposure to business risks has been managed by Regional Procurement mandating provision of the following information to be included in the tender submission:

- Financial capacity,
- Previous experience,
- Management and staff resources,
- Quality assurance, and
- Work health & safety system and Insurances.

This tender will also be maintained in councils VendorPanel program and contracts Monitor systems.

CONCLUSION

Acceptance of the Regional Procurement Tender for the Provision of Tree Maintenance (T092021HUN) and acceptance of the Panel source of three suppliers for the Cessnock Local Government Area is considered the most advantageous option for Council.

ENCLOSURES

1 T092021HUN Tender Evaluation Report - *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. CC69/2020

Corporate and Community Services

SUBJECT: ***T082021HUN PROVISION OF TRAFFIC CONTROL***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The purpose of this report is to consider and accept The Regional Procurement Tender for Provision of Traffic Control.

RECOMMENDATION

1. **That Council accepts the Regional Procurement Tender for the Provision of Traffic Control (T082021HUN).**
2. **That Council accepts the panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Traffic Control (T082021HUN), in no order of preference;**
    - **DOB Enterprises Pty Ltd t/a Watchout Traffic Control.**
    - **ICombined 360 Services Group Pty Ltd.**
3. **That Council notes the contract term for Tender Provision of Traffic Control (T082021HUN) is from 1 October 2020 to 30 September 2022 with an option for one 12-month contract extension based on satisfactory supplier performance.**

BACKGROUND

Council currently utilises Regional Procurement Contract (T311718HUN) for the Provision of Traffic Control. The contract was established for the period 1 October 2017 to 30 September 20019 with a one-year extension until 30 September 2020.

Regional Procurement has called an open Panel Source tender for a new contract to run from 1 October 2020 to 30 September 2022 with an option for a 12-month contract extension based on satisfactory supplier performance.

After conducting analytics on historical data, the estimated annual expenditure per annum for this contract is estimated to be $120,000 per annum.

TENDER PROCESS

Regional Procurement invited Tenders on Tenderlink on 02/06/2020 on the Regional Procurement e-tender portal, Tenderlink.

Tenders closed on 10.00am on 30 June 2020 with thirteen tenders received from the following suppliers to supply participating councils:

- Altus Traffic Pty Ltd
- DOB Enterprises Pty Ltd t/a Watchout Traffic Control
- Fulton Hogan Industries Pty Ltd

- The trustee for Guardian Traffic Services unit trust t/a Guardian Traffic Services
- ICombined 360 Services Group Pty Ltd
- Link Traffic Management & Training Pty Ltd t/a Link Traffic Management
- Newada Pty Ltd t/a Men at Work
- JBT Holdings (NSW) Pty Ltd t/a Phoenix Traffic Management
- R & M Brewer Pty Limited t/a Professional Traffic Solutions
- Traffic Logistics Pty Ltd
- Traffic Management Control (non-conforming)
- TrafficPOWER Pty Ltd
- Workforce Road Services Pty Ltd

Regional Procurement evaluated the tenders on 9 July 2020 at Cessnock City Council with officers present being:

- Mark Kentish from Regional Procurement
- Sam Basnayke - Works Engineer
- Kevin Massey - Construction Coordinator
- Colin Reid - North Area Maintenance Coordinator,
- Craig Wade - Team Leader Contracts and Tendering

The evaluation was in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Processes.

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*.

All participating evaluation panel members including the Regional Procurement facilitator signed conflict of Interest Declarations.

- No late tenders were received.
- All tenderers were noted as active on the ASIC website.
- Itemised price schedules were submitted.
- Scenario pricing was used in the evaluation as tabled below.
- All tenderer insurance records were verified.

All tenders were deemed conforming to the Tender requirements.

Confidentiality and probity were maintained throughout the process.

The Regional Procurement Evaluation Report is attached as ***Confidential Enclosure 1***

It is recommended that Council accepts the Regional Procurement Tender for the Provision of Traffic Control (T082021HUN) and appoints panel tenderers as preferred suppliers in no order of preference as follows, with information relating to the location of the companies provided for information.

- DOB Enterprises Pty Ltd t/a Watchout Traffic Control, located in Cardiff
- ICombined 360 Services Group Pty Ltd, located in Tuggerah

OPTIONS

1. That Council accepts the Regional Procurement Tender for the Provision of Traffic Control (T082021HUN) and appoints the recommended panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Traffic Control (T082021HUN), in no order of preference.

   This is the recommended option.

2. That Council decline to accept the Regional Procurement tender and that Council complete its own tender process.

   This option is not the preferred option, as the Regional Procurement tender process achieved a suitable result. The period for Council conducting the tender process would likely negatively affect the completion of the Delivery Program. Council has benchmarked pricing and the results are not likely to be more competitive than the Regional Procurement tender has produced

CONSULTATION

The tenders were reviewed on the 22 July 2020 by Council operational staff:

- Works Engineer
- Construction Coordinator
- North Area Maintenance Coordinator,
- Team Leader Contracts and Tendering, Financial Services

STRATEGIC LINKS

Acceptance of the tender will contribute to achieving the following objective of the Delivery Program 2017 – 21:

- 4.2 Improving road network
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs

a. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Acceptance of Regional Procurement Tender is in accordance with:

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

b. Financial Implications

Funding is available for acceptance of the tender via program budgets within Council's Operational Plan 2020-21.

c. Legislative Implications

Acceptance of Regional Procurement Tenders is in *accordance Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

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

- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
   (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
   (b) decline to accept any of the tenders.

2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.

3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
   (a) postpone or cancel the proposal for the contract,
   (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
   (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
   (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
   (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
   (f) carry out the requirements of the proposed contract itself.

4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:

(a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
(b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

Council's exposure to business risks has been managed by Regional Procurement mandating provision of the following information to be included in the tender submission:

- Financial capacity,
- Previous experience,
- Management and staff resources,
- Quality assurance, and
- Work health & safety system and Insurances.

This tender will also be maintained in councils VendorPanel program and contracts Monitor systems.

CONCLUSION

Acceptance of the Regional Procurement Tender for the Provision of Traffic Control (T082021HUN) and acceptance of the Panel source of two suppliers for the Cessnock Local Government Area is considered the most advantageous option for Council.

ENCLOSURES

1 T082021HUN Tender Evaluation Report - *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. CC70/2020

Corporate and Community Services

SUBJECT: ***JUNE 2020 REVIEW OF THE 2017-21 DELIVERY PROGRAM***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The purpose of this report is for Council to note the Quarterly update on the progress against Council's 2017-21 Delivery Program in the Operational Plan 2019-20.

RECOMMENDATION

That Council notes the progress in implementing the 2017-21 Delivery Program as at 30 June 2020.

BACKGROUND

Section 404(5) of the *Local Government Act 1993* requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports provided at least every six months.

The Quarterly Budget Review Statements, required under clause 203 of the *Local Government (General) Regulation 2005*, provide financial information in regards to estimates of income and expenditure and are separately reported to Council.

Council adopted the 2017-21 Delivery Program in June 2017 and the 2019-20 Operational Plan in June 2019. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

At the end of each quarter (September, December, March and June) a report is prepared to assess Councils progress against 2017-21 Delivery Program actions and the Capital Works Program.

REPORT/PROPOSAL

The 2019-20 Operational Plan is a one year plan (the third year of the 2017-21 Delivery Program) developed to implement the adopted actions from the 2017-21 Delivery Program.

Some of the highlights for the June quarter are provided below:

- April - June 2020 quarter identifies 48 unsealed roads received treatment of the 159 listed on the Unsealed Roads Maintenance Schedule - equivalent to 30%.

- Council's social media presence has been vital to inform residents during the COVID-19 Pandemic and changes to Council services. Council Facebook page is currently at 8,529 likes and 9,201 follows. Twitter currently has 2,779 followers.

- National Reconciliation Week (NRW) 'In this Together' was held 27 May to 3 June 2020. The events proposed with Council's Aboriginal and Torres Strait Islander Committee were reviewed in line with COVID-19 public order restrictions. To recognise the week a social media campaign was used to highlight significant historical dates and events, online activities hosted by Reconciliation Australia and resources such as films and books promoting Aboriginal and Torres Strait Islander histories, cultures and languages.

- Unfortunately, due COVID-19 all face to face engagement ceased from March 2020, however CYCOS was able to adapt to these changes by moving all its engagement online. CYCOS created Facebook groups for the young people in the Cessnock LGA and for the Young Parents Group. Online engagement included various aspects of mental health and well-being during the social isolation phase of COVID-19.

- Due to COVID-19 protocols routine regulated business monitoring inspections were postponed. In order to maintain an oversight of food safety an alternate remote inspection process was developed and implemented in accordance with NSW Food Authority requirements. In the June period 32 remote assessments of food businesses were completed.

- The Advance Cessnock City e-news and business portal have continually provided vital information to businesses as well and sharing information related to Bushfires and COVID-19. The Cessnock City Jobs Portal is continually being refined in conjunction with key agency partners and new stories and jobs are being added regularly. COVID-19 information and updates have been provided to assist local businesses in decision making, in obtaining grants and in accessing government subsidies during this difficult period.

- Fortnightly e-news updates are provided to more than 6,000 business contacts and business investment resources are maintained and available for use. A Support Local page has been added to the website where a toolkit and other resources are available to promote local businesses.

- A Cessnock LGA COVID-19 Impact Report was developed to document the localised impact caused by the crisis.

- The Cessnock Local Strategic Planning Statement was adopted at the meeting of Council on 17 June 2020.

- The Climate Change Policy was adopted by Council on 20 May 2020.

- A mattress drop off was held in Kurri Kurri on 20 June 2020, with 666 mattresses collected for recycling.

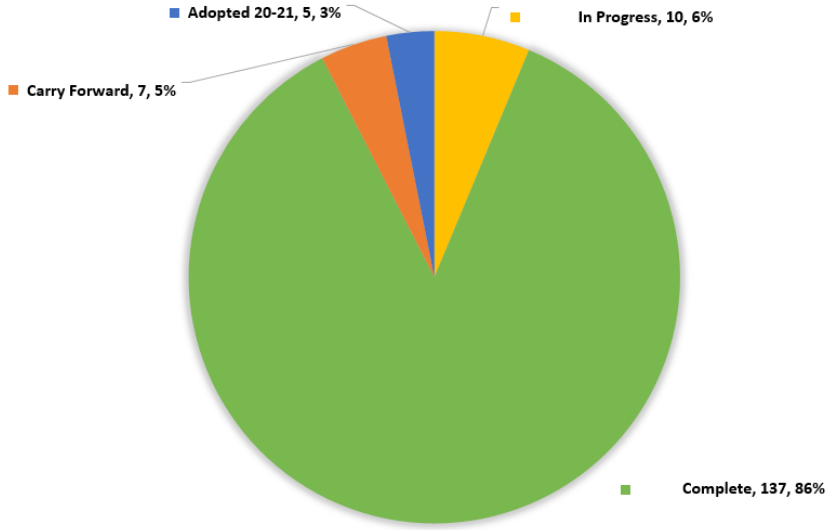
2017-21 Delivery Program

At 30 June 2020, 137 (or 86%) of the 159 actions from the 2019-20 Operational Plan were complete. The remaining 22 (or 14%) actions will continue to be progressed and reported as part of the 2020-21 Operational Plan and quarterly review process.

The table below shows the overall status of actions at 30 June 2020.

	Connected, Safe & Creative Community	Sustainable & Prosperous Economy	Sustainable & Healthy Environment	Accessible Infrastructure, Services & Facilities	Civic Leadership & Effective Governance	Total
In Progress	0	0	5	2	3	10
Carry Forward	0	1	1	0	5	7
Adopted 20-21	0	0	3	0	2	5
Complete	46	17	29	16	29	137
Total	46	18	38	18	39	159

The chart below shows the overall status of actions at 30 June 2020.



2017-21 Delivery Program – Measures

At 30 June 2020, 23 (or 56%) of the Delivery Program measures were on-track, 5 (or 12%) were ahead of target and 13 (or 32%) of these measures are at risk. Of the 13 at risk measures 9 were due to ongoing impacts from the COVID-19 pandemic and 2 were bushfire/COVID-19 related.

Details of the “At Risk” measures are below:

"At Risk" Measures	*Reason*	*COVID-19 Related*
Engagement in biodiversity, sustainability and natural resources.	All events cancelled from March to June 2020 due to COVID-19 Pandemic.	YES
Completion of Capital Works Program (Recreation).	37 (or 64%) of the 58 funded projects were completed. The completion of projects was impacted by a number of factors including; Covid-19 (availability of contractors and supply of materials being delayed), grant reliant projects not progressing due to no funding opportunities identified, additional projects incorporated within the capital works program such as Mulbring Rural Fire Station and continued project managing of insurance related works (Kurri Kurri Community Centre, Howe Park & Kurri Kurri Ambulance Hall) which delayed commencement of some projects.	YES
Participation in major civic and community events and programs.	Spring Awakening estimated participation 750. Adverse weather conditions impacted on the event. The 2019 Carols in the Park event was cancelled on the event day due to air quality concerns associated with the bushfires. Data also includes Australia Day events and Local Government Week. Events and programs postponed as a result of COVID -19 Public Health Order.	YES
Cessnock Performing Arts Centre (CPAC) Audience.	CPAC, prior to closure in response to the COVID-19 Public Health Order, was on track to exceed the base target measure. Due to the Public Health Order there was no performances held from Mid March to 30 June 2020.	YES
Library Programs offered at Council Libraries.	The number of programs delivered by Cessnock City Library exceed the median for NSW Public Libraries. With the COVID-19 Public Health Order, face to face programs ceased April 2020. The Library was on track to exceed the base measure of 810 with three months left in the reporting year at the time of programs ceasing.	YES
Youth Week Engagement.	Youth Week 2020 was postponed in response to COVID-19 public health measures. Only 1 event was able to be held prior to the decision for postponement.	YES
Aquatic Facility Patronage (Kurri Kurri).	The facility was closed from 23 March 2020 until 18 June 2020 due to the COVID-19 Pandemic which has resulted in lower than predicted attendance numbers.	YES
Aquatic Facility Patronage (Cessnock).	A lower than predicted attendance at outdoor pools this season has been attributed to a number of factors. The smoke and ash from bushfires burning across the state in December 2019 impacted operations with both pools closed on several occasions. Operational issues and the end of the season due to COVID-19 risks also affected final attendance numbers.	YES
Aquatic Facility Patronage (Branxton).	A lower than predicted attendance at outdoor pools this season has been attributed to a number of factors. The smoke and ash from bushfires burning across the state in December 2019 impacted operations with both pools closed on several occasions. The end of the season due to COVID-19 risks also affected final attendance numbers.	YES

Engagement with potential tourists – visitors on the Hunter Valley Visitor Centre website.	The transition to the new website has resulted in lower page views compared to the previous site.	
Visits to Hunter Valley Visitor Centre.	Due to bushfires and COVID-19 visitor numbers have been lower for November, December, January and March. The Centre was closed from 31 March 2020 to 31 May 2020 due to COVID-19.	YES
Development Application Processing Times.	Application assessment times improved during the April-June 2020 Quarter, due to the finalisation of a number of older/long-outstanding applications in the months prior. The mean processing time sits at approximately 58 days	
Completion capital works program (roads, bridges and drainage).	62 (or 81%) of the 77 funded projects were completed. Progress on a number of projects was adversely affected by the impact of the COVID-19 pandemic on internal Council and external consultant resources affecting preconstruction works, and external contractors resources affecting construction activities.	YES

Details of progress against each action and measure in the 2017-21 Delivery Program are included in ***Enclosure 1*** to this report.

2019-20 Capital Works Program

At 30 June 2020, 99 (or 73%) of the 135 funded projects from the 2019-20 Capital Works Program were complete. The remaining 36 (or 27%) projects will continue to be progressed and reported as part of the 2020-21 Operational Plan and quarterly review process.

Projects that rely on grant funding to proceed will be prioritised and included in the capital works program as soon as funding has been identified.

The table below shows a summary the overall status of projects at 30 June 2020.

Program	Complete	On track	Not Due to Start	C/fwd 20-21	Adopted 20-21	Sub Total	Unfunded/Not Progressing	Total
Recreation Buildings Construction (CBR)	0	0	0	1	-	1	0	1
Bridge Construction (CBS)	8	2	1	0	-	11	0	11
Drainage Construction (CDR)	4	2	0	0	3	9	0	9
Cemeteries Facilities Construction (CFC)	3	0	0	0	-	3	0	3
Recreation Facilities Construction (CFR)	3	0	0	2	2	7	2	9
Traffic Facilities (CFT)	9	0	0	0	-	9	3	12
New Landfill Development (CFW)	1	0	0	0	-	1	0	1
Pathway Construction (CPW)	2	1	0	0	-	3	1	4
Local Road Construction (CRL)	3	2	0	0	-	5	1	6
RMS Blackspot or Safer Roads (CRR)	1	0	0	0	-	1	4	5
Signage / Vineyard Roads (CRV)	1	0	0	0	-	1	0	1
Branxton Town Centre (CTB)	3	0	0	0	-	3	0	3
Kurri Town Centre (CTK)	1	0	0	0	-	1	0	1
Airport Construction (PCA)	4	2	0	0	-	6	0	6
Floodplain Management (PMF)	8	0	0	0	-	8	0	8
Airport Renewal (PRA)	3	0	0	0	-	3	0	3
Cultural & Community Buildings Renewal (RBC)	17	0	0	3	3	23	2	25
Recreation Buildings Renewal (RBR)	3	0	0	1	-	4	1	5
Cessnock Civic Precinct Revitalisation (RCC)	4	0	0	2	-	6	0	6
Pools Facilities Renewal (RFP)	2	0	0	1	1	4	0	4
Recreation Facilities Renewal (RFR)	7	0	0	1	-	8	0	8
Gravel Rehab & Resheeting (RRG)	1	0	0	0	-	1	0	1
Local Road Renewal (RRL)	9	5	0	0	-	14	1	15
Regional Road Renewal (RRR)	2	1	0	0	-	3	0	3
Total	99	15	1	11	9	135	15	150
%	73%	11%	1%	8%	7%	100%		

**figures include adopted changes from the March Quarterly Review. .*

Detailed information on the Capital Works Program is included in ***Enclosure 2***.

OPTIONS

N/A

CONSULTATION

The General Manager, Directors, Managers and Coordinators provided the information for this report and its enclosures.

STRATEGIC LINKS

a. Delivery Program

This report is part of the organisation's governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community's desired outcome of: *"Civic Leadership and Effective Governance*."

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The quarterly budget review forecasts are reported separately to Council.

c. Legislative Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993.*

d. Risk Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993.*

e. Other Implications

N/A

CONCLUSION

The review of the 2017-21 Delivery Program against the Operational Plan 2019-20, for the quarter ended 30 June 2020, is submitted for Council's consideration.

ENCLOSURES

1⇩ June 2020 Review of the 2017-21 Delivery Program
2⇩ June 2020 Review of the 2019-20 Capital Works Program

June 2020 Review of the 2017-21 Delivery Program

1: A connected, safe and creative community

a. 1.1: Promoting social connections

1.1.1: Engage with the community in reconciliation activities

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.1.1.a	Organise an event to recognise National Reconciliation Week	100%	National Reconciliation Week (NRW) 'In this Together' was held 27 May to 3 June 2020. The events proposed with Councils Aboriginal and Torres Strait Islander Committee were reviewed in line with COVID-19 public order restrictions. To recognise the week a social media campaign using Councils Facebook and Twitter site was used to highlight significant historical dates and events, online activities hosted by Reconciliation Australia and resources such as films and books promoting Aboriginal and Torres Strait Islander histories, cultures and languages. The week began with an Acknowledgement of Country delivered by the Mayor for the City of Cessnock as part of Reconciliation Australia's National Acknowledgement of Country. Cessnock City Library, Cessnock Performing Arts Centre and Council's youth service participated in the campaign, posting and sharing links and resources. The campaign was promoted through the community network, schools and local interagencies.	National Reconciliation Week (NRW) 'In this Together' was held 27 May to 3 June 2020. The events proposed with Councils Aboriginal and Torres Strait Islander Committee were reviewed in line with COVID-19 public order restrictions. To recognise the week a social media campaign using Councils Facebook and Twitter site was used to highlight significant historical dates and events, online activities hosted by Reconciliation Australia and resources such as films and books promoting Aboriginal and Torres Strait Islander histories, cultures and languages. The week began with an Acknowledgement of Country delivered by the Mayor for the City of Cessnock as part of Reconciliation Australia's National Acknowledgement of Country. Cessnock City Library, Cessnock Performing Arts Centre and Council's youth service participated in the campaign, posting and sharing links and resources. The campaign was promoted through the community network, schools and local interagencies.	Community and Cultural Engagement Manager
1.1.1.b	Coordinate and promote a community program of activities and events for NAIDOC Week.	100%	NAIDOC Week 2019 was held July and included a program with 16 diverse and engaging activities. 1,580 participations were recorded for Council hosted events and over 2,500 for the entire program. The 2019 program involved 13 services including Cessnock City Library, Cessnock Performing Arts Centre, Council's youth service Cessnock Youth Centre and Outreach Service (CYCOS) and the Visitor Information Centre. The 2019 NAIDOC Week program included 3 community organisations listing for the first time an event in the program.	NAIDOC Week 2019 was held July and included a program with 16 diverse and engaging activities. 1,580 participations were recorded for Council hosted events and over 2,500 for the entire program. The 2019 program involved 13 services including Cessnock City Library, Cessnock Performing Arts Centre, Council's youth service Cessnock Youth Centre and Outreach Service (CYCOS) and the Visitor Information Centre. The 2019 NAIDOC Week program included 3 community organisations listing for the first time an event in the program.	Community and Cultural Engagement Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.1.1.c	Continue to progress the Innovate Reconciliation Action Plan deliverables and report on the outcomes to the Aboriginal and Torres Strait Islander Committee.	100%	The implementation of the 2018-2020 Innovate Reconciliation Action Plan was reported to Councils Aboriginal and Torres Strait Islander Committee throughout the year. Key achievements include renaming of Cessnock City Council meeting rooms with Wonnarua language and installation of a plaque at Council's Administration Building recognising Aboriginal people as the traditional custodians of the land. Gateway entry signage that recognises Wonnarua Country was installed and the Bridges Hill Park Playground incorporated elements into the playground design recognising Wonnarua peoples connection to the site and included Wonnarua Country entry signage, canoes, yarning circle, native vegetation, a mural and installation of a sculptural artwork. In recognising Aboriginal and Torres Strait Islander businesses, the development of a goods and services supplier list within Councils procurement system was established.	The implementation of the 2018-2020 Innovate Reconciliation Action Plan was reported to Councils Aboriginal and Torres Strait Islander Committee throughout the year. Key achievements include renaming of Cessnock City Council meeting rooms with Wonnarua language and installation of a plaque at Council's Administration Building recognising Aboriginal people as the traditional custodians of the land. Gateway entry signage that recognises Wonnarua Country was installed and the Bridges Hill Park Playground incorporated elements into the playground design recognising Wonnarua peoples connection to the site and included Wonnarua Country entry signage, canoes, yarning circle, native vegetation, a mural and installation of a sculptural artwork. In recognising Aboriginal and Torres Strait Islander businesses, the development of a goods and services supplier list within Councils procurement system was established.	Community and Cultural Engagement Manager

1.1.2: Develop and deliver programs to engage young people

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.1.2.a	Deliver an inclusive programing strategy for Council's Youth Service CYCOS that engages and encourages young people to participate in a diverse range of social, recreational and educational activities.	100%	CYCOS offered a diverse range of inclusive programs throughout the year and in the period before COVID-19 restrictions came into effect included weekly activities at the Aberdare Youth Centre, outreach at Cessnock PCYC and Kurri Kurri Library. CYCOS teamed up with a number of services undertaking pop-up engagements across the Cessnock LGA including hosting activities at local parks. Wellbeing and youth programs were delivered at a number of primary and high schools and CYCOS worked collaboratively with service providers to run a comprehensive and entertaining school holiday program for September 2019 and January 2020. Unfortunately, due COVID-19 all face to face engagement ceased from March 2020, however CYCOS was able to adapt to these changes by moving all its engagement online. CYCOS created Facebook groups for the young people in the Cessnock LGA and for the Young Parents Group. Programming online was well received and supported by the youth in the area.	CYCOS offered a diverse range of inclusive programs throughout the year and in the period before COVID-19 restrictions came into effect included weekly activities at the Aberdare Youth Centre, outreach at Cessnock PCYC and Kurri Kurri Library. CYCOS teamed up with a number of services undertaking pop-up engagements across the Cessnock LGA including hosting activities at local parks. Wellbeing and youth programs were delivered at a number of primary and high schools and CYCOS worked collaboratively with service providers to run a comprehensive and entertaining school holiday program for September 2019 and January 2020. Unfortunately, due COVID-19 all face to face engagement ceased from March 2020, however CYCOS was able to adapt to these changes by moving all its engagement online. CYCOS created Facebook groups for the young people in the Cessnock LGA and for the Young Parents Group. Programming online was well received and supported by the youth in the area.	Community and Cultural Engagement Manager
1.1.2.b	Prepare a strategic plan for CYCOS that includes youth programming, service development engagement and promotions opportunities.	100%	A strategic planning document was developed by the service titled CYCOS Strategic Direction and includes youth programming, service development, engagement, promotion and opportunities for partnerships with service providers and young people. A YouTube video was developed showcasing the key areas of the CYCOS Strategic Direction and as a tool to engage young people and promote awareness of the CYCOS Strategic Direction. The Strategic Direction will guide the delivery of services at CYCOS.	A strategic planning document was developed by the service titled CYCOS Strategic Direction and includes youth programming, service development, engagement, promotion and opportunities for partnerships with service providers and young people. A YouTube video was developed showcasing the key areas of the CYCOS Strategic Direction and as a tool to engage young people and promote awareness of the CYCOS Strategic Direction. The Strategic Direction will guide the delivery of services at CYCOS.	Community and Cultural Engagement Manager

1.1.2.c	CYCOS to continue working in partnership with external organisations to implement youth based community programs that promote and encourage well-being, address alcohol consumption and illicit drug use.	100%	CYCOS in partnership with local organisations designed and delivered youth-based community programs targeted at well-being with a focus on alcohol consumption and illicit drug use. This included delivery of the school program The Gathering in October at Kurri Kurri High School. CYCOS also delivered Pit Stop at Cessnock PCYC from September through to November to various youth groups. Love Bites was extensively delivered at the end of 2019 at both Kurri Kurri and Mount View High Schools. CYCOS also attended the bi-monthly Community Drug Action Team Meeting. The Youth Drug and Alcohol Services (YDACS) facilitated weekly engagement from the Youth Centre with the Coordinators at CYCOS making referrals as required. The team at CYCOS attended and hosted a stall at the R U OK Day in September at Kurri Kurri High School. The CYCOS online engagement included various aspects of mental health and well-being during the social isolation phase of COVID-19.	CYCOS in partnership with local organisations designed and delivered youth-based community programs targeted at well-being with a focus on alcohol consumption and illicit drug use. This included delivery of the school program The Gathering in October at Kurri Kurri High School. CYCOS also delivered Pit Stop at Cessnock PCYC from September through to November to various youth groups. Love Bites was extensively delivered at the end of 2019 at both Kurri Kurri and Mount View High Schools. CYCOS also attended the bi-monthly Community Drug Action Team Meeting. The Youth Drug and Alcohol Services (YDACS) facilitated weekly engagement from the Youth Centre with the Coordinators at CYCOS making referrals as required. The team at CYCOS attended and hosted a stall at the R U OK Day in September at Kurri Kurri High School. The CYCOS online engagement included various aspects of mental health and well-being during the social isolation phase of COVID-19.	Community and Cultural Engagement Manager
1.1.2.d	Organise an event with a diverse program of activities to recognise and celebrate Youth Week	100%	CYCOS supported Youth Ambassadors to participate in a newspaper and radio interview as part of 2020 Youth Week planning. CYCOS and partnering organisations finalised the Youth Week collateral including joint social media campaigns. CYCOS partnered with external youth organisations, Hunter Valley Police and community groups to organise and host the Greta Skate Jam on 14th of March as part of Youth Week activities. Due to COVID-19 Youth Week was unable to progress with the program postponed for a later date (date to be determined).	CYCOS supported Youth Ambassadors to participate in a newspaper and radio interview as part of 2020 Youth Week planning. CYCOS and partnering organisations finalised the Youth Week collateral including joint social media campaigns. CYCOS partnered with external youth organisations, Hunter Valley Police and community groups to organise and host the Greta Skate Jam on 14th of March as part of Youth Week activities. Due to COVID-19 Youth Week was unable to progress with the program postponed for a later date (date to be determined).	Community and Cultural Engagement Manager

1.1.3: Commence implementation of the Disability Inclusion Action Plan

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.1.3.a	Investigate further opportunities for the participation of people with disability and organisations that support people with disability in the procurement of goods and services for community and cultural programs.	100%	A social procurement list has been established within Cessnock City Council's supplier portal 'VendorPanel' and a number of Australian Disability Enterprises (ADEs) have registered. The Cessnock City Council Procurement Policy and Guidelines as part of its review process will include content for supplier diversity and outline how staff can utilise ADEs for the procurement of goods and services.	A social procurement list has been established within Cessnock City Council's supplier portal 'VendorPanel' and a number of Australian Disability Enterprises (ADEs) have registered. The Cessnock City Council Procurement Policy and Guidelines as part of its review process will include content for supplier diversity and outline how staff can utilise ADEs for the procurement of goods and services.	Community and Cultural Engagement Manager

1.1.4: Develop and deliver a program of community and civic events

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.1.4.a	Coordinate and promote a community program of activities and events for the Cessnock City Seniors Festival.	100%	The 2020 Cessnock Seniors Festival held 12 to 23 February 2020 was well received by the community. The 2020 program included over 40 activities, promoting learning, wellbeing, physical health and social connection. The Seniors Week Advisory Committee, representing local seniors organisations and advocates actively guided the development of the program and promotions. The Festival program was promoted through social and print media, radio, doctors surgeries, street banners and distribution of 3,500 printed programs. The call for community sponsorship resulted in $6,500 from local businesses and media sponsorship. Council was also awarded $8,700 in Communities & Justice NSW grant funding to support the Festival. Over 2,000 participations were recorded for the Festival.	The 2020 Cessnock Seniors Festival held 12 to 23 February 2020 was well received by the community. The 2020 program included over 40 activities, promoting learning, wellbeing, physical health and social connection. The Seniors Week Advisory Committee, representing local seniors organisations and advocates actively guided the development of the program and promotions. The Festival program was promoted through social and print media, radio, doctors surgeries, street banners and distribution of 3,500 printed programs. The call for community sponsorship resulted in $6,500 from local businesses and media sponsorship. Council was also awarded $8,700 in Communities & Justice NSW grant funding to support the Festival. Over 2,000 participations were recorded for the Festival.	Community and Cultural Engagement Manager

1.1.4.b	Organise the Spring Awakening Festival event with a diverse program of activities.	100%	Spring Awakening was held 6 September 2019. Adverse weather conditions including dust storms, rain and strong wind affected attendance, with participation less than previous years and was recorded at 750 people. The event as the conditions worsened ended an hour early. The lantern parade was well received by the community and the music and vendor food trucks was supported by attendees.	Spring Awakening was held 6 September 2019. Adverse weather conditions including dust storms, rain and strong wind affected attendance, with participation less than previous years and was recorded at 750 people. The event as the conditions worsened ended an hour early. The lantern parade was well received by the community and the music and vendor food trucks was supported by attendees.	Community and Cultural Engagement Manager
1.1.4.c	Organise the Carols In The Park event with a diverse program of activities.	100%	Carols in the Park was scheduled to be held 6 December 2019 and was set to deliver new and exciting elements. Due to adverse air quality conditions associated with the bushfires, and following a risk assessment, the decision was made on the day of the proposed event to cancel. The fireworks exhibition had already been cancelled on the 4 December 2019 out of respect to fire fighters and people impacted by the bushfires. Council at its meeting on the 11 December 2019 resolved that in lieu of the fireworks exhibition the $4,500 be distributed amongst the 14 Rural Fire Service Brigades located in the Cessnock Local Government Area.	Carols in the Park was scheduled to be held 6 December 2019 and was set to deliver new and exciting elements. Due to adverse air quality conditions associated with the bushfires, and following a risk assessment, the decision was made on the day of the proposed event to cancel. The fireworks exhibition had already been cancelled on the 4 December 2019 out of respect to fire fighters and people impacted by the bushfires. Council at its meeting on the 11 December 2019 resolved that in lieu of the fireworks exhibition the $4,500 be distributed amongst the 14 Rural Fire Service Brigades located in the Cessnock Local Government Area.	Community and Cultural Engagement Manager
1.1.4.d	Organise the City of Cessnock Hall of Fame 2019-20 nominations process and induction ceremony.	100%	Call for nominations to the City of Cessnock Hall of Fame occurred 2019 and 2020. The nominations were considered by the Council Initiated Awards Committee and resolved at the Ordinary Meeting of Council held May 2020. An offer of inclusion into the City of Cessnock Hall of Fame has been sent to two people recognised for their achievement and contribution in their respective fields of endeavour. In accordance with the NSW Public Health Order for COVID-19, their Induction Ceremony has not progressed, however being actioned is the commemorative plaque and inclusion on the Wall of Fame.	Call for nominations to the City of Cessnock Hall of Fame occurred 2019 and 2020. The nominations were considered by the Council Initiated Awards Committee and resolved at the Ordinary Meeting of Council held May 2020. An offer of inclusion into the City of Cessnock Hall of Fame has been sent to two people recognised for their achievement and contribution in their respective fields of endeavour. In accordance with the NSW Public Health Order for COVID-19, their Induction Ceremony has not progressed, however being actioned is the commemorative plaque and inclusion on the Wall of Fame.	Community and Cultural Engagement Manager

1.1.4.e	Organise ceremonies (and associated activities) for civic events such as Australia Day, Mayoral Scholarships and Citizenship presentations.	100%	A total of 39 Citizenship Ceremonies were held in conjunction with Australia Day celebrations at the Cessnock Performing Arts Centre. No further Citizenship ceremonies between March and June due to COVID-19.	A total of 39 Citizenship Ceremonies were held in conjunction with Australia Day celebrations at the Cessnock Performing Arts Centre. No further Citizenship ceremonies between March and June due to COVID-19.	Relief Executive Assistant

b. 1.2: Strengthening community culture

1.2.1: Continue to promote the range of community services across the local government area

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.2.1.a	Increase community connectivity through strengthening Council's social media presence.	100%	Council's Social Media Presence continues to grow. Council's Facebook page is currently at 8,529 likes and 9,201 follows. Council is also active on Twitter. It currently has 2779 followers. Council's social media presence has been vital to informing residents during the COVID-19 Pandemic and changes to Council services. Further to promote the Draft 20-21 Operational Plan.	Council's Social Media Presence continues to grow. Council's Facebook page is currently at 8,529 likes and 9,201 follows. Council is also active on Twitter. It currently has 2779 followers. Council's social media presence has been vital to informing residents during the COVID-19 Pandemic and changes to Council services.	Senior Media and Communications Officer
1.2.1.b	Improve community awareness about Council's services through media and communications material, including Councils electronic platforms.	100%	During this period Council has published 11 news articles on its website and issued 11 media releases promoting the services of Council. A number of Council's services were promoted including but not limited to, changes to services due to COVID-19, adoption of the Operational Plan, Support Local Campaign, community recovery officer position, adoption of the Local Strategic Planning Statement.	Council continues to publish news articles on its website and issue media releases promoting the services of Council. A number of Council's services were promoted including but not limited to, changes to services due to COVID-19, adoption of the Operational Plan, Support Local Campaign, community recovery officer position, adoption of the Local Strategic Planning Statement.	Senior Media and Communications Officer
1.2.1.c	Review and promote the Cessnock LGA Community Directory and Council's What's On Calendar.	100%	The Community Directory and What's On Calendar platforms were reviewed and replaced as part of the new Cessnock City Council website. Council launched the new online Community Directory and What's On Calendar March 2020. This new tool will help promote local community organisations and service providers along with their activities. It provides valuable information for the community and since launching, 80 services and community organisations have listed on the community directory.	The Community Directory and What's On Calendar platforms were reviewed and replaced as part of the new Cessnock City Council website. Council launched the new online Community Directory and What's On Calendar March 2020. This new tool will help promote local community organisations and service providers along with their activities. It provides valuable information for the community and since launching, 80 services and community organisations have listed on the community directory.	Community and Cultural Engagement Manager

1.2.2: Collaborate with the community to develop and deliver services

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.2.2.a	Be an active member of collaborative network groups that strive for inclusive, safer and healthier communities. This includes domestic violence, crime prevention and healthy lifestyles.	100%	A number of collaborative network meetings were attended throughout the year and included Cessnock Youth Interagency, Cessnock General Interagency, Cessnock Walk Kuwama, Cessnock Healthy Lifestyle Network, Local Government Community Safety and Crime Prevention Network, Cessnock Family and Domestic Violence Committee, and Cessnock Place Based Reference Group.	A number of collaborative network meetings were attended throughout the year and included Cessnock Youth Interagency, Cessnock General Interagency, Cessnock Walk Kuwama, Cessnock Healthy Lifestyle Network, Local Government Community Safety and Crime Prevention Network, Cessnock Family and Domestic Violence Committee, and Cessnock Place Based Reference Group.	Community and Cultural Engagement Manager
1.2.2.b	Promote and administer Council's Community Cultural Development Dollar for Dollar Grant Scheme.	100%	The Community and Cultural Development Dollar for Dollar Grant Scheme was promoted throughout August and the call for applications closed 6 September 2019. The applications were assessed by Council's Dollar for Dollar Grants Committee and the funding allocation was adopted at the Ordinary Meeting of Council held 6 November 2019. 12 projects were funded and the total amount awarded was $25,000.	The Community and Cultural Development Dollar for Dollar Grant Scheme was promoted throughout August and the call for applications closed 6 September 2019. The applications were assessed by Council's Dollar for Dollar Grants Committee and the funding allocation was adopted at the Ordinary Meeting of Council held 6 November 2019. 12 projects were funded and the total amount awarded was $25,000.	Community and Cultural Engagement Manager

1.2.3: Commence implementation of the Community Infrastructure Strategic Plan

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.2.3.a	Liaise with community groups who operate from Council owned cultural facilities, to provide a welcoming, engaging, inclusive, safe and accessible environment.	100%	Regular engagement with community groups who operate from Council owned facilities occurred throughout the year responding to maintenance works, opportunities to promote the facility, providing support with funding opportunities and improvement works. This includes liaising with community groups that operate from Richmond Main Colliery, Wollombi Cultural Centre, Marthaville Arts and Cultural Centre and Cessnock Performing Arts Centre.	Regular engagement with community groups who operate from Council owned facilities occurred throughout the year responding to maintenance works, opportunities to promote the facility, providing support with funding opportunities and improvement works. This includes liaising with community groups that operate from Richmond Main Colliery, Wollombi Cultural Centre, Marthaville Arts and Cultural Centre and Cessnock Performing Arts Centre.	Community and Cultural Engagement Manager

1.2.3.b	Investigate options and pursue funding for the revitalisation of Marthaville Arts and Cultural Centre.	100%	Works have been undertaken at Marthaville Arts and Cultural Centre to improve the safety, security and appearance of the site. The boundary fence was replaced in September and the front picket fence in February. These projects were funded by Councils Cultural & Community Buildings Renewal Program along with contributions from both neighbouring properties and the Marthaville Arts and Cultural Centre Section 355 Committee. Rectification works to the historic timber slab shed will be completed in the 2020/21 reporting year.	Works have been undertaken at Marthaville Arts and Cultural Centre to improve the safety, security and appearance of the site. The boundary fence was replaced in September and the front picket fence in February. These projects were funded by Councils Cultural & Community Buildings Renewal Program along with contributions from both neighbouring properties and the Marthaville Arts and Cultural Centre Section 355 Committee. Rectification works to the historic timber slab shed will be completed in the 2020/21 reporting year.	Community and Cultural Engagement Manager
1.2.3.c	Pursue funding opportunities for facility upgrades at CPAC to ensure it remains a high quality cultural venue.	100%	An investigation occurred for the establishment of a cultural hub at Cessnock Performing Arts Centre with a concept design and indicative costings prepared for a redesign of the existing floor space for the areas previously occupied as office space. Partial funding for the project has been secured and further funding opportunities are being investigated. The facility in April 2020 was awarded $75,100 from the NSW Government Stronger Country Communities Fund for a kitchen upgrade with commercial quality appliances and fixtures. The works have been listed in the 2020-21 Operational Plan.	An investigation occurred for the establishment of a cultural hub at Cessnock Performing Arts Centre with a concept design and indicative costings prepared for a redesign of the existing floor space for the areas previously occupied as office space. Partial funding for the project has been secured and further funding opportunities are being investigated. The facility in April 2020 was awarded $75,100 from the NSW Government Stronger Country Communities Fund for a kitchen upgrade with commercial quality appliances and fixtures. The works have been listed in the 2020-21 Operational Plan.	Community and Cultural Engagement Manager
1.2.3.d	Continue with the preparation of a business case for an expanded Cessnock Library Branch, including investigating its location within a cultural hub.	100%	The Business Case for an expanded Cessnock Library Branch was adopted by Council on 5 February 2020. The Business Case presented a number of options including locations and will be further considered for inclusion in the next Delivery Program.	The Business Case for an expanded Cessnock Library Branch was adopted by Council on 5 February 2020. The Business Case presented a number of options including locations and will be further considered for inclusion in the next Delivery Program.	Community and Cultural Engagement Manager

1.2.4: Provide a range of community, sporting and aquatic facilities

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.2.4.a	Promote and deliver Council's Dollar for Dollar programs to community groups including the eligibility criteria for infrastructure projects that seek to improve Council owned and/or managed community facilities to be welcoming, engaging, inclusive, safe and accessible.	100%	All funds distributed via Dollar for Dollar Committee on 15 April 2020	Council's Dollar for Dollar programs were successfully promoted and funds distributed to a number of sporting and community groups.	Strategic Recreation & Community Facilities Planner
1.2.4.b	Prepare and submit applications for funding to improve and/or construct community, sporting and aquatic facilities.	100%	Community Building partnership grant lodged 12 June for shade sail funding Paxton Park.	14 grant applications were submitted with 6 being successful and 1 with the outcome pending. The 6 successful grant funds totalled $351,599 and will result in significant sporting and community infrastructure upgrades at Miller Park, Branxton, a storage and kiosk upgrade to Drain Oval Cessnock, a playground upgrade at Bluey Park, Weston and specialist reports and documents able to be completed to progress the Richmond Vale Rail Trail.	Strategic Recreation & Community Facilities Planner
1.2.4.c	Support community groups to manage facilities in conjunction with Council	100%	Support and advice has been extensive over the June period as COVD 19 Restrictions have been relaxed. Council officers have worked with Sporting and Community groups to ensure Public health orders are in place and at all times have considered the safety of all user groups. Officers have also provided regular updates to all community groups.	Support to community groups has been ongoing. Support has been provided through regular meetings and access to Council staff. Meetings have been held management committees to discuss planned upgrades to facilities, discussions regarding future upgrades, support with completing grant applications and supporting all groups through Covid-19 including keeping groups updated on public health orders and communicating the implications of these.	Strategic Recreation & Community Facilities Planner

1.2.5: Develop and implement adopted masterplans for community facilities

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.2.5.a	Continue to develop and implement masterplans for community, sporting and aquatic facilities.	100%	The exhibition period for Weston Park Masterplan is complete with submissions currently being assessed. Site meetings were held regarding the Draft Masterplans for Carmichael Park and Baddeley Park with the documents due to be reported to Council in July 2020 for public exhibition.	Draft Masterplans have been developed for Baddeley Park, Carmichael Park and Weston Park and Masterplans have been adopted for Greta Central Oval and Cessnock Pool. Through a detailed community engagement process, future direction has been provided for these facilities with proposed works to be completed via a staged approach.	Strategic Recreation & Community Facilities Planner

1.2.6: Provide a variety of affordable interment options to the community

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.2.6.a	Implement the Cessnock City Council Cemeteries Masterplan.	100%	Ongoing through the delivery of capital works projects listed in the Operational Plan including the installation of way finding signage at Cessnock Cemetery. Project requires minor works for completion as a WIP. Works completed	A number of key actions were achieved from Council's Cemeteries Masterplan including wayfinding signage at Cessnock Cemetery, Stage 2 works at Kurri Lawn Cemetery (extension of the lawn cemetery, power upgrade and installation of irrigation) and seating at Wollombi Cemetery	Strategic Recreation & Community Facilities Planner

c. 1.3: Promoting safe communities

1.3.1: Participate in collaborative partnerships to prevent crime

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.3.1.a	Participate on the Cessnock City Liquor Accord and Community Safety Precinct Committee	100%	Participated in the Cessnock City Liquor Accord and Community Safety Precinct Committee up until meetings were postponed due to COVID-19.	Participated in the Cessnock City Liquor Accord and Community Safety Precinct Committee Meetings.	Infrastructure Manager

1.3.2: Carry out regulatory and education programs to protect residential amenity and community health and safety

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.3.2.a	Assess requests for additional, changes to existing and special event alcohol-free zones across the LGA	100%	Assessed Alcohol Free Zones and Special Event Alcohol Free Zones - In accordance with Part 4 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones.	Assessed Alcohol Free Zones and Special Event Alcohol Free Zones - In accordance with Part 4 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones.	Infrastructure Manager
1.3.2.b	Conduct internal driver awareness sessions.	100%	Delivered Transport for NSW approved Road Safety Campaign material to staff through posting of electronic and hard copy information in the workplace.	Conducted internal driver awareness sessions.	Infrastructure Manager
1.3.2.c	Conduct Graduated Licensing Scheme Workshops for supervisors and learners drivers.	100%	Distributed workshop materials.	Conducted Graduated Licensing Scheme Workshops for supervisors and learners drivers.	Infrastructure Manager

1.3.3: Continue to comprehensively and professionally process construction certificates and complying development certificates

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.3.3.a	Comprehensively and professionally process construction certificates and complying development certificates	100%	Council's building certification team assess and determine planning and building related applications. For the June 2020 quarter Council processed 75 CC's and 9 CDC's.	Council's building certification team assess and determine planning and building related applications. For 2019/20 financial year, Council processed 328 construction certificates (CC's) and 21 complying development certificate (CDC's). This equates to an annual market share of 55% for all CC's and 4% of all CDC's. The remainder have been determined by private certifiers.	Health and Building Manager

1.3.4: Continue implementation of local government road safety projects from the Road Safety Strategic Plan 2014-2018

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.3.4.a	Deliver road safety education and awareness programs under the joint Local Government Road Safety Program	100%	Delivered Transport for NSW approved Road Safety Officer Projects under the Local Government Road Safety Program.	Delivered road safety education and awareness programs under the joint Local Government Road Safety Program.	Infrastructure Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.3.4.b	Implement the Road Safety Strategic Plan 2019-23	100%	Implemented the Road Safety Strategic Plan 2020-24.	Implemented the Road Safety Strategic Plan 2019-23, achieving positive results in reduction of crash statistics.	Infrastructure Manager

1.3.5: Improve the safety of the road network

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.3.5.a	Provide designs and documentation for traffic facilities and road works to improve the safety of the road environment	100%	Provided and contributed to designs and documentation for traffic facilities and road works to improve the safety of the road environment.	Provided and contributed to designs and documentation for traffic facilities and road works to improve the safety of the road environment.	Infrastructure Manager
1.3.5.b	Assess applications for over mass, over size vehicle movements within the LGA.	100%	Collaborated with the National Heavy Vehicle Regulator in the processing of OSOM journey consent requests and extending the list of pre-approved routes within the LGA.	Assessed applications for over mass, over size vehicle movements within the LGA.	Infrastructure Manager
1.3.5.c	Research and respond to road safety and road engineering enquiries	100%	Researched and responded to road safety and road engineering enquiries to ensure that applied treatments comply with relevant standards, guidelines and technical directions.	Researched and responded to road safety and road engineering enquiries.	Infrastructure Manager
1.3.5.d	Prepare reports for and facilitate the Local Development Committee (Traffic)	100%	Processed all received traffic and transport related DA referrals.	Processed all received traffic and transport related DA referrals.	Infrastructure Manager
1.3.5.e	Prepare reports for and facilitate the Local Traffic Committee	100%	Prepared reports for and productively facilitated the Local Traffic Committee Meetings for the 2019-20 Financial Year.	Prepared 30 reports for and facilitated 10 the Local Traffic Committee Meetings.	Infrastructure Manager
1.3.5.f	Collaborate with partners to develop and maintain a street light network to improve the safety of the road network.	100%	Collaborated with partners to develop and maintain a street light network to improve the safety of the road network, including participation in the 'Street Lighting Improvement Program'	Contributed to development and maintenance of the street light network to improve the safety of the road network.	Infrastructure Manager

d. 1.4: Fostering an articulate and creative community

1.4.1: Develop and deliver the annual Cessnock Performing Arts Centre season program

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.4.1.a	Deliver an engaging Cessnock Performing Arts Centre season with programming strategy that considers Council's community plans, diversity and inclusion.	100%	Prior to the COVID-19 Pandemic, the 2019 and 2020 season program had pleasing audience growth and noteworthy attendance. The programming strategy delivered an eclectic mix of drama, comedy, music and dance. Performance highlights included the heart-wrenching family drama Spencer, the musical HMS Pinafore and Hunter Dramas production of Disney's Madagascar. Madagascar proved to be a delight for young and old and having Hunter Drama provide classes at CPAC on a regular basis provides children and young people with the opportunity to engage in live theatre as does the venue's school holiday programming. CPAC in supporting Council's Reconciliation Action Plan hosted a film screening for NAIDOC Week 2019 and always seeks to include Aboriginal and Torres Strait Islander performances in its season program. From mid-March 2020 and in accordance with the COVID-19 Public Health Order a number of performances were unable to be held and rescheduled to later dates in 2020 & 2021.	Prior to the COVID-19 Pandemic, the 2019 and 2020 season program had pleasing audience growth and noteworthy attendance. The programming strategy delivered an eclectic mix of drama, comedy, music and dance. Performance highlights included the heart-wrenching family drama Spencer, the musical HMS Pinafore and Hunter Dramas production of Disney's Madagascar. Madagascar proved to be a delight for young and old and having Hunter Drama provide classes at CPAC on a regular basis provides children and young people with the opportunity to engage in live theatre as does the venue's school holiday programming. CPAC in supporting Council's Reconciliation Action Plan hosted a film screening for NAIDOC Week 2019 and always seeks to include Aboriginal and Torres Strait Islander performances in its season program. From mid-March 2020 and in accordance with the COVID-19 Public Health Order a number of performances were unable to be held and rescheduled to later dates in 2020 & 2021.	Community and Cultural Engagement Manager

1.4.1.b	Deliver programs at Cessnock Performing Arts Centre that engage children and young people in cultural expression.	100%	Interest in theatre for children and young people continues to grow in popularity. CPAC now has a regular contingent of family day care and vacation care groups that book into the theatre as soon as the season program is released. Additionally, the venue is fast becoming popular with local schools looking to plan their annual end of year extravaganzas. The 2019 season delivered a number of theatre performances aimed at children audience development and the 2020 year started with a children's magic show. A number of programs were scheduled to be delivered as part of the 2020 season along with involvement in Youth Week 2020 with the venue set to host the March 2020 Youth Week Launch, however in response to COVID-19 Public Health measures was postponed.	Interest in theatre for children and young people continues to grow in popularity. CPAC now has a regular contingent of family day care and vacation care groups that book into the theatre as soon as the season program is released. Additionally, the venue is fast becoming popular with local schools looking to plan their annual end of year extravaganzas. The 2019 season delivered a number of theatre performances aimed at children audience development and the 2020 year started with a children's magic show. A number of programs were scheduled to be delivered as part of the 2020 season along with involvement in Youth Week 2020 with the venue set to host the March 2020 Youth Week Launch, however in response to COVID-19 Public Health measures was postponed.	Community and Cultural Engagement Manager

1.4.2: Continue implementation of the priority projects from the Cessnock City Library Review, Report & Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.4.2.a	Develop and promote Cessnock City Library digital services.	100%	The popularity of e-resources has grown and in response the Library has expanded its online collection, including a range of e-comics and online movies. To assist Library users transition to digital resources and improve IT skills and knowledge, the Library secured grant funding to deliver IT workshops. However, in response to Covid-19, workshops were required to cease and will be delivered when safe to do so. To fill this void, online instructions for e-resources was posted on the Library Facebook site. IT help sessions were also offered during the year and Kurri Kurri High School students assisted by delivering a weekly Bring Your Own Device Tech Help session. Promotion of e-resources is an ongoing activity and the increased usage demonstrates the success of the Library Facebook site and monthly newsletter communications and the growing popularity of this medium. The Cessnock City Library E-Branch loans was up 188.9% and E-Reference up 32.9% for the reporting year.	The popularity of e-resources has grown and in response the Library has expanded its online collection, including a range of e-comics and online movies. To assist Library users transition to digital resources and improve IT skills and knowledge, the Library secured grant funding to deliver IT workshops. However, in response to Covid-19, workshops were required to cease and will be delivered when safe to do so. To fill this void, online instructions for e-resources was posted on the Library Facebook site. IT help sessions were also offered during the year and Kurri Kurri High School students assisted by delivering a weekly Bring Your Own Device Tech Help session. Promotion of e-resources is an ongoing activity and the increased usage demonstrates the success of the Library Facebook site and monthly newsletter communications and the growing popularity of this medium. The Cessnock City Library E-Branch loans was up 188.9% and E-Reference up 32.9% for the reporting year.	Community and Cultural Engagement Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
1.4.2.b	Develop and deliver diverse and inclusive lifelong learning programs, arts and local history exhibitions at Cessnock Library and Kurri Kurri Library Branches.	100%	Cessnock City Library fostered a culture of life-long learning implementing a multi-faceted approach, developing community partnerships and delivering diverse programming. A range of literacy programs were delivered along with preschool programs designed to instil a love of reading with weekly Rhymetime and Storytime enthusiastically attended. Regular visits to preschools and playgroups occured and the Childrens Book Week Roadshow with readings, dramatisations, audience participation and puppetry were enjoyed. Lifelong learning programs held included writers groups, bookclubs, author talks, sustainable living principles and retirement sessions. Community interest in local history resulted in a busy year for Local Studies, assisting local history researchers, hosting film screenings, facilitating workshops, hosting author talks, tours of the collection and curating exhibitions. The Library supporting diversity and inclusion, offered 2 LGBTQ events and were well attended.	Cessnock City Library fostered a culture of life-long learning implementing a multi-faceted approach, developing community partnerships and delivering diverse programming. A range of literacy programs were delivered along with preschool programs designed to instil a love of reading with weekly Rhymetime and Storytime enthusiastically attended. Regular visits to preschools and playgroups occured and the Childrens Book Week Roadshow with readings, dramatisations, audience participation and puppetry were enjoyed. Lifelong learning programs held included writers groups, bookclubs, author talks, sustainable living principles and retirement sessions. Community interest in local history resulted in a busy year for Local Studies, assisting local history researchers, hosting film screenings, facilitating workshops, hosting author talks, tours of the collection and curating exhibitions. The Library supporting diversity and inclusion, offered 2 LGBTQ events and were well attended.	Community and Cultural Engagement Manager
1.4.2.c	Progress next stage access improvements at Cessnock Library Branch including installation of a lift at Cessnock Library Branch.	100%	The lift at the Cessnock Library Branch has been installed connecting the ground floor with the first floor along with construction of new stairs. As part of a separate access project, two height adjustable self check out machines were installed, providing equal access to young people and people with disabilities to check out their own items. A self return check in kiosk has also been installed improving access to the collection however the operational use of the kiosk will occur in time and in accordance with the COVID-19 Safety Plan for the facility.	The lift at the Cessnock Library Branch has been installed connecting the ground floor with the first floor along with construction of new stairs. As part of a separate access project, two height adjustable self check out machines were installed, providing equal access to young people and people with disabilities to check out their own items. A self return check in kiosk has also been installed improving access to the collection however the operational use of the kiosk will occur in time and in accordance with the COVID-19 Safety Plan for the facility.	Community and Cultural Engagement Manager

1.4.2.d	Finalise the internal redesign of the Kurri Kurri Library Branch enhancing it as a modern and accessible facility for library users.	100%	A number of works have occurred and include air conditioning improvements in the meeting room and relocation of shelving providing increased accessibility for Library users to the collection and within the Library. With the earlier works undertaken in 2018/19 and the works undertaken this reporting year the end result is the creation of a much brighter and inviting Library Branch. A self return check in kiosk has been installed at the Branch and completes the refurbishment project. The operational use of the self return check in kiosk will occur in time and in accordance with the COVID-19 Safety Plan for the facility. In accordance with the COVID-19 Safety Plan the old returns station is being used to sanitise the Library collection and will be decommissioned in time and once safe to commence the operations for the new self return check in kiosk.	A number of works have occurred and include air conditioning improvements in the meeting room and relocation of shelving providing increased accessibility for Library users to the collection and within the Library. With the earlier works undertaken in 2018/19 and the works undertaken this reporting year the end result is the creation of a much brighter and inviting Library Branch. A self return check in kiosk has been installed at the Branch and completes the refurbishment project. The operational use of the self return check in kiosk will occur in time and in accordance with the COVID-19 Safety Plan for the facility. In accordance with the COVID-19 Safety Plan the old returns station is being used to sanitise the Library collection and will be decommissioned in time and once safe to commence the operations for the new self return check in kiosk.	Community and Cultural Engagement Manager

Delivery Program Measures

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Aquatic Facility Patronage (Branxton) - This is a measure of attendance and utilisation of Branxton Aquatic facility. Number of customers per annum. This data is sourced from attendance data. This measure was 25,771 in 2016-17.	>25,800	5,596 for January, 3,231 for February and 1,844 for March. Total of 10,768 for the quarter and 22,154 for the 2019/20 pool season	A lower than predicted attendance at outdoor pools this season has been attributed to a number of factors. Some regular user groups and several schools maintained their bookings but had less participants in aquatic activities. The smoke and ash from bushfires burning across the state in December 2019 impacted operations with both pools closed on several occasions. The end of the season due to COVID-19 risks also affected final attendance numbers.	Strategic Recreation & Community Facilities Planner
Aquatic Facility Patronage (Cessnock) - This is a measure of attendance and utilisation of Cessnock Aquatic facility. Number of customers per annum. This data is sourced from attendance data. This measure was 42,102 in 2016-17.	>42,150	6,015 for January, 6,677 for February and 3,926 for March. Total of 16,618 for the quarter and 35,754 for the 2019/20 Pool Season.	A lower than predicted attendance at outdoor pools this season has been attributed to a number of factors. Some regular user groups and several schools maintained their bookings but had less participants in aquatic activities. The smoke and ash from bushfires burning across the state in December 2019 impacted operations with both pools closed on several occasions. Operational issues including burst pipes at Cessnock Pool resulted in closure of the facility for a number of days and the cancellation of the Special Olympics Carnival at the end of the season due to COVID-19 risks also affected final attendance numbers.	Strategic Recreation & Community Facilities Planner

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Aquatic Facility Patronage (Kurri Kurri) - This is a measure of attendance and utilisation of Kurri Kurri Aquatic & Fitness Centre. Number of customers per annum. This data is sourced from attendance data. This measure was 120,000 in 2015-16.	>120,000	9,213 for January 10,214 for February, 8,519 for March, 472 for June and 80,118 YTD	The facility was closed from 23 March 2020 until 18 June 2020 due to the COVID-19 Pandemic which has resulted in lower than predicted attendance numbers.	Strategic Recreation & Community Facilities Planner
Cessnock Performing Arts Centre Audience - This measure is the number audience members that have attended performances at the Cessnock Performing Arts Centre in a calendar year. This measure is sourced from the centres ticketing system. Base 12,028 in 2015.	Maintain	9,380	CPAC, prior to closure in response to the COVID-19 Public Health Order, was on track to exceed the base target measure. Due to the Public Health Order there was no performances held from Mid March to 30 June 2020.	Community and Cultural Engagement Manager
Engagement with young people - This measure is the number of young people attending and participating in structured programs and drop-in services with CYCOS each year. This is a measure of the effectiveness of Councils provision of services to young people. This measure was 11,234 in 2015-16.	Maintain	13,801 engagements, comprising 5,691 attendances at programs/drop in, 984 virtual youth centre & 7,126 social media engagements.	With the COVID-19 Public Health Order, face to face service delivery for CYCOS programming temporarily ceased mid March until late June. In response, online platforms were increased. Data for the closure period from March 2020 includes analytics for CYCOS social media accounts.	Community and Cultural Engagement Manager
Library Programs - This measure is the number of programs offered at Councils libraries. This data is sourced from NSW Public Libraries statistics. This is a measure of the libraries engagement with the community for the purpose of both recreation and education. In 2014-15 the median for NSW public libraries was 563 programs. Base 810 programs in 2014-15.	>NSW Median	778	The number of programs delivered by Cessnock City Library exceeded the median for NSW Public Libraries. With the COVID-19 Public Health Order, face to face programs ceased April 2020. The Library was on track to exceed the base measure of 810 with three months left in the reporting year at the time of programs ceasing.	Community and Cultural Engagement Manager
Library Programs - This measures the number of attendees at library programs. This data is sourced from NSW Public Libraries statistics. This is a measure of the libraries engagement with the community for the purpose of both recreation and education. In 2014-15 the median for NSW public libraries was 11,582 attendees. Base 15,582 attendees in 2014-15.	> NSW Median	17,521	The number of attendees to library programs as at March 2020 already exceeded the base measure. The Library was unable to open during April & May in response to COVID-19 Public Health Order and was prohibited from delivering community programs during June.	Community and Cultural Engagement Manager

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
NAIDOC Week - This measures the diversity and growth of activities offered on the NAIDOC Week calendar. Number of activities listed in NAIDOC Week event calendar. The target measure was 10 in 2015-16.	Increase	18	Achieved above measure. The NAIDOC Week program has over the years continued to grow with new partnerships established.	Community and Cultural Engagement Manager
NAIDOC Week - This measures the engagement with the community during NAIDOC Week. Number of attendees at Council hosted NAIDOC Week events. This measure was 2,800 in 2016-17.	Maintain	1,580	NAIDOC Week 2019 received a number of positive comments and feedback for its diverse program of events. 1,580 attendances at Council hosted events and over 2,500 attendances for the entire program.	Community and Cultural Engagement Manager
Participation in major civic and community events and programs. - This measure is the number of community members attending and participating in major civic and community events and programs provided by CPAC each year. Base 2,500 in 2015.	Increase	1,442	Spring Awakening estimated participation 750. Adverse weather conditions impacted on the event. The 2019 Carols in the Park event was cancelled on the event day due to air quality concerns associated with the bushfires. Data also includes Australia Day events and Local Government Week.	Community and Cultural Engagement Manager
Public Swimming Pool and Spa inspections - This measure is the number of public swimming pools and spas inspected divided by the programmed number of public swimming pool and spa inspections. This is a measure of Councils contribution to the health and safety of the community. In 2015-16 there were 94 public swimming pools and spas and 100% of programmed inspections were carried out.	100%	100%	109 routine Public pool and spa inspections were conducted in the period November 2019 to March 2020.	Health and Building Manager
Regulatory Premises Inspections - This measure is the number of regulatory premises inspections carried out divided by the programmed regulatory premises inspections during a year. Regulatory premises inspections include food shop inspections, skin penetration inspections etc. This is a measure of Councils contribution to the health and safety of the community. In 2015-16 there were 732 inspections and 95% of programmed inspections were carried out.	100%	100%	Due to CV19 protocols routine monitoring inspections were postponed. Whilst some regulated businesses remain closed due to restrictions in order to maintain an oversight of food safety an alternate remote inspection process was developed & implemented in accordance with NSW Food Authority requirements prioritising businesses that were yet to receive an inspection within the administration period. In the June period 62 remote assessments of food businesses were completed and a total of 306 regulatory business inspections were completed in the 2019-20 financial year.	Health and Building Manager
Seniors Week - This measures the diversity and growth of activities offered on the Seniors Week calendar.	Increase	47	Diverse and inclusive activities were delivered for Seniors Festival 2020. The number of activities exceeded the target.	Community and Cultural

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Number of activities listed in Seniors Week event calendar. The target measure was 15 in 2015-16.				Engagement Manager
Seniors Week - This measures the engagement with the community during Seniors Week. Number of attendees at Seniors Week events. This measure was 1,500 in 2016-17.	Maintain	1,800	Achieved above measure. The engagement for Seniors Festival included a number of marketing/promotions approaches. The number of attendees exceeded the target measure.	Community and Cultural Engagement Manager
Youth Week - This measures the diversity and growth of activities offered on the Youth Week calendar. Number of activities listed in Youth Week event calendar. The target measure in was 15 in 2015-16.	Increase	21	Youth Week 2020 was postponed in response to COVID-19 public health measures. Only 1 event was able to be held prior to the decision for postponement. The program listed 21 activities.	Community and Cultural Engagement Manager
Youth Week - This measures the engagement with the community during Youth Week. Number of attendees at Youth Week events. This measure was 1,800 in 2016-17.	Maintain	120	Youth Week 2020 was postponed in response to COVID-19 public health measures. Only 1 event was able to be held prior to the decision for postponement.	Community and Cultural Engagement Manager

2: A sustainable and prosperous economy

2.1: Diversifying local business options

2.1.1: Undertake a follow-up Business Capability Study (to include trend analysis) and a Liveability Study

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.1.1.a	Deliver the Business Capability Study and develop a toolkit to support the project.	100%	The business capability study was undertaken, determining how many businesses operate within the region, their size, employment capacity, digitsation, export/ import status, skills shortages, performance and optimism. It strategically allows ongoing growth opportunities and capacity building. The Economic Development Unit identified 3017 businesses, engaged with 899 businesses and 713 businesses completed the survey surpassing expected target of 600. The project will allow further projects and strategy to be developed with this research as a basis to responsive programming. A Business engagement toolkit has been developed based on learnings from the consultative approach to economic development.	The business capability study was undertaken, determining how many businesses operate within the region, their size, employment capacity, digitisation, export/ import status, skills shortages, performance and optimism. The Economic Development Unit identified 3017 businesses, engaged with 899 businesses and 713 businesses completed the survey surpassing the expected target of 600. The project will allow further projects and strategy to be developed with this research as a basis to responsive programming. The study is available at https://advancecessnock.com.au/business-capability-study/	Economic Development & Tourism Manager
2.1.1.b	Scope and prepare for the renewal of a city wide Economic Development Strategy which prescribes a clear strategic framework for diverse and sustainable economic development outcomes, subject to funding.	100%	The schedule for the development and completion of the city wide Economic Development Strategy has been detailed under Operational Plan 2020-2021 Action 2.1.4.c. A draft strategy framework has been developed using specialized assistance in preparation for community consultation.	The schedule for the development and completion of the city wide Economic Development Strategy has been detailed under Operational Plan 2020-2021 Action 2.1.4.c. A draft strategy framework has been developed using specialized assistance in preparation for community consultation.	Economic Development & Tourism Manager

2.1.2: Identify opportunities and advocate for economic development and infrastructure funding

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.1.2a	Undertake research for economic analysis and reporting, prepare publications, submissions, and discussion papers and collate economic development information pertaining to major funding attraction.	100%	Cessnock Business Capability Study 2019 published and completed. A submission prepared in response to Strategic Review of the Resources for Regions Program Inputs Summary Report planned for the NSW Department of Planning, Industry and Environment by the University of Technology Sydney. A submission on Hunter Valley's Bushfire Devastated Communities was submitted to the Australian Government, with the Mayor attending the follow on Community Rebuilding Initiative roundtable. A Cessnock LGA COVID-19 Impact Report was developed to document the localised impact caused by the crisis. $6.6m in NSW Government funding was announced for the Cessnock Airport Upgrade Project.	Cessnock Business Capability Study 2019 published and completed. A submission was prepared and submitted in response to Strategic Review of the Resources for Regions Program. A submission on Hunter Valley's Bushfire Devastated Communities was submitted to the Australian Government, with the Mayor attending the follow on Community Rebuilding Initiative roundtable. A Cessnock LGA COVID-19 Impact Report was developed to document the localised impact caused by the crisis. $6.6m in NSW Government funding was announced for the Cessnock Airport Upgrade Project based on the economic benefits of the project.	Economic Development & Tourism Manager

2.1.3: Implement a Business Investment Attraction Program

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.1.3.a	Maintain the Advance Cessnock City business investment attraction resources.	100%	The Advance Cessnock City website is used as an online platform and business engagement tool that has enabled Cessnock City Council to be more responsive, understand the economic base, and communicate effectively with businesses, governments and institutions. Fortnightly e-news updates are provided to more than 6,000 business contacts and business investment resources are maintained and available for use. A Support Local page has been added to the website where a toolkit and other resources are available to promote local businesses. The Advance Cessnock City website is monitored by staff throughout the year with resources continually updated and improved.	The Advance Cessnock City website is used as an online platform and business engagement tool that has enabled Cessnock City Council to be more responsive, understand the economic base, and communicate effectively with businesses, governments and institutions. Fortnightly e-news updates are provided to more than 6,000 business contacts and business investment resources are maintained and available for use. A Support Local page has been added to the website where a toolkit and other resources are available to promote local businesses. The Advance Cessnock City website is monitored by staff throughout the year with resources continually updated and improved.	Economic Development & Tourism Manager

2.1.3b	Implement the Business Investment Attraction Program, cooperate with Advance Cessnock partners and the NSW Investment Concierge to facilitate and accommodate investment leads.	100%	The Advance Cessnock City platform has allowed a strategic approach to business investment attraction to target jobs-rich industries that complement existing businesses. Investment attraction resources are maintained on the Advance Cessnock City website, investment enquiries are supported via the Economic Development Team and the Planning Department in consultation with the NSW Government Investment Concierge Service. Quarterly Advance Cessnock Partners meetings have been held to support business chambers and tourism associations to discuss the Support Local campaign, the Economic Development Grants & Sponsorship Program and general business initiatives for the benefit of the LGA.	The Advance Cessnock City platform has allowed a strategic approach to business investment attraction to target jobs-rich industries that complement existing businesses. Investment attraction resources are maintained on the Advance Cessnock City website, investment enquiries are supported via the Economic Development Team and the Planning Department in consultation with the NSW Government Investment Concierge Service. Quarterly Advance Cessnock Partners meetings have been held to support business chambers and tourism associations to discuss the Support Local campaign, the Economic Development Grants & Sponsorship Program and general business initiatives for the benefit of the LGA.	Economic Development & Tourism Manager

2.1.4: Provide support for activation of commercial centres, business engagement, promotion and support for business growth

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.1.4a	Support Advance Cessnock City partnership through providing economic development grants and sponsorship for projects which improve the business environment, build capacity and capabilities amongst businesses, stimulate investment, enterprise and job creation as well as enhance the citys image.	100%	The 2019/2020 Economic Grants and Sponsorship program has been administered for 2019/20 in line with the Town Coordinator Committee instructions. New Grants and Sponsorship Guidelines have been developed to clarify and simplify the Council Economic Development Grant and Sponsorship requirements. The 2020/2021 Economic Grants and Sponsorship program was released on 20 March 2020 with seven complying applications received, reviewed and supported.	The 2019/2020 Economic Grants and Sponsorship program has been administered for 2019/20 in line with the Town Coordinator Committee instructions. New Grants and Sponsorship Guidelines have been developed to clarify and simplify the Council Economic Development Grant and Sponsorship requirements. The 2020/2021 Economic Grants and Sponsorship program was released on 20 March 2020 with seven complying applications received, reviewed and supported.	Economic Development & Tourism Manager
2.1.4b	Support and nurture existing economic activity in the city through Advance Cessnock City, collaborate with Advance Cessnock partners and foster sustained business productivity, growth and employment through business engagement opportunities and projects.	100%	Quarterly Advance Cessnock City (ACC) Partners meetings have been held to discuss actions that support business activity and growth. ACC Partners discussed, developed and approved the Support Local campaign concept ready for implementation. The 2019/2020 Economic Grants and Sponsorship program projects have been delivered by the ACC Partners as per the funding agreements. The 2020/2021 Economic Grants and Sponsorship Guidelines have been developed and distributed with seven applications received from ACC Partners.	Quarterly Advance Cessnock City (ACC) Partners meetings have been held to discuss actions that support business activity and growth. ACC Partners discussed, developed and approved the Support Local campaign concept ready for implementation. The 2019/2020 Economic Grants and Sponsorship program projects have been delivered by the ACC Partners as per the funding agreements. The 2020/2021 Economic Grants and Sponsorship Guidelines have been developed and distributed with seven applications received from ACC Partners.	Economic Development & Tourism Manager

2.2: Achieving more sustainable employment opportunities

2.2.1: Develop and communicate employment-related information to businesses

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.2.1.a	Maintain the Advance Cessnock City news, continue to provide critical and relevant information to businesses, and increase the resources on the Cessnock City Jobs Portal.	100%	The Advance Cessnock City e-news and business portal have continually provided vital information to businesses as well and sharing information related to Bushfires and COVID-19. The sharing of information relating to bushfires has resulted in 301 NSW Small Business Grant applications from the Cessnock LGA and $2.96 million in funding received from this fund. The Cessnock City Jobs Portal is continually being refined in conjunction with key agency partners and new stories and jobs are being added regularly. COVID-19 information and updates have been provided to assist local businesses in decision making, in obtaining grants and in accessing government subsidies during this difficult period.	The Advance Cessnock City e-news and business portal have continually provided vital information to businesses as well and sharing information related to Bushfires and COVID-19. The sharing of information relating to bushfires has resulted in 301 NSW Small Business Grant applications from the Cessnock LGA and $2.96 million in funding received from this fund. The Cessnock City Jobs Portal is continually being refined in conjunction with key agency partners and new stories and jobs are being added regularly. COVID-19 information and updates have been provided to assist local businesses in decision making, in obtaining grants and in accessing government subsidies during this difficult period.	Economic Development & Tourism Manager

2.2.2: Undertake a Skills Needs Analysis and collaborate with State and Federal Governments to promote employment

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.2.2.a	Collaborate with governments, training and employment agencies and maintain online resources for businesses, and promote employment and training outcomes.	100%	Network of training bodies and employment agencies convened to respond to findings of the Economic Development Unit's Cessnock City Skills Audit 2018. TAFE partnership negotiated with Advance Cessnock City with training packages being developed to respond to business needs. Meetings held with network to progress opportunities for unemployed populations, and find synergies on mutual issues such as employment programming and learn to drive programs. The Jobs Portal has been developed and refined in support of this deliverable. Over 50 attendees registered and attended the Greater Newcastle's Introduction to Exporting workshop co hosted by Cessnock City Council. Jobs Forum quarterly meeting help on 25 March 2020 and collaboration and training programs have been run online in response to COVID-19 restrictions.	Network of training bodies and employment agencies convened to respond to findings of the Economic Development Unit's Cessnock City Skills Audit. TAFE partnership negotiated with Advance Cessnock City with training packages being developed to respond to business needs. Meetings held with network to progress opportunities for unemployed populations, and find synergies on mutual issues such as employment programming and learn to drive programs. The Jobs Portal has been developed and refined in support of this deliverable. Over 50 attendees registered and attended the Greater Newcastle's Introduction to Exporting workshop co hosted by Cessnock City Council. Jobs Forum quarterly meeting help on 25 March 2020 and collaboration and training programs have been run online in response to COVID-19 restrictions.	Economic Development & Tourism Manager

2.2.4: Provide and promote apprenticeships and traineeships within Council

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.2.4.a	Implement a graduate program in critical functional areas.	100%	The Apprentice, Graduate and Trainee Framework is now complete following consultation with Staff, Management and approved by the Executive Team. The Framework will be presented to Council in August 2020. The Framework will be implemented over the next 5 years and includes increasing the numbers of Apprentice, Trainee and Graduate positions at Council by 4 in the first year and 2 each year thereafter.	The Apprentice, Graduate and Trainee Framework is now complete following consultation with Staff, Management and approved by the Executive Team. The Framework will be presented to Council in August 2020. The Framework will be implemented over the next 5 years and includes increasing the numbers of Apprentice, Trainee and Graduate positions at Council by 4 in the first year and 2 each year thereafter.	Human Resources Manager

2.3: Increasing tourism opportunities and visitation in the area

2.3.1: Collaboratively identify markets and promote the local government areas tourism industry

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.3.1.a	Continue to support product development opportunities, diversification of the market, and promote the growth of industry capacity in the visitor economy.	100%	The Destination Sydney Surrounds North photography and media development project has been completed. The Golf Hunter Valley brochure has been completed and distributed to regional visitor centres. 13 new tourism images have been installed at the Visitor Information Centre, a new Wollombi Visitor Information Point is being established and Council is working with Destination Sydney Surround North and Hunter Valley Wine Tourism to deliver a post bushfires marketing campaign. A Tourism Drive 33 product development project has been initiated to establish digital assets for future marketing campaigns and a Tourism Diversification Project initiated to identify potential business opportunities that grow the visitor economy.	The Destination Sydney Surrounds North photography and media development project has been completed. The Golf Hunter Valley brochure has been completed and distributed to regional visitor centres. 13 new tourism images have been installed at the Visitor Information Centre, a new Wollombi Visitor Information Point is being established and Council is working with Destination Sydney Surround North and Hunter Valley Wine Tourism to deliver a post bushfires marketing campaign. A Tourism Drive 33 product development project has been initiated to establish digital assets for future marketing campaigns and a Tourism Diversification Project initiated to identify potential business opportunities that grow the visitor economy.	Economic Development & Tourism Manager
2.3.1.b	Provide support to funding submissions for the visitor economy, including Destination NSW funding.	100%	Council applied for and received $250,000 in bushfire recovery funding for 10 tourism related projects. Council has committed $100,000 towards a Destination Marketing Campaign to attract visitors following bushfire and COVID-19 impacts. The joint Destination Marketing Campaign run in partnership with Destination Sydney Surrounds North, Hunter Valley Wine Tourism and Singleton Council has a combined value of $300,000. Council has applied for an additional $190,000 in tourism infrastructure funding under the Austrade Bushfire Stream 2 Program and $30,000 to support events under the Austrade Bushfire Stream 1 Program.	Council applied for and received $250,000 in bushfire recovery funding for 10 tourism related projects. Council has committed $100,000 towards a Destination Marketing Campaign to attract visitors following bushfire and COVID-19 impacts. The joint Destination Marketing Campaign run in partnership with Destination Sydney Surrounds North, Hunter Valley Wine Tourism and Singleton Council has a combined value of $300,000. Council has applied for an additional $190,000 in tourism infrastructure funding under the Austrade Bushfire Stream 2 Program and $30,000 to support events under the Austrade Bushfire Stream 1 Program.	Economic Development & Tourism Manager

2.3.1.c	Investigate opportunities for the Richmond Main site to become an eco-tourism/outdoor adventure hub that would co-exist with the current and heritage use of the site.	10%	Due to economic uncertainties created by the COVID-19 pandemic, at the meeting held on 15 April 2020 Council adopted the recommendation to defer the Richmond Main eco-tourism venture assessment until January 2021. This action will continue to be progressed and reported as part of the 2020-21 quarterly review process.	Preliminary investigations into the proposed use considered several site-specific issues including soil contamination, biodiversity conservation and heritage-related constraints and a long term licence to the Richmond Vale Preservation Co-operative Society. It was also necessary to assess the viability of an eco-tourism venture in terms of existing services and facilities in proximate areas and due to economic uncertainties created by the COVID-19 pandemic, Council adopted the recommendation to defer the Richmond Main eco-tourism venture assessment until January 2021 on 15 April 2020.	Finance & Administration Manager

2.3.2: Promote and grow the Hunter Valley Visitor Centre

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.3.2.a	Provide quality visitor services to Level 1 Accreditation standards under the Accredited Visitor Information Centre network.	100%	2020 accreditation documentation has been submitted to Destination NSW for review. On 7 March 2020 informed Council that the onsite review had been completed and that Level 1 accreditation has been approved for a further 12 months. Staff continuing to closely adhere to standards for responding to visitor requests, whether by social media, phone call in person. The Team has received increased contact in regard to the recent fires and COVID-19, providing appropriate and timely information to assist the visitors with their travel decisions. Feedback via Google, Guest Book continues to be at a consistently high standard. We are continuing to looking at ways to improve customer service further through interaction and observation of other customer service providers.	2020 accreditation documentation has been submitted to Destination NSW for review. On 7 March 2020 informed Council that the onsite review had been completed and that Level 1 accreditation has been approved for a further 12 months. Staff continuing to closely adhere to standards for responding to visitor requests, whether by social media, phone call in person. The team has received increased contact in regard to the recent fires and COVID-19, providing appropriate and timely information to assist the visitors with their travel decisions. Feedback via Google, Guest Book continues to be at a consistently high standard. We are continuing to looking at ways to improve customer service further through interaction and observation of other customer service providers.	Economic Development & Tourism Manager

2.3.2.b	Take a strategic approach towards supporting the financial sustainability of the Hunter Valley Visitor Information Centre, whilst promoting increased visitation into the centre, and offering value to businesses under Fee for Service and marketing initiatives.	100%	A Visitor Information Centre Business Plan has been created to identify efficiencies and opportunities for improvement. Business planning has resulted in changing the Visitor Information Centre layout to increase the prominence of visitor information, 13 new tourism images have been installed at the Visitor Information Centre to promote the beauty and attractions within the Hunter Valley, a conference room is being created for partner businesses and Fee for Service process efficiencies have been identified for implementation in 2020/2021. Due to bushfires and COVID-19 visitor numbers have been lower for November, December, January and March. The Centre was closed from 31 March 2020 to 31 May 2020 due to COVID-19.	A Visitor Information Centre Business Plan has been created to identify efficiencies and opportunities for improvement. Business planning has resulted in changing the Visitor Information Centre layout to increase the prominence of visitor information, 13 new tourism images have been installed at the Visitor Information Centre to promote the beauty and attractions within the Hunter Valley, a conference room is being created for partner businesses and Fee for Service process efficiencies have been identified for implementation in 2020/2021. Due to bushfires and COVID-19 visitor numbers have been lower for November, December, January and March. The Centre was closed from 31 March 2020 to 31 May 2020 due to COVID-19.	Economic Development & Tourism Manager
2.3.2.c	Support local suppliers including micro and small businesses (as well as businesses who identify as Aboriginal) through the Hunter Valley Visitor Information Centre gift shop.	100%	Staff undertake regular interaction with local suppliers seeking opportunity for the sale of their products through the Gift Shop. Fee for Service businesses are given the first opportunity to sell items then other local suppliers are given an opportunity based on item demand and gift shop suitability. Sales data is reviewed to determine high use items that provide the greatest benefit to the Centre and supplier.	Staff undertake regular interaction with local suppliers seeking opportunity for the sale of their products through the Gift Shop. Fee for Service businesses are given the first opportunity to sell items then other local suppliers are given an opportunity based on item demand and gift shop suitability. Sales data is reviewed to determine high use items that provide the greatest benefit to the Centre and supplier.	Economic Development & Tourism Manager

2.3.3: Support major community events and festivals

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.3.3.a	Assess requests associated with major community events and festivals, including use of public road reserve open space and assets.	100%	Assessed and processed requests associated with major community events and festivals until such events were curtailed by COVID-19.	Assessed and processed requests associated with major community events and festivals.	Infrastructure Manager

2.3.4: Commence implementation of the Vineyard Signage Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
2.3.4.a	Implement the strategy to replace the existing Vineyards mapping system subject to grant funding being received.	100%	Implemented Hunter Valley Wine Country Signage Strategy.	Implemented Hunter Valley Wine Country Signage Strategy.	Infrastructure Manager

Delivery Program Measures

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Engagement with business community - This measure is the number of unique visitors on the Advance Cessnock City website (sourced from the website analytics). This is a measure of engagement with the local business community. The number of unique visitors in 2015-16 was 25,860.	28,000	32,453	1 July 2019 to 30 June 2020 total is 32,453 page views. This represents 117% of the 28,000 target.	Economic Development & Tourism Manager
Engagement with potential tourists - This measure is the number of unique visitors on the Hunter Valley Visitor Centre website (sourced from the website analytics). This is a measure of engagement with tourists/potential tourists to the area. The number of unique visitors in 2015-16 was 361,918.	398,000	491,338 page views and 137,740 users	The Visitor Information Centre Website full year results are 491,338 page views from 137,740 individual users.	Economic Development & Tourism Manager
Satisfaction with economic development activities - This measure is from a random survey of residents where they are asked to rate their satisfaction with Councils efforts in encouraging business and industry on a scale of 1-5 where 1 = low satisfaction and 5 = high satisfaction. The 2016 rating was 3.16 (compared with 3.07 in 2014).	>3	2.93	Community Survey undertaken March 2019	Economic Development & Tourism Manager
Visits to Hunter Valley Visitor Centre - This measure is the number of visitors to the Hunter Valley Visitor Centre (sourced from the counters at the entrance to the Hunter Valley Visitor Centre). This is a measure of in-bound tourism to the area. The number of visitors in 2016 was 102,175.	>100,000	71,290	The annual Visitor Information Centre main entry door numbers are 50,495 and the secondary entry numbers are 20,795. Total numbers are 71,290.	Economic Development & Tourism Manager

3: A sustainable and healthy environment

3.1: Protecting and enhancing the natural environment and the rural character of the area

3.1.1: Finalise Cessnock City Planning Strategy and commence implementation

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.1.a	Finalise the Cessnock City Planning Strategy	100%	The Cessnock Local Strategic Planning Statement was adopted at the meeting of Council on 17 June 2020.	The Cessnock Local Strategic Planning Statement was adopted at the meeting of Council on 17 June 2020.	Principal Strategic Planner
3.1.1.b	Commence review of Cessnock LEP 2011	0%	Project to commence in the current financial year.	Project to commence in the current financial year.	Principal Strategic Planner

3.1.3: Progress the review of land use planning controls within the vineyard district

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.3.a	Finalise the review of land use planning controls within the vineyard district.	90%	Councillor Briefing scheduled for 12 August 2020. Final planning framework to be reported to Council in August 2020.	Report recommending land use controls scheduled for 12 August 2020 Council Meeting.	Principal Strategic Planner

3.1.4: Continue implementation of the Biodiversity Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.4.a	Implement the Biodiversity Strategy Communication Plan to improve community awareness, including delivery of 'Our Bushland' Environmental Trust grant project.	100%	The Environmental Trust has approved an extension until 30 September 2020 due to the fact final event of the Our Bushland project could not be held due to COVID-19 restrictions. The funds will now be used at the Bushland Festival which at this stage is still to be held at the end of August. Project evaluation and final report have commenced. No further activity will occur in 2019/2020.	Progressed implementation of the Biodiversity Strategy Communication Plan to improve community awareness, including delivery of 'Our Bushland' Environmental Trust grant project.	Environment and Waste Services Manager

3.1.5: Continue to implement the Carbon Management & Energy Reduction Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.5.a	Develop an action plan for Council's Revolving Energy Fund.	100%	Proposed installations reported to Council (Report rescheduled until August 2020)	Electricity supply contracts including street lighting completed via SSROC contract partnership. Draft Action Plan for energy efficient upgrades developed including reviews and studies under Sustainable Councils and Communities Program (DPIE) Energy consumption in large (Council) sites has decreased by 10% since program commencement (2016-17).	Environment and Waste Services Manager

3.1.6: Manage the risks to climate change and improve resilience to extreme weather events, flooding, bushfire, mine subsidence and land contamination

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.6.a	Adopt a Climate Change Policy	100%	Climate Change Policy adopted by Council on 20 May 2020. Project complete.	Climate Change Policy adopted by Council on 20 May 2020. Project complete.	Principal Strategic Planner
3.1.6.b	Adopt a contaminated land policy and procedures	100%	As no submissions were received in response to the exhibition of the draft policy, in accordance with the Council resolution the policy is now adopted and in place. Project complete. Stage 2 to commence 2020-21.	As no submissions were received in response to the exhibition of the draft policy, in accordance with the Council resolution the policy is now adopted and in place. Project complete. Stage 2 to commence 2020-21.	Principal Strategic Planner

3.1.6.c	Develop Remedial Action Plans for high priority sites and report outcomes to Council for consideration.	70%	The work on the Former Waste Sites is progressing, however has been delayed due to the COVID-19 Pandemic. The detailed investigation has been completed for the Kurri Kurri site and the report is with the Auditor for review. Fieldwork has been undertaken at Heddon Greta and Greta sites with reporting due in September. Fieldwork for Cessnock is due to be completed in July and for Paxton and Abermain due to be undertaken in October 2020.	A project plan was developed for the former waste sites, recommending detailed investigations for six sites and remediation action plans as required. Tenders were called for consultants (August 2019) and PRM were appointed (November 2019). A NSW EPA accredited Site Auditor, from GHD, was also appointed (December 2019). To determine remediation requirements, including developing Remedial Action Plans, investigations have commenced per EPA Guidelines. Sampling Assessment and Quality Plans (SAQPs) have been developed and approved for fieldwork for all sites. Fieldworks has been undertaken for the Kurri, Heddon Greta and Greta, with the detailed investigation report for Kurri being reviewed by the Site Auditor and reports for Greta and Heddon Greta due September 2020. Fieldwork for Cessnock is planned for July 2020 and the remaining sites October 2020. The work on the Former Waste Sites is progressing, however has been delayed due to the COVID-19 Pandemic.	Environment and Waste Services Manager
3.1.6.d	Assess the flood impacts of development.	100%	Provided assessment advice within agreed timeframes.	Assessed the flood impacts of development.	Infrastructure Manager
3.1.6.e	Raise community awareness of developing flood impacted land.	100%	Updated website, included flood mapping.	Raised community awareness of developing flood impacted land.	Infrastructure Manager

3.1.7: Manage Councils environmental assets

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.7.a	Implement the flying fox camp management plan, subject to grant funding	100%	Projects under current grant finalised. New grant for vegetation management received and currently in the initial implementation stage (for 2020-21).	2019-20 grant finalised.	Principal Strategic Planner
3.1.7.b	Identify, protect and manage Council's civil infrastructure with heritage significance.	100%	Commenced implementation of Roadside Drainage Strategy, which covers conservation of sandstone kerb & gutter.	Prepared draft Policy for Conservation and Management of Sandstone Kerb & Gutter.	Infrastructure Manager

3.1.8: Carry out regulatory and education programs to protect and enhance the natural environment and environmental health

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.8.a	Continue to implement the On-Site Sewage Management (OSSM) inspection program	100%	Between July 2019 and April 2020, 580 proactive routine monitoring inspections were conducted. Due to CV19 protocols the scheduling of routine monitoring site inspections were postponed until further notice. No routine monitoring inspections were carried out from April 2020 although responsive inspections deemed necessary to address identified concerns or hazards and to facilitate new/altered remained ongoing. The risk based priority inspection program is such that those that had their inspection postponed will be prioritised in the 2020-21.	Between July 2019 and April 2020, 580 proactive routine monitoring inspections were conducted. Due to CV19 protocols the scheduling of routine monitoring site inspections were postponed until further notice. No routine monitoring inspections were carried out from April 2020 although responsive inspections deemed necessary to address identified concerns or hazards and to facilitate new/altered remained ongoing. The risk based priority inspection program is such that those that had their inspection postponed will be prioritised in the 2020-21.	Health and Building Manager
3.1.8.b	Continue to implement the Regulatory Premises inspection program, including food shops, skin penetration premises and public swimming pools	100%	Due to CV19 protocols routine monitoring inspections were postponed. Whilst some regulated businesses remain closed due to restrictions in order to maintain an oversight of food safety an alternate remote inspection process was developed & implemented in accordance with NSW Food Authority requirements prioritising businesses that were yet to receive an inspection within the administration period. In the June quarter 62 remote assessments of food businesses were completed and a total of 306 regulatory business inspections were completed in the 2019-20 financial year.	Due to CV19 protocols routine monitoring inspections were postponed. Whilst some regulated businesses remain closed due to restrictions in order to maintain an oversight of food safety an alternate remote inspection process was developed & implemented in accordance with NSW Food Authority requirements prioritising businesses that were yet to receive an inspection within the administration period. A total of 306 regulatory business inspections were completed in the 2019-20 financial year.	Health and Building Manager

3.1.8.c	Implementation of Council's companion animals education programs focusing on responsible pet ownership as per the Companion Animals Management Plan.	100%	During June Rangers continued the Keep Your Mate Safe - With Love Comes Responsibility campaign aimed towards owners of companion animals. Education involves; bus and bus stop Advertisements, social media and Councils website. Targeted media of Councils Companion Animal Video Keep Your Mate Safe video is ongoing to local Facebook users. The video has been uploaded to Councils New Internet Site under Pets and Animals Keeping of Animals. Internal screensavers and Customer Service display screens updated advertising the Keep Your Mate Safe - With Love Comes Responsibility campaign. Free microchipping of Companion Animals continues to be provided to residents of the LGA daily. Bulk mail outs to owners of unregistered companion animals requesting owners to register their companion animals continues on a monthly basis. Dangerous, menacing and restricted dog inspections are being undertaken as required as per legislation under the Companion Animals Act.	During June Rangers continued the Keep Your Mate Safe - With Love Comes Responsibility campaign aimed towards owners of companion animals. Education involves; bus and bus stop Advertisements, social media and Councils website. Targeted media of Councils Companion Animal Video Keep Your Mate Safe video is ongoing to local Facebook users. The video has been uploaded to Councils New Internet Site under Pets and Animals Keeping of Animals. Internal screensavers and Customer Service display screens updated advertising the Keep Your Mate Safe - With Love Comes Responsibility campaign. Free microchipping of Companion Animals continues to be provided to residents of the LGA daily. Bulk mail outs to owners of unregistered companion animals requesting owners to register their companion animals continues on a monthly basis. Dangerous, menacing and restricted dog inspections are being undertaken as required as per legislation under the Companion Animals Act.	Health and Building Manager
3.1.8.d	Implementation of the Regional Weeds Action Plan	100%	Timing and program interrupted by drought, bushfires and Covid-19 however, Weed Action Plan actions completed. 5 Properties inspected approx. 150ha. Council properties completed include: CWMC, Airodrorne, Richmondvale Museum	Weed Action Plan completed noting downturn due to drought and bushfire	Environment and Waste Services Manager
3.1.8.e	Continue community engagement and education relating to environmental initiatives	100%	Program interrupted by both bushfires and Covid-19 during last quarter.	Environment initiatives undertaken/completed during the reporting period include: - School Tree Day - Host for NSW Tidy Town Awards - Compost giveaways (7 pallets) - Pop up water & Energy giveaways (80 attendees)	Environment and Waste Services Manager

3.1.9: Commence implementation of the priority recommendations from flood studies and risk management plans for major catchments in the local government area

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.9.a	Implement high priority projects from the Swamp/Fishery Creek Floodplain Risk Management Plan.	100%	Finalised Abermain & Weston Flood Warning System Concept Design, and submitted Floodplain Management grants for construction.	Implemented high priority projects from the Swamp/Fishery Creek Floodplain Risk Management Plan.	Infrastructure Manager
3.1.9.b	Implement high priority projects from the Cessnock City/Black Creek Flood Risk Management Plan.	100%	Finalised Cessnock Warning System Concept Design, progress South Cessnock Bund Wall Design, submitted Floodplain Management grant for construction of South Cessnock Flood Mitigation scheme, and sought funding for preferred scheme from SA NSW & Hunter Water Corp.	Implemented high priority projects from the Cessnock City/Black Creek Flood Risk Management Plan.	Infrastructure Manager
3.1.9.c	Implement high priority projects from the Wollombi Flood Risk Management Study and Plan.	100%	Commissioned Flood Warning System and commenced development of flood response in partnership with NSW SES.	Implemented high priority projects from the Wollombi Flood Risk Management Study and Plan.	Infrastructure Manager
3.1.9.d	Facilitate Councils Floodplain Management Committee.	100%	Facilitated Floodplain Management Committee Meetings.	Facilitated Floodplain Management Committee Meetings.	Infrastructure Manager
3.1.9.e	Implement high priority projects from the Greta/Anvil Creek Flood Study.	100%	Applied for Floodplain Management Grants for a Greta Flood Risk Management & Plan.	Sought grant finding to Implement high priority projects from the Greta/Anvil Creek Flood Study.	Infrastructure Manager
3.1.9.f	Continue the review of the Infrastructure Plan to suit planned expansion of new infrastructure for future development.	100%	Provided further input into infrastructure planning for urban release areas.	Continued review of the Infrastructure Plan to suit planned expansion of new infrastructure for future development.	Infrastructure Manager

3.1.10: Continue implementation of Councils Trunk Stormwater Drainage Strategy to protect and enhance the natural environment

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.10.a	Investigate and design works identified in the Stormwater, Waterway and Floodplain Strategy.	100%	Progressed design of Whitburn Estate scheme.	Investigated and designed works identified in the Stormwater, Waterway and Floodplain Strategy.	Infrastructure Manager

3.1.11: Commence development of a street tree strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.1.11.a	Finalise and implement the Cessnock City Council Street Tree Strategy.	60%	This project has been delayed due to COVID 19 restrictions and competing priorities. Continuation of this project has been included as an action within the 2020/2021 Financial Year.	The framework for the Tree Strategy is complete. Priorities were required to be realigned due to Covid-19 and the project has been carried forward to 2020/21.	Strategic Recreation & Community Facilities Planner

3.2: Better utilisation of existing open space

3.2.1: Implement the Recreation & Open Space Strategic Plan 2018

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.2.1.a	Continue implementation of the recommendations from the Recreation & Open Space Strategic Plan 2018.	100%	A1.3.2 Continue to collaborate with key stakeholders regarding the Richmond Vale Rail Trail - Working with National Parks & Wildlife Services and Lake Macquarie Council to finalise the draft REF and specialist documents for the trail. A2.1.4 Undertake a review of Council's Skate & BMX Facilities Needs Assessment 2020 - draft Skate & BMX Strategy reported to Council in June and placed on public exhibition. A3.5.3 Investigate establishing a regional sportsground within the Hydro Land Release Area - Concept plans prepared for a 10ha regional sports facility. Ongoing discussions with developer to see the facility incorporated within the urban release area. A4.3.2 Update Council's policies in regards to recreation - review commenced on Council's policy of Advertising on Recreation Grounds (2014)	A number of key actions were completed including the forming of the Richmond Vale Rail Trail Working party, development of a shade program for Council's playgrounds with implementation ongoing, Council's Skate & BMX Facilities Needs Assessment 2020 was reviewed with a new strategy drafted and Planning Area open space recommendations have been addressed through an open space review at Huntlee and continued negotiations for a 10Ha regional sporting facility within Hydro.	Strategic Recreation & Community Facilities Planner
3.2.1.b	Develop an Off Leash Dog Exercise Area Strategy.	55%	A revised project management plan has been completed to align with the previously completed framework. The project has been delayed due to changing priorities during Covid-19 and the need to refocus resources. It is anticipated community engagement will commence in August.	Key actions commenced within the Off leash strategy including development of a framework, benchmarking with Hunter Councils and completion of an audit of dog ownership in the Cessnock LGA. Priorities were required to be realigned following Covid-19 and the project will continue in 2020/21.	Strategic Recreation & Community Facilities Planner

3.2.2: Develop and update Plans of Management

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.2.2.a	Develop and update plans of management.	55%	In line with the Crown Land Management Act 2016, Council Officers are still awaiting Ministers approval for proposed categorisation of Crown Land parcels. Plans of Management will continue to progress following this approval. This has been included as an action within the 2020-21 Operational Plan for completion.	The introduction of the Crown Land Management Act 2016 requires Plans of Management for all Crown Land. Prior to commencing Plans of Management, Ministers consent must be received regarding categorisation of Crown land parcels. Council is awaiting this consent and has resulted in a delay to developing documents. This has been included within the 2020-21 Operational Plan for completion.	Strategic Recreation & Community Facilities Planner

3.2.3: Continue to implement the adopted masterplans for Councils recreation & community facilities and spaces

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.2.3.a	Continue to implement the adopted masterplans for Council's recreation and community facilities spaces including the Cessnock CBD Masterplan, Bridges Hill Masterplan, Kurri Kurri Cemetery and Gordon Williams Memorial Lawn Cemetery Masterplans.	100%	Ongoing through the delivery of capital works projects listed in the Operational Plan. Bridges Hill Playground, CBD works currently under construction and signage at Cessnock Cemetery.	Key actions have been achieved with the implementation of Bridges Hill Playground near completion, works within the CBD Masterplan under construction, an extension of Kurri Kurri Cemetery complete and wayfinding signage installed at Cessnock Cemetery.	Strategic Recreation & Community Facilities Planner

3.2.4: Provide and maintain recreation facilities, streetscapes and public open space

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.2.4.a	Undertake routine maintenance in accordance with schedules	100%	Maintenance tasks have been completed for the period ending June 30 2020 in line with agreed schedules and time frames.	Maintenance tasks were completed in line with agreed schedules and time frames	Strategic Recreation & Community Facilities Planner

3.3: Better waste management and recycling

3.3.2: Commence construction of the landfill extension project

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.3.2.a	Investigate alternate capping technologies, remaining void space and current approval for existing landfill site.	95%	Continued consultation with consultant around closure and capping plan to ensure space is maximised and risk minimised. The final plan will require submission to and approval of EPA. Whilst the project has been impacted by interruption of working arrangements both by Council and consultant, final documentation and plans are expected to be received by September 2020.	The application for and approval of landfill extension on current site (additional lift) will yield approx 3-4 years additional life at the current site. The increase (additional lift) also delays significant capital expenditure and development pressure of new extension site. The development of the Closure Plan to secure approval on this additional lift is well underway, however has been delayed due to COVID-19.	Environment and Waste Services Manager
3.3.2.b	Develop tender documents for Stage 1 of the landfill extension project.	90%	Quotation process for the site surveyor has been undertaken and surveyor has been appointed. Covenants to secure the Offset have been developed.	The additional lift delays the need to commence development of tender documents for Stage 1 of new extension site. Conditions of Development Consent for the project include securing the Biodiversity Offset. The Biodiverstiy Offset (25ha) has now been approved off by Office of Environment and Heritage (OEH). The site was identified and approved from within the (Council) land holding of the total waste site. This approval had significant cost saving to Council. Convenants for the Offset have been drafted and a survey plan is in development to secure the Offset under Section 88B of the Conveyancing Act. Report to Council to follow.	Environment and Waste Services Manager

3.3.3: Continue implementation of the priority projects from the Waste Management Strategy 2014-19 and the EPA Waste Less Recycle More program

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.3.3.a	Undertake problem waste management strategies including safe sharps disposal, mattress drop-offs, community recycling centres and stations.	100%	A mattress drop off was held in Kurri Kurri on 20 June 2020, with 666 mattresses collected for recycling. Household Chemical CleanOut proposed for May was postponed due to COVID-19 and has been rescheduled for 26 July 2020.	Three mattress drop off days where held with over 2,000 collected for recycling.	Environment and Waste Services Manager

3.3.3.b	Develop policies and procedures to increase the efficiency of waste services, including missed bins, multi-unit dwellings, community exemptions and public place bins.	100%	Business continuity plans developed, revised and implemented during Covid-19. Collection run manual completed and distributed to staff	Bushfires and Covid-19 has impacted on the way in which parts of the waste management function has been delivered during this period. Whilst the operation of the CWMC was impacted by Covid-19 the collection function continued as normal. The impact saw Business Continuity Plans developed and implemented to ensure the maintenance and delivery of this essential service. Despite the challenges, operational development throughout the year included the development of Collection Run manuals, business continuity plans, procedures to improve efficiency of support services (missed bins, repairs, new services). Policies and procedures continue to be reviewed as service demands and expansion occurs.	Environment and Waste Services Manager
3.3.3.c	Project manage the development of waste management and recycling facilities in accordance with the Waste Management Strategy 2014-19.	100%	Provided project management support.	Provided project management support.	Infrastructure Manager

3.3.4: Update the Waste Management Strategy for the period 2020-24

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.3.4.a	Present finalised Waste Management Strategy for the 2020-24 period to Council for adoption.	100%	The draft 2020-25 Waste Strategy and initial community consutlation phase (Options Report) was undertaken with results presented to Council via briefing in March '20. Draft strategy was presented via Report WI 16/2020 4 march 2020. Council resolved to amend the draft with exclusions and proposed a further Council workshop to further consider. The revised Strategy was placed on exhibition closing April '20. Councillor workshop proposed for July '20.	The 2021 -25 Waste Strategy was adopted with amendment and placed on public exhibition. Councillor workshop focussed on the amendments is scheduled for July 2020.	Environment and Waste Services Manager

3.3.5: Continue to implement programs that target litter and illegal dumping

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
3.3.5.a	Participate in the regional illegal dumping (RID) squad.	100%	Participated in the regional illegal dumping (RID) squad and completed activities required in the June 2020 quarter.	Council is a founding member of the regional RID Squad and will continue via grant funding under the Waste Less Recycle More program. The challenges of large LGA and easy access to bushland continue to present illegal dumping. Whilst many forms of media promotion (feature articles in press (both print and TV, signage at known sites, bus and truck advertising the presence of dumping remains concerning.	Environment and Waste Services Manager
3.3.5.b	Undertake litter reduction projects and illegal dumping clean-ups and prevention, subject to grant funding.	95%	Action on this activity (physical clean-ups) has been impacted by both bushfires and Covid-19. The filming aspect is expected to be rescheduled and undertaken in July/August 2020.	This program has included physical clean-ups undertaken in National Parks (Old Maitland Rd) signage erected (Baddely Park) and the production of short films (blogs) focusing on the illegal dumping, anti-social behaviour and environmental degradation. The program also linked with Clean-Up Australia activities in March 2020. The scheduled activities and timeframe was impacted by bushfires and Covid-19 but grant administrators have agreed to extension of program in recognition of the interruptions.	Environment and Waste Services Manager

Delivery Program Measures

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Biodiversity, sustainability and natural resource matters - This is the measure of decreased energy consumption in council properties. The number of megawatt hours used. This data is sourced from energy account data. 1369 MW hrs 2016-17.	Decrease	1,254 MW	10% decrease from base year 2016-17	Environment and Waste Services Manager
Biodiversity, sustainability and natural resource matters - This measure is the number of people engaged in biodiversity, sustainability and natural resource workshops, presentations and consultation. The number of people attending workshops, presentations and consultations.	1,000	500	All events cancelled from March to June 2020 due to COVID-19 Pandemic.	Environment and Waste Services Manager

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Completion of Capital Works Program (Recreation) - This measure is the number of completed projects divided by the total number of projects of the current adopted Recreation & Buildings Capital Works Program. Base 64%.	>85%	64% 2019-20	37 (or 64%) of the 58 funded projects were completed. The completion of projects was impacted by a number of factors including Covid-19 (availability of contractors and supply of materials being delayed), grant reliant projects not progressing due to no funding opportunities identified, additional projects incorporated within the capital works program such as Mulbring Rural Fire Station and continued project managing of insurance related works (Kurri Kurri Community Centre, Howe Park & Kurri Kurri Ambulance Hall) which delayed commencement of some projects.	Strategic Recreation & Community Facilities Planner
Environmental health and protection inspections - This measure is the number of on-site sewage management systems inspections carried out divided by the programmed number of inspections in line with Councils On-Site Sewage Management System Strategy. This is a measure of Councils contribution to the health of the local environment. In 2015-16 749 inspections were carried out. 83% in 2015-16.	>80%	100%	Between July 2019 and April 2020, 580 proactive routine monitoring inspections were conducted. Due to CV19 protocols the scheduling of routine monitoring site inspections were postponed until further notice, no routine monitoring inspections were undertaken from April 2020 although responsive inspections deemed necessary to address identified concerns or hazards and to facilitate new/altered remained ongoing. The risk based priority inspection program is such that those that had their inspection postponed will be prioritised in the 2020/2021.	Health and Building Manager
Illegal dumping - This is a measure of community engagement reporting illegal dumping. This is a measure of illegal dumping sites reported. This data is sourced from RID online entries.	Increase	282 reports	Reported at December and June Review.	Environment and Waste Services Manager
Waste & Recycling - This is a measure of increased Resource Recovery at Cessnock Waste Management Centre. The number of tonnes recycled and re-processed from Cessnock Waste Management Centre. This data is sourced from weigh bridge data.	Increase	2912.69 t	This data is sourced from weighbridge data throughout the year and reported annually.	Environment and Waste Services Manager
Waste & Recycling - This is a measure of the diversion of problem waste from landfill. The number of tonnes of problem waste collected at Cessnock Community Recycling Centre. This data is sourced from the EPA and Toxfree service data.	Increase	158.34 t	Sourced from the 3rd party recycler/reprocessor & EPA service data and reported annually.	Environment and Waste Services Manager

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Waste & Recycling - This is a measure of the diversion of waste from landfill. The overall percentage diversion of waste from landfill. This data is sourced from service contractors and weigh bridge data.	Increase	33%	Sourced from weighbridge and third party processor data	Environment and Waste Services Manager
Waste & Recycling - This is a measure of the number of domestic waste collection services provided by Council. In 2015-16 there were 21,022 domestic waste collection services. This data is sourced from the annual rates data.	Increase	22,600	Represents service numbers sourced from annual rate data.	Environment and Waste Services Manager
Waste & Recycling - This is a measure of the number of tonnes recycled and re-processed via the kerbside recycling and organics collection service. The kerbside recycling service was provided to 21,022 properties in 2015-16. This measure is sourced from Hunter Resource Recovery and Australian Native Landscapes service data. Base 5501t in 2015-16.	11,300t	3,848.98 tonnes recycling 5,090.04 tonnes organics	Kerbside recycling tonnages are down as a result of the introduction of the CDS. The overall kerbside diversion rate is 40%.	Environment and Waste Services Manager

4: Accessible infrastructure, services and facilities

4.1: Better transport links

4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.1.1.a	Prepare applications for available grant funding to improve commuter, freight and tourism transport links.	100%	Submitted applications for external grant funding under Restart NSW Fixing Country Roads Round 2 program.	Prepared applications for available grant funding to improve commuter, freight and tourism transport links.	Infrastructure Manager
4.1.1.b	Prepare funding applications for upgrades of public transport stops	100%	Awaited outcome of application submitted for upgrades of public transport stops under the Country Passenger Transport Infrastructure Grants Scheme for 2020-21.	Prepared funding applications for upgrades of bus stops.	Infrastructure Manager

4.1.2: Commence implementation of the Traffic & Transport Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.1.2.a	Continue investigate and design for high priority projects from the Traffic & Transport Strategy.	100%	Progressed investigation and design for upgrade of Wollombi Road, Cessnock.	Continued investigation and design of high priority projects from the Traffic & Transport Strategy.	Infrastructure Manager

4.1.3: Commence implementation of the Pedestrian Access & Mobility Plan

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.1.3.a	Implement the following high priority pathway project from the Pedestrian Access & Mobility Plan. - Bridge Street, Cessnock pathway (stage 2)	40%	Progressed design for off-road shared path, construction pending, incorporated Bridge Street pathway as a component in latest Transport for NSW Walking And Cycling Program application, awaited notification of application outcome.	Progressed implementation of high priority pathway project from the Pedestrian Access & Mobility Plan.	Infrastructure Manager

4.1.4: Commence implementation of the Cycling Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.1.4.a	Investigate and design the following high priority project from the Cycling Strategy. - Maitland Road to Wine Country Drive off road pathway.	100%	Produced Concept Design, incorporated as a component in a Transport for NSW Walking And Cycling Program application, awaited notification of application outcome.	Investigated and designed the high priority project from the Cycling Strategy.	Infrastructure Manager
4.1.4.b	Develop a Trails Strategy	100%	Strategy adopted in May 2020.	The Trails Strategy is complete and was adopted by Council in May 2020	Strategic Recreation & Community Facilities Planner

4.1.5: Contribute to the investigations and planning for the Richmond Vale Rail Trail

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.1.5.a	Progress the trail concept development for the Richmond Vale Trail.	100%	A Development Application with a supporting EIS and BDAR for 100m of the trail at Stockrington has been submitted for assessment with Cessnock Council. A draft Review of Environmental Factors for the remainder of the trail (within the Cessnock and Lake Macquarie LGA's) as well as a revised set of concept drawings have also been completed and currently under review by key stakeholders. Detailed engagement with all impacted landowners is planned for August 2020.	The trail concept for the Richmond Vale Rail Trail has progressed with A DA submitted for a small portion of the trail and a suite of draft documents and specialist reports complete including a Review of Environmental Factors, Flora and Fauna report and revised concept drawings.	Strategic Recreation & Community Facilities Planner
4.1.5.b	Participate in the Richmond Vale Rail Trail working group.	100%	Project Managers from Lake Macquarie, Newcastle and Cessnock Council's are in regular communication regarding progress updates for the Richmond Vale Rail Trail. The July working party meeting was postponed in June due to circumstances surrounding Covid-19 but is anticipated to be rescheduled for later this year.	Participation in the working group is ongoing with Council representatives attending the one meeting that has been held to date (January 2020).	Strategic Recreation & Community Facilities Planner

4.2: Improving the road network

4.2.1: Develop prioritised capital works programs in line with adopted asset management plans

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.2.1.a	Develop prioritised Capital Works Programs in line with adopted Asset Management Plans.	100%	Carried out condition assessment of roads, bridges and stormwater assets, prepared draft optimised renewal and replacement programs.	Developed prioritised Capital Works Programs in line with adopted Asset Management Plans.	Infrastructure Manager
4.2.1.b	Review and update Road Network Asset Management Plans.	75%	Undertook condition assessment for road network, commissioned review of current AMP.	Undertook condition assessment for road network, commissioned review of current AMP.	Infrastructure Manager

4.2.2: Deliver prioritised on-ground capital works and maintenance programs

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.2.2.a	Investigate alternative treatments for maintenance and construction works	100%	Use of environmentally sustainable products introduced such as "glass' sand and "green" concrete.	Use of environmentally sustainable products introduced such as "glass' sand and "green" concrete.	Works and Operations Manager
4.2.2.b	Undertake in-house design and document road work, bridges and culverts to meet required service levels for the Capital Works Program.	100%	Prepared designs for South Ave, Buckland Ave, Fourth Street, CPTIGs and pathways.	Undertook in-house design and documentation for road work, bridges and culverts to meet required service levels for the Capital Works Program.	Infrastructure Manager
4.2.2.c	Deliver Capital Works Program.	90%	Progressed delivery of Capital Works Programs.	Delivered Capital Works.	Infrastructure Manager
4.2.2.d	Deliver capital works projects.	100%	Works provided within construction timing constraints were completed or commenced.	Delivered capital works projects.	Works and Operations Manager
4.2.2.e	Continue to review the maintenance inspection regime (using technology for recording inspections and works) and integrate results with other corporate systems.	100%	Continued to review the maintenance inspection regime (using technology for recording inspections and works) and integrate results with other corporate systems.	Recover/Reflect training is to be provided in 2020/21.	Works and Operations Manager

4.2.3: Continue to improve support services and facilities to assist works delivery and service provision

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.2.3.a	Complete the priority projects from the heavy plant and equipment service improvement project	100%	Progressed priority projects from the heavy plant and equipment service improvement project.	Recognised plant priorities purchased through Plant Services.	Works and Operations Manager
4.2.3.c	Progress the improvements identified in the Depot Masterplan	100%	Completed improvements identified in the Depot Masterplan.	Works in current masterplan completed. Review of Masterplan in 2020/21 to investigate additional internal and external parking.	Works and Operations Manager

4.3: Improving access to health services locally

4.3.1: Advocate for health services on behalf of the community

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
4.3.1.a	Investigate grant funding opportunities to upgrade the kitchen facility at CYCOS to enable healthy cooking programs.	100%	An application was submitted to the Stronger Country Communities Fund for a kitchen upgrade at Cessnock Youth Centre and Outreach Service (CYCOS) supporting the delivery of healthy cooking programs. The application was successful and Council was awarded $120,226 in April for the project. The works have been included in the 2020-21 Operational Plan.	Grant funding secured for kitchen upgrade to support delivery of healthy cooking programs. Work included in the 2020-21 Operational Plan.	Community and Cultural Engagement Manager

Delivery Program Measures

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Asset Maintenance - This measure is the three year average of actual asset maintenance divided by required asset maintenance. The Fit for the Future benchmark is greater than 100% (average over three years). 104.0% in 2015-16.	>100%	109.10%	Updated from the annual financial statements.	Finance & Administration Manager
Asset Management Maturity - This measure is the qualitative assessment of Councils asset management maturity. The measure is assessed on a scale of basic, core and advanced. Core in June 2016.	Intermediate	Basic	Progressed Road Network Condition Survey.	Infrastructure Manager
Asset Renewal - This measure is the three year average of asset renewal (for buildings and infrastructure) divided by depreciation, amortisation & impairment (for buildings and infrastructure). The Fit for the Future benchmark is greater than 100% (average over three years). 142.1% om 2-15-16.	>100%	160%	Updated from the annual financial statements.	Finance & Administration Manager

Completion capital works program (roads, bridges and drainage) - This measure is the number of completed projects divided by the total number of projects of the current adopted Roads, Bridges & Drainage Capital Works Program. 84% in 2015-16.	>85%	81% 2019-20	62 (or 81%) of the 77 funded projects were completed. Progress on a number of projects was adversely affected by the impact of the COVID-19 pandemic on internal Council and external consultant resources affecting preconstruction works, and external contractors resources affecting construction activities.	Infrastructure Manager
Infrastructure Backlog - This measure is the estimated cost to bring assets to a satisfactory condition divided by the total written down value of infrastructure, buildings, other structures and depreciable land improvements. The Fit for the Future benchmark is less than 2%.	<2%	4.31%	Updated from the annual financial statements.	Finance & Administration Manager

5: Civic leadership and effective governance

5.1: Fostering & supporting community leadership

5.1.1: Foster professional development of Councillors

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.1.1.a	Develop and deliver a Professional Development Program for Councillors in line with OLG Guidelines, Council Policy and budget to support Councillors in their role.	100%	Program adopted in February 2020. Due to COVID pandemic the program had to be modified to provide training online. Chairing and Effective Meetings Training provided to Councillors on 22 April 2020 and Media Skill Training provided on 2 June 2020 via Zoom. A new training program will be drafted commencing in September for the final 12 months of the Council term to be delivered before the 2021 Election. This action will continue to be progressed and reported against 5.1.1.a in the 2019-20 Operational Plan.	Program adopted in February 2020. Due to COVID pandemic the program had to be modified to provide training online. Chairing and Effective Meetings Training provided to Councillors on 22 April 2020 and Media Skill Training provided on 2 June 2020 via Zoom. A new training program will be drafted commencing in September for the final 12 months of the Council term to be delivered before the September 2021 Election.	Finance & Administration Manager

5.1.2: Conduct pre-induction and induction programs for the 2020 local government election

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.1.2.a	Finalise the agenda and topic descriptions for pre-induction and induction programs for the 2020 local government election and develop a draft program.	100%	The draft Agenda has been developed and some modifications are being incorporated based on General Manager feedback. Delivery of the training has been deferred to 2021 due to Elections being postponed but development of the program is still progressing. The implementation of this action will be progressed via an action in the 2021-22 Operational Plan.	The draft Agenda has been developed and some modifications are being incorporated based on General Manager feedback. Delivery of the training has been deferred to 2021 due to Local Government Elections being postponed to September 2021 but development of the program is still progressing. The implementation of this action will be progressed via an action in the 2021-22 Operational Plan.	Finance & Administration Manager

5.2: Encouraging more community participation in decision making

5.2.1: Commence implementation of the priority projects from the Communications & Engagement Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.2.1.a	Review and updated the Communications & Engagement Strategy.	100%	The new position of Community Engagement Officer was created and filled in March 2020. A consultation process involving our community, youth and staff was undertaken in April and May 2020 during the development of the draft Strategy. The results were outlined to Councillors in June 2020 and a review of the draft Strategy undertaken. Council report endorsed public exhibition of the draft Strategy at the 15 July 2020.	The new position of Community Engagement Officer was created and filled in March 2020. A consultation process involving our community, youth and staff was undertaken in April and May 2020 during the development of the draft Strategy. The results were outlined to Councillors in June 2020 and a review of the draft Strategy undertaken. Council report endorsed public exhibition of the draft Strategy at the 15 July 2020.	Business Support and Customer Relations Manager
5.2.1.b	Finalise a Community Participation Plan by December 2019.	100%	Plan adopted by Council. Completed	Plan adopted by Council. Completed	Principal Strategic Planner

5.2.2: Actively participate in and collaborate with Hunter Joint Organisation to promote the interests of the local government area

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.2.2.a	Actively participate in and collaborate with Hunter Joint	100%	The Mayor and General Manager have actively participated in Strategic Planning work-shops during this period. The Mayor has been chairing the HJO	The Mayor and General Manager have actively participated in Strategic Planning work-shops during this period. The Mayor has been chairing the HJO board meetings and the	Relief Executive Assistant

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
	Organisation to promote the interests of the LGA		board meetings and the GM has attended the Strategic Services Australia (SSA) board meetings. The Hunter Joint Organisation is in the process of forming a Foundation 2050 and the SSA is working with the business units to become stronger in their service delivery and business entrepreneurship. The HJO logo has also been updated and a new newsletter circulated to all members and the Mayor forwarding the same to all Cessnock Councillors.	GM has attended the Strategic Services Australia (SSA) board meetings. The Hunter Joint Organisation is in the process of forming a Foundation 2050 and the SSA is working with the business units to become stronger in their service delivery and business entrepreneurship. The HJO logo has also been updated and a new newsletter circulated to all members and the Mayor forwarding the same to all Cessnock Councillors.	

5.2.3: Continue to monitor and respond to the State Governments local government reform program to improve the financial sustainability of councils

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.2.3.a	Monitor and respond to the State Government's local government reform program.	100%	Focus is currently directed to Federal and State Government initiatives associated with the Coronavirus pandemic. Any other direction setting will be undertaken in conjunction with ELT and with relevant Business Unit involvement. This ongoing action will continue to be progressed and reported against 5.2.3.a in the 2020-21 Operational Plan.	Focus is currently directed to Federal and State Government initiatives associated with the Coronavirus pandemic. Any other direction setting will be undertaken in conjunction with Executive Leadership and with relevant Business Unit involvement. This ongoing action will continue to be progressed and reported against 5.2.3.a in the 2020-21 Operational Plan.	Finance & Administration Manager

5.2.4: Continue to support and monitor the operations of Section 355 committees

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.2.4.a	Meet with groups on a regular basis and provide assistance where required.	100%	Meetings with groups has been held on a regular basis. Specific groups for the month of June include key stakeholders of Baddeley, Carmichael and Weston Park through providing updates on the draft Masterplan process and attending site & zoom meetings, key stakeholders of Miller park regional sports complex through a number of site meetings to improve recreation infrastructure at the site and meetings with the Lions Club of Branxton to discuss the construction of a community hub in Branxton.	Meeting with and providing support to user groups has been ongoing. These have included face to face meetings and more recently virtual meetings via zoom and other platforms. Weekly meetings have been held with recreation and sporting groups ranging from discussing planned upgrades to facilities, discussions regarding future upgrades and development of Masterplans, support with completing grant applications and supporting all groups through Covid-19 including keeping groups updated on public health orders and communicating the implications of these.	Strategic Recreation & Community Facilities Planner

5.3: Making Council more responsive to the community

5.3.1: Develop and commence implementation of the Customer Service Strategy sub-plans

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.1.a	Build an organisation which has a focus on the customer by having well trained staff who are committed to providing a quality service.	100%	Due to Covid-19 our customer service program and our Customer Relations team training has been completed for the current financial year. Council staff have continued to adapt to working remotely allowing us to continue to provide services to our community	Council's customer service program was undertaken by our leadership and management teams and team leaders, induction program and across the organisation enhancing the quality of customer service provided to our community. Corporate wide training in Skype for Business and Outlook has been completed ensuring staff aware of the Council's customer service standards and expectations. Our Customer Relations Team training included; behavioural profile; building resilience and self-care; dealing with situations of conflict; Call Coaching and mentoring; Investing in our staff has benefited our Customer Relations Team receiving a highly commended for Team of the Year at the National Local Government Customer Service Network Awards, and ranking first in Mystery Customer Walk-in, Telephone and Overall Surveys. COVID-19 has changed how we deliver our customer service to the community. Staff across the organisation have been trained to operate our business needs remotely allowing us to continue to provide services to our community.	Business Support and Customer Relations Manager

5.3.2: Continue to conduct regular development consultation forums

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.2.a	Conduct regular development consultation forums	100%	Development Consultation Forum was scheduled to be held on 8 April 2020. However, due to the COVID-19 health crisis, and in order to comply with the government provisions in respect of gathering numbers, the Forum was cancelled. The date for the forum in the second half of 2020 will be subject to health advice in respect of indoor gatherings.	Development Consultation Forum was scheduled to be held on 8 April 2020. However, due to the COVID-19 health crisis, and in order to comply with the government provisions in respect of gathering numbers, the Forum was cancelled. The date for the forum in the second half of 2020 will be subject to health advice in respect of indoor gatherings.	Development Services Manager

5.3.3: Continue to efficiently and effectively process development applications and respond to planning-related enquiries

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.3.a	Continue to efficiently and effectively process development applications and respond to planning-related enquiries	100%	This is an ongoing operational service. DA's (and related Applications) are processed effectively as indicated by average turnaround times and satisfaction surveys. Planning related inquiries are responded to promptly and accurately through our Duty Planning Services, Development Assessment Officers and Pre-DA Meetings for prospective applicants.	This is an ongoing operational service. DA's (and related Applications) are processed effectively as indicated by average turnaround times and satisfaction surveys. Planning related inquiries are responded to promptly and accurately through our Duty Planning Services, Development Assessment Officers and Pre-DA Meetings for prospective applicants.	Development Services Manager
5.3.3.b	Refine and expand the online lodgement of applications.	100%	Council collaborated with DPIE, Civica and CIBIS to implement the API integrating the Planning Portal with Council's Content Management and Authority Systems, resulting in Cessnock City Council being the first Council in NSW to integrate systems. Council attended the Terms of Reference Group meeting which was set up by the DPIE. Our ePlanning working group reviewed feedback and developed a frequently ask questions and provided a number of recommendations to DPIE to enhance the use of the portal. A number of internal processes were also refined including the electronic assessment of application and electronic inspections in the field.	Lodgement of DAs, CDCs, modifications and post consent certificates via the NSW Planning Portal commenced in July 2019. Council mandated lodgement via the Portal 01/01/2020 with 100% of applications lodged online. Officers are available to assist stakeholders with pre-lodgement, ensuring applications are assessment ready when lodged, stakeholder feedback resulted in FAQs and recommendations outlining improvements provided to Department of Planning Infrastructure and Environment. API integration was completed integrating the Portal with Council's Content Management and Authority Systems, resulting in Cessnock City Council being the first Council in NSW to integrate systems. Council has collaborated with DPIE providing case studies, presenting at roadshows, holding webinars and supporting onboarding Councils. Term of Reference Working Group has been setup by DPIE with Cessnock City Council representing the Hunter Region. The Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2020 commenced on 1 July 2020.	Business Support and Customer Relations Manager
5.3.3.c	Assess and mitigate the impact of traffic generated by development.	100%	Processed all received traffic and transport related DA referrals so as to mitigate the impact of traffic generated by development so far as is practicable.	Assessed and worked to mitigate the impact of traffic generated by development.	Infrastructure Manager
5.3.3.d	Review and update Council's engineering requirements for development.	85%	Progressed standardised specification.	Progressed review and update of Council's engineering requirements for development.	Infrastructure Manager

5.3.4: Develop and implement a strategic and operational internal audit plan

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.4.a	Develop and implement a strategic and annual internal audit plan	60%	The draft Strategic Internal Audit Plan 2020-23 was presented to the Audit and Risk Committee. Committee requested Management to review and provide feedback at the next meeting in August 2020.	The draft Strategic Internal Audit Plan 2020-23 was presented to the Audit and Risk Committee. Committee requested Management to review and provide feedback at the next meeting in August 2020.	Internal Auditor

5.3.5: Implement the Risk Management Strategy

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.5.a	Continue implementation of the Risk Management Strategy.	100%	Implementation of the Risk Management Strategy is ongoing. An updated Risk Policy and Work Health and Safety Policy were adopted by Council in June 2020 and the associated Enterprise Risk Management Framework is currently undergoing a periodic review and will be presented to Council in September 2020. The system procedures associated with the Integrated Risk Management Framework have all been developed and the majority approved ready for implementation.	Implementation of the Risk Management Strategy is ongoing. An updated Risk Policy and Work Health and Safety Policy were adopted by Council in June 2020 and the associated Enterprise Risk Management Framework is currently undergoing a periodic review and will be presented to Council in September 2020. The system procedures associated with the Integrated Risk Management Framework have all been developed and the majority approved ready for implementation.	Human Resources Manager

5.3.6: Implement systems and strategies to improve productivity across the organisation

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.6.a	Implement an electronic performance management system to improve productivity and integration across council.	100%	The electronic performance management system, Pulse, is complete and has been rolled out to the organisation. Management and staff have been trained on how to use the system. The Performance Development Plan (PDP) review process is taking place for the FY19/20 period using the electronic system and the FY20/21 PDP's will be developed using the Pulse system.	The electronic performance management system, Pulse, is complete and has been rolled out to the organisation. Management and staff have been trained on how to use the system. The Performance Development Plan (PDP) review process is taking place for the FY19/20 period using the electronic system and the FY20/21 PDP's will be developed using the Pulse system.	Human Resources Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.6.b	Implement a Leadership and Emerging Leaders training program.	45%	Impacted by COVID 19 with delivery of a pilot Leadership and Emerging Leaders program now delayed. Framework will be delivered November 2020 but the other elements including the pilot, mentor program and actual delivery on hold until after COVID 19 crisis.	Impacted by COVID 19 with delivery of a pilot Leadership and Emerging Leaders program now delayed. Framework will be delivered November 2020 but the other elements including the pilot, mentor program and actual delivery on hold until after COVID 19 crisis.	Human Resources Manager

5.3.7: Continue to educate staff on statutory compliance obligations

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.7.a	Implementation of the Statutory Compliance and Reporting Framework.	100%	Framework developed and implemented and a report will be put to the Audit and Risk Committee in November 2020 following completion of most actions for the previous reporting period. The register is also currently being uploaded into Pulse so the next Financial Years actions can be completed by action officers in Pulse.	Framework developed and implemented and a report will be put to the Audit and Risk Committee in November 2020 following completion of most actions for the previous reporting period. The register is also currently being uploaded into Pulse (Councils Corporate Management System) so the next Financial Years actions can be completed by delegated action officers in Pulse.	Finance & Administration Manager

5.3.8: Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.8.a	Implement industry best practice governance frameworks to support Councils statutory compliance requirements.	100%	This is being achieved via numerous Governance initiatives and projects including; policy reviews, delegations review, fraud and corruption prevention initiatives, governance training and circulars, privacy awareness week, information workshops, induction training, management and team meeting presentations, advice and support to the organisation. This ongoing action will continue to be progressed and reported against 5.3.8.a in the 2020-21 Operational Plan.	This is being achieved via numerous Governance initiatives and projects including; policy reviews, delegations review, fraud and corruption prevention initiatives, governance training and circulars, privacy awareness week, information workshops, induction training, management and team meeting presentations, advice and support to the organisation. This ongoing action will continue to be progressed and reported against 5.3.8.a in the 2020-21 Operational Plan.	Finance & Administration Manager

5.3.9: Action the Strategic Property Review

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.9.a	Progress and implement the Strategic Property Review Project	100%	Projects categorised as High Priority in the now adopted Strategic Property Review (SPR) Implementation Plan 2020-21 are being progressed. Valuations have been commissioned for all properties reclassified to Operational land in November 2019 and Council reports are being prepared for sale authorisation per the Strategic Property & Community Facilities Committee (SPCFC) recommendation in April this year. Investigations are underway into two potential development land parcels and SPCFC authorisation to reclassify a key site will be sought on 2 July 2020. This action will continue to be progressed and reported against 5.3.9.a in the 2020-21 Operational Plan.	The Strategic Property Review Implementation Plan 2020-21 was adopted by Council on 15 April 2020. All Implementation Plan projects categorised as High Priority are being progressed. Valuations have been commissioned for 16 parcels reclassified to Operational land in November 2019 & Council reports are being prepared for sale authorisation per the Strategic Property & Community Facilities Committee (SPCFC) recommendation in April 2020. Certification of remediation works on the Hebburn Estate Stage 4 development site are nearing completion & investigations into 2 other potential development land parcels are underway. A report prepared for July 2020 meeting of the SPCFC will seek reclassification of the Civic Park site from Community to Operational land & transfer of a Crown road which would otherwise have limited development options for the overall site. This action will continue to be progressed and reported against 5.3.9.a in the 2020-21 Operational Plan.	Finance & Administration Manager

5.3.10: Further embed IP&R as the centrepiece of the new LG Act

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.10.a	Incorportate actions from high level council strategies and plans in the new corporate planning system - stage 1	20%	Council elections have been deferred 12 months to September 2021. As a consequence the next Community Strategic Plan review and formulation of the next Delivery Program have also been deferred. Progress on this action will be slowed in line with the revised timeline and to enable focus on planning associated with Council's response to the Coronavirus pandemic. This activity will continue to be progressed at action 5.3.12.a in the 2020-21 Operational Plan.	Draft hierarchy for council strategies and plans being developed for the corporate planning system (Pulse). Council elections have been deferred 12 months to September 2021. As a consequence the next Community Strategic Plan review and formulation of the next Delivery Program have also been deferred. Progress on this action will be slowed in line with the revised timeline and to enable focus on planning associated with Council's response to the Coronavirus pandemic. This activity will continue to be progressed at action 5.3.12.a in the 2020-21 Operational Plan.	Finance & Administration Manager

5.3.10.b	Implement a Grants Policy to align with Council's Strategic Plan.	100%	The 6 month trial period was completed at the end of June and a report is going to the July ELT meeting to obtain final adoption following Manager and stakeholder feedback and improvement of the Protocol.	The 6 month trial period was completed at the end of June and a report is scheduled to be presented to the July Executive Leadership team meeting to obtain final adoption following Manager and stakeholder feedback and improvement of the Protocol.	Finance & Administration Manager

5.3.11: Continue implementation of the Financial Sustainability Initiative projects

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.11.a	Review Councils ratings mix and develop options to recalibrate model to better reflect ratepayer base (includes forecasting of growth in LGA).	100%	The staff have continued to cleanse the database in preparation for the report. NSW government has shelved a proposal for the release of the report. Council also has not made any significant changes to the Rating Mix in light of the current COVID-19 situation.	Council staff undertook a comprehensive review of 770 properties which were classified as non rateable in Councils rating systems. There were 6 properties which were identified as being classified incorrectly. Staff will continue to systematically review other rating categories to ensure that each rateable assessment is classified correctly in accordance with the legislative requirements of the Local Government Act 1993, which will ensure Council is well place to implement any changes, if required, when the NSW Government enacts the recommendation from the IPART Rating Review Report.	Finance & Administration Manager
5.3.11.b	Evaluate community feedback on service and funding options and develop scenarios for community consultation	10%	Council elections deferred by 12 months which has resulted in an equivalent deferral to the Community Strategic Planning process. Engagement capabilities are however being enhanced with the recruitment of a Community Engagement Officer. A greater level of engagement undertaken for the recent Operational Planning process with excellent outcomes. This activity will continue to be progressed at action 5.3.11.b in the 2020-21 Operational Plan.	Council elections have been deferred by 12 months to September 2021, which has resulted in an equivalent deferral to the Community Strategic Planning process. Engagement capabilities are being enhanced following the recruitment of a Community Engagement Officer in 2019-20. A greater level of engagement was undertaken for the recent 2020-21 Operational Planning process with excellent outcomes. This activity will continue to be progressed at action 5.3.11.b in the 2020-21 Operational Plan.	Finance & Administration Manager
5.3.11.c	Maintain principle of balanced operating budget and ensure programs are fully funded	100%	Despite significant uncertainty associated with the Covid-19 pandemic and the associated pressures on Council financials the principals of balanced operating and cash budgeting are being followed. This will remain very important in difficult economic environment.	Despite significant uncertainty associated with the Covid-19 pandemic and the associated pressures on Council financials the principals of balanced operating and cash budgeting were maintained. The 2020-21 Budget was adopted by Council as part of the Operational Plan at the meeting of 24 June 2020, with existing levels of service maintained within the Operational Plan, coupled with an increased capital works program for 2020-21.	Finance & Administration Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.11.d	Continue implementation of the Plant and Fleet Management review to ensure efficient and effective use of resources.	100%	Continued implementation of the Plant and Fleet Management review to ensure efficient and effective use of resources.	Reviews completed for 2019-20 and will continue through 2020-21.	Works and Operations Manager
5.3.11.e	Develop recommendations for consideration on changes to Fees & Charges to ensure preferred mix between ratepayer and user funding of specific services.	100%	Combination of delay in Community Strategic Planning process and the Coronavirus pandemic resulted in Council pursuing a more conservative approach to fees and charges. The opportunity was taken however to rationalise and standardise fees and charges as part of the Operational Planning process.	Combination of delay in Community Strategic Planning process and the Coronavirus pandemic resulted in Council pursuing a more conservative approach to fees and charges. The opportunity was taken however to rationalise and standardise fees and charges as part of the Operational Planning process. Fees & Charges for 2020-21 were adopted by Council as part of the Operational Plan at the meeting of 24 June 2020.	Finance & Administration Manager
5.3.11.f	Enhance contract and vendor management processes as part of Purchasing and Procurement Service Improvement Project.	100%	Continuing to work with ArcBlue to ensure that the allocation of the data is improved. Contractor Management Policy is currently under review by the procurement team, however there has been a short term change in focus to ensure probity and compliance during COVID-19	Council staff will continue to improve processes to ensure that Council is getting the best value for money while being compliant and ensuring probity. In 2019/20 Council introduced Vendorpanel (an electronic system to capture and record organisations that provide services to Council) as a way to increase the level of probity and to minimise Councils exposure to risk. Council will continue to improve procurement processes to achieve a better outcome for the community.	Finance & Administration Manager
5.3.11.g	Review and update the Investment Policy to allow a broader range of compliant investment options to be considered to enable higher investment returns to be realised whilst meeting agreed risk parameters.	100%	The Investment Policy has been reviewed with a particular focus on the Coronavirus and impacts to investment approach and possible changes to credit ratings. Some banks have already been placed on negative watch. It has been determined that the best approach is to not make changes as there is a grandfathering clause to enable Council to address changes to credit ratings. Changes to the policy will be made out of cycle if required. Policy was adopted by Council at the 17 June 2020 meeting.	The Investment Policy was reviewed with a particular focus on the impacts from the Coronavirus pandemic and impacts to investment approach and possible changes to credit ratings for financial institutions whom Council invests with. Some financial institutions have already been placed on negative credit watch, and Council continues to minimise its exposure to such institutions. Councils Policy already includes a grandfathering clause to enable Council to address changes to credit ratings, so no significant changes to the Policy were made. If required changes to the policy can be made out of cycle, with teh Policy required to be reviewed and adopted annually. The revised Policy was adopted by Council at the 17 June 2020 meeting.	Finance & Administration Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.11.h	Review options for the generation of alternative revenue sources which might reduce the reliance on rates to fund incremental increases in funding requirements.	80%	Focus has been on alternative revenue sources that do not impact ratepayers. Strategic Property team continues to focus on enhancing Council returns across the entire portfolio of property assets. This activity will continue to be progressed and reported against 5.3.11.e in the 2020-21 Operational Plan.	This years focus has been on alternative revenue sources that do not adversely impact ratepayers. The Strategic Property team continues to focus on enhancing Council returns across the entire portfolio of property assets. This activity will continue to be progressed and reported against 5.3.11.e in the 2020-21 Operational Plan.	Finance & Administration Manager

5.3.12: Continue to improve financial systems and services to support the organisation

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.12.a	Undertake service level (condition) scenarios of council assets and evaluate financial impact in LTFP	30%	This will be deferred due to the 12 month delay in the next Community Strategic Plan and Delivery Program.	This will be deferred due to the 12 month delay in the next Community Strategic Plan and Delivery Program.	Finance & Administration Manager
5.3.12.b	Review Councils Revenue Policy to assess when Council will charge for services and the basis for determining the charges that should apply.	50%	Revenue Policy has been updated to reflect broadening of hardship provisions. At this time no major changes will be made to fees and charges to avoid impacting the community at this time. This activity will continue to be progressed and reported as part of 5.3.11.e in the 2020-21 Operational Plan.	Revenue Policy has been updated to reflect broadening of hardship provisions. At this time no major changes will be made to fees and charges to avoid impacting the community at this time. This activity will continue to be progressed and reported as part of 5.3.11.e in the 2020-21 Operational Plan.	Finance & Administration Manager
5.3.12.c	Implement enhanced internal monthly reporting.	100%	Internal monthly reporting is focusing on monitoring and determining the impact of coronavirus. This includes forecasting impacts with feedback sought from each Business Unit manager.	Internal monthly reporting focused on monitoring and determining the impact of coronavirus. This includes forecasting impacts with feedback sought from each Business Unit manager. Business partnering roles continued in providing assistance to Business Unit managers.	Finance & Administration Manager

5.3.13: Continue to improve Councils use of technology to inform and engage the community

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.13.a	Provide website updates on the current Capital Works Program, particularly with respect to traffic disruptions and construction works	100%	Provided essential website updates on the delivery of the Capital Works Program, particularly with respect to traffic disruptions and construction works considered likely to impact on amenity.	Provided website updates on the current Capital Works Program, particularly with respect to traffic disruptions and construction works.	Infrastructure Manager
5.3.13.b	Share information regarding the status of capital works projects using social media.	100%	Provided timely and relevant information regarding the status of capital works projects to Communications and Media Team for posting on Council's social media.	Shared information regarding the status of capital works projects using social media.	Infrastructure Manager

5.3.14: Implement the Workforce Plan

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.14.a	Develop a succession management framework.	100%	The Succession Planning and Talent Management Framework has been developed and endorsed by the Executive Leadership Team. The document will go to the staff consultative committee for information at the August 2020 meeting.	The Succession Planning and Talent Management Framework has been developed and endorsed by the Executive Leadership Team. The document will go to the staff consultative committee for information at the August 2020 meeting.	Human Resources Manager
5.3.14.b	Implement training strategies to identify and address current and anticipated skill gaps within Council's workforce.	70%	Impacted by COVID 19 - The delivery of the Learning Module within Pulse has been impacted by COVID 19 as all training has been put on hold, other than mandatory compliance training and some online training. The Learning module in Pulse is only partially implement and in time will be used to provide reports that allow for more accurate data on skills gaps and has a close link to the Succession Planning and Talent Management Framework.	Impacted by COVID 19 - The delivery of the Learning Module within Pulse has been impacted by COVID 19 as all training has been put on hold, other than mandatory compliance training and some online training. The Learning module in Pulse is only partially implement and in time will be used to provide reports that allow for more accurate data on skills gaps and has a close link to the Succession Planning and Talent Management Framework.	Human Resources Manager
5.3.14.c	Review and update Council's EEO Management Plan.	100%	The EEO Management Plan 2020-2024 is complete following extensive internal consultation with Staff, Management Team and endorsement by the Executive Leadership team. The Plan was approved by Council in June 2020.	The EEO Management Plan 2020-2024 is complete following extensive internal consultation with Staff, Management Team and endorsement by the Executive Leadership team. The Plan was approved by Council in June 2020.	Human Resources Manager

Action ID	Operational Plan 2019-20 Action	Progress	Comments	Annual Comment	Responsible Officer
5.3.14.d	Implement priority actions from the workforce plan relating to attracting and retaining young workers, succession planning, the Disability Inclusion Action Plan and the Reconciliation Action Plan (RAP).	75%	Impact by Covid 19 The two surveys relating to attracting and retaining young workers and retention of mature age workers were distributed in June 2020 and all of the results received. The succession planning framework is under development, actions relating to the RAP are reported to the ATSIC at least each 6 months and review of DIAP actions being undertaken with potential for a project to be undertaken.	Impact by Covid 19 The two surveys relating to attracting and retaining young workers and retention of mature age workers were distributed in June 2020 and all of the results received. The succession planning framework is under development, actions relating to the RAP are reported to the ATSIC at least each 6 months and review of DIAP actions being undertaken with potential for a project to be undertaken.	Human Resources Manager

Delivery Program Measures

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Debt Service - This measure is the three year average of the cost of debt service (principal and interest) divided by total operating revenue. The Fit for the Future benchmark is greater than 0% and less than 20% (average over three years). 2.5% in 2015-16.	>0 and <20%	7.76%	Report provided to Audit Committee in first instance then to Council in Quarterly Budget Review.	Finance & Administration Manager
Development Application Processing Times - This measure is the mean and the median number of days to process Development Applications (for all DAs which have been determined). This data is sourced from the Local Development Performance Monitoring Report. 49 Mean in 2015-16 23 Median in 2015-16.	Maintain Mean | 28 Days Median	June - 42.6 days (average), and 29.5 days (median). April - June 2020 Quarter: 49.5 days (average), and 34.0 days (median).	Application assessment times improved during the April-June 2020 Quarter, due to the finalisation of a number of older/long-outstanding applications in the months prior. The mean processing time sits at approximately 58 days	Development Services Manager
Operating Performance - This measure is the three year average of the operating result (excluding capital grants and contributions) divided by total operating revenue (excluding capital grants and contributions). The Fit for the Future benchmark is better than breakeven (average over three years). (0.014) in 2015-16.	>0	1.35%	Report provided to Audit Committee in first instance then to Council in Quarterly Budget Review.	Finance & Administration Manager
Own Source Revenue - This measure is the three year average of the total operating result (excluding capital grants and contributions) divided by total operating revenue. The Fit for the Future benchmark is greater than 60% (average over three years). 67.4% in 2015-16.	>60%	60.57%	Report provided to Audit Committee in first instance then to Council in Quarterly Budget Review.	Finance & Administration Manager

Delivery Program Measure	Target	Actual	Comments	Responsible Officer
Response to Customer Requests - The number of customer requests that are completed within agreed timeframes divided by the total number of customer requests completed. This data is sourced from the workflows in Councils customer request management system.	75%	92%	A total of 24,317 CRMs were completed during Jul 2019 - Jun 2020 with 92% completed within the agreed time-frame.	Business Support and Customer Relations Manager
Satisfaction with Councils performance overall - This measure is from a random survey of residents where they are asked to rate their satisfaction with Councils performance overall on a scale of 1-5, where 1 = low satisfaction and 5 = high satisfaction. The benchmark in 2009 from similar surveys with over 15,000 residents across 25 local government areas was 3.5. The 2016 rating was 3.27 (compared with 3.22 in 2014).	>3.5	3.17	Community Survey undertaken March 2019	Finance & Administration Manager

June 2020 Review
2019-20 Capital Works Program

A Connected, Safe & Creative Community

e. Cemeteries Facilities Construction Program (CFC)

Project ID	Project Name	Status	Comments	Responsible Officer
CFC-2016-003	Cessnock, Ellalong and Millfield Cemeteries - Signage renewal	Complete	Signage has been upgraded within Cessnock, Ellalong and Millfield cemeteries.	Strategic Recreation & Community Facilities Planner
CFC-2017-001	Kurri Kurri Lawn Cemetery Construct new section of lawn cemetery stage 2	Complete	Stage 2 works are complete with the new section of the lawn cemetery constructed.	Strategic Recreation & Community Facilities Planner
CFC-2018-001	Wollombi Cemetery - Masterplan Implementation - Stage 1	Complete	Stage 1 works are complete with the installation of seating and planting.	Strategic Recreation & Community Facilities Planner

f. Cultural & Community Buildings Renewal Program (RBC)

Project ID	Project Name	Status	Comments	Responsible Officer
RBC-2019-004	Various Facilities - Asset renewal	Complete	A number of projects have been completed including a toilet upgrades at Veteran's memorial park, Cessnock and Jeffries Park Abermain, internal repairs and painting at Abermain Plaza Hall and a pump for sewerage at Miller Park, Branxton.	Strategic Recreation & Community Facilities Planner
RBC-2020-001	Abermain Plaza Hall - Pier replacement and ant capping	Complete	Pier replacement and ant capping is complete.	Strategic Recreation & Community Facilities Planner
RBC-2020-002	Kurri Kurri Senior Citizens Hall - toilet refurbishment	Complete	Toilet upgrade works are complete.	Strategic Recreation & Community Facilities Planner
RBC-2020-003	Laguna Community Hall - Pier replacement and ant capping	Complete	Pier replacement and ant capping works are complete.	Strategic Recreation & Community Facilities Planner
RBC-2020-004	North Cessnock Community Hall - Upgrade toilets	Complete	The toilet upgrade is complete.	Strategic Recreation & Community Facilities Planner
RBC-2020-005	Weston Civic Centre - Upgrade toilets	Complete	The toilet upgrade is complete.	Strategic Recreation & Community Facilities Planner
RBC-2020-006	Weston Civic Centre - Extend drainage to street	Complete	The extension of drainage is complete.	Strategic Recreation & Community Facilities Planner

RBC-2020-007	Various Community Facilities Renewal - Structural repairs to Greta Courthouse, painting of Bellbird Community Hall, Abermain Plaza Hall painting and bathroom repairs	Complete	All works completed. Structural repairs to Greta Courthouse are complete, Bellbird Community Hall has been painted, and painting and bathroom repairs are complete at Abermain Plaza Hall.	Strategic Recreation & Community Facilities Planner
RBC-2020-008	Cessnock - CYCOS (Grant Funding Dependent) - Kitchen upgrade	2020-21 ADOPTED PROJECT	Grant funding secured April 2020 for $120,226 awarded by NSW Government Stronger Country Communities Fund Round Three. Project has been included in the 2020-21 Operational Plan.	Community and Cultural Engagement Manager
RBC-2020-008	Richmond Main - Ablution Block Repairs	Complete	Stage 1 works - Ablution block repairs are complete. Remaining grant funds to be utilised for Stage 2 Sewer Connection in 2020-21.	Strategic Recreation & Community Facilities Planner
RBC-2020-009	Kurri Kurri Community Centre - Renewal	Carry Forward	The project is near completion however works were delayed due to Covid-19 (availability of contractors but also social distancing restrictions on site). The revised completion date is September 2020.	Strategic Recreation & Community Facilities Planner
RBC-2020-010	Kurri Kurri Ambulance Hall - Renewal	Complete	Works associated to restore Kurri Kurri Ambulance Hall are complete.	Strategic Recreation & Community Facilities Planner
RBC-2020-011	Wollombi Cultural Centre (Grant Funding Dependent) - Replacement deck	2020-21 ADOPTED PROJECT	Project has been included in the 2020-21 Operational Plan.	Community and Cultural Engagement Manager
RBC-2020-012	Millfield Community Hall (Subject to s7.11 funding) - Kitchen upgrade	Not Progressing	The kitchen upgrade did not progress due to not meeting the criteria of developer contributions. These funds have been reallocated to Crawfordville Skatepark.	Strategic Recreation & Community Facilities Planner
RBC-2020-013	Millfield Community & Recreation Precinct - security and safety improvements	Complete	This project is complete with safety and security works undertaken.	Strategic Recreation & Community Facilities Planner
RBC-2020-018	Mulbring RFS - Shed Improvements	Carry Forward	Works are nearing completion estimated finish August 2020.	Strategic Recreation & Community Facilities Planner
RFC-2019-002	Cessnock - CYCOS - Replacement of deck	Complete	The deck at CYCOS has been replaced.	Strategic Recreation & Community Facilities Planner
RFC-2019-003	Richmond Main (Grant Funding Dependent) - Amenities block	Complete	Funding grant awarded by NSW Heritage Grants - Caring for State Heritage $65,000. The works to the Amenities block are complete.	Community and Cultural Engagement Manager
RFC-2019-004	Kurri Kurri Library (Grant Funding Dependent) - Replacement of water damaged chipboard	Complete	Works complete and occurred as part of the modernisation project for Kurri Kurri Library.	Community and Cultural Engagement Manager

RFC-2019-005	Cessnock Performing Arts Centre (Grant Funding Dependent) - Dock loading bay	Carry Forward	Design concepts prepared by architect and Development Consent issued for the project June 2020. Council at its meeting on 15 July 2020 endorsed this $200,000 project to be undertaken through the Australian Government Local Roads and Community Infrastructure Program for 2020-21.	Community and Cultural Engagement Manager
RFC-2020-001	Cessnock Performing Arts Centre (Grant Funding Dependent) - Wheelchair lift	Not Progressing	Grant funding not secured during 2019-20 Operational Plan. Grant funding will be pursued in the 2020-21 reporting year. Note: Cessnock Performing Arts Centre has an accessible lift connecting to the stage. This project would increase the weight capacity of this lift.	Community and Cultural Engagement Manager
RFC-2020-002	Kurri Kurri Library (Grant Funding Dependent) - AC replacement (including ductwork)	Complete	Project complete with the air conditioning extended to the Kurri Kurri Library meeting room.	Community and Cultural Engagement Manager
RFC-2020-004	Cessnock Library Branch - lift installation	Complete	Project complete with lift installed at Cessnock Library Branch.	Community and Cultural Engagement Manager
RFC-2020-009	Cessnock - Marthaville - Fence replacement	Complete	This project is complete with a new fence installed.	Strategic Recreation & Community Facilities Planner
RFC-2020-010	Cessnock Performing Arts Centre (Grant Funding Dependent) - AC replacement	2020-21 ADOPTED PROJECT	Project has been included in the 2020-21 Operational Plan.	Community and Cultural Engagement Manager

g. Recreation Buildings Renewal Program (RBR)

Project ID	Project Name	Status	Comments	Responsible Officer
RBR-2020-002	Various - Birralee Park, Kurri Kurri Netball Courts and Jeffery Park - Food premises compliance program	Complete	Kiosk upgrades are complete at George Jeffery Oval (formally Jeffery Park).	Strategic Recreation & Community Facilities Planner
RBR-2020-003	Norman Brown Memorial Park, Greta - Public toilet renewal	Carry Forward	The toilet upgrade at Norman Brown Park has commenced however its completion is delayed due to Covid-19 and availability of contractors.	Strategic Recreation & Community Facilities Planner
RBR-2020-004	Turner Park, Cessnock - Stage 2 - facility upgrade to Cessnock Hornets Clubhouse	Not Progressing	As per Council resolution, this project is not progressing.	Strategic Recreation & Community Facilities Planner
RBR-2021-001	Drain Oval, Cessnock - Storage shed renewal	Complete	Storage improvements at Drain Oval are complete.	Strategic Recreation & Community Facilities Planner
RBR-2021-003	Carmichael Park Bellbird - Change rooms	Complete	Stage 1 works are complete with upgrades to two changerooms. Works included replacement of ceilings, internal painting and floor improvements.	Strategic Recreation & Community Facilities Planner

h. Pools Facilities Renewal Program (RFP)

Project ID	Project Name	Status	Comments	Responsible Officer
RFP-2020-001	Branxton Pool - Renewal Works	Carry Forward	Works in progress and will continue into July/August 2020. Painting of the pool is complete with a major service also being undertaken on the main pump.	Strategic Recreation & Community Facilities Planner
RFP-2020-002	Cessnock Pool - Renewal Works	Complete	This project is complete with maintenance tasks being undertaken (painting and surface preparation).	Strategic Recreation & Community Facilities Planner
RFP-2020-003	Kurri Kurri Aquatic & Fitness Centre - Renewal Works	Complete	This project is complete with an upgrade to the family changeroom and plant and equipment works	Strategic Recreation & Community Facilities Planner
RFP-2020-004	Cessnock Pool - Splash Pad (Grant Funding Dependent)	2020-21 ADOPTED PROJECT	Draft detailed design and construction drawings are complete with final documentation being prepared. This project has been identified within the 2020-21 Operational Plan for completion.	Strategic Recreation & Community Facilities Planner

A Sustainable & Prosperous Economy

Signage / Vineyard Roads Program (CRV)

Project ID	Project Name	Status	Comments	Responsible Officer
CRV-2020-001	Various - Hunter Valley Wine Country Tourist Signage	Complete	Completed investigation, design and construction of portion programmed for 2019-20.	Principal Engineer - Design & Project Management

Branxton Town Centre Program (CTB)

Project ID	Project Name	Status	Comments	Responsible Officer
CTB-2019-001	Maitland St, Branxton (north side) - Pavement and Street Trees	Complete	Completed construction of programmed works.	Infrastructure Manager
CTB-2019-002	Branxton - Public Domain Works	Complete	Completed construction of programmed works.	Infrastructure Manager
CTB-2019-003	John Rose Avenue, Branxton - Upgrade	Complete	Completed construction.	Infrastructure Manager

Kurri Town Centre Program (CTK)

Project ID	Project Name	Status	Comments	Responsible Officer
CTK-2020-001	Kurri Kurri Commercial Centre - Stage 1 Phase 1	Complete	Completed site investigations in preparation for design as programmed for 2019-20.	Principal Engineer - Design & Project Management

Cessnock Civic Precinct Revitalisation Program (RCC)

Project ID	Project Name	Status	Comments	Responsible Officer
RCC-2017-001	Upgrade Bridges Hill Park Playground	Carry Forward	Yango Street corner sandstone walls and gardens complete Solar lighting installed, first platform for access ways complete and drainage improvements ongoing. Stage 4 of playground partially opened feature sky tower to be completed late July. Significant progress has been made in regards to upgrading Bridges Hill Playground. The majority of works are complete with delays resulting from Covid-19 (in particular the focal playground piece for the Park was exported from overseas during the pandemic resulting and Council was awaiting delivery for some time).	Strategic Recreation & Community Facilities Planner
RCC-2017-002	Improve walking path across from CBD to Bridges Hill Park	Carry Forward	The tender has been awarded and preliminary works have been completed. This is an adopted project within the 2020-21 Operational Plan.	Strategic Recreation & Community Facilities Planner
RCC-2017-003	CBD Wayfinding Signage	Complete	The project is complete with wayfinding signage installed.	Strategic Recreation & Community Facilities Planner
RCC-2019-005	Off Wollombi Road, Cessnock - Create new pedestrian links across drainage channels	Complete	Completed programmed construction.	Principal Engineer - Design & Project Management
RCC-2019-007	Facilitate Public Art with solar and signage	Complete	This project is complete with solar lights installed.	Strategic Recreation & Community Facilities Planner
RCC-2019-008	Vincent Street, Cessnock - Upgrade of Vincent St laneways, lighting and public art	Complete	Completed programmed construction.	Principal Engineer - Design & Project Management

A Sustainable & Healthy Environment

Recreation Buildings Construction Program (CBR)

Project ID	Project Name	Status	Comments	Responsible Officer
CBR-2020-001	Bridges Hill Park, Cessnock - Toilet block	Carry Forward	The toilet block is installed, the project has been delayed due to availability of contractors to complete the sewer connection. This project will be completed early within the 2020-21 Year.	Strategic Recreation & Community Facilities Planner

Drainage Construction Program (CDR)

Project ID	Project Name	Status	Comments	Responsible Officer
CDR-2019-004	Heddon Greta Cooper St Stage 1 construction	On Track	Commenced construction.	Principal Engineer - Environmental Infrastructure
CDR-2020-000	Various - Minor Drainage Works	Complete	Completed investigation of minor drainage issues.	Principal Engineer - Environmental Infrastructure
CDR-2020-001	Railway St, Branxton - Drainage improvements - Stage 2 construction	Complete	Completed in the December 2019 quarter.	Principal Engineer - Environmental Infrastructure
CDR-2020-002	Whitburn Estate, Greta - Drainage improvements - Stage 3 & 4 construction	2020-21 ADOPTED PROJECT	Progressed alternate concept design, carried forward to the 2020-21 Capital Works Program as reported in the March Quarterly Review (Res No. 1284).	Principal Engineer - Environmental Infrastructure
CDR-2020-003	Heddon St, Kurri Kurri - Drainage improvements - Stage 2 construction	2020-21 ADOPTED PROJECT	Carried forward to the 2020-21 Capital Works Program as reported in the March Quarterly Review (Res No. 1284).	Principal Engineer - Environmental Infrastructure
CDR-2020-004	Booth St, Kurri Kurri - Drainage improvements - Stage 1 investigation & design	Complete	Completed investigation, overland flow study, and Concept Design.	Principal Engineer - Environmental Infrastructure
CDR-2020-005	Lang & Mulbring Streets, Kurri Kurri - Drainage improvements - Stage 1 investigation & design	Complete	Completed investigations and design.	Principal Engineer - Environmental Infrastructure
CDR-2020-006	Thomas St, North Rothbury - Drainage upgrade - Stage 1 construction	2020-21 ADOPTED PROJECT	Progressed design. carried forward to the 2020-21 Capital Works Program as reported in the March Quarterly Review (Res No.	Principal Engineer - Environmental Infrastructure
CDR-2020-007	Cruickshank St, Bellbird - Drainage upgrade - Stage 1 investigation & design	On Track	Progressed investigations, undertook condition assessment of stormwater assets.	Principal Engineer - Environmental Infrastructure

Recreation Facilities Construction Program (CFR)

Project ID	Project Name	Status	Comments	Responsible Officer
CFR-2018-001	Veterans Memorial Park (Aberdare)	Complete	The playground upgrade at Veteran's Memorial Park is complete.	Strategic Recreation & Community Facilities Planner
CFR-2019-002	Kurri Kurri Central Oval (Grant Funding Dependent) - installation of floodlighting	Not Progressing	Floodlighting at Kurri Kurri Central Oval was not completed as opportunities did not arise for grant funding.	Strategic Recreation & Community Facilities Planner

Project ID	Project Name	Status	Comments	Responsible Officer
CFR-2019-006	Crawfordville Park skate module, fencing and park furniture	Carry Forward	Detailed design and construction drawings are complete for the project. Construction will commence following the completion of an Aboriginal Cultural & Heritage Assessment Report and Heritage Impact Statement.	Strategic Recreation & Community Facilities Planner
CFR-2020-001	Bluey Frame Weston, Brunner Park East Branxton - Playground replacement program	Carry Forward	A detailed design has been developed for the playground upgrade at Bluey Frame Park and a contractor engaged. The project was previously delayed due to Covid-19 and contractor availability. Brunner Park will commence following the completion of Bluey Frame.	Strategic Recreation & Community Facilities Planner
CFR-2020-002	Abernethy Park - Playground shade program	Complete	The project is complete with a shade sail installed	Strategic Recreation & Community Facilities Planner
CFR-2020-003	Greta Central Oval (Grant Funding Dependent) - Installation of floodlighting	Not Progressing	Floodlighting at Greta Central Oval was not completed as opportunities did not arise for grant funding.	Strategic Recreation & Community Facilities Planner
CFR-2020-004	Margaret Johns Park Kurri Kurri - Additional spectator seating	Complete	This project is complete with additional spectator seating provided.	Strategic Recreation & Community Facilities Planner
CFR-2020-005	Miller Park Branxton - Masterplan implementation - long jump pits, children's bike circuit, rebound wall, drainage	2020-21 ADOPTED PROJECT	The project was delayed due to a requirement to update the Miller Park Masterplan. The revised Miller Park Masterplan was adopted in June. The preparation of detailed designs has commenced for long jump run ups and pits, children's bike circuit, rebound wall and drainage. An action has been included within the 2020-21 Operational Plan to complete this project.	Strategic Recreation & Community Facilities Planner
CFR-2020-006	Poppethead Park Kitchener - Upgrade - Masterplan implementation	2020-21 ADOPTED PROJECT	This project has been delayed due to the introduction of the Crown Land Management Act 2016 and Council currently awaiting Ministers consent for land categories within this reserve. An action has been included within the 2020-21 Operational Plan for this project to be completed.	Strategic Recreation & Community Facilities Planner

New Landfill Development Program

Project ID	Project Name	Status	Comments	Responsible Officer
CFW-2019-001	Old Maitland Rd, Cessnock - New Landfill Development - investigation, planning and design	Complete	Completed advice for current Stage.	Principal Engineer - Design & Project Management

Floodplain Management Program (PMF)

Project ID	Project Name	Status	Comments	Responsible Officer
PMF-2018-002	South Cessnock (Grant Funding Dependent) - Bund wall and channel works design and construction	Complete	Completed revised investigations and concept design programmed for 2019-20, commenced negotiations with Subsidence Advisory NSW and Hunter Water, lodged application for Floodplain Management Grant funding.	Principal Engineer - Environmental Infrastructure
PMF-2018-003	Abermain & Weston (Grant Funding Dependent) - Voluntary house purchase	Complete	Noted no further uptake by affected property owners as required by grant offer.	Principal Engineer - Environmental Infrastructure
PMF-2018-004	Wollombi (Grant Funding Dependent) - Flood warning system design & construction	Complete	Provided handover of system for operation.	Principal Engineer - Environmental Infrastructure
PMF-2018-008	Abermain & Weston (Grant Funding Dependent) - Voluntary house raising	Complete	Noted no further uptake by affected property owners as required by grant offer.	Principal Engineer - Environmental Infrastructure
PMF-2018-009	Cessnock (Grant Funding Dependent) - Voluntary house raising	Complete	Noted no further uptake by affected property owners as required by grant offer.	Principal Engineer - Environmental Infrastructure
PMF-2020-001	Various - Investigation, research and planning	Complete	Completed investigation, research and planning.	Principal Engineer - Environmental Infrastructure
PMF-2020-002	Wollombi - Flood warning system operational	Complete	Operated system.	Principal Engineer - Environmental Infrastructure
PMF-2020-003	Cessnock - Dam Safety Emergency Plan update	Complete	Completed update the March 2020 quarter.	Principal Engineer - Environmental Infrastructure

Recreation Facilities Renewal Program (RFR)

Project ID	Project Name	Status	Comments	Responsible Officer
RFR-2018-003	Maybury Peace Park Weston - Remediation of the rock edging around pond	Complete	The remediation of rock edging around the pond is complete.	Strategic Recreation & Community Facilities Planner
RFR-2020-001	Various Playgrounds (Brunner Park, East Branxton) - Install concrete plinths around playground	Carry Forward	Due to Covid-19 there has been a delay in the commencement of Brunner Park Playground and as a result has delayed the installation of the plinth.	Strategic Recreation & Community Facilities Planner
RFR-2020-002	Various Parks & Reserves - Asset renewal - Park furniture, fencing, signs	Complete	This project is complete with the courts at Molly Worthington netball facility being resealed.	Strategic Recreation & Community Facilities Planner
RFR-2020-003	Bimbadeen Lookout - Barrier fence replacement	Complete	Barrier fencing is complete	Strategic Recreation & Community Facilities Planner

Project ID	Project Name	Status	Comments	Responsible Officer
RFR-2020-004	Cessnock Sportsground - Concourse Remediation	Complete	Concourse remediation works are complete	Strategic Recreation & Community Facilities Planner
RFR-2020-005	Howe Park Amenities - Replacement	Complete	The amenity building is complete with defects being finalised.	Strategic Recreation & Community Facilities Planner
RFR-2020-005	Kurri Kurri Sportsground - scoreboard	Complete	This project is complete with a new scoreboard installed at Kurri Kurri Sportsground.	Strategic Recreation & Community Facilities Planner
RFR-2020-006	Baddeley Park Cessnock - scoreboard	Complete	This project is complete with a new scoreboard being installed at Cessnock Sportsground.	Strategic Recreation & Community Facilities Planner

Accessible Infrastructure, Services & Facilities

Bridge Construction Program (CBS)

Project ID	Project Name	Status	Comments	Responsible Officer
CBS-2016-001	Sandy Creek Rd, Mount Vincent - Fosters Bridge - Stage 2 construction	Complete	Completed finalisation works.	Principal Engineer - Design & Project Management
CBS-2017-004	Yango Creek Rd, Wollombi - Bridge over Wollombi Brook - Stage 2 construction	Not Due To Start	Prepared pre-construction documentation, sought additional funding to undertake major upgrade.	Principal Engineer - Design & Project Management
CBS-2017-005	Nelson St, Greta - Anvil Creek Bridge - Stage 2 design and construction	Complete	Awarded Design & Construct contract, completed detailed design, commenced off site manufacture of bridge components. Completed portion programmed for 2019-20.	Principal Engineer - Design & Project Management
CBS-2017-014	Colliery Street, Aberdare - Culvert Replacement	On Track	Progressed design for culvert repairs and roadworks.	Principal Engineer - Design & Project Management
CBS-2018-002	Congewai Thursbys Bridge refurbishment	Complete	Completed construction.	Principal Engineer - Design & Project Management
CBS-2018-005	Kline St, Weston - Kline St Bridge - Stage 1 investigation and design	Complete	Completed Concept Design and cost estimate.	Principal Engineer - Design & Project Management
CBS-2018-006	Laguna Watagan Creek #3 refurbishment	On Track	Engaged NSW PWA to procure specialist conservation contractor to undertake refurbishment.	Principal Engineer - Design & Project Management
CBS-2018-007	Bellbird Abbotsford Street Bridge refurbishment	Complete	Abbotsford Street bridge has been constructed by a developer in conjunction with an approved subdivision, and is operational.	Development Services Manager

Project ID	Project Name	Status	Comments	Responsible Officer
CBS-2019-001	Paynes Crossing Rd, Paynes Crossing - Paynes Crossing Bridge - Stage 2 construction	Complete	Completed detailed design, progressed off site manufacture of bridge components, commenced on-site construction. Completed portion of works for 2019-20.	Principal Engineer - Design & Project Management
CBS-2019-005	Cedar Creek Sawpit Road Crossing	Complete	Completed construction in the December 2019 quarter.	Principal Engineer - Design & Project Management
CBS-2020-001	Buchanan Rd, Buchanan (North Valley View Ln) - Culvert - Stage 1 investigation and design	Complete	Completed investigation, structural assessment, and design.	Principal Engineer - Design & Project Management

Traffic Facilities Program (CFT)

Project ID	Project Name	Status	Comments	Responsible Officer
CFT-2016-006	Gallagher St, Cessnock - LATM Traffic facility improvements Stage 1 investigation and design	Complete	Completed investigation and design.	Principal Engineer - Traffic & Transport
CFT-2018-004	King Street Abermain Holy Spirit Infants School parking and footpath	Complete	Completed construction in the December 2019 quarter. School community participated in media release celebrating completion.	Principal Engineer - Traffic & Transport
CFT-2018-005	Weston Public School Precinct - Traffic facilities improvements	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport
CFT-2020-002	Cnr Westcott St & Wollombi Rd, Cessnock (Grant Funding Dependent) - Traffic facilities remediation	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport
CFT-2020-005	Wollombi Road, Cedar Creek - Safety investigation and improvements	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport
CFT-2020-006	Cessnock CBD - RV, coach and caravan parking	Complete	Erected guide signage for RV parking, confirmed sign posted coach parking in North Avenue, Cessnock.	Principal Engineer - Traffic & Transport
CFT-2020-008	Radford St/Traders Way, Cliftleigh - Traffic facilities improvements	Complete	Installed traffic islands and pedestrian refuge, liaised with Rover Coaches re: sign posting of Traders Way Bus Stops east of the newly installed pedestrian refuge.	Principal Engineer - Traffic & Transport
CFT-2020-009	Unnamed Council Road between Halls Road & DeBeyers Road, Pokolbin - Road Barrier Upgrade	Complete	Completed consultation, erected barriers.	Principal Engineer - Traffic & Transport
CFT-2020-010	Old Maitland Rd, Cessnock - Upgrade Stage 1 investigation and design	Complete	Completed investigation and Concept Design for Stage 1, produced Concept Options Report for intersection of Old Maitland Road and Maitland Road to facilitate upgrade discussions with Transport for NSW.	Principal Engineer - Traffic & Transport

Project ID	Project Name	Status	Comments	Responsible Officer
CFT-2020-011	Millfield - LATM Traffic facility improvements Stage 1 investigation and design	Complete	Completed way finding guide signage.	Principal Engineer - Traffic & Transport
CSB-2020-001	Various - 4 New Bus Stops/Shelters, 5 Upgrades	Complete	Completed investigation, design and construction for portion programmed for 2019-20.	Principal Engineer - Traffic & Transport
CSB-2020-002	Helena St, Ellalong - Bus Shelter construction	Complete	Noted resolution WI31/2019 not to install a new shelter on Helena Street, Ellalong.	Principal Engineer - Traffic & Transport

Pathway Construction Program (CPW)

Project ID	Project Name	Status	Comments	Responsible Officer
CPW-2019-001	Bellbird Kendall St from intersection of Doyle St to Mary St	Complete	Completed construction in the December 2019 quarter.	Principal Engineer - Design & Project Management
CPW-2020-001	Bridge Street Cycleway, Cessnock - Stage 2 - construction	On Track	Awaited outcome of Transport for NSW Safer Walking and Cycling Program grant application.	Principal Engineer - Traffic & Transport
CPW-2020-002	Wine Country Dr, Nulkaba (Grant Funding Dependent) - Off road cycleway Kerlew St to Lomas Ln	Not Progressing	Unfunded for 2019-20, awaited outcome of Transport for NSW Walking and Cycling Program grant application.	Principal Engineer - Traffic & Transport
CPW-2020-003	Tomalpin St, Kearsley - Pathway and Parking improvements Stage 1 investigate and design	Complete	Constructed prior to commencement of 2020 school term 1. School community participated in media release, celebrating construction and opening of the new concrete pathway and car parking improvements.	Principal Engineer - Traffic & Transport

Local Road Construction Program (CRL)

Project ID	Project Name	Status	Comments	Responsible Officer
CRL-2017-006	Gallagher Street Cessnock Turning Head	Not Progressing	Determined Concept Design for through road not cost effective.	Principal Engineer - Design & Project Management
CRL-2018-001	Sandy Creek Rd, Mount Vincent - Fosters Bridge road component - Stage 2 construction	On Track	Completed pre-construction works as required under grant funding agreement.	Principal Engineer - Design & Project Management
CRL-2018-002	Frame Drive Project - Stage 35 Resurfacing	Complete	Completed construction in the March 2020 quarter.	Infrastructure Manager
CRL-2019-001	Cessnock CBD/Civic Precinct - Roads component - Stage 2 construction	Complete	Completed construction in the December 2019 quarter.	Principal Engineer - Design & Project Management

Project ID	Project Name	Status	Comments	Responsible Officer
CRL-2019-007	Gingers Lane, Sawyers Gully - Upgrade Stage 2 construction	Complete	Completed construction of roadworks programmed for 2019-20.	Principal Engineer - Design & Project Management
CRL-2020-001	Murrays Run - Road Embankment Restoration Investigation and Design	On Track	Progressed investigation, and procurement.	Infrastructure Manager

RMS Blackspot or Safer Roads Program (CRR)

Project ID	Project Name	Status	Comments	Responsible Officer
CRR-2020-001	Great North Rd, Laguna (Grant Funding Dependent) - Road Safety Audit works	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport
CRR-2020-002	George Downes Dr, Bucketty (Grant Funding Dependent) - Road Safety Audit works	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport
CRR-2020-003	Wollombi Rd, Bellbird to Sweetmans Creek (Grant Funding Dependent) - Road Safety Audit works	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport
CRR-2020-004	Sandy Creek Rd, Mount Vincent (Grant Funding Dependent) - Motorcycle Safety works	Complete	Scoped works and progressed design and procurement to suit grant funding recently received.	Principal Engineer - Traffic & Transport
CRR-2020-005	Sandy Creek Rd, Quorrobolong (Grant Funding Dependent) - Church St to Whitings Ln	Not Progressing	Unfunded for 2019-20.	Principal Engineer - Traffic & Transport

Airport Construction Program

Project ID	Project Name	Status	Comments	Responsible Officer
PCA-2019-001	Cessnock Airport (Grant Funding Dependent) - Eastern area hardstand	On Track	Grant obtained and awaiting signing of deed.	Works Engineer
PCA-2019-002	Cessnock Airport (Grant Funding Dependent) - Hangar facilities and aircraft storage	On Track	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer
PCA-2019-003	Cessnock Airport (Grant Funding Dependent) - Water connection	Complete	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer
PCA-2019-004	Cessnock Airport (Grant Funding Dependent) - Sewer connection	Complete	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer
PCA-2020-005	Extend deHavilland Drive, Cessnock Airport	Complete	Works completed.	Works Engineer

Project ID	Project Name	Status	Comments	Responsible Officer
PCA-2020-006	Cessnock Airport - Fencing end of runway	Complete	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer

Airport Renewal Program

Project ID	Project Name	Status	Comments	Responsible Officer
PRA-2019-001	Cessnock Airport (Grant Funding Dependent) - Perimeter fencing	Complete	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer
PRA-2019-002	Cessnock Airport (Grant Funding Dependent) - Runway resealing	Complete	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer
PRA-2019-003	Cessnock Airport (Grant Funding Dependent) - Taxiway widening and resealing	Complete	Investigation and works programmed for 2020/2022 following deed agreement.	Works Engineer

Gravel Rehab & Resheeting Program

Project ID	Project Name	Status	Comments	Responsible Officer
RRG-2020-001	Gravel Rehab & Resheeting Program - Various	Complete	Program completed in addition to fire Grant funding.	Works Engineer

Local Road Renewal Program (RRL)

Project ID	Project Name	Status	Comments	Responsible Officer
RRL-2019-005	Macquarie Ave, Cessnock - From Sargent St to Wangi Ave	Complete	Completed procurement and construction.	Principal Engineer Roads
RRL-2019-007	Heddon Street, Kurri Kurri	On Track	Progressed design.	Principal Engineer Roads
RRL-2019-010	Government Rd, Cessnock from Anzac to Pangari	Complete	Completed construction.	Principal Engineer Roads
RRL-2019-011	Henderson Ave, Cessnock - Investigation and design	Complete	Completed investigation and design.	Principal Engineer Roads
RRL-2019-013	Marlton St, Cessnock - Investigation and design	Complete	Competed investigation and design.	Principal Engineer Roads
RRL-2020-001	Various - Local Road Resurfacing Program	Not Progressing	Reallocated funds to Gingers Lane project in line with Council resolution	Principal Engineer Roads
RRL-2020-004	Various - Carpark Resurfacing/ Rehabilitation	Complete	Completed upgrade of car park off Wollombi Road, Cessnock.	Principal Engineer - Traffic & Transport

Project ID	Project Name	Status	Comments	Responsible Officer
RRL-2020-008	Butler Pde, Kurri Kurri - From Deakin to Deakin	Complete	Completed procurement and construction.	Principal Engineer Roads
RRL-2020-009	Buckland Ave, Cessnock - From MacLean St Bridge to Burnett St	Complete	Completed procurement and construction.	Principal Engineer Roads
RRL-2020-010	Sanctuary Road, Paxton From CH1300 to CH1800	Complete	Completed construction.	Principal Engineer Roads
RRL-2020-011	Quorrobolong St, Kitchener - From Stanford St North to CH2830	On Track	Progressed design.	Principal Engineer Roads
RRL-2020-012	Deasys Rd, Pokolbin - From LGA Boundary to Deasys Bridge	On Track	Completed design.	Principal Engineer Roads
RRL-2020-013	South Ave, Cessnock - From Darwin St to Vincent St	On Track	Completed design, progressed procurement for construction.	Principal Engineer Roads
RRL-2020-014	Camp Rd, Greta - From Mansfield St to CH1320	On Track	Commenced construction.	Principal Engineer Roads
RRL-2020-015	Cessnock Road Weston - Pavement Rehabilitation	Complete	Completed construction the March 2020 quarter.	Infrastructure Manager

Regional Road Renewal Program (RRR)

Project ID	Project Name	Status	Comments	Responsible Officer
RRR-2020-002	Regional Roads Resurfacing Program	Complete	Completed resurfacing.	Principal Engineer - Design & Project Management
RRR-2020-003	MR181 Wollombi Rd Millfield - Stage 6	Complete	Completed construction.	Principal Engineer - Design & Project Management
RRR-2020-004	George Downes Rd, Bucketty - Geotechnical Risk Assessment - works minor slip in road cutting near 2821 George Downes Dr approximately 1.7 km west of intersection with Private Road No.6 Bucketty	On Track	Progressed procurement for construction.	Principal Engineer - Design & Project Management

Corporate and Community

Report No. CC71/2020

Corporate and Community Services

SUBJECT: ***DONATIONS UNDER SECTION 356 - RATES RELIEF***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

A request from a Community Group has been received for rate relief via donation under Section 356 of the *Local Government Act 1993* (the Act) under the Rates Subsidy Policy (the Policy). Although this request is outside of the timeframes specified in the Policy it is referred to Council as the property was recategorised from Non-Rateable to Business for the purposes of rating.

RECOMMENDATION

1. That Council endorses the Rates Subsidy of 50% for the one additional Assessment in accordance with the "Rates Subsidy Policy" effective for the 2020-21 rating year:

Assessment	Organisation	Location
197467	Cessnock Rifle Club Inc	Cessnock

2. That the General Manager writes to the 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 provides a transparent process for the subsidy to be applied for and then applied in the forthcoming financial year. The Policy requires applicants to demonstrate adherence to the Policy and applications are assessed against the criteria set in the Policy.

REPORT/PROPOSAL

Council considered and granted applications under the Policy at the Council meetings of 15 April 2020 and 17 June 2020. An additional application from a not-for-profit community group has been received, and is presented to Council for consideration after the property was recategorised from Non-Rateable to Business for rating purposes.

Confidential Enclosure 1 contains details of the applicant who has been able to supply all the information required and comply with the principles of the Policy, however the application was received outside the timeframes of the Policy. The application is supported by Councils rating staff and if Council elects to allow the additional application this would increase the total subsidy to $39,733, with a $4,639.86 adjustment being required to the funding allocation for rates subsidy. This amount is able to be accommodated within operational budgets and the appropriate adjustment will be made as part of the September Quarterly Budget Review.

The Policy "Rates Subsidy" provides up to 50% general rate subsidy for a number of specified properties and provides for rate relief on an ongoing basis for those identified groups. The Annual Report provides the community with information as to those community groups/organisations which receive this subsidy.

OPTIONS

Council can elect to approve the application from the Cessnock Rifle Club Inc or decline the application as it is outside the timeframes as specified in the Policy.

CONSULTATION

Operations Accountant
Revenue Team Leader
Management Accountant
Director Corporate and Community Services

STRATEGIC LINKS

a. Delivery Program

The provision of rates relief for not-for-profit community groups would be consistent with 'Objective 1.2 - Strengthening Community Culture Strategic Directions' of the Delivery Program 2017-2021.

This report is also linked to the community's desired outcome of "*Civic Leadership and Effective Governance*".

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The Policy provides a rate subsidy for a number of specified properties and provides for rate relief 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 costs associated with the additional donation under Section 356 of the Act granted in accordance with the Policy will be an amount of $4,639.86.

c. Legislative Implications

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

d. Risk Implications

If Council elects not to make a donation as requested the financial impact of the 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

Council is able to grant a donation under the provisions of Section 356 of the Act and the Policy provides a subsidy for eligible not-for-profit community groups. The requests are provided for Councils consideration and it is recommended to be granted the donation of 50% rate relief of the general rates.

ENCLOSURES

1 Section 356 - Rates Subsidy - *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. CC72/2020

Corporate and Community Services

SUBJECT: ***RATEPAYER SUPPORT DURING COVID-19 - UPDATE***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The purpose of this report is to provide an update as to Council's ongoing support to the community during the COVID-19 pandemic, while minimising risk to Council's future financial sustainability and not creating an unsustainable burden for current and future ratepayers.

RECOMMENDATION

1. **That Council notes the information in regards to the Community Support for those affected by the COVID-19 pandemic.**
2. **That Council endorses the following measures to provide continued support to the community of Cessnock LGA until 31 December 2020.**
   a. **Referral of ratepayers to the Financial Counsellor only if the ratepayer was in hardship prior to COVID-19.**
   b. **Extension of the Hardship Policy to encompass all assessments.**
   c. **Debt collection which has commenced due to prior arrears is to be critically reviewed at each step.**
   d. **Council consider assessments with significant arrears and seek to engage with the owners to encourage payment arrangements**.
3. **That Council continues to defer Commercial and Operational licensing and leasing rent on a month by month basis until 28 February 2021, where financial hardship has been requested and accepted by Council.**

BACKGROUND

Council at its meeting held on 15 April 2020 when considering options to support the community during the COVID-19 pandemic resolved to provide support to the community until 31 August 2020 via a number of different ways.

This approach has been working well and Council has engaged with a number of ratepayers, with currently 374 assessments who have sought assistance from Council. This report provides an update for Councils consideration and information.

REPORT/PROPOSAL

When considering Report CC31/2020 Community Support for Ratepayers as a Result of the COVID-19 Pandemic, Council resolved:

1. ***That Council endorse the following measures to provide support to the community of Cessnock LGA.***
   - ***a. Printing of an invitation on the 4th rates instalment to contact Council to make an arrangement should you be facing challenges in making payment by the due date.***
     The payment arrangement will consist of:
     - ***I. Extension to pay the 4th rates instalment until 31 August 2020.***
     - ***II. No interest to be applied from the point of contact by the ratepayer until 31 August 2020.***
   - ***b. Referral of ratepayers to the Financial Counsellor only if the ratepayer was in hardship prior to COVID-19.***
   - ***c. Extension of the Hardship Policy to encompass all assessments.***
   - ***d. That until 31 August 2020, no new debt collection legal action will commence and an update be given to Council at the August meeting to determine whether an extension is warranted.***
   - ***e. That an extensive media campaign be undertaken to advise the community of the availability of extension of time for payment of rates for the next instalment.***
2. ***That Council suspends Commercial and Operational Licensing and Leasing rent on a month by month basis from 1 April 2020.***
3. ***That Council provides delegation to the General Manager to write off amounts of up to $10,000 where hardship is assessed and accepted by Council as being related to COVID-19.***
4. ***That any debts written off by the General Manager be included as part of the Quarterly Budget Review Statements.***

This report provides an update for Councils information, as well as providing some commentary on changes implemented through the Office of Local Government (OLG) and other government orders which have impacted on Council.

Rates and Annual Charges

Council has a Hardship Policy in place however it limits Council from helping the wider community. The policy only applies to the principle place of residence and requires the ratepayer to attend a financial counsellor unless the hardship is caused by medical or compassionate grounds. Given the current pandemic and the number of jobs which have been lost as a result, Council has received a significant influx of calls from ratepayers requesting help. The *Local Government Act 1993* (The Act) is very restrictive in how Council can help.

At the 15 April 2020 meeting Council resolved to extend the provisions for hardship to all assessments and it is noted that this has been a success. During the months March, April and May Council received a large influx of people requesting support however these requests for assistance have now tapered off to only a few requests per day.

The OLG has prescribed that for all NSW Councils the interest rate for rates arrear is to be 0.0% per annum for the period 1 July 2020 to 31 December 2020 and that the maximum rate of interest payable on overdue rates and charges for the period 1 January 2021 to 30 June 2021 (inclusive) will be 7.0% per annum. This change removes the Legislative requirement for ratepayers to contact Council to request the deferment of interest. Council included this within the final adopted 2020-21 Operation Plan and associated Revenue Policy.

There has also been a legislative change as detailed in OLG Circular 20-12 to defer the 1st instalment due payment date until 30 September 2020, with the additional month for payment expected to provide some limited relief for ratepayers. It should be noted that the 2nd installment due date still remains at 30 November 2020.

Council can also support the community by actively engaging with those ratepayers who have significant arrears to encourage and support them in entering a payment arrangement and Council officers continue to undertake this role. It is an opportunity for those who have large debts to make payment while the interest rates are set to zero. There is some concerns that if ratepayers are not making payments now as the due dates occur and defer any payments until 2021, then the level of arrears will only increase and may cause some financial pressure and stress.

It is proposed that Council continue the following measures as a way to support the residents and businesses within the Cessnock Local Government Area until 31 December 2020.

- Referral of ratepayers to the Financial Counsellor only if the ratepayer was in hardship prior to COVID-19. This will ease the burden on the Financial Counsellors, many of whom are already overwhelmed.
- Extension of the Hardship Policy to encompass all assessments not just residential.
- Any debt collection which has already commenced due to prior arrears is to be critically reviewed at each step.
- Council consider assessments with significant arrears and seek to engage with the owners to encourage payment arrangements.

Commercial and Operational Licensing and Leasing Support

Commercial agreements like these leases and licenses have provisions to mediate disputes but in general terms are silent on 'relief' measures or hardship arrangements. Council, as a responsible community based citizen has a Hardship Policy but it is more apt to assist "ratepayers" in need. In general, the businesses pay rent, wages and costs (which sometimes includes rates levied by Council as an "outgoing" cost). Staff, sadly will lose work, costs will reduce due to lack of purchasing product to sell and staff to service the business customers, but ongoing financial obligations, like rent and outgoings are a key issue in their survival.

It is proposed that Council continue the following measures as a way to support the residents and business within the Cessnock Local Government Area.

- Continue to defer rent on a month by month basis and continue to work with businesses to make affordable repayment plans for amounts deferred.

Fees Charges and Other Financial Obligations

Due to the impact COVID-19 is having on our community, Council will consider all approaches regarding outstanding fees, charges or financial obligations on a case by case basis. Council will use the same principles as under the Hardship Policy.

OPTIONS

N/A

CONSULTATION

Senior Property Officer
Operations Accountant
Team Leader Revenue
Debt Management Officer

STRATEGIC LINKS

a. Delivery Program

The provision of support to community groups would be consistent with 'Objective 5.3: Making Council more responsive to the community' of the Delivery Program 2017-2021.

This report is also linked to the community's desired outcome of "*Civic Leadership and Effective Governance*".

b. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

The proposed continued community support will have the same principle and intentions of the Hardship Policy however it is outside the rule and application of the current policy. The intentions being to be able to support those residents whom are in financial distress by working in collaboration.

b. Financial Implications

Council's Draft KPI for outstanding Rates and Annual Charges is 5.30% for the 2019-2020 financial year. It is anticipated that this KPI will increase as the community continues to deal with the COVID-19 pandemic.

Council's 2020-2021 budget reflects the changes to the legislation regarding the interest income from rates.

c. Legislative Implications

There has been a number of changes to the *Local Government Act 1993* as detailed in Circular 20-12 from the Office of Local Government which provides continued support to the community by delaying the due date of the 1st instalment until 30 September 2020, which was previously due 31 August 2020.

The Office of Local Government Circular 20-19, states that in accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2020 to 31 December 2020 (inclusive) will be 0.0% per annum and that the maximum rate of interest payable on overdue rates and charges for the period 1 January 2021 to 30 June 2021 (inclusive) will be 7.0% per annum. The interest rate

has been set at 0.0% for the first half of the 2020-21 financial year in response to the financial impacts faced by the community as a result of the COVID-19 Pandemic.

d. Risk Implications

There is a risk that should the ratepayers not make any payments during the zero interest period they might have a large arrears balance on which interest would be charged and payable. This may cause some financial hardship to some ratepayers. The current interest rate for 30 June 2020 to 31 December 2020 is zero however if should be noted that from 1 January 2021 to 30 June 2021the interest rate will be 7%p.a. calculated daily on all arrears.

There is a risk that the deferment of rent payments to a later date will mean rent is still a liability and will need to be repaid in the future. Businesses will not be able to re-start trade easily, and some not at all. Once the community trust this COVID-19 is under control and it is safe to return to normal, there will be considerable lead time to get staff back, inject capital to buy product, and hope customers will return. Deferral is pushing a debt of rent to a later date and may cause financial hardship into the future.

e. Environmental Implications

Nil

f. Other Implications

If Council declines the options to provide continued support to the community, then there is a risk that many ratepayers will become significantly affected, which may cause health and social stresses.

If Council offers no rental support and was to let the tenancy tribunal make judgments on the liability on a breach of lease, or license, due to non-payments of rent (being an essential term in an agreement) then Council would be liable for the legal costs for taking this approach.

CONCLUSION

The proposed community support as detailed in the body of the report will provide a consistent, transparent and equitable approach while working within the confines for the *Local Government Act 1993*. The proposed support will ease the burden on the already overwhelmed Financial Counsellors while potentially providing more disposable cash for ratepayers during an unprecedented climate.

Council staff will continue to monitor the situation and as required will report any proposed changes that may be required.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC73/2020

Corporate and Community Services

SUBJECT: ***COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF POLICY - SIX MONTH REVIEW***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The purpose of this report is to present a review of the *Councillor Access to Information and Interaction with Staff Policy* (the Policy) as per the Council resolution of 19 February 2020. The Policy is provided at ***Enclosure 1***.

RECOMMENDATION

That Council notes the information presented in this report regarding the six month review of the *Councillor Access to Information and Interaction with Staff* Policy, and that no changes are made to the Policy and that a further review be conducted in August 2022 or earlier if required.

BACKGROUND

Whilst Council's Code of Conduct provides the rules for interaction between Council Officials, by outlining the obligations that Councillors and staff have when interacting and by detailing interactions that are deemed inappropriate, it does not provide practical procedures to effectively implement such interactions.

Following the appointment of the General Manager in 2019, one of the processes Council sought to address, resolve gaps in, and improve productivity and effectiveness, was the interaction between Councillors and staff. Before the Policy was introduced, management had internal practices that governed the response to Councillor requests, which while they were functional they did not necessarily meet legislation, best practice and at times diverted staff resource from operational activity to meet Delivery Program objectives.

To address the identified gaps, the Policy was developed which gave consideration to:

- The existing process Council had in place and its strengths and weaknesses;
- Other than the broad principles of the Code of Conduct, Council Officials did not have comprehensive guidance on what matters are deemed operational and thus should be addressed and acted upon by the General Manager, or what matters were in fact of strategic importance and therefore Councillors had right to enquire and receive a response about.
- It is good governance to have a policy in relation to Councillor access to information and interaction with staff supporting Council's Code of Conduct and the Councillor Handbook (*Office of Local Government* October 2017, pages 23-24*);*
- The Audit guide "Promoting Better Practice" tool available on the Office of Local Government's website also identifies that councils should have policies that guide Councillors in how to access information and interact with staff;
- The OLG expressly identify the need for developing a model policy regarding the interaction between Councillors and staff in their circular 19-13 issued on 2 July 2019. The OLG is still in the process of developing such a model policy;

- The best-practice approach taken by other councils regarding the interactions of their Council Officials.

When considering the Policy (report GM2/2020) on 19 February 2020 Council resolved:

1. ***That Council adopts the Draft Councillor Access to Information and Interaction with Staff Policy.***

2. ***That the policy be reviewed in 6 months with a further report to come back to Council.***

REPORT/PROPOSAL

Following the adoption of the Policy and between 19 February 2020 and 4 August 2020, the General Manager has received 41 requests for information from Councillors. Due to the nature of the information requested, only three of the requests met the criteria for them to be handled as legitimate Councillor Access to Information Requests (**CARs**) under the Policy.

Councillors were provided responses and/or guidance on the options available in relation to the remaining 38 requests for information, as these were requests mainly related to individual residents' issues or matters to be dealt with under Council's Complaints Handling Policy, followed by the operational affairs of Council.

Prior to the Policy adoption, Council records indicate in the period between 1 January 2019 and 31 December 2019 an average 68 requests per month for information were received from Councillors. Correspondingly, there has been a significant decrease of Councillor requests for information since the implementation of the Policy.

In the preparation of the report the following information was provided by the General Manager as to concerns raised by Councillors:

- the Policy seems to prevent Councillors from performing their civic duty as they are unable to enquire regarding circumstances of a resident's personal issues on behalf of individual constituents.
- the Policy is making it difficult for Councillors to perform their civic duty due to the fact they cannot directly contact Managers and staff that report to them.

These concerns are addressed below in line with legislation, Council's Code of Conduct and the OLG Councillors Handbook.

<u>Residents Personal Matters</u>

The Policy does seek for Councillors to refer residents to lodge complaints or personal matters direct with Council through a number of avenues, however it does not exclude a Councillor making such representations. In such a case where a Councillor makes representations on behalf of a resident the matter will be dealt with in a similar manner to the Complaints Handling Policy, and any response will be made direct to the resident. The Councillor will also need consent in writing from the resident to act on their behalf.

This accords with requirements under the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act) where Council, including its staff and Councillors, have an obligation to protect privacy and personal information. Part 2 of the PPIP Act requires that Council officials must not share or disclose personal information for a purpose other than for which it was provided, unless the individual in question has consented otherwise. There are very few exceptions where such consent need not be obtained in order to share or disclose the personal information and only in circumstances aiming to prevent grave danger or putting someone at risk of harm, or law enforcement, could be deemed as circumstances exempted under the privacy legislation.

To this end, Councillors requesting information on how Council is progressing with the enquiries or complaints made by individuals is not a circumstance exempted under the PPIP Act, nor is it a legitimate excuse for Councillors not being able to perform their civic duty.

Contact with Managers and Staff

The Policy does not exclude contact with Directors and Managers, with a number of scenarios outlined where such contact is appropriate. The Policy does align closely to the Code of Conduct, the *Local Government Act 1993* (LG Act) and the Councillor Handbook, which all prescribed in various ways the roles and responsibilities in regards to interactions with staff.

Section 335 of the LG Act sets out the functions of the General Manager, including:

a) *to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council*

The Code of Conduct specifically sets out the expectations in regards to Councillor interactions with staff, and under Clause 7.2 Councillors must not:

a) direct council staff other than by giving appropriate direction to the General Manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the Act,

b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate,

c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the General Manager,

d) *contact or issue instructions to any of the council's contractors, including the Council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the Act*

The Councillor Handbook provides the commentary regarding the governing body's role:

> "*The elected council's role may be compared to that of the board of a public company or a more complex version of a board that oversees a local club; the elected council oversees the activities of the council but is not involved in the day-to-day running of the council. The 'shareholders' of a public company can be likened to a local community.*

The general manager is the most senior member of staff and is responsible to the council for carrying out council decisions and policy and overseeing the day-to-day operation of the council."

The general manager provides the link between the elected council and its employees. While all council staff have a duty to carry out council decisions, they are responsible to the general manager, not the councillors. Individual councillors cannot direct staff in their day-to-day activities. However, this is counterbalanced by the responsibility of general managers to provide information, guidance and support to councillors to make good decisions.

Summary

Thus, it is unlawful for Councillors to direct staff other than by giving appropriate direction to the General Manager by way of council resolution, interact with staff in relation to council-related business unless in accordance with the Policy and procedures governing the interaction of Councillors and council staff that have been authorised by the Council **and** the General Manager. The General Manager is the only person lawfully able to determine which staff talk to Councillors, and vice versa.

A common theme in the above is that Councillors represent the community as a whole and not the interests of individuals. The collective decisions of the elected Council as a whole are the decisions each Councillor is expected to uphold accurately.

Councillors are always encouraged to facilitate communication between the community they serve as a whole by engaging in professional and respectful discussions with the General Manager or by way of lodging Notices of Motion compliant with Council's Code of Meeting Practice. This approach not only sends a message to the community that we handle any affairs or issues with consistency and as a united front, but it cements the integrity of any and all policies voted on by the elected Council as a whole.

This report provides an update for Councillors following six months of the Policy being in operation. It is recommended that no changes are made to the Policy as it is consistent with the Code of Conduct, legislative provisions and the OLG Councillor Handbook.

OPTIONS

N/A

CONSULTATION

- Councillors (General Manager held briefing sessions on 14 December 2019 and 12 August 2020 and has had ongoing discussions with Councillors)
- General Manager
- Director Corporate and Community Services
- Governance Team

STRATEGIC LINKS

a. Delivery Program

The Policy is consistent with the community's desired outcome of *Civic Leadership and Effective Governance* and in particular Objective 5.3 *Making Council more responsive to the community.*

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Leaving the Policy as is will not require any procedural implications.
Making the Policy obsolete would revert to Councillor Access to Information, and Councillor Interaction with Staff as prescribed in Council's Code of Conduct with the General Manager providing the procedure for the administration.

b. Financial Implications

N/A

c. Legislative Implications

The Policy has been developed in line with the requirements of the Act and Council's Code of Conduct. The General Manager is the only person who may direct Council staff in the performance of their duties, including interactions with Councillors.

d. Risk Implications

There are no risks with leaving the Policy as is because it formalises and centralises interactions and processes, outlines the expectations of staff and Councillors, and the consequences if these expectations are not met, which in turn can only result in efficiencies.

The Policy aligns with the Act, the OLG's Model Code of Conduct and the Councillor Handbook (*NSW Office of Local Government* October 2017).

e. Environmental Implications

N/A

f. Other Implications

The Policy ensures Council serves the community as a whole rather than individuals.

CONCLUSION

This report is presented to Council as per the resolution. The Policy was developed to formalise and centralise interactions and processes, outline the expectations of staff and Councillors to ensure an efficient and compliant governance structure.

The Policy is designed to provide practical and effective governance measures around the interaction between Council officials and promotes staff acting in a manner that ensures the community benefit from robust practices when executing decisions of Council.

Furthermore, the Policy ensures there is no 'que jumping' when seeking to address issues the community brings to the attention of Council, it promotes effective allocation of Council resources in dealing with such issues and promotes inclusion by serving the community as a whole rather than excluding most for the benefit of some. This reaffirms the principles of democracy and open and transparent local government.

The Policy does not prevent members of the community from approaching Council themselves. If anything, Council has improved its complaint handling and privacy management practices recently by implementing the Complaint Handling Policy based on the guidance by the NSW Ombudsman and the Privacy Management Plan based on guidance by the Information and Privacy Commission, making both processes and avenues accessible for anyone to use.

ENCLOSURES

1⇩ Councillor Access to Information and Interaction with Staff Policy

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Cessnock City Council
Councillor Access to Information and Interaction with Staff Policy

Date Adopted **19/02/2020 Revision: 1**

1. POLICY OBJECTIVES

1.1. To establish appropriate, effective and timely processes for Councillors to obtain information to enable them to perform their civic duties without impeding on the delivery of Council operations.

1.2. Ensure staff and Councillors understand their rights and obligations in providing information to Councillors.

1.3. To provide guidance with respect to the interaction between Councillors and Staff as prescribed in Council's Code of Conduct and the Act.

1.4. Facilitate a harmonious and respectful relationship between Councillors and staff, taking into account the differing roles that they are required to undertake as defined in the Act.

2. POLICY SCOPE

2.1. This policy applies to elected members and staff and it is built on the premise that Councillors have a right to seek advice and request records of the Council provided that it is relevant to the exercising of their Councillor responsibilities in civic office, and is not subject to privacy, confidentiality or legal restraint.

2.2. The statutory role and duties of Mayor, Councillors and the General Manager are outlined in Sections 222, 223, 226, 232 and 335 of the Act.

2.3. This policy should be read in conjunction with Council's adopted Code of Conduct. Councillor Interaction with staff are specifically dealt with in section 7 and access to information in section 8 of Council's Code of Conduct.

3. POLICY STATEMENT

3.1. Appropriate interactions between Councillors and staff are necessary to facilitate well-informed decisions and the provision of Council services. This policy provides a framework on how Councillors interact and receive advice from authorised staff when exercising their civic duties.

3.2. Council values are embedded in the development, review and implementation of this policy and its supporting documents to achieve consistent decision-making and clear and concise guidelines for interactions.

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4. COUNCILLOR ACCESS TO INFORMATION

4.1. The General Manager must provide Councillors with the information necessary to effectively discharge their official duties (Code of Conduct section 8.2)

4.2. Members of staff of Council must provide full and timely information to Councillors sufficient to enable them to exercise their official functions in accordance with Council procedures. (Code of Conduct section 8.3).

4.3. To assist Councillors in accessing Council information in the course of undertaking their official duties, the following procedure abbreviated **CAR** (**C**ouncillor **A**ccess to information **R**equest) has been developed:

4.3.1. When making a request for information, Councillors should draft the request carefully and should precisely detail the information, or the nature of the information, sought. It is expected that Councillors will act reasonably in making a request for information.

4.3.2. The request for information must be addressed to the General Manager and emailed to: CAR@cessnock.nsw.gov.au.

4.3.3. Each request for information (**CAR**) will be processed on its merit. As a general rule information requested should relate to relevant matters before a Council meeting, either currently or within the current term of the Council; and/or matters known by the Councillor to come before Council in the near future.

4.3.4. All CARs will be assessed and responded to within five (5) working days unless otherwise communicated by the General Manager and where staff need more time to source the information requested.

4.3.5. When dealing with a CAR, the General Manager must act reasonably. Given that a Councillor may need information to perform their public duty, if a CAR is to be denied, reasons for the refusal must be provided (Code of Conduct section 8.8).

4.3.6. Councillors may request access to other documents of Council by a Notice of Motion or by Questions with Notice as set out in Council's Code of Meeting Practice.

4.3.7. The completion of a formal access application form under the GIPA Act will be required to be lodged where Councillors seek information concerning a third party(s), or where a large amount of documentation or research will be necessary to satisfy the request.

4.3.8. Councillors who have been refused access to information by the General Manager or their delegate are entitled to lodge a formal access application under the GIPA Act, as a general member of the public, which will be assessed by Council's Public Officer or their delegate in accordance with the GIPA Act.

5. COUNCILLORS INTERACTION WITH STAFF

5.1. Under section 335 of the Act, the role of the General Manager includes conducting the day to day management of Council in accordance with the strategic plans, programs, strategies and policies of Council, implementing without delay the lawful decisions of the Council and

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ensuring that the Mayor and Councillors are given timely information and advice, and the administrative and professional support necessary to effectively discharge their official functions. (Code of Conduct section 7.4)

5.2. Councillors must not contact a member of staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and staff that have been authorised by the elected Council and the General Manager (Code of Conduct section 7.2 c). Councillors may contact the General Manager directly on any business matter of the Council that is not day-to-day operational, subject to privacy, confidentiality or legal restraint. Clauses 5.3 through to 5.9 outline the procedure that has been developed to guide Councillors in their interaction with staff.

5.3. Administrative Support

5.3.1. For administrative support and advice such as meeting schedules, business papers, general administration enquiries, professional development and IT matters, Councillors may contact the following officers:

i. **General Admin** - Executive Assistants.

ii. **Professional development and training –** Governance.

iii. **IT** - Information Technology Manager.

5.4. Professional Advice and Support

5.4.1. For professional advice and support, Councillors may contact the General Manager or responsible Director who will provide the professional advice sought or refer them to the relevant Manager. Councillors seeking access to information about matters that do not concern administrative or professional advice and support, as noted in clause 4 are required to lodge a Customer Service Request (**CSR**).

5.4.2. Examples of professional support and advice include:

i. Advice on the Councillor's wording for a Notice of Motion relevant to Council's strategic direction;

ii. Clarification on a strategic planning matter before the elected Council;

iii. Clarification and/or understanding of adopted strategies or plans;

iv. Clarification on matters in business reports before the elected Council prior to the meeting;

v. The progress on capital projects or other actions adopted in the Operational Plan.

Note: Councillors must not direct or pressure staff in the performance of their duties, or what recommendations they should make (Code of Conduct section 7.6).

5.4.3. Committees – Councillors may discuss matters with staff nominated to a committee on matters related to that committee.

5.5. General notification of faulty services/damaged public assets or safety concern

5.5.1. For general notification of faulty services/damaged public or Council assets or safety concern, Councillors can contact Council's Customer Service or lodge an online CSR via Council's website.

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5.6. Community or individual community member advocacy matters

5.6.1. For community or individual community member advocacy matters, Councillors may lodge a Notice of Motion in accordance with Council's Code of Meeting Practice.

5.7. Members of the public and their personal matters with Council

5.7.1. For members of the public and their personal matters with Council, Councillors should refer the individual(s) to contact Council's Customer Services or have the member of the public lodge a CSR.

5.7.2. If the Councillor acting on behalf of members of the public and their personal matters with Council are not satisfied with the service, they may lodge a Complaint in accordance with Council's Complaint Handling Policy.

5.7.3. Members of the public may also request a meeting with the General Manager if they are unsatisfied with Council's provision of customer service and where they believe that they have been unfairly treated. Such requests can be made only after all other options or processes have been exhausted. The General Manager's Executive Assistant should be contacted for an appointment who will assess if a meeting is required.

5.8. Enquiry from Councillors acting in their personal capacity

5.8.1. Where Councillors may have a reason to interact with Council in their personal capacity, they are expected to do so in accordance with clauses 5.28 and 5.29 of Council's Code of Conduct and in the same manner as any other member of the public, clearly identifying that they are acting in such a capacity.

6. ROLES AND RESPONSIBILITIES

6.1. Councillors

6.1.1. When interacting with staff or in the course of requesting access to, receiving or using information provided by staff, Councillors are expected to abide by the obligations outlined in Parts 7 and 8 of Council's Code of Conduct, including but not limited to:

i. Only accessing information required to perform their civic duties;

ii. Maintaining the integrity and security of confidential information by using it in the manner and for the purpose authorised to do so;

iii. Complying with policy and legislative requirements concerning personal information;

iv. Avoiding any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for their personal benefit;

v. Not directing, attempting to direct or influence staff or delegate of Council in the exercise of their function(s), including Councillors being overbearing or threatening;

vi. Not approaching staff to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters.

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6.2. General Manager or their delegate

6.2.1. The General Manager is responsible for ensuring that Councillors can access information necessary for the performance of their official functions.

6.2.2. When interacting with Councillors or in the course of providing information to them, the General Manager and Public Officer/their delegate are expected to abide by their own respective responsibilities outlined in Council's Code of Conduct.

6.2.3. When determining whether or not to provide information requested by Councillors, the General Manager or Public Officer/their delegate must take into account whether or not:

i. the information requested is necessary for the Councillor to perform their official functions (as outlined by section 232 of the Act), and

ii. the Councillor has disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter, as outlined in Part 8 of Council's Code of Conduct.

6.2.4. Where the General Manager or Public Officer or their delegate has determined to provide the information, or part of, the same information must also be made available to any other Councillors who requests it, or who may somehow be impacted by it.

6.2.5. Where the General Manager or Public Officer or their delegate has determined to refuse access to information requested by Councillors, they must act reasonably and state the reasons behind the refusal.

6.3. Staff

6.3.1. When interacting with Councillors or in the course of providing information to them, staff are expected to abide by the obligations outlined in Parts 7 and 8 of Council's Code of Conduct, including but not limited to:

i. Treating Councillors as outlined in this policy and Council's Code of Conduct.

ii. Only providing information authorised to provide, in the manner and for the purpose authorised to do so.

iii. Not approaching Councillors to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters.

iv. Not being overbearing or threatening to Councillors.

v. Not providing ad-hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

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7. POLICY DEFINITIONS

Act	means the *Local Government Act 1993* (NSW)
Public Officer	means Director Corporate and Community Services
Council	means Cessnock City Council
Councillor	means a person elected or appointed to civic office in Council, and it includes the Mayor
Councillor Access to information Request (CAR)	means the process by which a Councillor submits a request to Council staff in relation to a matter on which a Councillor would like to receive information in accordance with clause 4. CARs are to be sent CAR@cessnock.nsw.gov.au
Customer Service Request (CSR)	means a general notification of faulty services/damaged public or Council assets or safety concern and can be lodged by contacting Council's Customer Service or online using Council's website
GIPA Act	means *Government Information (Public Access) Act 2009* (NSW)

8. POLICY ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	Director Corporate and Community Services
Associated Procedure (if any)	NIL
Policy Review Date	August 2022 Three years from date of adoption unless legislated otherwise
Document Number	DOC2019/121988
Relevant Legislation	*Government Information (Public Access) Act 2009* (NSW) *Local Government Act 1993* (NSW) *Local Government (General) Regulation 2005* (NSW) *Privacy and Personal Information Protection Act 1998* (NSW) *Health Records and Information Privacy Act 2002* (NSW)
Relevant desired outcome or objectives	*Civic Leadership and Effective Governance*
Related Policies / Protocols / Procedures	▪ Code of Conduct ▪ Code of Conduct Procedures ▪ Code of Meeting Practice ▪ Complaint Handling Policy ▪ Records Management Policy

CESSNOCK CITY COUNCIL
Integrity, Respect, Teamwork, Accountability and Excellence

9. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Process CARs as outlined in this policy	General Manager or their delegate
	Provide administrative support to Councillors as outlined in this policy	Executive Assistants, Governance and IT
	Provide professional advice and support as outlined in this policy	General Managers and Directors Managers only when instructed by Directors

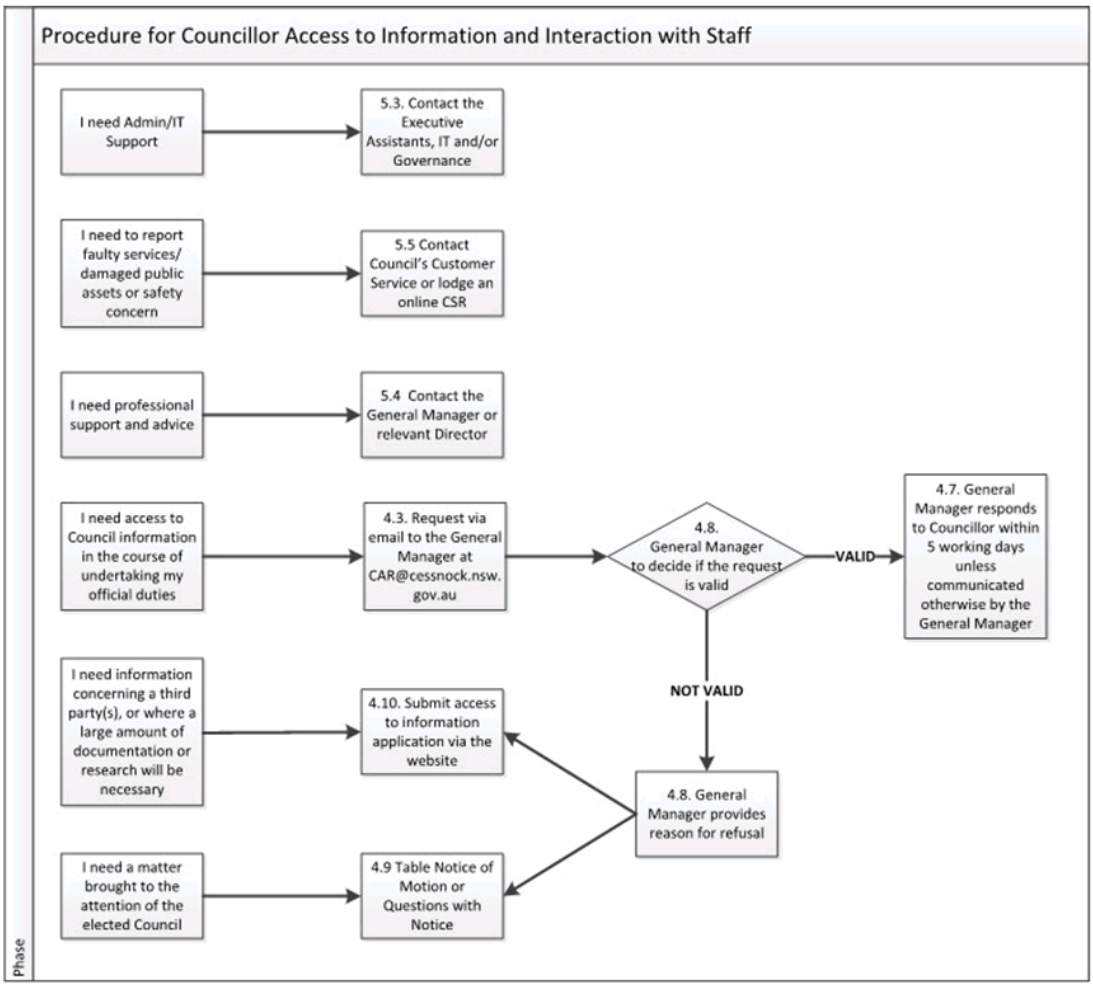
10. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	20/02/2020	New policy adopted
2	19/08/2020 TBA	6 month Review
3	2022	Periodic Review

Integrity, Respect, Teamwork, Accountability and Excellence

11. Appendices

Appendix A – Procedure for Councillor Access to Information and Interaction with Staff Flowchart



Corporate and Community

Report No. CC74/2020

Corporate and Community Services

SUBJECT: ***LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020 - REQUEST FOR ATTENDANCE AND MOTIONS***

RESPONSIBLE OFFICER: ***Director Corporate and Community Services - Robert Maginnity***

SUMMARY

The Local Government NSW (LGNSW) Annual Conference 2020 is scheduled to be held in Cessnock from Sunday 22 November to Tuesday 24 November 2020. The purpose of this report is to provide the opportunity for Councillors to make application to attend as per Council policy, and to consider motions to be submitted to the Conference.

RECOMMENDATION

1. **That Councillors wishing to attend the Local Government NSW Annual Conference 2020 make an application to attend conference to the General Manager by 3 September 2020 so that Council can determine attendees at the meeting of 16 September 2020.**

2. **That Councillors consider possible motions for the conference and that they be provided to the General Manager by 3 September 2020 for consideration/endorsement by Council at the meeting of 16 September 2020.**

BACKGROUND

Council needs to determine attendees and voting delegates to the LGNSW Annual Conference 2020. Councillors wishing to attend need to make application to attend with applications to be determined at a later Council meeting.

LG NSW has opened registration of motions from 17 July 2020, with a final submission deadline of 28 September 2020 to enable the conference agenda to be completed.

REPORT/PROPOSAL

LGNSW have provided information on the Conference to be held in Cessnock from 22-24 November 2020, with this year's conference theme being "Growing Community Resilience"

Details about the conference, including the draft program are provided via the following links:

https://lgnsw.org.au/events-training/local-government-nsw-annual-conference-2020/motions

https://lgnsw.org.au/files/imce-uploads/386/LGNSW_Annual_Conference_2020_Draft_program_160720%20.pdf

Request to Attend

In accordance with Council Policy, Councillors wishing to attend the conference are requested to make application to the General Manager by a specified date so that Council could determine the attendees and voting delegates at a subsequent Council meeting.

Early bird registration opened mid July 2020 and a number of places have been tentatively booked to take advantage of the discount available, with delegate details to be updated once Council determines attendees. Standard registration is $940 plus accommodation costs (if required), early bird registration is $840 and Conference Dinner ticket (optional) $132.

The application to attend conference form is available at ***Enclosure 1***.

Motions

LGNSW has also sought to have motions for consideration at the Conference submitted by 28 September 2020. Councillors are requested to notify the General Manager of any suggested motions by 3 September 2020 so that Council could determine the motions to be referred to the Association at the meeting of 16 September 2020.

The Local Government NSW Board is seeking ways to ensure that the motions debate at the Conference centres on advancing section wide policy agenda. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

An online facility will be available for submission of motions. Those motions only will be included in the conference business paper where they:

1. are consistent with the objects of the Association;
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

For those Councils submitting motions, supporting evidence such as Council minutes from the meeting where the motions were endorsed by Council are required. Further, any such motion/s should be submitted to the Board by 28 September 2020.

CONSULTATION

General Manager

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Application for attendance at the Local Government NSW Annual Conference is in accordance with Council Policy.

b. Financial Implications

Funding is available for attendance in the Councillors conference budget vote. The approximate cost per delegate is estimated to be $2,000. This includes transport, accommodation, conference/workshop registration and meals.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

This report provides information on the upcoming LG NSW Annual Conference and provides Council with the opportunity to consider any motions to be submitted to the conference and for Councillors to apply to attend.

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ENCLOSURES

1⇩ Councillor Application to Attend Conference

COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING

COUNCILLOR DETAILS			
Name:			
Mobile Phone Number:		Dietary Requirements:	

CONFERENCE/SEMINAR/TRAINING DETAILS					
Course Name:					
Organiser:				Location:	
Date:		Cost:		Job Number:	
Detail benefits to you and your role in Council					
Details of conferences / seminars / training already attended in this term of Council					

TRAVEL & ACCOMMODATION			
Accommodation			
Is Accommodation Required?	☐ Yes ☐ No (if Yes please complete details below)		
Name:		Phone:	
Check in Date:		Check out Date:	
Travel			
Airfare Required?	☐ Yes ☐ No (if Yes please complete details below)		
Other Transport Require?	☐ Yes ☐ No	Transport requirement:	
Special Requirements?			

AUTHORISATION					
Mayor / Councillor					
Name:		Signature:		Date:	
General Manager					
Full Name:		Signature:		Date:	
☐ Approved ☐ Not Approved					

OFFICE USE ONLY					
	Date	Signature		Date	Reference / Reservation Number
Received by EA:			Registered in RM:		
TRIM link to HR:			Registration Booked:		
Clr Advised:			Accommodation Booked:		
			Travel Booked:		

Corporate and Community

Report No. CC75/2020

Corporate and Community Services

SUBJECT: ***DISCLOSURES OF INTERESTS IN WRITTEN RETURNS***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

Clause 4.24 of Council's Code of Conduct requires the General Manager to keep a register of returns lodged by Councillors and designated persons and to table them at a meeting of Council, with Clause 4.21 requiring that such returns are to be lodged with the General Manager within 3 months after becoming a Councillor or a designated person.

This report tables returns received for the period 1 May 2020 to 31 July 2020.

RECOMMENDATION

That Council notes the tabling of the disclosures of interests written returns (for the period 1 May 2020 to 31 July 2020 by the General Manager in accordance with Council's Code of Conduct.

BACKGROUND

Council's Code of Conduct governs matters concerning pecuniary interests and disclosures of interests in written returns. The General Manager must keep a register of returns lodged and table them at a meeting of Council.

REPORT/PROPOSAL

Clause 4.21 of the Code of Conduct requires Councillors and designated persons to lodge a written return in the form set out in schedule 2 of the Code within three months after becoming a Councillor or a designated person.

Clause 4.8 of the Code of Conduct provides that designated persons are:

(a) The General Manager;

(b) Senior staff for the purposes of section 332 of the Act;

(c) A person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;

(d) A person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Clause 4.24 of the Code of Conduct requires the General Manager to keep a register of returns lodged with them and clause 4.25 requires the General Manager to table such returns at the first meeting of Council after the last day the return is required to be lodged.

The register of returns is available for public inspection at Council's Administration Centre at 62-78 Vincent St, Cessnock in accordance with the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) and as prescribed by clause 4.27 of the Code of Conduct.

OPTIONS

N/A

CONSULTATION

All designated persons were provided the Self-Help Guide from the Office of Local Government to assist them in the completion of their returns.

STRATEGIC LINKS

a. Delivery Program

Completion of the written returns for the period links to the community's desired outcome of "*Civic Leadership and Effective Governance*", and in particular, it links to:

- strategic direction 5.3.7 within the Delivery Program 2017-2018 – *continue to educate staff on statutory compliance obligations*, and
- strategic action 5.3.7.b within the Operational Plan 2017-2018 – *coordinate disclosures of interest returns*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Clause 4.24 of the Code of Conduct requires the General Manager to keep a register of returns lodged and clause 4.25 requires the General Manager to table such returns at the first meeting of Council after the last day the returns are required to be lodged.

On the day following the meeting, the register of returns may be accessed by members of the public (at Council's Administrative Centre) during business hours without an appointment.

At all other times, the register of returns is available for inspection in accordance with the GIPA Act. Council requires a person to make an appointment to view the register of returns during business hours.

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

Failure to table the register of pecuniary interest returns would constitute a breach of Council's Code of Conduct.

e. Environmental Implications

N/A

f. Other Implications

Tabling the register of returns and allowing access to it demonstrates Council's commitment to openness and transparency, and is a crucial element of Council's civic leadership and effective governance.

CONCLUSION

Tabling of the register of returns satisfies Council's requirements under the Code of Conduct.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC76/2020

Corporate and Community Services

SUBJECT: ***RESOLUTIONS TRACKING REPORT***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 9 July 2020 to 13 August 2020.

RECOMMENDATION

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

ENCLOSURES

1⇩ Outstanding Actions
2⇩ Completed Actions

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN12/2020	Ordinary Council 18/03/2020	Kerr, Katrina Fitzpatrick-Barr, Justin	Business With Notice	Traffic Issues Heddon Greta	19/08/2020	

1230
MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Burke
1230
MOTION

That the General Manager Investigate the concerns of the residents of Heddon Greta with the installation of traffic lights at Heddon Street and Main Road and the potential impact on the local road network. In particular investigating the excessive speeding issues that are now prevalent along Radford Street and surrounding feeder roads, with traffic calming options.

CARRIED UNANIMOUSLY

8 Apr 2020 - 7:27 AM - Robyn Larsen
Under investigation.
14 Apr 2020 - 2:36 PM - Janine Maher
Comments inserted into draft Councillor memo prepared by W&I. Referred to Infrastructure Manager for finalisation and issuing.
14 Apr 2020 - 2:38 PM - Janine Maher
Action reassigned to Kerr, Katrina by: Maher, Janine for the reason: Draft memo prepared by W&I. Action re-allocated to enable matter to be updated when memo is issued.
11 May 2020 - 12:53 PM - Katrina Kerr
Sought further input from Development Services Manager.
5 Jun 2020 - 11:58 AM - Katrina Kerr
Finalised memo with input re Traffic Signals from Development Services Manager.
8 Jul 2020 - 9:21 AM - Kelly Paterson
Reviewed memo to consider surrounding traffic issues.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN15/2020	Ordinary Council 15/07/2020	Kerr, Katrina Fitzpatrick-Barr, Justin	Business With Notice	Investigate Potential Inclusion of Streets into the 21-22 Operational Budget as a Design & Investigation Project	31/12/2020	

MOTION ***Moved:*** Councillor Olsen ***Seconded:*** Councillor Dunn

That Council direct the General Manager to;

1. Investigate the potential for inclusion of the following streets into the 21-22 operational budget as design and investigation projects with a further report to come back to Council once rehabilitation costs are known so we can approve these streets for inclusion in the 2022/23 budget.

a) Rawson Street Aberdare from Pokolbin Street to Colliery Street
b) Hetton Street Bellbird from Wollombi Road to Prince Street
c) O'Connors Road from Ingles Lane to Oakey Creek Road
d) Lindsay Street Cessnock from Maclean Street to Mavis Street

PROCEDURAL MOTION ***Moved:*** Councillor Suvaal
Seconded: Councillor Fagg
1362
RESOLVED

That the report be deferred pending the completion of the Roads Review.

13 Aug 2020 - 11:33 AM - Kelly Bates
Revised Target Date changed by: Bates, Kelly From: 12 Aug 2020 To: 31 Dec 2020
Reason: Scheduled investigation activities

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN18/2020	Ordinary Council 15/07/2020	Maher, Janine	Business With Notice	Development Application Approvals for Events	12/08/2020	

1364 Johnson, Martin

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Dagg

1364

RESOLVED

That the General Manager facilitate a briefing to outline any differences in the procedures in lodging an events Development Application between Cessnock and neighbouring Councils.

17 Jul 2020 - 5:11 PM - Yvonne Blake
Action reassigned to Maher, Janine by: Blake, Yvonne for the reason: To organise a briefing in relation to the resolution of Council.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN19/2019	Ordinary Council 21/08/2019	Alexander, Michael	Business With Notice	Bee Friendly Tree Giveaway	25/11/2020	

943 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Fitzgibbon

943

RESOLVED

That Council ask the General Manager to request a briefing with National Parks to discuss ways Council can improve the local ecology and biodiversity including threatened species such as Bees and Regent Honey Eaters.

3 Sep 2019 - 12:20 PM - Michael Alexander
Sustainability Officer to make contact with National Parks to determine availability or seek advice that provides response to the question/request
5 Sep 2019 - 9:47 AM - Michael Alexander
Request for response forwarded to National Parks - key personnel on extended leave and response not anticipated for approx. 2 months
2 Oct 2019 - 9:45 AM - Michael Alexander
Contact officer at NPWS scheduled to return from maternity leave Oct 2019. Correspondence requesting information/advice forwarded
6 Dec 2019 - 12:58 PM - Carly Thompson
National Parks have been contacted a number of time and response is they can do nothing until the fire season is over
5 Feb 2020 - 10:41 AM - Debbie Kellehear
National Parks and Wildlife Services have reaffirmed that they are unavailable for input until the current fire season settles. Karinda Stone will continue to liaise with Brooke from National Parks and Wildlife Services.
3 Mar 2020 - 2:13 PM - Debbie Kellehear
Reason: National Parks and Wildlife Services are still unavailable and will be available for comment after the fire season.
31 Mar 2020 - 10:18 AM - Debbie Kellehear
National Parks & Wildlife have been contacted and they are now deciding which agency is most appropriate to make a presentation to Council. National Parks & Wildlife or Department of Planning, Industry and Environment will come back to Council when a decision has been made.
4 May 2020 - 10:38 AM - Debbie Kellehear
Revised Target Date changed by: Kellehear, Debbie From: 1 May 2020 To: 01 Jun 2020
Reason: National Parks and Wildlife have advised that they will be making the presentation to Council. A suitable date now needs to be arranged for the presentation to be conducted at a future Council meeting.
29 May 2020 - 9:43 AM - Carly Thompson
Revised Target Date changed by: Thompson, Carly From: 1 Jun 2020 To: 01 Jul 2020
Reason: National Parks & Wildlife Service have advised that the Biodiversity Conservation Division of the Department of Planning, Industry and Environment are much better placed to prepare a presentation more relevant to the specific content (ecology, biodiversity, Regent Honeyeaters and bees) requested by council. The BCD have agreed to work closely with National Parks to prepare and make a presentation to Council'.
Councillor Briefing date to be set in the near future

30 Jun 2020 - 9:23 AM - Debbie Kellehear
Department of Planning, Industry & Environment have been contacted and advised of the Councillor Briefing dates for August. Awaiting response.
10 Aug 2020 - 11:53 AM - Debbie Kellehear
Department of Planning Industry & Environment to make a presentation to Councillor on Threatened Species Management in Cessnock. Briefing requested for 25 November 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN19/2020	Ordinary Council 15/07/2020	Harris, Kate	Business With Notice	Multipurpose Half court within Ellalong Park	11/09/2020	

1365 Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Dunn
1365
RESOLVED

1. That the General Manager investigate the possibilities and cost of a multipurpose half court within Ellalong Park or exercise equipment.

2. That also in this investigation additional locations where multipurpose half courts or exercise equipment might be installed, such as Wollombi, Pokolbin, O'Neill park West Cessnock.

12 Aug 2020 - 1:37 PM - Kate Harris
1. This action has commenced. A full multipurpose court is not in line with design guidelines for a local park (a half court is already present which is in line with guidelines). Prior to addressing exercise equipment, design guidelines are to be developed for outdoor fitness stations - this has commenced.
2. To commence following the completion of Item 1.
12 Aug 2020 - 1:40 PM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 12 Aug 2020 To: 11 Sep 2020
Reason: Design principles are required to be developed for outdoor fitness stations

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN28/2019	Ordinary Council 6/11/2019	Harris, Kate	Business With Notice	Fenced Off Leash Dog Area	28/08/2020	

1056 Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Dagg
1056
RESOLVED

1. That Council wait for the delivery of the off leash dog exercise area strategy as identified in the 2019/20 Operational Plan.

2. That the Carmichael Park Masterplan be considered in the Off Leash Dog Exercise Area Strategy.

23 Jan 2020 - 3:22 PM - Nicole Benson
Development of Off Leash Dog Exercise Strategy underway.
Off Leash Dog Exercise area included in draft Carmichael Park Masterplan
23 Jan 2020 - 3:25 PM - Nicole Benson
Revised Target Date changed by: Benson, Nicole From: 4 Dec 2019 To: 30 Jun 2020
Reason: To align with Operational Plan.
25 Jun 2020 - 12:26 PM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 30 Jun 2020 To: 28 Aug 2020
Reason: Additional time is required to complete the strategy due to staffing resources and prioritising the grant funded Richmond Vale Rail Trail specialist document.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC30/2019	Ordinary Council 1/05/2019	Rathborne, Michael	Corporate and Community	Acquisition of land for road widening - Sandy Creek Road, Mt Vincent	30/09/2020	

893 Maginnity, Robert

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Fitzgibbon

893

RESOLVED

1. That Council acquire the land part Lot 120 and part Lot 122 of DP 755244 being land currently comprised in Conveyance Book 3144 No 987 and Conveyance Book 3333 No 5 for road purposes and dedicate the land to the public as public road;

2. **That Council authorise the General Manager to negotiate compensation with the property owners by private agreement for acquisition of the Land subject to an independent valuation report and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991;***

3. That in the event that negotiations with the property owners cannot be satisfactorily finalised, that Council make application to the Office of Local Government for approval of the Minister and the Governor to proceed with compulsory acquisition of the Land being part Lot 120 and Part Lot 122 DP 755244;

4. That Council authorise the Common Seal of Cessnock City Council to be affixed to the plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244;

5. **That Council authorise the General Manager and Mayor/Councillor to execute the Plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244.**

4 Jun 2019 - 11:44 AM - Susanne Brinkworth
Revised Target Date changed by: Brinkworth, Susanne From: 29 May 2019 To: 28 Jun 2019
Reason: Awaiting advice from landowner
3 Jul 2019 - 3:33 PM - Susanne Brinkworth
Revised Target Date changed by: Brinkworth, Susanne From: 28 Jun 2019 To: 31 Jul 2019
Reason: Awaiting advice from landowner
9 Aug 2019 - 9:03 AM - Susanne Brinkworth
Revised Target Date changed by: Brinkworth, Susanne From: 31 Jul 2019 To: 31 Jul 2019
Reason: Owner has agreed to compensation. Deed of agreement prepared and surveyor engaged to prepare plan of subdivision
9 Aug 2019 - 9:04 AM - Susanne Brinkworth
Revised Target Date changed by: Brinkworth, Susanne From: 31 Jul 2019 To: 30 Aug 2019
Reason: Owner has agreed to compensation. Deed of agreement prepared and surveyor engaged to prepare plan of subdivision
3 Sep 2019 - 9:23 AM - Susanne Brinkworth
Revised Target Date changed by: Brinkworth, Susanne From: 30 Aug 2019 To: 21 Sep 2019
Reason: Awaiting owner to execute agreement to lodge plan of subdivision
3 Oct 2019 - 4:43 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 21 Sep 2019 To: 31 Oct 2019
Reason: Awaiting Owner to execute agreement to lodge the plan of subdivision.
21 Feb 2020 - 2:59 PM - Robert Maginnity
Action reassigned to Rathborne, Michael by: Maginnity, Robert for the reason: Acting in position
9 Mar 2020 - 3:41 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 31 Oct 2019 To: 31 Mar 2020
Reason: waiting on amendments to plans
12 Mar 2020 - 11:01 AM - Michael Rathborne
Email sent to Solicitor for owners requesting owners consent, and agreement to be returned to CCC.

8 Apr 2020 - 10:17 AM - Michael Rathborne
Still awaiting response from land owner. Additional letter sent to their solicitor 6.4.2020
8 Apr 2020 - 10:50 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 31 Mar 2020 To: 30 Jun 2020
Reason: Still awaiting response from land owner. Additional letter sent to their solicitor 6.4.2020.
27 Apr 2020 - 12:38 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020
Reason: waiting on surveyors to identify the land in question so that the easement can be completed.
28 May 2020 - 3:21 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020
Reason: Requested plans from surveyor to finalise the matter.
25 Jun 2020 - 11:53 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 30 Jun 2020 To: 30 Sep 2020
Reason: Still waiting on Surveyor for the plans to create the acquisitions. Will follow up again 25/6/20.
4 Aug 2020 - 1:27 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Sep 2020
Reason: MR contacted by owners who want this matter finalised. Surveyor has been contacted to respond asap.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC38/2020	Ordinary Council 15/04/2020	Rathborne, Michael	Corporate and Community	Sale of Council Land at 10 & 12 Quorrobolong Road, Cessnock	18/12/2020	

1265 Maginnity, Robert
MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Dunn
1265
RESOLVED

1. That Council sells the two parcels of land known as 10 Quorrobolong Road, Cessnock (being Lot 507 DP755215) and 12 Quorrobolong Road, Cessnock (being Lot 508 DP755215) by private treaty using agents listed on the Cessnock City Council Real Estate Panel;

2. **That Council authorises the General Manager to negotiate the sale of each property for no less than 90% of the independent valuation*;***

3. That Council authorises the General Manager and Mayor to execute the Transfer documentation between Cessnock City Council and the purchasers.

4. That Council allocates the proceeds of sale in accordance with the adopted Property Investment Fund Policy.

27 Apr 2020 - 12:43 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 13 May 2020 To: 18 Dec 2020
Reason: Approval granted to sell 15.4.2020. Two lots to be listed for sale after contracts prepared, then marketed for sale.
25 Jun 2020 - 11:55 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 18 Dec 2020 To: 18 Dec 2020
Reason: Deposits taken on both sites at $190,000 and $150,000 respectively pending finance and exchange of contracts.
5 Aug 2020 - 10:41 AM - Robyn Keegan
10 Quorrobolong Street will settle 7 August 2020, but 12 Quorrobolong Street, is still being marketed for sale.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC4/2020	Ordinary Council 5/02/2020	Rathborne, Michael Maginnity, Robert	Corporate and Community	Acquisition of land by boundary adjustment to add to Turner Park and granting an easement for stormwater within Turner Park Lot 501 DP 1108309	30/09/2020	

1139
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Suvaal
1139
RESOLVED

1. That Council consents to the boundary adjustment and gaining that additional land marked on the attached plans:

- **a) That Council authorises the General Manager to negotiate the agreement between the adjoining owners on Aberdare Road, Cessnock;**
- **b) That Council authorises for the Common Seal of Cessnock City Council to be affixed to the related documents between Cessnock City Council and the owner of Lot 3 Section 50 DP 758002, Aberdare Road, Cessnock**
- **c) That Council authorises the Mayor and the General Manager to execute all documents relating to the land transfer.**

2. That Council consents to the granting of an easement benefiting Lot 3 Section 50 DP 758002 burdening Council land being Lot 501 DP 1108309 for stormwater purposes subject to the following:

- **a) The easement, of no greater than 1.5m wide to be located on the eastern boundary of Cessnock Tennis Courts Lot 501 DP 1108309 and in accordance with approved plans;**
- **b) That the stormwater drainage infrastructure be constructed underground within the easement;**
- **c) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement;**
- **d) That Council advises the applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;**
- **e) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and**
- **f) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.**

9 Mar 2020 - 3:43 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 4 Mar 2020 To: 31 Mar 2020
Reason: Almost completed.
8 Apr 2020 - 10:15 AM - Michael Rathborne
Awaiting final plan from Surveyors, due 23.4.2020
8 Apr 2020 - 10:53 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 31 Mar 2020 To: 30 Jun 2020
Reason: Awaiting final plan from Surveyors, due 23.4.2020
28 May 2020 - 3:24 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020
Reason: Spoke with client 10 May and his surveyor will issue plans for easement and acquisition.
25 Jun 2020 - 11:52 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 30 Jun 2020 To: 30 Sep 2020
Reason: Waiting on the surveyor for the land owner to produce a plan for the boundary adjustment. Will follow up with him again 25/6/20.
5 Aug 2020 - 10:44 AM - Robyn Keegan
Updated plans received this week from the owner. He had been delayed due to some sewer issues on the site. CCC currently assessing the plans and will respond ASAP.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC51/2020	Ordinary Council 17/06/2020	Drage, Natalie	Corporate and Community	Minutes of the Cultural Facilities Committee meeting held 21 May 2020	31/08/2020	

1317 Maginnity, Robert

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray

1317

RESOLVED

1. That the Minutes of the meeting of the Cultural Facilities Committee held on 21 May 2020 be adopted as a resolution of the Ordinary Council.

2. That the Cultural Facilities Committee be dissolved in accordance with the terms of reference and that any future reports for cultural facilities be tabled to the Strategic Property and Community Facilities Committee.

3. That the Strategic Property and Community Facilities Committee undertake a review of the Committee's Terms of Reference to include the functions of the Cultural Facilities Committee.

4. That Council notes the total indicative costs of $2 million for removal and replacement of Aluminium Composite Panels, amendments to the loading dock and redesign of Cessnock Performing Arts Centre to achieve a cultural hub and that the priority project is the removal and replacement of Aluminium Composite Panels.

5. That the General Manager prepare a report identifying opportunities for funding the removal and replacement of Aluminium Composite Panels, amendments to the loading dock and redesign of Cessnock Performing Arts Centre to achieve a cultural hub and the General Manager actively pursue other funding opportunities as they arise for these projects.

25 Jun 2020 - 11:44 AM - Natalie Drage
Resolution 1, 2 and 4 noted. Strategic Property & Community Facilities Committee to be made aware of resolution 3 - undertake a review of the Committee's Term of Reference to include the functions of the Cultural Facilities Committee. Resolution 5 - Report to be prepared for funding opportunities to achieve a Cultural Hub at Cessnock Performing Arts Centre.
8 Jul 2020 - 9:35 AM - Natalie Drage
Resolution 5 - Report for funding opportunities to achieve a Cultural Hub at Cessnock Performing Arts Centre will be reported at an upcoming Strategic Property & Community Facilities Committee.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC6/2018	Ordinary Council 7/03/2018	Drage, Natalie	Deferred Business	Richmond Main Colliery - Remediation Plan	30/09/2020	

433 Maginnity, Robert

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Gray

433

RESOLVED

1. That Council allocate funding of $50,500 from the Miscellaneous and Property Reserve, for the preparation of a Remediation Action Plan, development application and continuation of temporary fencing at Richmond Main Colliery.

2. That a further report be prepared for Council detailing the estimated costs of implementing the Remediation Action Plan once they are known.

3. That any future Richmond Main Colliery reports include the cumulative total of expenditure since the September 2017 fire.

4. That the General Manager prepare a report in consultation with the site users, including an inventory of equipment, and removal of non essential items from the historic site, with the view to improving visual site amenity, safety and security.

13 Mar 2018 - 10:40 AM - Katrina Patch
Request for Quote Documentation being prepared in order to engage consultancy to prepare the RAP.
13 Mar 2018 - 10:43 AM - Katrina Patch
Revised Target Date changed by: Patch, Katrina From: 4 Apr 2018 To: 04 Aug 2018
Reason: Engagement of vendor and preparation of RAP estimated to take 5 months.
4 Apr 2018 - 12:09 PM - Katrina Patch
The Request For Quote for the preparation of the Remediation Action Plan closes on Tuesday 10 April.
7 May 2018 - 2:48 PM - Robyn Keegan
GHD was the successful quote and has been engaged. Inception meeting occurred 2 May 2018, and the project has commenced.
23 May 2018 - 5:25 PM - Natalie Drage
A request for quote has been distributed for the appointment of an external site auditor and is a requirement in accordance with the Contaminated Land Management Guidelines (NSW EPA) and closes 28 May 2018.
5 Jul 2018 - 12:17 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 4 Aug 2018 To: 31 Oct 2018
Reason: Engagement of vendor and preparation of RAP estimated to take 5 months.
5 Jul 2018 - 12:17 PM - Robyn Keegan
External site Auditor has been appointed with a site visit to occur with the Auditor during mid July.
24 Jul 2018 - 3:10 PM - Natalie Drage
The report to Council tabled 4 July 2018, included the cumulative total of expenditure since the September 2017 fire.

Resolution 4 - the report to Council on the 4 July 2018 provided an update on the outcome of discussions to date with the Society regarding preparation of an inventory. The Society have been encouraged to commence the removal of non-museum items from the second floor of the museum building. This item will be incorporated into the Site Management Action Plan.
6 Aug 2018 - 9:38 AM - Natalie Drage
Site visit to Richmond Main occurred with the external auditor and consultant preparing the RAP on 1 August 2018. Consultation to occur with the Preservation Society to assist with understanding current and potential future land uses within Precinct C. This consultation process will be an agenda item for the next meeting with Council staff and the Society Board.
29 Aug 2018 - 2:43 PM - Natalie Drage
Consultant preparing the Remediation Action Plan met with Council staff and the Board of the Richmond Main Preservation Society on 22 August 2018. The consultation session considered Precinct C, its future uses and identification of priority locations.
5 Oct 2018 - 12:50 PM - Natalie Drage
Meeting held with GHD and Council staff to discuss the Remediation Action Plan and confirming the high priority areas at the site.
26 Oct 2018 - 11:44 AM - Natalie Drage
The Richmond Main Preservation Society at the meeting held with Council officers on 23 October 2018 tabled a report advising of site clean up activities undertaken to date within Precinct B.
12 Nov 2018 - 10:18 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 31 Oct 2018 To: 30 Jun 2019
Reason: Ongoing
21 Jan 2019 - 12:28 PM - Natalie Drage
The report to Council on 21 November 2018 included an update for clean up activities undertaken by the Richmond Main Preservation Society in improving the visual amenity of the site.
7 Feb 2019 - 3:59 PM - Natalie Drage
Costing options for soil sampling has occurred to inform the development of the Remediation Action Plan in consultation with GHD (consultant).
4 Mar 2019 - 10:52 AM - Natalie Drage
Soil sampling for Precinct C (Stage 1) to occur and will inform the actions of the RAP.
3 Apr 2019 - 11:48 AM - Natalie Drage
Awaiting outcome of soil sampling from consultant preparing the RAP.
2 May 2019 - 12:10 PM - Natalie Drage
Meeting held at Richmond Main Colliery with consultant preparing the RAP to confirm locations for soil sampling. Stage 1 Area Assessment Sampling, Analysis and Quality Plan (developed by Consultant) provided to external auditor for review and upon the completion of the review soil sampling will commence.
1 Jul 2019 - 4:08 PM - Natalie Drage
External auditor has reviewed and provided comments for Stage 1 Area Assessment Sampling, Analysis and Quality Plan. Consultant to commence soil sampling July 2019.
1 Jul 2019 - 4:15 PM - Natalie Drage
Revised Target Date changed by: Drage, Natalie From: 30 Jun 2019 To: 31 Oct 2019
Reason: Ongoing
7 Aug 2019 - 2:46 PM - Natalie Drage
Soil sampling process commenced.

3 Sep 2019 - 2:30 PM - Natalie Drage
Soil sampling process completed.
2 Oct 2019 - 2:39 PM - Natalie Drage
With the soil sampling analysis now complete, the consultant is finalising the Remediation Action Plan.
23 Oct 2019 - 2:51 PM - Natalie Drage
Meeting held on 21 October 2019 with consultant preparing the Remediation Action Plan for overview of soil sampling findings.
3 Dec 2019 - 9:17 AM - Natalie Drage
Draft Preliminary Contamination Assessment of Stage 1 Area received by Consultant and forwarded to external site auditor for review.
4 Feb 2020 - 10:34 AM - Natalie Drage
External Auditor has reviewed the Draft Preliminary Contamination Assessment of Stage 1 Area and feedback is being incorporated into the document by the Consultant.
6 Mar 2020 - 11:14 AM - Natalie Drage
Amended Contamination Assessment of Stage 1 Area Report received and will be forwarded to External Auditor upon completion of staff review.
1 Apr 2020 - 9:11 AM - Natalie Drage
Draft Remediation Action Plan received. Both the Draft Remediation Action Plan and Contamination Assessment of Stage 1 Area Report received and forwarded to External Auditor for review.
28 Apr 2020 - 9:19 AM - Natalie Drage
Costings are being prepared by the Consultant for the Draft Remediation Action Plan.
13 May 2020 - 10:05 AM - Natalie Drage
Revised Target Date changed by: Drage, Natalie From: 29 May 2020 To: 31 Jul 2020
Reason: Review of Draft Remediation Action Plan by External Auditor pending.
25 Jun 2020 - 11:49 AM - Natalie Drage
Review of Draft Remediation Action Plan by External Auditor has occurred.
8 Jul 2020 - 9:41 AM - Natalie Drage
Review comments by the External Auditor has been forwarded to the Consultant for consideration.
27 Jul 2020 - 2:17 PM - Natalie Drage
Revised Target Date changed by: Drage, Natalie From: 31 Jul 2020 To: 30 Sep 2020
Reason: With the Remediation Action Plan finalised by the Consultant it will have a final review by the External Auditor.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC63/2019	Ordinary Council 7/08/2019	Holliday, Jennifer	Corporate and Community	Tender Evaluation Report for T1819-16 - Website Development and Implementation	31/12/2020	
939		Maginnity, Robert				

MOTION ***Moved:*** Councillor Dagg ***Seconded:*** Councillor Gray
939
RESOLVED

1. That Council accept the tender from OpenCities Pty Ltd for a lump sum of $308,000 (including GST) for a period of up to five years, to develop, implement and provide ongoing maintenance for the following Council websites:

- **Cessnock City Council corporate website; and**
- **Three smaller satellite websites:**
  - **Building Certifiers**
  - **Cessnock Performing Arts Centre**
  - **Cessnock City Council Libraries**

2. That the General Manager investigate the development and cost of a mobile device app to integrate into the updated Council website.

14 Aug 2019 - 2:44 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 7 Aug 2019 To: 03 Jul 2020
Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019.
14 Aug 2019 - 2:44 PM - Robyn Keegan

Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 03 Jul 2020
Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019.
14 Aug 2019 - 2:45 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 03 Jul 2020
Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019. 2. Request for Quotations to be address for mobile device app.
7 Nov 2019 - 3:14 PM - Robyn Keegan
OpenCities are developing the new Website. Quotations are being researched.
6 Feb 2020 - 2:09 PM - Robyn Keegan
Website being developed.
28 Apr 2020 - 8:44 AM - Robyn Keegan
New corporate website was delivered on 25 March 2020. The CPAC, Libraries and Building Certifiers sub-sites are now under development.
25 Jun 2020 - 11:59 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 31 Dec 2020
Reason: Building Certifiers website - revised completion date of 31 July
- Site will be delivered four weeks later than planned due to development delays.

CPAC website - revised completion to 31 December
- Site will launch in Q4 to coincide with re-opening of CPAC performances to public.

Libraries website - revised completion to 30 September
- Site launch delayed due to conflicting operational priorities
4 Aug 2020 - 10:45 AM - Robyn Keegan
Building Certifiers website - revised completion date of 14 August 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC66/2020	Ordinary Council 15/07/2020	Rush, Iain	Corporate and Community	Minutes of the Strategic Property & Community Facilities Committee Meeting held 2 July 2020	30/06/2021	
1354		Johnson, Martin				

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1354
RESOLVED

1. That the Minutes of the Strategic Property & Community Facilities committee meeting of 2 July 2020 be adopted as a resolution of the Ordinary Council.

2. That Council amends the Cessnock Local Environmental Plan 2011 to reclassify the following properties from Community to Operational land:

- **204 - 218 Vincent Street & 2 Cessnock Street Cessnock (nine lots)**
- **Cessnock Road Weston Lot: 18 Sec: 27 DP: 979187**
- **6 William Street Cessnock Lot: 3 SEC: J DP: 4927**

27 Jul 2020 - 9:13 AM - Peter Waghorn
Noted. The authorised actions will be actioned as part of comprehensive review of Cessnock LEP to be undertaken by Strategic Planning; advised timeframe 2020/21
27 Jul 2020 - 9:18 AM - Peter Waghorn
Revised Target Date changed by: Waghorn, Peter From: 12 Aug 2020 To: 30 Jun 2021
Reason: To be actioned by Strategic Planning as part of comprehensive review of Cessnock LEP
27 Jul 2020 - 10:38 AM - Peter Waghorn
Action reassigned to Rush, Iain by: Waghorn, Peter for the reason: Per email advice CM document reference DOC2020/121946

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM2/2020	Ordinary Council 4/03/2020	Jackson, Lotta	Mayoral Minutes	Volunteer Firefighters Thank You Event	1/12/2020	

1187 Jackson, Lotta

MOTION ***Moved:*** Councillor Pynsent

1187

RESOLVED

1. That the General Manager organise an event to thank the Rural Fire Fighter Brigades in the Cessnock LGA and all agencies within the Incident Management Team for their outstanding work in the 2019/2020 fire season.

2. That the event be held before 30 June, 2020

3. That the event be funded under the joint NSW and Commonwealth Government Funded Bushfire Community Resilience and Economic Recovery Funds: Phase 1.

6 Mar 2020 - 12:26 PM - Linda Lewis
The CPAC will be hosting this event. Date and time of event yet to be determined.
14 May 2020 - 9:59 AM - Linda Lewis
Revised Target Date changed by: Lewis, Linda From: 1 Apr 2020 To: 01 Jul 2020
Reason: Due to COVID-19 restrictions, event postponed until regulations ease
28 May 2020 - 1:16 PM - Kylie Hottes
Revised Target Date changed by: Hottes, Kylie From: 1 Jul 2020 To: 01 Aug 2020
Reason: COVID-19 Restrictions and Reopening of facility.
28 May 2020 - 2:43 PM - Kylie Hottes
Revised Target Date changed by: Hottes, Kylie From: 1 Aug 2020 To: 01 Dec 2020
Reason: As the function will cater to 400 people we cannot anticipate the target date at this stage due to COVID-19 restrictions. Will be updated pending further updates.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE24/2020	Ordinary Council 15/07/2020	Chisholm, Alison	Planning and Environment	Draft Community Engagement Strategy	30/09/2020	

1343 Johnson, Martin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon

1343

RESOLVED

1. That Council places the draft Community Engagement Strategy on public exhibition for a minimum period of 28 days and invite public submissions.

2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Community Engagement Strategy.

20 Jul 2020 - 12:56 PM - Alison Chisholm
Draft Community Engagement Strategy and Action Plan was placed on public exhibition on 20 July 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE25/2020	Ordinary Council 15/07/2020	McCauley, Hannah	Planning and Environment	Planning Proposal: Additional Permitted Use at The Vintage	30/11/2020	

1344 Johnson, Martin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon

1344

RESOLVED

1. **That Council requests a Gateway determination for the Planning Proposal – Residential Flat Buildings Additional Permitted Use at 'The Vintage' from the Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979.***

2. **That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.**

3. **That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.**

4. **That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise, forward the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.**

27 Jul 2020 - 9:44 AM - Hannah McCauley
1. Planning Proposal sent to the DPIE on 24 July 2020 seeking Gateway determination.
27 Jul 2020 - 9:53 AM - Hannah McCauley
Revised Target Date changed by: McCauley, Hannah From: 31 Aug 2020 To: 30 Nov 2020
Reason: Date revised to allow for processing times at the DPIE.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE26/2020	Ordinary Council 15/07/2020	McCauley, Hannah	Planning and Environment	Planning Proposal: Reclassification and rezoning of Council owned land.	30/11/2020	

1345 Johnson, Martin

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Burke

1345

RESOLVED

1. **That Council requests a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Cessnock, East Branxton, Greta, Pelaw Main, and Weston from the Department of Planning, Industry and Environment pursuant to the *and Assessment Act 1979.***

2. **That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.**

3. **That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.**

4. **That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.**

5. **That Item 7 Maitland Street and Part of 107 Lang St Kurri Kurri be moved as per resolution to operational Land, with the rezoning being deferred for a further briefing to Council regarding future options regarding this site.**

27 Jul 2020 - 9:50 AM - Hannah McCauley
1. Planning Proposal sent to the DPIE on 24 July 2020 seeking Gateway determination.
2. Staff are working on briefing. Currently assessing Strategic Planning workload and prioritising tasks.
27 Jul 2020 - 9:53 AM - Hannah McCauley
Revised Target Date changed by: McCauley, Hannah From: 12 Aug 2020 To: 30 Nov 2020
Reason: Date revised to allow for processing times at the DPIE.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE29/2018	Ordinary Council 16/05/2018	Fitzpatrick-Barr, Justin	Planning and Environment	Development Application No. 8/2017/282/1 proposing construction of a roundabout to facilitate access to St Philip's Christian College Wine Country Drive, Nulkaba	23/09/2020	

Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Burke

475

RESOLVED

1. That Council determine Development Application No. 8/2017/282/1 proposing the construction of a roundabout to facilitate access to St Philip's Christian College at Wine Country Drive (Lot 1 DP 744377) Nulkaba, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.

2. That Council supports the concept of a roundabout entrance to St Philips Christian College off Wine Country Drive, Nulkaba for school and community access to the site, subject to an approved design by, and satisfactory arrangements with, the Roads and Maritime Services.

3. That the General Manager request the Parliamentary Secretary for the Hunter and Central Coast to coordinate an urgent meeting between Cessnock City Council, the Roads and Maritime Services, State Member for Cessnock and St Philips Christian College to address the traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba.

4. That the General Manager continue to work with the Roads and Maritime Services and St Philips Christian College with a view to encourage the submission of a Development Application, as a matter of urgency, by St Philips Christian College, to ensure the necessary upgrade works can be carried out to address serious traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba. The development application must be supported by the necessary documentation and arrangements with the Roads and Maritime Services and be designed in accordance with the requirements of Cessnock City Council and the Roads and Maritime Services.

5. That the General Manager investigate any immediate measures that could improve pedestrian and vehicular safety adjacent to the College in Wine Country Drive and Lomas Lane, Nulkaba.

5 Jun 2018 - 3:45 PM - Robyn Larsen
Item 1 - Determination Issued
Item 2 - Noted
6 Jul 2018 - 11:13 AM - Robyn Larsen
Item 3 - Acting General Manager spoken to Mr Stephen Wills at the Department of Premier and Cabinet who advised that he would liaise with St Philips and the RMS to seek a meeting to try and resolve the matter.
6 Jul 2018 - 11:53 AM - Joanne Walpole
Item 4 - This issue is being dealt with. The Department of Premier and Cabinet are attempting to bring all parties together.
Item 5 - Prepared Concept Option for signalised roundabout. Prepared Concept Option for use of internal road network. Attended meeting between RMS and CCC 23/05/18. Arranged drone to film intersection performance 03/08/18.
7 Sep 2018 - 4:03 PM - Kristy Meyers
Item 3 - Mr Stephen Wills chaired a meeting on 6 August 2018. Attendees included GM, DW&I, Infrastructure Manager, Development Services Manager and RMS. A teleconference was held with RMS and St Philips School on 4 September 2018.
8 Feb 2019 - 11:44 AM - Kristy Meyers
Item 3 - Mr Stephen Wills chaired a meeting on 11 January 2019.
8 Mar 2019 - 10:26 AM - Tracey Cocking
Item 5 - Design complete see document DOC2019/022793.
10 Jul 2019 - 5:07 PM - Tracey Cocking
Item 1 - Complete
Item 2 - Complete
Item 3 - Meeting held 11 January 2019, chaired by Stephen Wills
Item 4 - A number of meetings have been held since May 2018. Most recently, a meeting was held at Council with the applicant and representatives of the school on 24 June 2019 in attendance Development Services Manager & Infrastructure Manager. At that meeting, the applicant provided an overview of the current status of the matter and advised that they were meeting with the RMS the following day (25 June 2019). Exact timing for submission of a development application is unknown at this stage.
Item 5 - Provided outcome of investigation to St Phillips and RMS, received updated plan from St Phillips encompassing advice.
9 Sep 2019 - 11:09 AM - Kristy Meyers

The matter will be resolved once St Philips lodges it's revised development application, which will provide RMS with an opportunity to comment on the proposal and potential road upgrades on Wine Country Drive.
5 Feb 2020 - 10:39 AM - Kelly Paterson
Ongoing discussions with RMS, no DA has been lodged to date
28 May 2020 - 10:41 AM - Janine Maher
Development Application No. 2020/227 proposing a phased development (details of which are available on DA Tracker), lodged on 20 April 2020. DA is currently under assessment.
18 Jun 2020 - 9:57 AM - Janine Maher
Development Application No. 2020/227, withdrawn by applicant.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE5/2019	Ordinary Council 20/02/2019	Petersen, Leanne	Planning and Environment	Amendment to Cliftleigh Urban Precinct Planning Agreement	31/08/2020	
759		Johnson, Martin				

MOTION ***Moved:*** Councillor Lyons ***Seconded:*** Councillor Fitzgibbon
759
RESOLVED

1. That Council prepare a draft Deed of Variation for the Cliftleigh Urban Precinct Planning Agreement in accordance with the offer from Winten Property Group.

2. That Council publicly notify the draft Deed of Variation for a minimum period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

4. That Council develop a Master Plan that fits the 2031: A Vision for the Future Community Infrastructure Community Plan, within 6 months, for a staged development of a multi purpose community centre, to enable Council to apply for grant funding, identify funding sources and a funding model.

4 Mar 2019 - 3:17 PM - Keren Brown
Revised Target Date changed by: Brown, Keren From: 20 Mar 2019 To: 20 Sep 2019
4 Mar 2019 - 3:17 PM - Keren Brown
1. Deed of variation currently being prepared.
2. Awaiting deed of variation
3. Awaiting deed of variation
4. Masterplan to be prepared by Open Space and Community Facilities and Community Planning
2 May 2019 - 11:34 AM - Keren Brown
Deed of variation currently being prepared and reviewed
1 Jul 2019 - 5:07 PM - Keren Brown
Revised Target Date changed by: Brown, Keren From: 20 Sep 2019 To: 02 Sep 2020
Reason: Initial draft deed of variation prepared and being discussed with proponent.
11 Jul 2019 - 4:27 PM - Martin Johnson
Recommendation 1: Draft Deed of Variation received and ongoing negotiations underway.
Recommendation 4 to be incorporated into broader corridor masterplan for Cliftleigh / Heddon Greta. Recommendation 4 completed.
7 Aug 2019 - 3:16 PM - Keren Brown
Revised Target Date changed by: Brown, Keren From: 2 Sep 2020 To: 02 Dec 2020
Reason: Initial draft deed of variation prepared and being discussed with proponent.
2 Oct 2019 - 4:52 PM - Keren Brown
Revised Target Date changed by: Brown, Keren From: 2 Dec 2020 To: 10 Mar 2021
Reason: Negotiations continuing with proponent on the draft deed of variation.
4 Feb 2020 - 5:22 PM - Hannah McCauley
Action reassigned to Petersen, Leanne by: McCauley, Hannah for the reason: Reallocated based on staff leave.
9 Mar 2020 - 4:27 PM - Martin Johnson
Revised Target Date changed by: Johnson, Martin From: 10 Mar 2021 To: 10 Mar 2021
Reason: 30 June 2020
10 Jul 2020 - 9:13 AM - Leanne Petersen

Amended Planning Agreement currently with GM for execution.
29 Jul 2020 - 11:25 AM - Leanne Petersen
Revised Target Date changed by: Petersen, Leanne From: 10 Mar 2021 To: 31 Aug 2020
Reason: Awaiting execution GM.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE56/2019	Ordinary Council 7/08/2019	Taylor, Holly	Planning and Environment	Strategic Land Use Plan - Heddon Greta, Cliftleigh	30/09/2020	

934 Johnson, Martin
MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Burke
934
RESOLVED

1. That Council note the information contained within this report.

2. That Council progress the development of the Heddon Greta-Cliftleigh Strategic Land use Plan, noting that the project will require the engagement of a consultant to prepare the Plan.

3. That the Heddon Greta-Cliftleigh Strategic Land use Plan be funded from the Rezoning reserve and section 7.11 where appropriate.

4. That a further report on the progress of the development of the Strategic Land Use Plan be provided to Council within 6 months.

15 Aug 2019 - 9:14 AM - Martin Johnson
Revised Target Date changed by: Johnson, Martin From: 4 Sep 2019 To: 05 Feb 2020
Reason: Project status report due February 2020. Consultant and project brief to be prepared. Meeting with RMS arranged to discuss project.
4 Feb 2020 - 11:05 AM - Hannah McCauley
Draft Corridor Strategy being prepared, draft anticipated to be available in mid 2020.
4 Feb 2020 - 11:07 AM - Hannah McCauley
Revised Target Date changed by: McCauley, Hannah From: 5 Feb 2020 To: 30 Jun 2020
Reason: Working on drafting document.
4 Feb 2020 - 11:09 AM - Hannah McCauley
Action reassigned to Taylor, Holly by: McCauley, Hannah for the reason: Staff member working on project.
1 Jun 2020 - 12:11 PM - Yvonne Blake
Revised Target Date changed by: Blake, Yvonne From: 30 Jun 2020 To: 30 Sep 2020
Reason: Delays relating to Covid

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE7/2020	Ordinary Council 19/02/2020	Taylor, Holly	Planning and Environment	Heddon Greta and Cliftleigh Urban Corridor Masterplan Project Update	30/09/2020	

1164 Johnson, Martin
MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Burke
1164
RESOLVED

1. That Council notes the update regarding the Heddon Greta Cliftleigh Urban Corridor Masterplan Project.

2. That the General Manager bring back a report at the end of August updating Councillors on the RMS traffic study and timeline for the completion of the Heddon Greta Cliftleigh Urban Corridor Masterplan Project.

6 Mar 2020 - 3:11 PM - Holly Taylor
Revised Target Date changed by: Taylor, Holly From: 18 Mar 2020 To: 01 Jun 2020

6 Mar 2020 - 3:11 PM - Holly Taylor
Movement and Place Workshop scheduled. Exhibition anticipated to occur mid year
1 Jun 2020 - 12:11 PM - Yvonne Blake
Revised Target Date changed by: Blake, Yvonne From: 1 Jun 2020 To: 30 Sep 2020
Reason: Delays relating to Covid
28 Jul 2020 - 8:24 AM - Holly Taylor
Report to Council once reviewed in accordance with the TfNSW regional corridor strategy. This has been delayed, however, revised release is for early October

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI100/2019	Ordinary Council 11/12/2019	Kerr, Katrina	Works and Infrastructure	Building Better Regions Fund - Round Four	31/12/2020	

1123 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Dagg ***Seconded:*** Councillor Suvaal

1123

RESOLVED

1. That Council endorses the submission of an application under the Building Better Regions Fund: *Infrastructure Projects Stream, Round Four – Drought Support* for the Branxton to Greta Cycleway project,

2. That Council allocates a co-contribution of $650,000 (25%) from within Council operational funding for cycleways, the grant funding leverage reserve and potential loans to fund the project, should the grant be successful.

3. That the General Manager work towards ensuring that more projects are shovel ready from adopted strategies across the whole LGA.

4. That Council write to the Federal Member for Hunter seeking his support.

7 Feb 2020 - 12:46 PM - Katrina Kerr
Item1 - Submitted grant application Dec 2019.
Item 2 - Awaiting outcome of grant application.
Item 3 - Progressed list of projects from adopted Strategies suited to future grant applications.
Item 4 - Sent correspondence to Federal Member December 2019.
9 Mar 2020 - 5:59 PM - Katrina Kerr
Item 2 - Awaiting outcome of grant application.
Item 3 - Progressed list of projects from adopted Strategies suited to future grant applications.
5 Jun 2020 - 11:50 AM - Katrina Kerr
Item 3 - Progressed list of projects from adopted Strategies suited to future grant applications.
8 Jul 2020 - 9:26 AM - Kelly Paterson
Item 1 - Received advice of successful grant
Item 2 - Requested allocation of funds
Item 3 - Initiated log of projects suited to future grant applications with readiness status
Item 4 - Sent correspondence to Federal Member December 2019
13 Aug 2020 - 11:36 AM - Kelly Bates
Revised Target Date changed by: Bates, Kelly From: 29 Jul 2020 To: 31 Dec 2020
Reason: Item 3 - Added to log of projects suited to future grant application with readiness status

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI18/2018	Ordinary Council 7/03/2018	Harris, Kate	Works and Infrastructure	Options for Cessnock Pool	30/09/2020	

441 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Sander

441

RESOLVED

1. That Council notes the Report and endorses Option C (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.

2. That Council undertakes further work to determine the scope, design and cost of Option C (relocate to Turner Park), incorporating indoor and outdoor water and play features, with an estimated capital cost of up to $20M to be partly funded through development contributions.

3. That Council endorses Option B (upgrade at current location) as an interim strategic direction for Cessnock Pool.

4. That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option B (upgrade at current location).

5. That Council receives a further report on how Options B (upgrade at current location) and C (relocate to Turner Park) will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant at the existing Cessnock Pool.

19 Mar 2018 - 3:19 PM - Rebecca Bailey
Work on upgrade to current location has commenced. Work on scope design, and cost for relocation to Turner Park is presently unfunded. Report to Council on these matters scheduled for late 2018.
Item 1: Complete
Item 2: Pending budget allocation
Item 3: Noted
Item 4: Cessnock Pool Masterplan has been adopted. Detailed designs for the splashpad currently being prepared
Item 5: Reliant on resolution 4 to be finalised
14 Jun 2018 - 9:52 AM - Kristy Meyers
Ongoing.
31 Oct 2018 - 10:48 AM - Natalie McCloy
Revised Target Date changed by: McCloy, Natalie From: 1 Nov 2018 To: 06 Mar 2019
Reason: Design Brief currently being developed with a view to finalise in November 2019
5 Mar 2019 - 11:44 AM - Vickie Stovell
Revised Target Date changed by: Stovell, Vickie From: 6 Mar 2019 To: 29 Mar 2019
Reason: Design brief advertised and closes on 22 March 2019. Once a consultant has been engaged the timeframes will be added.
17 Apr 2019 - 12:43 PM - Natalie McCloy
Revised Target Date changed by: McCloy, Natalie From: 29 Mar 2019 To: 19 Apr 2019
Reason: Design brief closed. Consultant to be engaged.
7 Jun 2019 - 8:40 AM - Natalie McCloy
Revised Target Date changed by: McCloy, Natalie From: 19 Jun 2019 To: 19 Jun 2019
Reason: Facility Design Group has been engaged. Community engagement has commenced.
10 Jul 2019 - 9:17 AM - Nicole Benson
Item 3: Complete
Item 4: Works underway and report to Council due September
3 Sep 2019 - 12:20 PM - Nicole Benson
Item 4: Council briefed on 28 August and report to be considered on 18 September
15 Oct 2019 - 7:22 AM - Kate Harris
Item 4: Draft Cessnock Pool Masterplan placed on Public Exhibition. Exhibition period closes on 22 October 2019.
3 Nov 2019 - 10:25 AM - Kate Harris
Item 4: Draft Cessnock Pool Masterplan placed on Public Exhibition. Submissions currently being collated with a view to report to Council before the end of the year.
3 Nov 2019 - 10:26 AM - Kate Harris

Revised Target Date changed by: Harris, Kate From: 31 Oct 2019 To: 06 Dec 2019
Reason: Masterplan has not yet been adopted by Council
21 Jan 2020 - 2:40 PM - Vickie Stovell
Revised Target Date changed by: Stovell, Vickie From: 31 Mar 2020 To: 31 Mar 2020
Item 4: Cessnock Pool Masterplan has been adopted. Detailed designs for the splashpad currently being prepared.
2 Apr 2020 - 10:58 AM - Kate Harris
Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate delayed by consultant until April 2020. Report continues to be drafted inclusive of funding options.
2 Apr 2020 - 11:00 AM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 31 Mar 2020 To: 04 May 2020
Reason: Detailed designs are currently being finalised.
2 Apr 2020 - 11:11 AM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 4 May 2020 To: 30 Jun 2020
Reason: Awaiting consultants to complete detailed designs
28 May 2020 - 3:13 PM - Nicole Benson
Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate reviewed by staff and back with consultants for final changes. Report continues to be drafted inclusive of funding options for July meeting.
3 Aug 2020 - 6:54 AM - Kate Harris
Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate are complete. A report was provided to Council outlining funding options in July 2020 and was deferred pending a Councillor briefing. A further report will be provided to Council in September following the briefing.
3 Aug 2020 - 6:57 AM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 31 Jul 2020 To: 30 Sep 2020
Reason: A councillor briefing is required.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI21/2020	Ordinary Council 4/03/2020	Conner, Martin	Works and Infrastructure	Minutes of Extraordinary Floodplain Management Committee 19 February 2020	21/10/2020	

1196 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Suvaal

1196

RESOLVED

That the Minutes of the Extraordinary Floodplain Management Committee of 19 February 2020 be adopted as a resolution of the Ordinary Council.

***FLOCLM4/2020* - That Council notes that preparation of the *Cessnock City Wide Flood Study* is in progress.**

FLOCLM5/2020:

1. **That Council notes the findings of the *Draft Heddon Greta Minor Study and Concept Design.***
2. **That Council endorses a grant application under the NSW Floodplain Management Program to fund flood mitigation works in the upper catchment to address over floor flooding in Clift Street, Heddon Greta.**
3. **That Council defers the previously planned drainage works lower in the catchment, which sought to address yard inundation in Cooper Street, Heddon Greta.**
4. **That Council renegotiates the existing Deed of Agreement with the owner of 12 Cooper Street, Heddon Greta.**
5. **That Council lists investigation and augmentation of street drainage between Main Road and Bowden Street for inclusion in the Delivery Program 2021-25 to alleviate over floor flooding in Trenchard Street, Heddon Greta.**
6. **That Council considers updating s10.7 Planning Certificates once the final *Heddon Greta Minor Study and Concept Design is* adopted.**

9 Mar 2020 - 10:28 AM - Rachael O'Hara
FLOCLM4/2020
Item 1 - Noted

FLOCLM5/2020:
Item 1 - Noted
Item 2 - Prepared draft grant application for submission by April 2020.
Item 3 - Deferred drainage works in Cooper Street, Heddon Greta.
Item 4 - Arranged consultation with owner of 12 Cooper Street, Heddon Greta.
Item 5 - Listed drainage in Trenchard Street, Heddon Greta for consideration in the Delivery Program 2021-25.
Item 6 - Finalising Draft Heddon Greta Minor Study and Concept Design, preparing report and recommendation to Floodplain Management Committee endorsing exhibition of Final Study
2 Apr 2020 - 1:30 PM - Katrina Kerr
FLOCLM5/2020:
Item 2 - Finalised draft grant application for submission by April 2020.
Item 4 - Consulted with owner of 12 Cooper Street, Heddon Greta.
Item 5 - Listed drainage in Trenchard Street, Heddon Greta for consideration in the Delivery Program 2021-25.
Item 6 - Finalised Draft Heddon Greta Minor Study and Concept Design, preparing report and recommendation to Floodplain Management Committee endorsing exhibition of Final Study.
29 May 2020 - 1:38 PM - Rachael O'Hara
FLOCLM5/2020:
Item 2 - Submitted grant.
Item 4 - Negotiated unsuccessfully, proceeding with Works in Kind as per the Deed of Agreement.
Item 5 - Listed drainage in Trenchard Street, Heddon Greta for consideration in the Delivery Program 2021-25.
Item 6 - Finalised Draft Heddon Greta Minor Study and Concept Design, preparing report and recommendation to Floodplain Management Committee endorsing exhibition of Final Study.
4 Aug 2020 - 11:54 AM - Rachael O'Hara
Item 6 - Prepared and distributed Heddon Greta Flood Study and Concept Design for exhibition. Preparing lists of flood controlled lots.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI32/2020	Ordinary Council 15/04/2020	Jeffery, Warren	Works and Infrastructure	Cessnock CBD - Street Parking Audit	7/10/2020	
1260		Fitzpatrick-Barr, Justin				

MOTION ***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Suvaal
1260
RESOLVED

1. That Council notes the findings of the Cessnock CBD On-Street Parking Audit.

2. That Council notes that on-street parking capacity in the Cessnock CBD meets the current demand.

3. That Council retains the existing Multi-Use Zones and Special Purpose Zones within the Cessnock CBD.

4. That Council receives a full briefing to explain the methodology.

21 Apr 2020 - 2:50 PM - Tracey Cocking
Item 1 - Noted.
Item 2 - Noted.
Item 3 - Retained existing Multi-Use Zones and Special Purpose Zones within the Cessnock CBD.
Item 4 - Requested a Briefing for September 2020.
28 May 2020 - 3:53 PM - Tracey Cocking
Item 4 - Briefing for September 2020.
3 Aug 2020 - 11:14 AM - Tracey Cocking
Item 4 - Booked Councillor briefing for 2 September 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI35/2017	Ordinary Council 21/06/2017	Kerr, Katrina	Works and Infrastructure	Hydro Aluminium Kurri Kurri Pty Ltd Proposed Road Closures	30/09/2020	

278 Fitzpatrick-Barr, Justin

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

278

RESOLVED

1. That Council resolve to make an application to NSW Department of Industry - Lands to close those parts of Bishops Bridge Road, McGarva Avenue, Horton Road and Dickson Road (hereafter referred to as Proposed Closed Roads) as indicated in the Property Location Plan in accordance with the provisions of the Roads Act 1993.

2. That Council comply with the provisions of Section 35 of the Roads Act 1993 and the Memorandum of Understanding entered into with the Department of Lands, now the NSW Department of Industry - Lands, with respect to notifications and advertising in the local newspaper.

3. That provided no unresolved submissions are received following notifications and advertising, Council proceed under the provisions of Section 37 of the Roads Act 1993 to advise NSW Department of Industry - Lands to place a notice in the Government Gazette to close the Proposed Closed Roads.

4. That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Road Closure if required.

5. That Council authorise the Mayor and the General Manager to execute the Plan of Road Closure for the Proposed Closed Roads if required.

6. That following successful Gazettal of the closed roads and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner.

8 Aug 2017 - 2:43 PM - Bruce Hughes
Council has completed the first step in advertising the proposal and waiting 28 days for any submissions. The searches necessary to make application to Crown Lands have also been completed. Next step is to make application to Crown Lands for the proposed closure.
10 Oct 2017 - 9:42 AM - Bruce Hughes
Item 1 - Council has made an application to NSW Department of Industry - Lands to close the subject roads.
Item 2 - Council has advertised the proposed road closures in the local newspaper and notified the necessary agencies. The Department requested Council notify two additional agencies.
item 3 - Council is presently waiting the required minimum 28 days for any submissions from these agencies before proceeding.
Item 4 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.
Item 5 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.
Item 6 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.
6 Nov 2017 - 2:17 PM - Rachael O'Hara
Item 2 - Council has advertised the proposed road closures in the local newspaper and notified the necessary agencies.
item 3 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.
Item 4 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.
Item 5 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.
Item 6 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.
12 Feb 2018 - 11:28 AM - Bruce Hughes
Previous notes still current
4 Apr 2018 - 2:17 PM - Bruce Hughes
Previous notes still current
12 Jul 2018 - 1:40 PM - Katrina Kerr
Item 1 - Completed.
Item 2 - Completed.
Item 3 - Awaiting NSW Dept of Industry.
Item 4 - Awaiting NSW Dept of Industry.
Item 5 - Awaiting NSW Dept of Industry.
Item 6 - Awaiting NSW Dept of Industry.

8 Aug 2018 - 3:01 PM - Bruce Hughes
Item 3 - Waiting on further information from the Applicant due to a change in legislation.
Item 4 - Awaiting the resolution of submissions to be completed prior to this action.
Item 5 - Awaiting the resolution of submissions to be completed prior to this action.
25 Oct 2018 - 2:11 PM - Bruce Hughes
Item 3 - Followed up with applicant and still waiting for further information.
6 Mar 2019 - 11:41 AM - Bruce Hughes
Item 3 - Awaiting advice from applicant before proceeding
Item 4 - Item 3 needs to be completed before proceeding
Item 5 - Item 3 needs to be completed before proceeding
Item 6 - Item 3 needs to be completed before proceeding
3 May 2019 - 8:47 AM - Bruce Hughes
Item 3 - Followed up with applicant and awaiting advice before proceeding.
5 Jul 2019 - 11:43 AM - Bruce Hughes
Item 3 - Contacted applicant seven times. Awaiting advice before proceeding.
9 Sep 2019 - 11:45 AM - Bruce Hughes
Revised Target Date changed by: Hughes, Bruce From: 2 Oct 2019 To: 04 Dec 2019
Reason: Waiting on advice from Hydro before proceeding
9 Sep 2019 - 11:46 AM - Bruce Hughes
Item 3 - Contacted applicant in August. Awaiting advice before proceeding.
4 Nov 2019 - 12:59 PM - Bruce Hughes
Revised Target Date changed by: Hughes, Bruce From: 4 Dec 2019 To: 05 Feb 2020
Reason: Waiting on advice from Hydro before proceeding
5 Feb 2020 - 8:39 AM - Kelly Paterson
Awaiting advice from Hydro before proceeding
13 Aug 2020 - 9:38 AM - Kelly Bates
Revised Target Date changed by: Bates, Kelly From: 15 Jul 2020 To: 30 Sep 2020
Reason: Awaiting advice from Hydro before proceeding

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI35/2020	Ordinary Council 15/04/2020	Conner, Martin Fitzpatrick-Barr, Justin	Works and Infrastructure	Minutes of the Confidential Floodplain Management Committee Meeting held on 4 March 2020	23/09/2020	

1266
MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Sander
1266
RESOLVED

1. That the Minutes of the Confidential Floodplain Management Committee Meeting of 4 March 2020 be adopted as a resolution of the Ordinary Council.

2. That Council notes the impact of the adopted Greta Flood Study 2019 on the existing design for flood mitigation in Whitburn Estate, Greta.

3. That Council endorses the alternate Concept Design to not pipe the watercourse works in accordance with proposed Stage 3 and 4 works.

4. That Transport for New South Wales are contacted to be made aware of the outcomes of the Greta Flood Study 2019.

5. That consultation be undertaken with affected stakeholders.

20 Apr 2020 - 3:56 PM - Rachael O'Hara
Item 4 - Prepared letter
Item 5 - Prepared newsletter.
29 May 2020 - 1:51 PM - Rachael O'Hara
Item 4 - Letter sent.
Item 5 - Drafted newsletter.

4 Aug 2020 - 11:56 AM - Rachael O'Hara
Item 5 - Reviewing newsletter.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI40/2019	Ordinary Council 17/07/2019	Vandermeer, Warren	Works and Infrastructure	Minutes of the Local Traffic Committee of 24 June 2019	31/08/2020	

921 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Sander ***Seconded:*** Councillor Fitzgibbon

921

RESOLVED

1. That the Minutes of the Local Traffic Committee of 24 June 2019 be adopted as a resolution of the Ordinary Council, with the exception of TC20/2019 – Heddon Street, Kurri Kurri:

1. TC21/2019 - That Council authorise the temporary regulation of traffic for the winery running festival in accordance with the enclosed various roads Rothbury, winery running festival TCP's.

2. TC22/2019 - That Council authorise installation of line marking at the intersection of Sandy Creek Road and Wollong Road, Quorrobolong in accordance with the enclosed Sandy Creek Road Quorrobolong, signage and line marking diagram.

3. TC23/2019 - That Council authorise installation of line marking on Colliery Street, Aberdare in accordance with the enclosed Colliery Street Aberdare, line marking diagrams.

4. TC24/2019 - That Council authorise installation of bus zone signage on Vincent Street, Cessnock, in accordance with the enclosed Vincent Street Cessnock bus zone signage diagram.

5. TC25/2019 - That Council authorise installation of line marking at the intersection of Barton and Stanford Streets, Kurri Kurri in accordance with the enclosed Barton Street Kurri Kurri, line marking diagram.

6. TC26/2019 - That Council authorise installation of signage and line marking on Rugby and Olney Streets, Ellalong in accordance with the enclosed Rugby Street Ellalong, signage and line marking diagram.

7. TC27/2019 - That Council authorise installation of line marking on McDonalds Road Pokolbin, in accordance with the enclosed McDonalds Road Pokolbin, line marking diagram.

2. TC20/2019 – Heddon Street Kurri Kurri – that this matter be referred to the General Manager for review to back to grass nature strip and further report back to Council.

8 Aug 2019 - 9:27 AM - Nathan Goodbun
Item 1.1 - Provided approval to applicant 18 July 2019
Item 1.2 - Preparing detailed plans and CRM to works
Item 1.3 - Preparing detailed plans and CRM to works
Item 1.4 - Preparing detailed plans and CRM to works
Item 1.5 - Advised Development services of approval
Item 1.6 - Works currently being completed
Item 1.7 - Advised Development services of approval
Item 2 - Preparing report to Council
2 Sep 2019 - 2:16 PM - Nathan Goodbun
Item 1.2 - Issued CRM 16206/2019 to Works & Ops.
Item 1.3 - Scheduled for resurfacing prior to line marking.
Item 1.4 - Issued CRM 16213/2019 to Works & Ops.
Item 1.6 - Issued CRM 16149/2019 to Works & Ops.
Item 2 - Prepared report to Council.
5 Sep 2019 - 9:58 AM - Tracey Cocking
Item 2 - Allocation to Roads Officers to prepare report to Council.
5 Feb 2020 - 7:58 AM - Warren Vandermeer
Item 2 - Prepared Report WI4/2020 to be considered at Ordinary Meeting of Council on 5 February 2020 providing update.

12 Mar 2020 - 2:43 PM - Katrina Kerr
Revised Target Date changed by: Kerr, Katrina From: 18 Mar 2020 To: 15 Apr 2020
31 Mar 2020 - 10:37 AM - Vivian Waugh
Item 1. Inspected by officer and instructions given in letters sent to developer
3 Apr 2020 - 2:35 PM - Vivian Waugh
Item 1 - Arranging for works to be undertaken by Council.
29 May 2020 - 6:18 PM - Warren Vandermeer
Item 1 - Followed up with developer to undertake reinstatement works.
13 Aug 2020 - 10:01 AM - Vivian Waugh
Item 1 - Sent letter 9 July for developer to undertake works
13 Aug 2020 - 10:11 AM - Vivian Waugh
Revised Target Date changed by: Waugh, Vivian From: 31 Aug 2020 To: 31 Aug 2020
Reason: Letter issued to developer with timeframe and conditions

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI42/2020	Ordinary Council 20/05/2020	Vandermeer, Warren	Works and Infrastructure	Minutes of Roads Review Committee Meeting held on 9 April 2020	31/08/2020	

1298 Fitzpatrick-Barr, Justin

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

1298

RESOLVED

1. That the Minutes of the Roads Review Committee meeting of 9 April 2020 be adopted as a resolution of the Ordinary Council.

2. That Council endorses the following initial list of roads for transfer to Transport for New South Wales under the NSW State Government's proposed Regional Road Transfer and NSW Road Classification Review;

- **MR181 – From the Central Coast Council boundary to Wollombi then via Millfield and Bellbird to Allandale Road at Cessnock.**
- **MR453 – Elderslie Road From Singleton council boundary to old New England Highway to Branxton connector road.**
- **MR590 – From the Central Coast and Cessnock Council boundary via George Downes Drive to the Wisemans Ferry-Singleton Road at Bucketty**
- **RR7786 – From MR220 – Wine Country Drive Lovedale Road and Allandale Road over the Hunter Expressway interchange to Maitland Local government boundary**
- **RR7787 – Buchanan Road – From John Renshaw Drive Roundabout to Maitland Local government boundary.**
- **RR7767 – Broke Road – From the Cessnock- Branxton Road south of Rothbury via Broke Road to the Singleton boundary near Pokolbin**

29 May 2020 - 9:31 AM - Vivian Waugh
Item 2 - Drafted letter for Transport NSW for consideration to transfer nominated roads.
29 Jun 2020 - 3:25 PM - Vivian Waugh
Item 2 - Revised time frame by Transport NSW
13 Aug 2020 - 10:05 AM - Vivian Waugh
Item 2 - Prepared report for Roads Review Committee RRC07/2020 to include policy principles for the background paper

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI44/2020	Ordinary Council 20/05/2020	Conner, Martin	Works and Infrastructure	South Cessnock Infrastructure Grants	23/09/2020	

1272 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Burke ***Seconded:*** Councillor Gray

1272

RESOLVED

1. That Council endorses adjustments of the South Cessnock Flood Mitigation Scheme to include an earth bund wall; raising of part of Quarrybylong St; realignment of a section of Hunter Water storm water channel, and voluntary raising of up to five houses;

2. That Council resolves to co-contribute up to $876,000 over 2 years to the recent Floodplain Management Grant application for implementation of the South Cessnock Flood Mitigation Scheme.

3. That Council supports the negotiation of funding agreements with Subsidence Advisory NSW and Hunter Water to be progressed based on the adjusted South Cessnock Flood Mitigation Scheme.

4. That the General Manager engages with property owners and residents of South Cessnock to explain the adjusted Schemes and accept feedback.

29 May 2020 - 1:33 PM - Rachael O'Hara
Item 1 - Complete
Item 2 - Requested inclusion of funding in next quarterly budget review.
Item 3 - Progressed negotiations with meeting held 26 May and preparing follow-up correspondence.
Item 4 - Drafted community consultation, pending discussions with project partners.
4 Aug 2020 - 11:58 AM - Rachael O'Hara
Item 3 - Letters sent to SA NSW. Reviewing Hunter Water letter.
Item 4 - Undertook Zoom Community Meeting, distributed Community Information Pack and Powerpoint Presentation, requested feedback.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI46/2020	Ordinary Council 17/06/2020	Benson, Nicole	Works and Infrastructure	Community Resilience Funding Laguna and Wollombi Village	30/09/2020	

1321 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray

1321

RESOLVED

1. That Council notes the information contained within the report.

2. That Council reallocates $4,000 from the $40,000 allocated through the Federal Government's Disaster Recovery Funding Arrangement (DRFA) to fund the purchase of a 23,000L water tank for the Wollombi Village.

3. That the installation of the tank be funded by the Wollombi community.

1 Jul 2020 - 11:18 AM - Natalie McCloy
Report to Council 17 June 2020.
$4,000 has been allocated to the Community Resilience Fund to purchase a water tank for the Wollombi Village. Council officers are currently investigating options for replacement of water tank at Wollombi on Council land.
3 Aug 2020 - 8:35 AM - Natalie McCloy
Revised Target Date changed by: McCloy, Natalie From: 15 Jul 2020 To: 30 Sep 2020
Reason: Council Officers have undertaken a site inspection with key stakeholders and are in the process of arranging for approvals and works to be completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI48/2020	Ordinary Council 17/06/2020	Harris, Kate	Works and Infrastructure	Draft Skate and BMX Strategy	31/08/2020	

1323 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Lyons

1323

RESOLVED

1. That Council places the draft Skate and BMX Strategy on public exhibition for a minimum period of 28 days and invite public submissions.

2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Skate and BMX Strategy and is to include a priority list.

25 Jun 2020 - 12:10 PM - Kate Harris
1. The draft Skate and BMX Strategy will be placed on Public exhibition from Monday 29 June until Sunday 26 July.
2. To commence following the completion of item 1.
25 Jun 2020 - 12:13 PM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 15 Jul 2020 To: 31 Jul 2020
Reason: To align with the public exhibition period for the draft Strategy
3 Aug 2020 - 6:45 AM - Kate Harris
1. The exhibition period for the draft Skate and BMX Strategy was extended until 9 August due to the exhibition period being in school holidays.
2. To commence following the completion of item 1.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI58/2020	Ordinary Council 15/07/2020	Chadwick, Tony	Works and Infrastructure	Restart NSW Resources for Regions Program Round Seven - Expressions of Interest	12/08/2020	

1356 Jackson, Lotta

MOTION ***Moved:*** Councillor Burke ***Seconded:*** Councillor Gray

1356

RESOLVED

1. That Council endorses the lodgement of six applications under the NSW Government's Resource for Regions Round Seven Program, being the following in priority order;

1. **Cessnock Pool Splash Pad - $680,000**
2. **Kurri Kurri CBD Upgrade Stage 3 - $482,198**
3. **Youth Driver Training Community Program - $100,000**
4. **Richmond Vale Rail Trail Project Planning - $50,000**
5. **Cessnock Performing Arts Centre Cultural Hub Redesign - $500,000**
6. **Cessnock Airport Upgrade - $900,000**

2. That Council notes Projects No.5 and No.6 are additional to Council's allocated amount of $1,312,198 for the Round Seven Program.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI59/2020	Ordinary Council 15/07/2020	Crosdale, Emma	Works and Infrastructure	Baddeley Park and Carmichael Park Masterplans	19/09/2020	

1357 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Fitzgibbon

1357

RESOLVED

1. That Council places the draft Baddeley Park and Carmichael Park Masterplans on public exhibition for a minimum period of 28 days and invite public submissions with the following amendments to the Baddeley Park Masterplan.

a) The training field at the end of the sportsground be made into a second full sized ground.

b) The carpark at the end of the sportsground have a connecting car bridge to the carpark across the creek.

c) That a track be built along the creek bank and around the rest of the park joining up to the track on Cessnock Street behind the highschool.

d) The main cricket ground be kept as a cricket ground and the second cricket ground be used as an extra soccer ground.

2. That the following points be investigated by Council for possible inclusion at a later date:-

e) A portion of the land across the road from the sportsground be acquire and made into a formalized carpark with three rows of 90 degree parking.

f) The Old Southey Dam be acquired by Council as an alternative water supply to the sporting complex.

3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final suite of Masterplans.

28 Jul 2020 - 11:59 AM - Natalie McCloy
Council Officers are liaising with the Consultant to amend the draft Masterplan for Baddeley Park, as per the Council resolution. Carmichael Park and Baddeley Park draft Masterplans will be placed on public exhibition once amendments are complete.
12 Aug 2020 - 2:59 PM - Vickie Stovell
Revised Target Date changed by: Stovell, Vickie From: 19 Aug 2020 To: 19 Sep 2020
Reason: Going out on Public Exhibition 17/8/2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI60/2018	Ordinary Council 1/08/2018	Harris, Kate	Works and Infrastructure	BMX & Skate Facilities Within the Cessnock Local Government Area	30/09/2020	

598 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Burke ***Seconded:*** Councillor Lyons

598

RESOLVED

1. That Council note the progress of the implementation of the Cessnock Skate and BMX Facilities Needs Assessment 2020.

2. That Council complete a detailed review of the Cessnock Skate and BMX Facilities Needs Assessment 2020.

3. That following the review, a further report be prepared for Council's consideration outlining key findings and recommendations.

4. That following the completion of the Skate and BMX Facilities Needs Assessment, a review is undertaken of the Carmichael Park Masterplan, incorporating findings from the revised assessment as well as Council's adopted Recreation and Open Space Strategic Plan and other relevant documents and reported to Council.

8 Aug 2018 - 2:02 PM - Kate Harris
Item 1: Complete
Item 2: Complete
Item 3: Report in draft format - to be finalised following completion of Masterplan
Item 4: Masterplan for Carmichael Park has commenced, analysis report and draft Masterplan has been completed for each site with final revisions being made.
8 Aug 2018 - 2:11 PM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 29 Aug 2018 To: 21 Nov 2018
Reason: The review of the BMX and Skate Facilities Needs Assessment needs to occur prior to reporting back to Council
13 Nov 2018 - 4:30 PM - Nicole Benson
Revised Target Date changed by: Benson, Nicole From: 21 Nov 2018 To: 28 Feb 2019
Reason: The review of the BMX and Skate Facilities Needs Assessment needs to occur prior to reporting back to Council
5 Mar 2019 - 11:45 AM - Vickie Stovell
Revised Target Date changed by: Stovell, Vickie From: 28 Feb 2019 To: 31 May 2019
Reason: A detailed audit/condition assessment is required to be undertaken for Council's 3 existing skateparks. Outcomes from this audit will inform the Needs Assessment and enable the strategy to be completed.
7 Jun 2019 - 8:51 AM - Natalie McCloy
Item 3: Report being drafted
Item 4: Carmichael Park Masterplan scheduled for 2019/20 FY
3 Sep 2019 - 12:28 PM - Nicole Benson
Item 3: Report in draft format.
10 Sep 2019 - 1:19 PM - Natalie McCloy
Item 4: A consultant has been engaged to prepare a Masterplan for Carmichael Park. The Masterplan is scheduled to commence late September 2019.
10 Sep 2019 - 1:24 PM - Natalie McCloy
Revised Target Date changed by: McCloy, Natalie From: 27 Sep 2019 To: 31 Oct 2019
Reason: Masterplan scheduled to commence late September 2019.
15 Oct 2019 - 7:26 AM - Kate Harris
Item 3: Report in draft format - to be finalised following completion of Masterplan
Item 4: Masterplan for Carmichael Park has commenced and community engagement held with key stakeholders.
3 Nov 2019 - 10:23 AM - Kate Harris
Item 4: Masterplan for Carmichael Park has commenced, draft design options report has been provided for Council's review.
3 Nov 2019 - 10:25 AM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 31 Oct 2019 To: 06 Dec 2019
Reason: Masterplan has not yet been finalised.
21 Jan 2020 - 2:41 PM - Vickie Stovell

Revised Target Date changed by: Stovell, Vickie From: 6 Dec 2019 To: 30 Apr 2020
Reason:
Item 4: Masterplan for Carmichael Park has commenced, analysis report and draft Masterplan has been completed for each site with final revisions being made.
24 Apr 2020 - 8:56 AM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 30 Apr 2020 To: 29 May 2020
Reason: The draft document is still being prepared.
28 May 2020 - 1:03 PM - Kate Harris
Item 3: The Draft Skate and BMX Strategy is complete and proposed to be presented a Council meeting in the near future.
Item 4: A Draft Masterplan for Carmichael Park is complete - Awaiting outcomes from Councillor Site Inspection
28 May 2020 - 1:07 PM - Kate Harris
Revised Target Date changed by: Harris, Kate From: 29 May 2020 To: 26 Jun 2020
Reason: Awaiting outcome from Councillor Site inspection of Carmichael Park
25 Jun 2020 - 12:16 PM - Kate Harris
Item 3: Complete
Item 4: The Draft Carmichael Park Masterplan is being reported to Council in July
3 Aug 2020 - 6:50 AM - Kate Harris
Item 4: The draft Carmichael Park Masterplan was reported to Council in July. Awaiting public exhibition which is anticipated to be in August.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI64/2020	Ordinary Council 15/07/2020	Conner, Martin	Works and Infrastructure	Minutes of the Confidential Floodplain Management Committee Meeting held 3 June 2020	21/10/2020	

1371 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Gray ***Seconded:*** Councillor Lyons

1371

RESOLVED

1. That the Minutes of the Confidential Floodplain Management Committee of 3 June 2020 be adopted as a resolution of the Ordinary Council.

2. *FLOCLM8/2020*

a) That Council endorses the public exhibition of the draft Heddon Greta Minor Flood Study and Concept Design for 42 days.

CARRIED UNANIMOUSLY

21 Jul 2020 - 4:08 PM - Rachael O'Hara
Item 1 - Noted
FLOCLM8/2020
Item 2 - Preparing the draft Heddon Greta Minor Flood Study and Concept Design for public exhibition.
4 Aug 2020 - 11:59 AM - Rachael O'Hara
Item 2 - FLOCLM8/2020 a) Preparing public exhibition of the draft Heddon Greta Minor Flood Study and Concept Design.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI88/2019	Ordinary Council 11/12/2019	Jeffery, Warren	Works and Infrastructure	Traffic & Transport Strategy - Resourcing for Implementation Program	16/09/2020	

1111 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Suvaal

1111

RESOLVED

1. **That Council endorses the 12 month appointment of a Traffic Engineer and part time Technical Support Officer dedicated to developing an Implementation Program to deliver outcomes of the adopted *Cessnock LGA Traffic and Transport Strategy Report 2018 Technical Report.***

2. **That Council allocates $140,000 from the funds reserved for potential leverage against grant funding opportunities to fund the temporary appointment of the dedicated staff as detailed in the report.**

4 Feb 2020 - 11:49 AM - Warren Jeffery
Item 1 - Commenced drafting Position Descriptions for recruitment process.
Item 2 - Scheduled allocation of $140,000 in the 2020-21 Quarterly Budget Review.
4 Mar 2020 - 3:23 PM - Katrina Kerr
Item 1 - Advertised and interviewed candidates 19/02/20.
Item 2 - Complete.
1 Apr 2020 - 9:43 AM - Tracey Cocking
Item 1 - Confirmed commencement of selected Traffic Engineer and commenced recruitment process for Technical support Officer.
28 May 2020 - 3:40 PM - Tracey Cocking
Item 1 - Employed Traffic Engineer and recruitment process for Technical Support Officer in progress.
6 Jul 2020 - 11:47 AM - Tracey Cocking
Item 1 - Called for expressions of interest for temporary Technical Support Officer, closing 10 July 2020.
13 Aug 2020 - 11:59 AM - Tracey Cocking
Item 1 - Appointed Traffic Engineer who is currently developing an implementation program. Recruitment of support officer in process.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN13/2020	Ordinary Council 18/03/2020	Benson, Nicole	Business With Notice	Rubbish Bins in Parks in Cessnock Local Government Area	19/08/2020	13/08/2020

1231 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Lyons ***Seconded:*** Councillor Suvaal

1231

MOTION

That a report comes back to council outlining the parks in Cessnock LGA that have no rubbish bins, a prioritised plan to provide these services, costs involved and possible funding options.

2 Apr 2020 - 1:14 PM - Kelly Paterson
Under Investigation
22 Apr 2020 - 1:17 PM - Nicole Benson
Report being prepared for 15 July Council meeting.
1 Jul 2020 - 11:04 AM - Natalie McCloy
Revised Target Date changed by: McCloy, Natalie From: 17 Jul 2020 To: 05 Aug 2020
Reason: Report to Council Meeting 5 August 2020
28 Jul 2020 - 10:46 AM - Kelly Paterson
Revised Target Date changed by: Paterson, Kelly From: 5 Aug 2020 To: 19 Aug 2020
Reason: Report to 19 August 2020 Council Meeting.
13 Aug 2020 - 8:47 AM - Nicole Benson
Action completed by: Paterson, Kelly
Completed

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN16/2020	Ordinary Council 15/07/2020	Alexander, Michael	Business With Notice	Council to Allow Residents to Use 19/2020 Financial Year Waste Vouchers Due to Closure of Waste Management Centre	12/08/2020	27/07/2020

1363 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Olsen ***Seconded:*** Councillor Dunn

1363

RESOLVED

1. That Council allow residents use of Dump passes supplied in the 19/2020 financial year up until the end of August 2020 due to the closure of the centre for a period of time.

2. That a media release be issued to notify the community of these changes.

21 Jul 2020 - 10:17 AM - Kelly Paterson
Action reassigned to Alexander, Michael by: Paterson, Kelly for the reason:
21 Jul 2020 - 3:31 PM - Michael Alexander
Action noted; amendments made to software at CWMC, press release authorised notifying of changed expiry date
27 Jul 2020 - 12:53 PM - Michael Alexander
Action completed by: Alexander, Michael
27/7/20

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC29/2020	Ordinary Council 15/04/2020	Rathborne, Michael	Corporate and Community	Transfer of Wollombi (East) and Rothbury Cemeteries to Council	27/07/2020	27/07/2020

1246 Maginnity, Robert

MOTION ***Moved:*** Councillor Sander ***Seconded:*** Councillor Fitzgibbon

1246

RESOLVED

1. That Council agrees to the transfer of the two land titles being lot 7 DP 239505 at Wollombi and Lot 1 DP 1142814 at Rothbury, and to classify as Operational Land.

2. That Council authorises the General Manager and the Mayor to execute transfer documentation.

3. That the General Manager contacts the Catholic Church Diocese of Maitland - Newcastle with a view to encompass the entire Wollombi Cemetery under one land title for ease of management.

4 Jun 2020 - 8:26 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 13 May 2020 To: 30 Jun 2020
Reason: 1 & 2. The transfer has been signed and has been sent for registration.

3. A letter was sent to the Catholic Church Diocese of Maitland-Newcastle on the 5 May 2020. No reply received as yet.
25 Jun 2020 - 11:49 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 30 Jun 2020 To: 31 Jul 2020
Reason: Forms signed on 24/6/20 to lodge with the transfer of the titles, settlement should be relatively soon. Nothing received from the Catholic Church as yet. I will continue to follow up.
27 Jul 2020 - 10:22 AM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 31 Jul 2020 To: 27 Jul 2020
Reason: Settled today
27 Jul 2020 - 10:22 AM - Michael Rathborne
Action completed by: Rathborne, Michael
27.7.2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC58/2020	Ordinary Council 15/07/2020	Chadwick, Teressa	Corporate and Community	Mayoral & Councillor Fees 2020-21	12/08/2020	24/07/2020

1346 Maginnity, Robert

MOTION ***Moved:*** Councillor Dunn ***Seconded:*** Councillor Suvaal

1346

RESOLVED

1. That Council sets the annual Mayoral Fee for 2020-21 at $45,360 in accordance with the provisions of Section 249 of the *Local Government Act 1993*.

2. That Council sets the annual Councillor Fee for 2020-21 at $20,800 in accordance with the provisions of Section 248 of *the Local Government Act 1993*.

3. That Council sets an allowance for 2020-21 of $800 to be paid to the Deputy Mayor, with the Mayoral fee adjusted accordingly.

4. That Council notes that the category for Council has changed to Regional Centre and that the recommended fees are set at mid-point rather than maximum due to the current situation with COVID-19 and the budgeted allocation for 2020-21.

24 Jul 2020 - 1:12 PM - Teressa Chadwick
Action completed by: Chadwick, Teressa
Finance Team incorporating the adopted 2020-21 fees into the budget as required and forcasting for future budgets as well.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC59/2020	Ordinary Council 15/07/2020	McGowan, Kelly	Corporate and Community	Hardship Policy	12/08/2020	20/07/2020

1347 Maginnity, Robert
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1347
RESOLVED

That Council adopts the Hardship Policy.

20 Jul 2020 - 9:20 AM - Kelly McGowan
Action completed by: McGowan, Kelly
The updated Policy has been placed on the website.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC60/2020	Ordinary Council 15/07/2020	McGowan, Kelly	Corporate and Community	Debt Collection (Rates, Annual Charges and Sundry Debtors) Policy	12/08/2020	20/07/2020

1348 Maginnity, Robert
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1348
RESOLVED

That Council adopts the Debt Collection (Rates, Annual Charges and Sundry Debtors) Policy.

20 Jul 2020 - 9:20 AM - Kelly McGowan
Action completed by: McGowan, Kelly
The updated Policy has been placed on the website.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC61/2020	Ordinary Council 15/07/2020	McGowan, Kelly	Corporate and Community	Granting of Council's Rebate Contribution on Pensioner Rates Policy	12/08/2020	20/07/2020

1349 Maginnity, Robert
MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
1349
RESOLVED

1. That Council adopts the Granting of Council's Rebate Contribution on Pensioner Rates Policy.

2. That Council distribute a media release reaffirming Council support for this policy which gives eligible pensioners a larger rebate than the one we are required to provide.

20 Jul 2020 - 9:20 AM - Kelly McGowan
Action completed by: McGowan, Kelly
The updated Policy has been placed on the website and a media release has been completed by the communications team.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC62/2020	Ordinary Council 15/07/2020	McGowan, Kelly	Corporate and Community	Related Parties Disclosure Policy	12/08/2020	20/07/2020

1350 Maginnity, Robert
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1350
RESOLVED

That Council adopts the Related Parties Disclosure Policy.

20 Jul 2020 - 9:20 AM - Kelly McGowan
Action completed by: McGowan, Kelly
The updated Policy has been placed on the website.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC64/2020	Ordinary Council 15/07/2020	Maginnity, Robert	Corporate and Community	Ordinary Meetings of Council - Temporary Amendment to the Code of Meeting Practice	12/08/2020	17/07/2020

1352 Maginnity, Robert
MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
1352
RESOLVED

That Council temporarily amends clause 3.1 of the Code of Meeting Practice, which deals with the timing of Ordinary Meetings of Council, to hold one meeting per month for the months of August and September 2020, due to the ongoing uncertainty with COVID-19.

17 Jul 2020 - 3:36 PM - Robert Maginnity
Action completed by: Maginnity, Robert
InfoCouncil agenda update. Staff notified of change. Website and advertising to be updated as required

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC67/2020	Ordinary Council 15/07/2020	Waghorn, Peter	Corporate and Community	Minutes of the Confidential Strategic Property & Community Facilities Committee Meeting held 2 July 2020	12/08/2020	28/07/2020

1370 Maginnity, Robert
MOTION ***Moved:*** Councillor Dunn ***Seconded:*** Councillor Sander
1370
RESOLVED

1. **That the Minutes of the Confidential Strategic Property & Community Facilities Committee of 2 July 2020 be adopted as a resolution of the Ordinary Council.**

2. **That Council endorse the sale of 16 Vincent Street Cessnock Lot 901 DP 1145687 and 3A Cumberland Street Cessnock Lot 902 DP 1145687.**

3. **That the General Manager be delegated to negotiate the sale in accordance with independent valuation advice and execute documentation required to effect the transaction at a timing the General Manager deems most beneficial to Council and that the building can be used for operational (non-public) purposes whilst it is retained by Council.**

4. **That the residual funds from the sale of the premises at 16 Vincent Street and 3A Cumberland Street, Cessnock be allocated to the establishment of the Cultural HUB at the Cessnock Performing Arts Centre.**

28 Jul 2020 - 12:15 PM - Robyn Larsen
Action reassigned to Waghorn, Peter by: Larsen, Robyn for the reason:
28 Jul 2020 - 12:52 PM - Peter Waghorn
Action completed by: Waghorn, Peter
Noted and marked complete on the basis the property will be sold at a time yet to be determined. The resolution states the property is to be sold "at a timing the General Manager deems most beneficial to Council and that the building can be used for operational (non-public) purposes whilst it is retained by Council." Any proposed change of plans for the property would require another report to Council.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC69/2017	Ordinary Council 4/10/2017	Conner, Martin	Corporate and Community	Easement for Drainage of Water within 10 and 12 Cooper Street, Heddon Greta	19/08/2020	4/08/2020

277 Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Dagg ***Seconded:*** Councillor Stapleford
277
RESOLVED

1. That Council acquires an easement for the drainage of water being 7m wide and variable on the south eastern boundary of Lot 15 Section 20 DP 3816 and the northern boundary of Lot 16 Section 20 DP 3816 being 10 and 12 Cooper Street, Heddon Greta.

2. That Council authorise the General Manager to negotiate the terms of the easement and prepare the necessary documents for registration at Land and Property Information (LPI) NSW.

3. That Council authorise the Common Seal of Cessnock City Council to be affixed to the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.

4. That Council authorise the Mayor and/or General Manager to execute the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.

4 Nov 2017 - 11:32 AM - Robyn Keegan
Updated by Sue Brinkworth - Surveyor engaged to prepare plan of easement.
5 Sep 2018 - 11:55 AM - Joanne Walpole
Action reassigned to Kerr, Katrina by: Walpole, Joanne for the reason: Easement for Cooper Street within Master's property. Matter referred back to Infrastructure Manager for review.
13 Sep 2018 - 10:47 AM - Katrina Kerr
Reviewing scale of easement due to outcome of negotiation re value with owner.
7 Nov 2018 - 11:36 AM - Rachael O'Hara
Item 1 - Reviewing scale of easement to reduce cost to Council due to the position of negotiations with owner.
13 Feb 2019 - 8:55 AM - Rachael O'Hara
Item 1 - Reviewing scale of easement to reduce cost to Council due to the position of negotiations with owner.
Item 2 - Noted.
Item 3 - Awaiting finalisation of negotiations.
Item 4 - Noted.
8 Apr 2019 - 3:25 PM - Rachael O'Hara
Item 1 - Reviewing scale of easement to reduce cost to Council due to the position of negotiations with owner.
Item 3 - Awaiting finalisation of negotiations.
7 May 2019 - 9:44 AM - Rachael O'Hara
Item 1 - Undertaking upstream catchment analysis and drainage review.
Item 3 - Awaiting finalisation of design.
4 Jul 2019 - 1:22 PM - Rachael O'Hara
Item 1 - Easement has been acquired for 12 Cooper Street. Negotiations have stalled for creation of easement at 10 Cooper Street due to acquisition price and Council is currently undertaking a drainage investigation, expected to be completed by end December 2019 that may lead to a change in strategy.
Item 2 - Noted.
Item 3 - Easement has been granted for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street.
Item 4 - Complete for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street.
11 Sep 2019 - 3:42 PM - Kelly Bates
Item 4 - Complete for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street, expected to be completed by end December 2019
11 Nov 2019 - 8:29 AM - Vivian Waugh

Item 1 - Acquired easement over 12, corresponded with 10 Cooper Street.
Item 3 - Completed for 12, on hold for 10 Cooper Street.
Item 4 - Completed 12, on hold for 10 Cooper Street.
3 Feb 2020 - 2:13 PM - Rachael O'Hara
Item 1 - Acquired easement over 12 and progressed flood study to determine full effect on number 10.
Item 3 - Acquired easement over 12 and progressed flood study to determine full effect on number 10.
Item 4 - Acquired easement over 12 and progressed flood study to determine full effect on number 10.
9 Mar 2020 - 11:23 AM - Katrina Kerr
Item 1 - Completed Minor Heddon Greta Flood Study and Concept Design, 2019, deffered works as per WI21/2020.
Item 3 - Completed Minor Heddon Greta Flood Study and Concept Design, 2019, deffered works as per WI21/2020.
Item 4 - Completed Minor Heddon Greta Flood Study and Concept Design, 2019, deffered works as per WI21/2020.
2 Apr 2020 - 1:16 PM - Katrina Kerr
Item 1 - Acquired easement over 12, progressed design relevant to 10 and 12 in accordance with completed Minor Heddon Greta Flood Study and Concept Design.
Item 3 – Awaiting final design, to determine any necessary easement over Lot 16.
Item 4 – Awaiting final design, to determine any necessary easement over Lot 16.
29 May 2020 - 1:31 PM - Rachael O'Hara
Item 1 - Acquired easement over 12, progressed design and preparing for pre-construction.
Item 3 – Finalised design, determined easement not necessary over Lot 15.
Item 4 – Finalised design, determined easement not necessary over Lot 15.
4 Aug 2020 - 11:52 AM - Rachael O'Hara
Item 1 - Commenced construction at Lot 16 Cooper Street. Abandoned drainage easement acquisition over Lot 15 Cooper Street
Item 3 - Completed easement Lot 16 Abandoned.
Item 4 - Completed easement Lot 16 Abandoned.
4 Aug 2020 - 11:52 AM - Martin Conner
Action completed by: O'Hara, Rachael
Complete

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC88/2019	Ordinary Council 23/10/2019	Rathborne, Michael	Corporate and Community	Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212	27/07/2020	27/07/2020
1028		Maginnity, Robert				

MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Stapleford
1028
RESOLVED

That Council consents to the granting of an easement benefiting Lot 156 DP 755215 burdening Council land being Lot 2882 DP 1158212 for connection to Hunter Water sewer infrastructure subject to the following:

a) That Council gives landowners consent for the lodgment of a development application that includes a proposed easement for sewer main over the Council land;

b) The easement to be located generally on the western boundary of Lot 2882 DP 1158212 and in accordance with the proposed sewer easement plan;

c) That the sewer main infrastructure be constructed underground within the easement that also benefits Cessnock City Council;

d) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including the location and compensation that is subject to an independent valuation;

e) That Council advises the Applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;

f) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and

g) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.

21 Feb 2020 - 3:00 PM - Robert Maginnity
Action reassigned to Rathborne, Michael by: Maginnity, Robert for the reason: Acting in Position
9 Mar 2020 - 3:42 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 23 Oct 2019 To: 31 Mar 2020
Reason: meeting with owner 12.3.2020 to appoint valuer
8 Apr 2020 - 10:09 AM - Michael Rathborne
Still waiting on the consent of the DA which relates to the required easement. Staff assessing have been on leave.
8 Apr 2020 - 10:51 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 31 Mar 2020 To: 30 May 2020
Reason: Still waiting on the consent of the DA which relates to the required easement. Staff assessing have been on leave.
27 Apr 2020 - 12:39 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 May 2020 To: 30 May 2020
Reason: Still waiting on Council approval of the DA that enables the easement creation.
28 May 2020 - 3:22 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 May 2020 To: 17 Jul 2020
Reason: DA approved 26.5.2020- now easement planning can start.
25 Jun 2020 - 11:54 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 17 Jul 2020 To: 30 Sep 2020
Reason: Waiting on developer to make the plans for the required easement. Will follow up again 25/6/20.
27 Jul 2020 - 10:21 AM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 27 Jul 2020
Reason: DA approved and matter now with land owner...COMPLETED
27 Jul 2020 - 10:22 AM - Michael Rathborne
Action completed by: Rathborne, Michael
27/7/2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC89/2019	Ordinary Council 23/10/2019	Rathborne, Michael	Corporate and Community	Request for Easement for stormwater over Council land part of Branxton Park 4 John Rose Avenue, Branxton Lot 2 DP 1049557	31/07/2020	23/07/2020
1029		Maginnity, Robert				

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Suvaal
1029
RESOLVED

That Council consents to the granting of an easement benefiting the Owner's Land (Folio identifiers 672/1003593, 1/1094098, 2/1094098, 3/1094098 and 34/70289 burdening Council land being Lot 2 DP 1049557 for storm water purposes subject to the following:

a) That Council provides landowners consent for the lodgment of a s4.55 application to amend an existing development approval for DA8/2011/400/2 regarding the proposed easement for storm water.

b) The easement to be 4m wide, located on the northern boundary of Lot 2 DP 1049557 in accordance with plan of proposed easement and the storm water drainage infrastructure be constructed underground within the easement connecting to the existing waterway in accordance with the development consent ;

c) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including compensation that is subject to an independent valuation;

d) That Council advises the Owners that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;

e) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and

f) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.

6 Nov 2019 - 4:55 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 20 Nov 2019 To: 28 Nov 2019
Reason: Awaiting for applicant to forward the application for S4.55 to Council for execution.
21 Feb 2020 - 3:00 PM - Robert Maginnity
Action reassigned to Rathborne, Michael by: Maginnity, Robert for the reason: Acting in Position
9 Mar 2020 - 3:43 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 28 Nov 2019 To: 31 Mar 2020
Reason: easement documentation supplied by developer is not correct
8 Apr 2020 - 10:11 AM - Michael Rathborne
Revised easement form sent to applicant for their review as there were omissions on the previous form sent to Council.
27 Apr 2020 - 12:39 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 May 2020 To: 30 May 2020
Reason: Spoke to client today and the DA in very close.
28 May 2020 - 3:23 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 May 2020 To: 30 Jun 2020
Reason: Still waiting on client to finalise their 4.55 application.
29 May 2020 - 4:58 PM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020
Reason: DA approved 28.5.2020. Easement can now be finalised.
25 Jun 2020 - 11:50 AM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 30 Jun 2020 To: 31 Jul 2020
Reason: Easement forms completed and ready to sign 25/6/20. Waiting on their payment of the compensation and exchange of easement documents.
23 Jul 2020 - 9:16 AM - Michael Rathborne
Action completed by: Rathborne, Michael
21/7/2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CO10/2020	Ordinary Council 15/07/2020	Maginnity, Robert	Correspondence	BN10/2020 NOM - Funding Support for Youth Programs	12/08/2020	27/07/2020

1368 Maginnity, Robert

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Burke

1368

RESOLVED

1. That Council notes the correspondence from the Hon. Bronnie Taylor MLC, Minister for Mental Health, Regional Youth and Women in relation supporting Regional programs such as Cessnock Youth Centre and Outreach Service.

2. That Council write to the Hon Greg Hunt MP Minister of Health asking him to honour the Coalitions pre election promise to establish a full service Headspace in Cessnock.

27 Jul 2020 - 2:05 PM - Robert Maginnity
Action completed by: Lewis, Linda
DOC2020/118712 correspondence writing to Minister for Health, The Hon Greg Hunt MP on 24 July 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CO23/2019	Ordinary Council 2/10/2019	Jeffery, Warren	Correspondence	Wine Country Drive - Traffic and Safety	19/08/2020	10/08/2020

1013 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander

1013

RESOLVED

1. That Council note the correspondence received.

2. That Council be briefed on the corridor plan.

3. That Council obtain feedback from the police regarding targeted enforcement at the school drop and pick up times.

9 Oct 2019 - 4:09 PM - Tracey Cocking
Item 1 - Noted
Item 2 - Sourcing Transport for NSW Draft Wine Country Drive Corridor Plan.
Item 3 - Conversation between Council Officers and Highway Patrol Cluster Supervisor, no infringement data is available, Police intend to liaise directly with School to provide information for school community alerting them to upcoming targeted enforcement.
27 Nov 2019 - 4:22 PM - Tracey Cocking
Item 2 - Discussed availability of MR220 Corridor Plan with RMS Project Manager on 5 November 2019 - Plan is in draft form only and is not yet released to external parties.
4 Feb 2020 - 11:16 AM - Warren Jeffery
Item 2 - Confirmed that draft Transport for NSW MR220 Corridor Plan has not yet been released to external parties.
9 Mar 2020 - 10:46 AM - Katrina Kerr
Item 2 - Sent request for briefing to Transport for New South Wales DOC2020/034554.
17 Mar 2020 - 11:30 AM - Katrina Kerr
Item 2 - Awaiting date for briefing from Transport for NSW.
29 Jun 2020 - 2:55 PM - Tracey Cocking
Item 2 - Advised briefing arranged for 12 August 2020 to be presented by TfNSW.
10 Aug 2020 - 9:44 AM - Warren Jeffery
Action completed by: Cocking, Tracey
Briefing arranged for 12 August 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU12/2020	Ordinary Council 17/06/2020	Bennett, Charmaine	General Manager's Unit	Risk Management Policy Statement	15/07/2020	6/08/2020

1308 Jackson, Lotta

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray

1308

RESOLVED

That Council adopts the Risk Management Policy Statement.

6 Aug 2020 - 4:19 PM - Charmaine Bennett
Action completed by: Bennett, Charmaine
Complete

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU13/2020	Ordinary Council 17/06/2020	Bennett, Charmaine	General Manager's Unit	Work Health and Safety Policy Statement	15/07/2020	6/08/2020

1309 Jackson, Lotta
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray
1309
RESOLVED

That Council adopts the Work Health and Safety Policy Statement.

6 Aug 2020 - 4:19 PM - Charmaine Bennett
Action completed by: Bennett, Charmaine
completed

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU15/2020	Ordinary Council 15/07/2020	Chadwick, Tony	General Manager's Unit	Request to rename the Branxton Greta Memorial Cycleway	12/08/2020	31/07/2020

1338 Jackson, Lotta
MOTION ***Moved:*** Councillor Dagg ***Seconded:*** Councillor Gray
1338
RESOLVED

That Council endorses the Hunter Anzac Memorial, as part of the Branxton Greta Memorial Cycleway.

31 Jul 2020 - 3:47 PM - Tony Chadwick
Action completed by: Chadwick, Tony
An email has been sent informing Brett Wild, chairman of the Branxton Greta Cycleway Limited that his motion for Council to endorse the Hunter Anzac Memorial, as part of the Branxton Greta Memorial Cycleway was carried unanimously. Refer TRIM document reference DOC2020/125106.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM7/2020	Ordinary Council 15/07/2020	Jackson, Lotta	Mayoral Minutes	Wollombi Coalmining Proposal	12/08/2020	27/07/2020

1341 Jackson, Lotta
MOTION ***Moved:*** Councillor Pynsent
1341
RESOLVED

1. That Council has recognised within its Local Strategic Planning Statement 2036 the unique heritage of national significance within the Wollombi Valley, and the importance of supporting and protecting the established and emerging tourism industry.

2. That Council writes to the Deputy Premier, The Hon John Barilaro MP, outlining Council's concern that the historic Wollombi Valley has been included in "potential areas for release for coal exploration under the Strategic Release Framework".

3. That Council requests a briefing from the Deputy Premier, The Hon John Barilaro MP, outlining the nature of the mining and the specific boundaries outlined.

4. That Council acknowledges the importance and economic benefit, of coalmining within the Cessnock Local Government Area and supports its continuation and establishment in other more conducive locations.

27 Jul 2020 - 9:52 AM - Lotta Jackson

Action completed by: Hottes, Kylie
Letter sent to Minister Barilaro on 20 July 2020 (DOC2020/118665). Action complete.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
UB1/2020	Ordinary Council 15/07/2020	Jackson, Lotta		Invitation to Sporting Teams	12/08/2020	27/07/2020

1372 Jackson, Lotta
MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Gray
1372
RESOLVED

That the General Manager urgently write to the NRL, A-League, Rugby Union and other relevant sporting bodies outlining the fantastic facilities and accommodation available in the Cessnock LGA should they wish to base a team here during the current COVID-19 pandemic.

27 Jul 2020 - 9:50 AM - Lotta Jackson
Action completed by: Hottes, Kylie
Letters sent to Football Australia (refer DOC2020/119951), Rugby Australia (refer DOC2020/119963) and the NRL (refer DOC2020/119965).

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI22/2019	Ordinary Council 15/07/2020	Jeffery, Warren	Deferred Business	Upgrade Carpark P8, 232A Wollombi Road, rear of Cessnock Hotel	12/08/2020	10/08/2020

1342 Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Suvaal ***Seconded:*** Councillor Fitzgibbon
1342
RESOLVED

1. That Council endorse the Concept Design for the upgrade of the Council owned car park at the rear of Cessnock Hotel in accordance with Figure 2 – Concept Design for Upgrade of P8.

2. That Council prioritise the upgrade based on the condition of the car park and demand for parking.

3. That a sign be placed at the entrance to the carpark.

10 Aug 2020 - 10:56 AM - Tracey Cocking
Item 1 - Noted.
Item 2 - Listed for consideration in Delivery Program 2021-25.
Item 3 - Raised CRM 14901/2020.
10 Aug 2020 - 10:58 AM - Warren Jeffery
Action completed by: Cocking, Tracey
All actions complete.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI22/2019	Ordinary Council 17/04/2019	Jeffery, Warren Fitzpatrick-Barr, Justin	Deferred Business	Upgrade Carpark P8, 232A Wollombi Road, rear of Cessnock Hotel	15/07/2020	10/08/2020

MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
877
RESOLVED

That the report be deferred until the adjoining property issues are resolved through the Strategic Property Committee.

6 May 2019 - 4:18 PM - Tracey Cocking
Revised Target Date changed by: Cocking, Tracey From: 15 May 2019 To: 29 Jun 2019
Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.
6 May 2019 - 4:44 PM - Tracey Cocking
Action reassigned to Johnson, Martin by: Cocking, Tracey for the reason: For advice when adjoining property issues are resolved.
2 Jul 2019 - 3:21 PM - Martin Johnson
Revised Target Date changed by: Johnson, Martin From: 29 Jun 2019 To: 21 Aug 2019
Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.
3 Jul 2019 - 11:09 AM - Martin Johnson
Negotiation with owner of 2-4 Allandale Road ongoing
28 Oct 2019 - 3:11 PM - Martin Johnson
Update to be reported to 20 November 2019 Strategic Property and Community Facilities Committee meeting
11 Mar 2020 - 10:00 AM - Robyn Keegan
Action reassigned to Waghorn, Peter by: Keegan, Robyn for the reason: Reassigned to newly appointed Senior Strategic Property Specialist.
11 Mar 2020 - 12:10 PM - Peter Waghorn
Revised Target Date changed by: Waghorn, Peter From: 11 Dec 2019 To: 23 Mar 2020
Reason: Original W&I report recommendation deferred pending acquisition of 2 - 4 Allandale Road Cessnock; now complete. Internal discussions to be held with Works & Infrastructure to determine next steps in terms of recommendation to undertake upgrade works
31 Mar 2020 - 9:15 AM - Peter Waghorn
Revised target date 23 March delayed due to current workplace arrangements. Asset Owner of newly acquired property 2 - 4 Allandale Road Cessnock yet to be determined. Initial discussions held with Works & Infrastructure re deferred consideration of upgrade works recommendation determined acquired property not required for upgrade of adjoining public car park.
8 Apr 2020 - 4:01 PM - Robyn Keegan
Action reassigned to Kerr, Katrina by: Keegan, Robyn for the reason: Council has now acquired 2-4 Allandale Road Cessnock, on the premise it's required as a Gateway site in the Cessnock Commercial Precinct Plan. Reassigned to W&I to further follow up action.
28 May 2020 - 9:55 AM - Tracey Cocking
Revised Target Date changed by: Cocking, Tracey From: 30 Jun 2020 To: 15 Jul 2020
Reason: Advise deferred motion going to Ordinary Meeting of Council in July 2020.
5 Jun 2020 - 11:49 AM - Katrina Kerr
Prepared to resubmit Report to Council as Deferred Business.
3 Aug 2020 - 11:18 AM - Tracey Cocking
Item 1. Noted
Item 2. Listed for consideration in Delivery Program 2021-25.
Item 3. Raised CRM 14901/2020.
10 Aug 2020 - 10:54 AM - Warren Jeffery
Action completed by: Cocking, Tracey
All actions completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI50/2020	Ordinary Council 17/06/2020	Crosdale, Emma	Works and Infrastructure	T1920-08 Bridges Hill Park Playground Stage 4 Grating Stairways, Decks & Handrails	15/07/2020	28/07/2020

1325 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray

1325

RESOLVED

That Council accepts the tender (T1920-08) from Teleo Design Pty Ltd for the lump sum of $355,910.90 (including GST) for Stage 4 Grating Stairways, Decks and Handrails at Bridges Hill Park Playground.

28 Jul 2020 - 11:55 AM - Emma Crosdale
Action completed by: McCloy, Natalie
Teleo Design Pty Ltd have been engaged to complete the works and a purchase order has been placed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI52/2020	Ordinary Council 17/06/2020	Alexander, Michael	Works and Infrastructure	Request for Sponsorship & Fee Waiving - Australian Postie Bike Grand Prix	15/07/2020	27/07/2020

1327 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray

1327

RESOLVED

That Council supports the Australian Postie Bike Grand Prix on the weekend of 7 and 8 November 2020 by providing the following in-kind support:

a) Waive all Council application fees in conjunction with the 2020 event;

b) Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and NSW Roads and Maritime Services, under the approved Traffic Management Plan and Traffic Control Plan; and

c) Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.

CARRIED UNANIMOUSLY

30 Jun 2020 - 3:13 PM - Tracey Cocking
Item 1 -
a) - Letter provided to Postie Bike organisers advising of Council Resolution.
b) - Noted
c) - Advised Environment & Waste Services
30 Jun 2020 - 3:17 PM - Tracey Cocking
Action reassigned to Alexander, Michael by: Cocking, Tracey for the reason: Item C for Environment & Waste Services action.
27 Jul 2020 - 12:49 PM - Michael Alexander
Waste Serv Coord and Collection Supervisor notified and placed dates in diaries
27 Jul 2020 - 12:51 PM - Michael Alexander
Action completed by: Alexander, Michael
Collection Supervisor notified and dates recorded

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI55/2020	Ordinary Council 17/06/2020	Goodbun, Nathan	Works and Infrastructure	Installation of Directional Signs for Community, Services and Tourist Facilities Policy	19/08/2020	10/08/2020

1330 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Gray

1330

RESOLVED

1. That Council endorses public exhibition of the revised *Installation of Directional Signs for Community, Services and Tourist Facilities Policy* for 28 days, and

2. If there are no significant public submissions received, that the Policy be automatically adopted at the end of the exhibition period.

29 Jun 2020 - 2:48 PM - Tracey Cocking
Item 1 - Placed Policy on public exhibition.
Item 2 - Noted
10 Aug 2020 - 9:27 AM - Tracey Cocking
Item 1 - Period of exhibition completed, no submissions received.
Item 2 - No submissions received, automatic adoption of Policy.
10 Aug 2020 - 9:45 AM - Nathan Goodbun
Action completed by: Cocking, Tracey
All actions complete.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI57/2019	Ordinary Council 4/09/2019	Vandermeer, Warren	Works and Infrastructure	Allocation of Road Special Rate Variation Funds - 2019-2020	15/07/2020	13/08/2020

975 Fitzpatrick-Barr, Justin

MOTION ***Moved:*** Councillor Sander ***Seconded:*** Councillor Gray

975

RESOLVED

1. That Council notes the inherent value of the newly created Special Rate Variation Reserve, which allows for funding to be set aside across financial years in order to undertake specific projects in subsequent years.

2. That Council allocates the balance of funds in the Special Rate Variation Reserve to the following projects:

- **Sandy Creek Road (Fosters Bridge) - CBS-2016-001 - $391,369**
- **Frame Drive, Abermain (Frame Drive Bridge) - CRL-2019-007 - $102,000**
- **Paynes Crossing Road, (Paynes Crossing Bridge) - CBS-2019-001 - $336,000**
- **Government Road, Cessnock - RRL-2019-010 - $320,000**
- **Heddon Street, Kurri Kurri - RRL-2019-007 - $340,000**
- **Sanctuary Road, Paxton - RRL-2020-010 - $310,000**

3. That the General Manager bring a report back identifying options to fund the rehabilitation of the section of Government Road, Weston from the bridge to Mitchell Avenue. If any residual funding is available from the 2019/2020 budget programs, this work is to be carried out.

5 Sep 2019 - 5:07 PM - Kelly Paterson
Item 1 - Noted
Item 2 - Action assigned to relevant officers as per DOC2019/091985
Item 3 - Report to be drafted

9 Oct 2019 - 10:56 AM - Rachael O'Hara
Item 2 - Preparing rate adjustments
Item 3 - Drafted report
3 Apr 2020 - 9:55 AM - Vivian Waugh
Item 3 - Applied for Fixing Country Roads grant, unsuccessful. Will resubmit in next round.
29 May 2020 - 9:42 AM - Vivian Waugh
Item 3 - Considered for Local Roads and Community Infrastructure Funding
13 Aug 2020 - 10:02 AM - Vivian Waugh
Item 3 - Report WI57/2020 - Allocation of Local Roads and Infrastructure funding, application prepared and submitted
13 Aug 2020 - 10:05 AM - Warren Vandermeer
Action completed by: Waugh, Vivian
Report WI57/2020 - Allocation of Local Roads and Community Infrastructure funding, application prepared and submitted

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI57/2020	Ordinary Council 15/07/2020	Kerr, Katrina	Works and Infrastructure	Allocation of Local Roads and Community Infrastructure Program Funding	12/08/2020	13/08/2020

1355 Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Sander ***Seconded:*** Councillor Gray
1355
RESOLVED

That Council endorses the following projects to be undertaken through the Australian Government's Local Roads and Community Infrastructure Program where Cessnock City Council is eligible to receive $1,065,399 of funding;

- **Weston Public School Zone precinct upgrade - $150,000**
- **Branxton Town Centre Upgrade Stage 3 - $330,000**
- **Government Road Weston Road Pavement Upgrade – $300,399**
- **CPAC Back Stage Access Project - $200,000**
- **Visitor Information Centre Improvements - $85,000**
- **That the General Manager facilitate a briefing/workshop before the next Council meeting to outline the current status of all projects "Recovery Stimulus Projects" adopted by Council in report WI38/2020**

13 Aug 2020 - 11:05 AM - Kelly Bates
Submitted Work Schedule Nomination forms for listed projects
Briefing held 12/8/2020 for Recovery Stimulus Projects
13 Aug 2020 - 11:34 AM - Katrina Kerr
Action completed by: Bates, Kelly
Date Time Type Officer Note
13/08/2020 11:05 AM User Bates, Kelly Submitted Work Schedule Nomination forms for listed projects
Briefing held 12/8/2020 for Recovery Stimulus Projects

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI60/2020	Ordinary Council 15/07/2020	Donnelly, Patricia	Works and Infrastructure	Regional Mattress Recycling Tender	12/08/2020	20/07/2020

1358
Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Fitzgibbon ***Seconded:*** Councillor Sander
1358
RESOLVED

That Council endorses its participation in a proposed tender for a Regional Contract for the collection and processing of mattresses.

20 Jul 2020 - 10:53 AM - Patricia Donnelly
Action completed by: Donnelly, Patricia
Work the HJO and participating Council to continue

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI61/2020	Ordinary Council 15/07/2020	Vandermeer, Warren	Works and Infrastructure	Minutes of the Roads Review Committee Meeting held 12 June 2020	12/08/2020	13/08/2020

1359
Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Dunn ***Seconded:*** Councillor Stapleford
1359
RESOLVED

That the Minutes of the Roads Review Committee Meeting of 12 June 2020 be adopted as a resolution of the Ordinary Council.

13 Aug 2020 - 10:11 AM - Vivian Waugh
Noted
13 Aug 2020 - 10:12 AM - Warren Vandermeer
Action completed by: Waugh, Vivian
Minutes adopted

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI62/2020	Ordinary Council 15/07/2020	Goodbun, Nathan	Works and Infrastructure	Minutes of the Local Traffic Committee Meeting held 15 June 2020	12/08/2020	13/08/2020

1360
Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1360
RESOLVED

That the Minutes of the Local Traffic Committee Meeting of 15 June 2020 be adopted as a resolution of the Ordinary Council.

1. *TC12/2020* - That Council authorises the installation of regulatory signage and line marking on Cooper and Stanford Streets, Heddon Greta in accordance with the Stanford Street Heddon Greta _ Signage & Line Marking Diagram.

2. *TC13/2020* – That Council authorises the installation of regulatory parking *SIGNAGE* on Station Street, Weston in accordance with the Station Street Weston _ Signage Diagram.

3. *TC14/2020* – That Council authorises the installation of regulatory parking signage on Broke Road, Pokolbin in accordance with the Broke Road Pokolbin _ Signage Diagrams.

4. *TC15/2020* - That Council authorises the installation of Bus Zone signage on *WOLLOMBI* Road, Cessnock, in accordance with the Wollombi Road Cessnock _ Bus Zone Signage Diagram.

5. ***TC16/2020*** **- That Council authorises the installation of regulatory parking *SIGNAGE* and line marking on Wilderness Road, Lovedale, in accordance with the Wilderness Road Lovedale _ signage & line marking diagram.**

13 Aug 2020 - 11:49 AM - Tracey Cocking
Item 1 - Provided CRM 15856/2020 to Works & Operations.
Item 2 - Provided CRM 15867/2020 to Works & Operations.
Item 3 - Provided CRM 15869/2020 to Works & Operations.
Item 4 - Advised Project Management.
Item 5 - Advised Project Management.
13 Aug 2020 - 1:25 PM - Nathan Goodbun
Action completed by: Cocking, Tracey
All actions completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI63/2020	Ordinary Council 15/07/2020	Conner, Martin	Works and Infrastructure	Minutes of the Floodplain Management Committee held 3 June 2020	12/08/2020	21/07/2020

1361 Fitzpatrick-Barr, Justin
MOTION ***Moved:*** Councillor Doherty ***Seconded:*** Councillor Fitzgibbon
1361
RESOLVED

1. **That the Minutes of the Floodplain Management Committee of 3 June 2020 be adopted as a resolution of the Ordinary Council.**

2. ***FLOCLM12/2020***
a) **That Council endorses the improvement and management actions identified in the Mount View Detention Basin Operation & Maintenance Plan.**

b) **That Council notes the budget of $180,000 in 2020-21 and $40,000 in 2021-22, which is required to implement improvement and management actions.**

21 Jul 2020 - 4:41 PM - Rachael O'Hara
Item 1 - Noted
Item 2 - FLOCLM12/2020
A - Noted
B - Noted
21 Jul 2020 - 4:42 PM - Martin Conner
Action completed by: O'Hara, Rachael
Complete

Corporate and Community

Report No. CC77/2020

Corporate and Community Services

SUBJECT: ***INVESTMENT REPORT - JULY 2020***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy require a monthly report to Council detailing all money invested.

RECOMMENDATION

That Council receives the Investment Report for July 2020 and notes:

- **Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order**
- **Council's month end balance was $43,752,615 and the interest earned for July 2020 was $42,230.**

BACKGROUND

The *Local Government Act 1993, the Local Government (General) Regulation 2005* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

I, Robert Maginnity, as Responsible Accounting Officer, hereby certify that this report is produced in accordance with Clause 212 of the L*ocal Government (General) Regulation 2005* and that all investments have been made in accordance with the *Local Government Act 1993, Local Government (General) Regulation 2005* and Council's Investment Policy.

General Investment Commentary

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment revenues to the end of July 2020 exceeded the benchmark in the Investment Policy with an actual level of return at 155.93% of the year to date budget.

The Reserve Bank of Australia (RBA) official cash rate as at 31 July 2020 was 0.25%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The meeting held on 4 August 2020 retained the official cash rate at 0.25%.

Interest rates remain at historical lows, with current investment rates being below 1% p.a. This will present challenges for Council to attain budgeted interest income levels during the 2020/21

year. This will be monitored and any adjustment to budgeted income will be reported in future quarterly budget reviews.

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 31 July 2020

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value $'000
	Commonwealth Bank	CASH			0.00%	6,512
	Commonwealth Bank	At Call			0.05%	41
1243	AMP Bank	At Call			0.70%	500
1325d	Members Equity Bank	TD	168	03-Nov-20	1.25%	900
1330d	National Bank	TD	309	04-May-21	0.94%	900
1332d	Suncorp Bank	TD	210	22-Sep-20	1.45%	1,000
1341c	AMP Bank	TD	182	10-Nov-20	1.65%	1,000
1345d	National Bank	TD	161	13-Oct-20	1.00%	800
1358c	National Bank	TD	357	29-Jun-21	0.95%	1,000
1361b	AMP Bank	TD	188	10-Dec-20	1.55%	1,000
1362b	AMP Bank	TD	189	16-Dec-20	1.55%	1,000
1369b	National Bank	TD	322	18-May-21	0.95%	1,000
1370b	IMB Bank	TD	208	19-Jan-21	0.85%	1,000
1371a	Members Equity Bank	TD	270	08-Sep-20	1.58%	1,000
1374a	National Bank	TD	272	27-Oct-20	1.50%	1,000
1375a	National Bank	TD	259	20-Oct-20	1.48%	1,000
1381a	Macquarie bank	TD	364	06-Apr-21	1.70%	1,000
1383a	Macquarie bank	TD	357	13-Apr-21	1.70%	1,000
1384a	Macquarie bank	TD	357	20-Apr-21	1.40%	1,000
1388	Suncorp Bank	TD	257	11-Aug-20	1.50%	1,000
1395	ANZ Bank	TD	237	04-Aug-20	1.40%	700
1396	ANZ Bank	TD	251	18-Aug-20	1.40%	700
1398	National Bank	TD	239	06-Oct-20	1.53%	1,500
1399	Suncorp Bank	TD	210	15-Sep-20	1.46%	1,000
1400	Macquarie bank	TD	290	14-Dec-20	1.55%	1,000
1401	Macquarie bank	TD	284	08-Dec-20	1.55%	1,000
1403	Macquarie bank	TD	286	22-Dec-20	1.65%	1,200
1404	Macquarie bank	TD	244	17-Nov-20	1.60%	1,200
1405	Suncorp Bank	TD	189	29-Sep-20	1.70%	1,000
1406a	Commonwealth Bank	TD	64	12-Aug-20	0.60%	600
1407a	Commonwealth Bank	TD	274	23-Mar-21	0.75%	1,000
1408a	Commonwealth Bank	TD	49	05-Aug-20	0.55%	1,000
1409	National Bank	TD	294	16-Mar-21	1.00%	1,000
1410	National Bank	TD	181	25-Nov-20	0.95%	1,000
1411	Westpac Bank	TD	92	28-Aug-20	0.85%	1,000
1412	Westpac Bank	TD	96	01-Sep-20	0.85%	1,000
1413	ANZ Bank	TD	222	05-Jan-21	0.88%	1,000
1414	ANZ Bank	TD	244	27-Jan-21	0.90%	1,000
1416	Westpac Bank	TD	245	23-Feb-21	0.89%	1,200
1417a	Commonwealth Bank	TD	186	02-Feb-21	0.73%	1,000
	TOTAL					**43,753**

Table 2 Level of funds held and the percentage invested with financial institutions

Financial Institution	Rating	Maximum Counterparty	Amount $'000	% of Portfolio
Commonwealth Bank	A1+	25%	10,153	23.21%
IMB Bank	A2	10%	1,000	2.29%
National Bank	A1+	25%	9,200	21.03%
Suncorp Bank	A1	25%	4,000	9.14%
Members Equity Bank	A2	10%	1,900	4.34%
Westpac Bank	A2	25%	3,200	7.31%
AMP Bank	A2	10%	3,500	8.00%
ANZ Bank	A1+	25%	3,400	7.77%
Macquarie Bank	A1	25%	7,400	16.91%
TOTAL			**43,753**	**100.00%**

Table 3 Investment types, risk assessment, amount and percentage invested compared to the total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	$'000	Portfolio
Term Deposits	Low	Low	36,700	83.88%
Cash/At Call Deposits	Low	Low	7,053	16.12%
TOTAL			**43,753**	**100.00%**

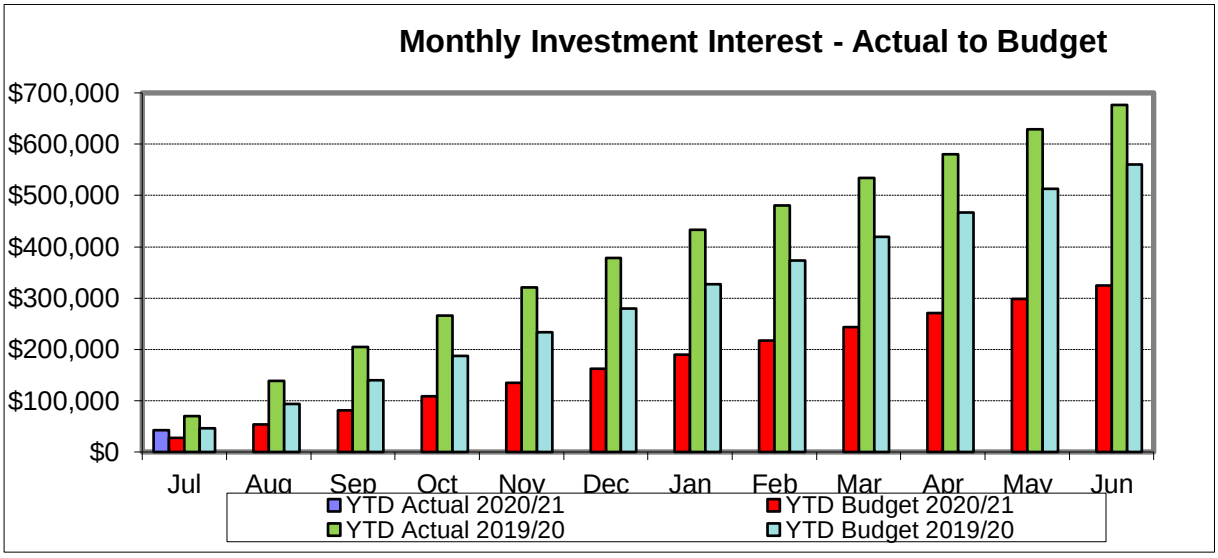
Table 4 Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	1.12%	2.21%
BBSW Average Interest Rate (year to date) *	0.10%	1.11%
Actual Investment Interest Earned (for the month)	$42,230	$70,263
Actual Investment Interest Earned (year to date)	$42,230	$70,263
Budget Investment Interest (year to date)	$27,083	$71,667
Original Budget Investment Interest (Annual)	$325,000	$860,000
Revised Budget Investment Interest (Annual)	$325,000	$860,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	$47,140,822	$39,874,176
Month End Current Balance	$43,752,615	$37,972,079

- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

Graph 1 Actual interest earned to budget for this year and last year



Graph 2 Current year portfolio performance to prior year performance

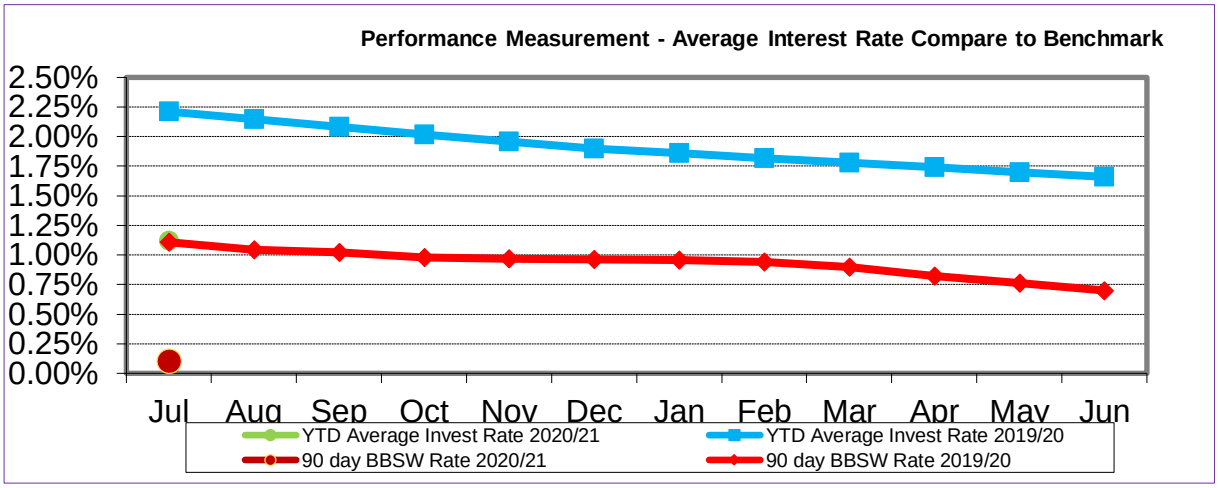


Table 5 Internal and external restrictions over cash and investments held

Month End Totals $'000	July 2020	June 2020	May 2020	Apr 2020	Mar 2020	Feb 2020
Developer contributions	11,428	13,895	13,777	13,645	13,510	13,172
Committed Developer contributions	3,580	1,130	1,130	1,130	1,130	1,130
RMS contributions	2,090	2,090	2,083	2,083	2,083	2,083
Specific purpose unexpended grants	5,855	3,732	3,870	3,954	2,245	1,843
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	461	21	50	50	51	62

External Restrictions	**23,844**	**21,298**	**21,340**	**21,292**	**19,449**	**18,720**
Month End Totals $'000	**July 2020**	**June 2020**	**May 2020**	**Apr 2020**	**Mar 2020**	**Feb 2020**
Plant and vehicle replacement	1,680	1,694	1,452	1,509	1,508	1,466
Employees leave entitlement	2,891	3,076	3,076	3,076	3,076	3,076
Carry over works	495	495	532	666	669	705
Bridge replacement	711	909	906	909	909	910
Lawn cemeteries	0	69	69	69	69	69
Computer services	268	327	366	366	366	366
Energy efficiency	91	101	101	101	101	101
Insurance provisions	1,483	1,415	1,420	1,420	1,420	1,420
Miscellaneous and property	1,659	1,946	1,617	1,617	1,602	1,642
Financial Assistance Grant (in advance)	0	3,866	3,866	0	0	0
Grant Fund Leverage	795	768	774	774	774	774
Operations and programs	429	436	538	604	604	604
Property investment fund	439	862	862	741	839	781
Rezoning fees	85	85	85	85	85	85
Civil Works	599	599	596	596	596	605
Waste depot and rehabilitation	5,218	3,998	3,998	3,998	3,998	3,998
Unexpended loan funds	140	140	141	141	142	143
Committed projects(SRV)	336	970	977	1,320	1,276	1,279
Internal Restrictions	**17,319**	**21,756**	**21,376**	**17,992**	**18,034**	**18,024**
Unrestricted - Balance of funds	**2,590**	**4,087**	**5,855**	**2,108**	**3,628**	**6,296**
Total Cash & Investments	**43,753**	**47,141**	**48,571**	**41,392**	**41,111**	**43,040**

The level of unrestricted funds has decreased from the June reported figure by $1.50 million. This variation primarily relates to payments made in the month of July, with no corresponding substantial rate payments received.

The overall level of cash and investments generally remains relatively stable with increases during months when rate installments are due (August, November, February and May each year). There are usually moderate decreases for other months.

Other variations in income, which create exceptions to this general trend, will occur when grant funding is received which is not directly related to expenditure incurred in that month for the grant purpose. The Financial Assistance Grant forms a large part of Council revenue and is received in equal instalments in August, November, February and May each year, with the exception of any early prepayment made.

Monthly expenditure remains relatively static throughout the year, with the exception of months where major payments are made for such things as contracts, insurances or other significant payments.

OPTIONS

N/A

CONSULTATION

Director Corporate and Community Services
Management Accountant

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:

5.3.7: Continue to educate staff on statutory compliance obligations.
5.3.8: Carry out governance functions to comply with legislation and best practice.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are effected 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 held from Developer Contributions, Domestic Waste Management and Property Investment Reserve and is not available for operational projects.

c. Legislative Implications

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2005* and the *Local Government Act 1993*.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

The report details investments held at month end and meets Councils statutory and policy reporting obligations.

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure

Report No. WI65/2020

Works and Infrastructure

SUBJECT: ***RUBBISH BINS IN PARKS***

RESPONSIBLE OFFICER: ***Open Space and Community Facilities Manager - Nicole Benson***

SUMMARY

The purpose of this report is to provide detail on parks within the Cessnock LGA that do not contain rubbish bins and outline a prioritised plan to address this issue, along with the estimated cost and funding options.

RECOMMENDATION

1. That Council supports the installation of rubbish bins and bin enclosures within the following six parks:

- **Margaret Street Park**
- **Nulkaba Park**
- **Birralee Park**
- **Meredith Park**
- **Abernethy Park**
- **Harle Street Park**

2. That the supply and installation of rubbish bins and bin enclosures within the identified parks be funded from the 2021/2022 Recreation Facilities Renewal Program.

3. That rubbish bins and bin enclosures are installed within any new parks or future park upgrades where appropriate for parks categorised as Scenic, Town, Local, District and Regional.

BACKGROUND

At its Ordinary meeting on 18 March 2020 Council considered a Notice of Motion (BN13/2020) regarding rubbish bins in parks and resolved:

"That a report comes back to Council outlining the parks in Cessnock LGA that have no rubbish bins, a prioritised plan to provide these services, costs involved and possible funding options."

This report addresses the above motion.

REPORT/PROPOSAL

Council's adopted Recreation and Open Space Strategic Plan 2019 (ROSSP) outlines a hierarchy of parks and the types of associated infrastructure to be provided (Refer to Enclosure 1 Design Guidelines). In line with the hierarchy and design guidelines, five categories of parks are discussed within this report based on rubbish bins being identified as potential embellishments within these spaces.

Outlined below are the total number of parks within the Cessnock LGA, separated by Planning Area.

Table 1 – Total Number of Parks by Planning Area

Planning Area	Scenic Park	Town Parks	Local Parks	District Park	Regional Parks	Total
Cessnock	2	3	11	2	2	**20**
Kurri Kurri	0	1	11	3	1	**16**
Branxton-Greta	-	-	5	-	-	**5**
Rural West	1	-	4	-	-	**5**
Total	**3**	**4**	**31**	**5**	**3**	**46**

In determining the number of parks that do not contain rubbish bins, the following steps were undertaken:

- The parks outlined in Table 1 were utilised as a base list;
- A review of Council's asset register was undertaken to identify where rubbish bins and bin enclosures were located;
- Consultation was undertaken with Council's Waste Services Officers to confirm bin servicing locations; and
- Each of the parks as identified within Table 1 were ground truthed and inspected individually by a Council Officer to confirm whether a rubbish bin was on site.

The outcomes from each of the above actions was collated, and a complete list of parks without rubbish bins was developed. It was determined that only a small number of parks do not contain bins with four of these being in the Cessnock Planning Area, five in the Kurri Kurri Planning Area and one in the Rural West Planning Area. A total of 10 parks do not contain rubbish bins.

Prioritised Plan

It has been determined that some of the parks without a rubbish bin is the result of a historical, targeted and informed decision making process (due to vandalism etc). There are parks however that would benefit from the installation of a rubbish bin based on existing infrastructure and design guidelines for parks.

It should be noted, when referring to rubbish bins, this includes an individual rubbish bin as well as a bin enclosure. The provision of a bin enclosure limits the dumping of household rubbish, vandalism and ongoing replacement of Sulo bins. This is the approach planned to be undertaken with the installation of any new (or replacement of existing) rubbish bins.

A priority rating has been assigned to each park based on the following criteria, noting that not every criteria needs to be met to receive a rating:

- **High**
  - High number of park users;
  - Playground or park furniture facilities are present encouraging visitors to spend time in the park; and
  - Demand is identified through customer requests.

- **Medium**
  - Average number of park users;
  - The park services a small catchment area;
  - Playground and park furniture facilities are present encouraging visitors to spend time in the park; and
  - Demand is identified through customer requests.
- **Low**
  - Low number of park users;
  - Limited equipment pieces or no playground or park furniture;
  - Remote location;
  - A future upgrade is planned for the park; and
  - Historic vandalism and unauthorised activities.

The priority rating has been applied across the identified parks and a summary list is provided within Table 2, below. The table outlines park location, hierarchy, priority and a brief justification regarding the rating applied. The parks listed within Table 2 are listed in order of priority.

Table 2 – Prioritised list of Rubbish Bins & Bin Enclosures within Parks

Park Name	Address	Hierarchy	Priority	Justification
Margaret Street Playground	24 Margaret Street, Cessnock	Local Park	High	Contains a playground and park furniture with a high number of users. The park is also used as a "shortcut" by school children and pedestrians with litter a current issue. Community requests have been received for a bin.
Nulkaba Park	9 Branxton Street, Nulkaba	Local Park	High	Contains a playground with a high number of park users. Located adjacent to a primary school with ongoing use.
Birralee Park	3E Heddon Street, Kurri Kurri	Local Park	High	Contains a playground with a high number of park users. Located adjacent to high use sporting fields.
Meredith Park	11 Eighth Street, Weston	Local Park	High	Contains a playground with a high number of park users.
Abernethy Park	6 Murray Street, Abernethy	Local Park	Medium	Contains a playground with an average number of park users.
Harle Street Park	94 Harle Street, Abermain	Local Park	Medium	Contains a playground with an average number of park users.
George Winter Park	131A Aberdare Street, Kurri Kurri	Local Park	Low	A rubbish bin is not supported in this location. There is minimal Infrastructure on site where visitors are

Park Name	Address	Hierarchy	Priority	Justification
				encouraged to stay and would require a bin.
Macquarie Avenue Park (also known as O'Brien Street Park)	36 O'Brien Street, Cessnock	Local Park	Low	A bin is not supported at this site at this time. A swing set is all that is provided. A bin will be incorporated within future park upgrades.
Mount Bright Lookout	147 Mount Bright Road, Mount View	Scenic Park	Low	A rubbish bin is not supported at this site. Remote location with repeated vandalism. Rubbish bin to be reconsidered if site conditions change.
Bimbadeen Lookout	Mount View Road, Mount View	Scenic Park	Low	A rubbish bin is not supported at this site. Remote location with repeated vandalism. Rubbish bin to be reconsidered if site conditions change.

In summary, and based on the results in Table 2, it is recommended that a rubbish bin and bin enclosure be installed at the following six parks:

- Margaret Street Playground;
- Nulkaba Park;
- Birralee Park;
- Meredith Park;
- Abernethy Park; and
- Harle Street Park.

The financial implications of installing rubbish bins and bin enclosures within the parks identified above is discussed within the financial section of this report.

OPTIONS

Nil

CONSULTATION

Consultation was undertaken with the following internal stakeholders:

- Parks and Reserves Coordinator;
- Waste Services Coordinator;
- Asset Engineering Officer Buildings;
- Business Partner and Services Accountant;
- Principal Recreation and Community Facilities Planner; and
- Business Support Officer Environment and Waste Services.

STRATEGIC LINKS

a. Delivery Program

The installation of rubbish bins and bin enclosures is linked to Objective 3.2 Better utilisation of existing open space, specifically Action 3.2.1 Implement the Recreation and Open Space Strategic Plan.

b. Other Plans

- Recreation and Open Space Strategic Plan 2019
- Cessnock Waste Management Strategy 2014-2019

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

This report proposes to install rubbish bins and enclosures in six Council Parks. The financial implications of this are outlined in Table 3, below.

Table 3 –Cost of Rubbish Bins

Description	**Cost**
Purchase of 6 x 240L rubbish bins	$270 ($45 per rubbish bin)
Supply and Installation of 6 x Bin Enclosures	$15,000 ($2,500 per enclosure)
Total	**$15,270**

There is no current funding allocation for installation of rubbish bins and enclosures within Council parks. There is however an annual asset renewal funding allocation of $50,000 within the Recreation Facilities Renewal Program, which enables Officers to target items such as the subject matter.

It is proposed to incorporate the supply and installation of rubbish bins and enclosures as identified in Table 3 for consideration within the 2021/2022 Recreation Facilities Renewal Program. This will achieve consistency across Council's parks and ensure those sites that have playgrounds and are encouraging people to spend time in the park have rubbish bins.

This would result in Council being able to install bins and bin enclosures at the four high and two medium priority locations in the 2021/2022 financial year.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

- Decreased waste entering drains and water ways; and
- Reduced impact on native flora and fauna.

f. Other Implications

Nil

CONCLUSION

The installation of rubbish bins in local parks is in line with the design guidelines in the Recreation and Open Space Strategic plan and will result in functional parks that meet user needs.

ENCLOSURES

1⇩ Enclosure 1 - Design Guidelines for Parks

Enclosure 1 - Design Guidelines

The following design guidelines for parks and sportsgrounds have been developed to assist in translating the previous design principles into design outcomes. It is important to note, that each open space area will be assessed on a case by case basis, and as such, essential embellishments may vary based on the sites location, demographics and other factors influencing demand. Further to this, the list of essential embellishments is not all inclusive, and there may be occasions where unique or alternate embellishments are proposed based upon the open space area being considered.

Passive Park	
Type	Embellishments
Pocket Park	Fencing and barriers; paths; picnic table and benches; picnic shelters; trees; turf; signage
Civic Square	Trees; turf; decorative paving; fountain; gardens/hedging; irrigation; seating; public art; signage, paths; bollards; bicycle parking
Scenic Park	Paths; viewing platforms; fencing and barriers; toilets; car parking; picnic shelters; picnic bench and tables; bins; interpretive signage
Town Park	Fountain; gazebo; stage; memorial; lighting; gardens; irrigation; seating; paths; public art; signage; bins; picnic table and benches; picnic shelters; local playground; toilets; car parking; canopy trees; turf; fencing and barriers; café/kiosk; bicycle parking; water bubbler; signage
Natural Area	Vegetation regeneration; boardwalks; trails and tracks; paths; viewing platform; fencing and barriers; seating; picnic benches and tables; picnic shelter; signage, car parking
Utility	Fencing and barriers; paths; picnic table and benches; picnic shelters; trees; turf; signage
Green Corridor	Directional signage; trees; turf; paths; seating; picnic benches and seating; picnic shelter
Local Park	
Size	Minimum 0.5ha of useable land
Catchment	Within 500m of most residents
Shape	The preferred shape is square to rectangular with side no greater than 2:1.
Road Frontage	50% of the perimeter to have direct road frontage (preferably 2 active street frontages).
Gradient	Maximum grade of 1:10 for 80% of the park. To facilitate wheelchair access to parks, areas with a grade of 1:14 will also be provided, where possible. Variable topography is satisfactory for the remaining area.
Flood Immunity	15% of total park area to be above the 1:100 year flood level and free of hazards

Potential Embellishments – Essential elements to be confirmed with Council Officers upon assessment and review.	• mix of activity nodes (2-3) typical activity nodes include: ○ rebound wall ○ multi-functional gazebo ○ a play spot containing one or two play elements catering for the 0 – 5 age bracket (eg a swing and see-saw) ○ small path circuit ○ flat kick-a-bout area. ○ outdoor exercise stations ○ play equipment catering for 0-9 age bracket ▪ Agreed safety surfacing ▪ All abilities play ▪ shade ▪ small play unit containing slide, climbing apparatus, swing, spring rocker ○ multi-purpose half court • fencing to prohibit vehicle access • synthetic shade or clustered shade trees near activity nodes (shade coverage at maturity) • turf • lighting • pathways • signage • drinking fountain • bench seats • picnic/gathering shelter • picnic setting and table • bins • Irrigated gardens
District Park	
Size	Minimum 2ha of useable land
Catchment	Within 5km of most residents
Shape	The preferred shape is square to rectangular with side no greater than 2:1.
Road Frontage	50% of the perimeter to have direct road frontage (preferably 2 active street frontages).
Gradient	Maximum grade of 1:10 for 80% of the park. To facilitate wheelchair access to parks, areas with a grade of 1:14 will also be provided, where possible. Variable topography is satisfactory for the remaining area.
Flood Immunity	At least 25% of total area to be above 1:50 year flood level with main activity areas above 1:100 year flood level.

Potential Embellishments Essential elements to be confirmed with Council Officers upon assessment and review.	• mix of playground activity nodes (6-8): typical activity nodes include (in addition to that of local) ○ free water play ○ multipurpose Court with Hit Up Wall ○ skate/bmx park ○ learn-to-cycle facility ○ outdoor exercise stations ○ play equipment catering for the 0-12 age bracket. Teens to also be catered for: ▪ Agreed safety surfacing ▪ all-abilities play ▪ climbing structures ▪ Medium-sized play unit containing a slide, climbing apparatus, swing set, spring rockers and slide. • fencing - bollards or log and rail to prohibit car access • synthetic shade clustered shade trees near activity nodes (shade coverage at maturity) • turf and irrigated gardens • lighting • pathways • bicycle parking • internal pathways • signage • drinking fountain • bench seats • picnic/gathering shelter • picnic seating and table • bins • car park (10-20 spaces) • Fenced off leash dog exercise area • Electric Barbeques • Toilet facilities • RV facilities
Regional Park	
Size	Minimum 5 ha of useable land
Catchment	Within 15km of most residents
Shape	The preferred shape is square to rectangular with side no greater than 2:1.
Road Frontage	Between 30-50% of the perimeter to have direct road frontage (preferably more than one road frontage).
Gradient	Average grade of 1:20 for main use areas, 1:50 for kick about areas and variable topography for the remainder.

Flood Immunity	At least 50% of total area to be above 1:50 year flood level with main activity areas above 1:100 year flood level.
Potential Embellishments Essential elements to be confirmed with Council Officers upon assessment and review.	• mix of activity nodes (10-12) typical activity nodes include: o large skate/bmx facility o multi-purpose court with Hit Up Wall o variety of pathways and circuits o amphitheater o lookouts o Outdoor fitness stations o play equipment catering to all ages ▪ Agreed safety surfacing ▪ all-abilities play ▪ large climbing structure ▪ flying fox ▪ obstacle course ▪ sensory play ▪ water play ▪ Large play centre incorporating slide, climbing apparatus, swing set, spring rockers and vertical spinners • fencing - bollards or log and rail to prohibit car access • synthetic shade clustered shade trees near activity nodes (shade coverage at maturity) • turf • lighting • pathways • bicycle parking • irrigation (gardens and turf) • internal pathways • signage • drinking fountain • bench seats • picnic/gathering shelter s • picnic seating and tables • electric barbecues • bins • car park (50-100 spaces) • internal road • toilet block • Artwork • Fenced off leash dog exercise area • RV Facilities • Stage

Works and Infrastructure

Report No. WI66/2020

Works and Infrastructure

SUBJECT: ***REVOLVING ENERGY FUND ACTION PLAN***

RESPONSIBLE OFFICER: ***Environment & Waste Services Manager – Michael Alexander***

SUMMARY

This report provides an update on the energy efficiency projects that Council has undertaken to date and seeks Council approval to implement the next round of projects to be funded from the Revolving Energy Fund (REF).

RECOMMENDATION

1. That Council utilises the Revolving Energy Fund to undertake the solar projects listed in Table 2 of this report in the 2020-21 Financial Year, being;

- **Administration Building 60kW System**
- **Cessnock Library Building 29.6kW System**
- **Hunter Visitor Information Centre 26.4 kW System**

2. That a further report be brought back to Council when the works are completed.

BACKGROUND

In 2016-17, an Energy Efficiency Action Plan (enclosure 1) was developed following a detailed investigation into the energy use at all of Council's major energy consumption sites. The Plan listed a total of 39 projects across 11 sites, with an estimated implementation cost of $1.2 million and a 5 year Return on Investment (RoI).

This report provides an update on the energy efficiency projects undertaken to date and seeks approval to implement the next round of projects to be funded from Council's REF.

Lighting Efficiency Projects

At its meeting of 6 September 2017 (Report WI59/2017) Council resolved to allocate $200,000 from the REF (established in June 2016) to undertake a number of lighting efficiency projects across Council sites. These projects are listed in Table 1, below.

Table 1: Lighting Efficiency Projects across Council sites

Facility	Date completed
Administration Building	Feb-18
Works Depot	Aug-18
Cessnock Library	Sep-18
HWC Tourist Info Centre	Oct-18
CPAC	May-19
Airport	May-19

The decision to undertake the energy efficiency lighting projects listed in Table 1 was based primarily on delivering projects with the best RoI. This approach allows for a quick replenishment of the REF in order to facilitate the undertaking of further energy saving projects in a timely manner.

Other Supporting Programs

In the last 12 months other energy related programs that have progressed to reduce energy consumption include:

- NSW Department of Planning, Industry and Environment (DPIE) Sustainable Councils and Communities (SCC) program:
    - A free NSW Councils program focusing on energy and resource efficiency.
    - Cessnock is one of 18 pilot councils who commenced the program in early 2019.
    - Assistance received includes solar analysis, floodlighting review, account tariff review on large sites and community education workshops.
- Ausgrid Accelerated Streetlighting Replacement Program (to replace 2,013 Ausgrid street lights on residential roads in the Cessnock LGA that were installed prior to 2009 with energy efficient LED's) – while this project has been delayed for nearly 18 months due to a workplace fatality, advice has been received (1 June 2020) from South Sydney Regional Organisation of Councils (SSROC) that Ausgrid have adopted new Electrical Safety Rules and agreed on how these will be applied to streetlighting. A meeting with SSROC was held on 23 June 2020 advising that Ausgrid are now actively working on replacements, with live line works recommencing and it is anticipated that the project will proceed in 2020.

REPORT/PROPOSAL

Studies Undertaken to Guide the Selection of the Next Phase of Council Projects

During the last 12 months, several studies have been undertaken to assess which of the remaining energy efficiency projects should be undertaken next, within the limit of funds currently available in the REF.

The selection process comprised the following:

1. **A review of the Cessnock Energy Efficiency Action Plan**: undertaken by Julien Freed Consulting (funded by the DPIE SCC program), who reviewed Council's Revolving Energy Fund Action Plan, along with current site electricity bills, and provided a series of recommendations. included solar panel installations that would result in energy tariff changes (reducing the cost of statutory fees on accounts from electricity retailers). a result seven sites were identified as having the highest benefit to Council, with quickest RoI back into the REF.

2. **Solar Suitability Assessment**: the seven sites identified for solar panels were progressed to detailed investigation by DPIE to determine the optimum solar system size (modelling the system generation against each sites individual consumption patterns). This included further refinement to maximise the Internal Rate of Return (IRR) and Net Present Value (NPV) for each site. From this review, three sites (Cessnock Library, Hunter Visitors Information Centre and Council Administration Building) were identified as presenting the best potential and were then selected for further detailed investigation.

3. **Detailed Review of Cessnock Library, Hunter Visitors Information Centre and Council Administration Building**: undertaken by Julien Freed Consulting (funded by the DPIE SCC program) combining the above two studies with walk through site assessments, to provide technology specific advice on solar systems for each individual facility.

A summary of the outcome of the final review is provided below in Table 2.

Table 2: Outcome of a review of Cessnock Library, Hunter Visitors Information Centre and Council Administration Building

	Administration Building		Cessnock Library	Hunter Visitor Information Centre	
Total Solar System Size	45 kW	**60 kW**	**29.9 kW**	10 kW	**26.4 kW***
Estimated Cost (exc. GST)	$51,200	**$67,000**	**$35,000**	$11,900	**$33,600^**
Annual estimated savings	$9,569	**$12,291**	**$6,789**	$5,585	**$7,345**
Simple payback	5.4 yrs	**5.4 yrs**	**5.2 yrs**	2.1 yrs	**4.6 yrs**
Reduction in grid electricity.	19%	**21%**	**23%**	33%	**56%**
Roof Suitability	Wind loading on highest roof needs investigation.		Flat roof	Near ideal north tilted steel roof.	
Additional site specific complementary actions	Investigate upgrading of the Heating Ventilation Air Conditioning (HVAC) System.		Investigate summer demand profile.	Apply for tariff change.	

*Net Zero achievable. ^Manager has offered $10,000 upfront towards this project.

Project Costs and Funding

Undertaking the three recommended options shown in bold in Table 2 is estimated to cost $135,600. There is currently $94,000 in the Revolving Energy Fund, with a projected income of $40,000 in repayments expected during 2020-21, along with an additional $10,000 from Economic Development for the Visitor Information Centre.

Based on the above scenario it is proposed that the three projects identified in Table 2 be undertaken during 2020-21, while other suitable sites are identified in readiness for future grant opportunities and/or when internal funding becomes available.

OPTIONS

Nil

CONSULTATION

The preparation of the proposed energy efficiency projects involved input from a number of staff, management and external consultants. Consultation with asset owners continues as required and when works are planned.

STRATEGIC LINKS

a. Delivery Program

This report is consistent with the community's desired outcome of:

- Civic Leadership and Effective Governance and; Council's responsibility to ensure the efficient and effective management of the community's resources.

This report links to the 2017-21 Delivery Plan through:
3.1.5 Continue to implement the Carbon Management & Energy Reduction Strategy.
3.1.5a Commence implementation of the Energy Efficiency Projects

b. Other Plans

Action E3 of Council's adopted Carbon Management and Energy Reduction Plan (2015):

> "Review energy consumption at all sites - identify opportunities for elimination reduction, efficiency measures."

Commitment 5.1.4.4 of Councils adopted Climate Change Policy (2020):

> "Commit to continually improving energy efficiency, reducing Greenhouse Gas Emissions and improving climate change resilience at all Council sites/assets. When replacing assets, more efficient and low greenhouse gas emitting assets shall be selected."

IMPLICATIONS

a. Policy and Procedural Implications

Council's Procurement Policy (adopted 6 November 2018) states that "Council will encourage open competition while seeking value for money".

To 'seek value for money' there are economies of scale savings to be realised in grouping tendering processes for similar types of projects (i.e. all air conditioning systems, lighting or solar panel installations in one tender call).

b. Financial Implications

Council has a REF with an operating framework, which was established to provide the framework for expenditure of allocated funding to improve energy efficiency. The REF focusses on operational energy efficiency projects that, following installation, aim to reduce Council's electricity costs. The framework allows for savings from these projects to be redirected to further energy efficiency projects in a stand-alone self-sustaining fund.

The current fund balance is $94,000. With the addition of savings (estimated $40,000) recharging the REF in 2020-21, along with a $10,000 contribution from Economic Development, these projects can be funded from within the REF.

In addition, grant opportunities are being actively pursued and include the following recent applications:

- Community Building Partnership application lodged 12 June 2020 for CPAC solar panels.
- EBSCO grant for Cessnock Library solar panels submitted 11 May 2020. E-mail advice of this grant application being unsuccessful was received on 1 July 2020.
- NSW Government Projects Stimulus Package letter of support for solar project inclusion (22 April 2020).

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Positive environmental outcomes through reduced energy consumption and greenhouse gas emissions will be achieved through implementing the initiatives outlined in this report.

f. Other Implications

The adoption of the recommendation makes a positive contribution to the Financial Sustainable Initiative's, productivity improvements and other cost saving projects.

CONCLUSION

Continuing to implement projects identified in the Revolving Energy Action Plan will add to the on-going savings Council savings being made and the additional solar installation(s) will further contribute to Council's net zero emissions target.

ENCLOSURES

1⇩ Cessnock Revolving Energy Fund Action Plan _ Update June 2020

2 Cessnock Solar Site Recommendations _ Admin, HVIC and Cessnock Library _ July 2019 - *This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

Revolving Energy Fund Action Plan

Facitlity	Area	Equipment & Labour	Est. ESCs	Est. STCs	Net Cost (after rebate)	Est. Savings pre 31/12/16 ($pa)	Est. Savings post 1/1/17 ($pa)	Est. Savings (kWhrs pa)	Simple ROI Post 1/1/18	Est. % Saving pa ($)	Est. % Saving pa (kWhrs)
Council Sites											
Administration Building	HVAC	$ 97,000	$ 15,615		$ 81,385	$ 8,900	$ 15,000	83,636	5.4	11%	19%
Airport	HVAC (West Term)	$ 40,000	$ 4,481		$ 35,519	$ 6,000	$ 6,000	24,000	5.9	45%	51%
Cessnock Sportsground Stadiu	Security Lighting	$ 3,840	$ 1,000		$ 2,840	$ 3,745	$ 3,745		0.8	15%	0%
Cessnock Library	HVAC	$ 150,000	$ 10,287		$ 139,713	$ 6,000	$ 10,000	55,100	14.0	20%	41%
Cessnock Pool	Pool Heating Solar System	$ 59,000			$ 59,000	$ 4,000	$ 6,200	46,850	9.5	10%	23%
Cessnock Pool	Pump VSD	$ 5,800			$ 5,800	$ 2,600	$ 4,100	31,000	1.4	7%	15%
CPAC	HVAC	$ 245,000	$ 17,816		$ 227,184	$ 10,600	$ 17,500	95,426	13.0	22%	53%
HWC Tourist Info Centre	HVAC	$ 15,000	$ 2,035		$ 12,965	$ 3,052	$ 3,052	10,900	4.2	18%	19%
KK Library	HVAC	$ 32,917	$ 2,083		$ 30,834	$ 2,390	$ 2,390	8,852	12.9	12%	13%
Subtotal		**$551,557**	**$37,702**	**$0**	**$513,855**	**$38,387**	**$52,987**	**272,128**	**9.7**	**30%**	**50%**
Leased Sites											
KK Community centre	Lighting	$ 25,531	$ 3,877		$ 21,654	$ 11,512	$ 11,512	41,117	1.9		
KK Community centre	Solar Whirlybirds	$ 3,660			$ 3,660						
KK Aquatic Centre	Lighting	$ 15,492	$ 4,065		$ 11,427	$ 3,690	$ 3,690		3.1		
KK Aquatic Centre	HVAC/ Humidifier	$ 40,000	$ 40,508		-$ 508	$ 23,470	$ 23,470	172,134	0.0		
KK Aquatic Centre	80kW Solar System	$ 138,600		*$ 48,790*	$ 89,810	$12,540	$12,540	91980	7.2		
KK Aquatic Centre	Pump VSD	$ 10,000			$ 10,000	$ 12,400	$ 12,400	82,600	0.8		
Subtotal		**$ 233,283**	**$ 48,450**	**$ 48,790**	**$ 136,043**	**$ 63,612**	**$ 63,612**	**387,831**			
Solar Installations											
Administration Building	60kW Solar System				$ 69,000	$11,826	$11,826		5.2	14%	0%
Cessnock Library	29.9kW Solar System				$ 34,385	$6,044	$6,044	6,044	4.4	20%	5%
CPAC	32kW Solar System				$ 36,800	$12,900	$12,900		4.2	27%	0%
HWC Tourist Info Centre	26.4kW Solar System				$ 30,360	$3,345	$3,345	3,345	4.4	20%	6%
KK Library	17kW Solar System				$ 19,550	$4,570	$4,570		2.5	23%	
Works Depot	20kW Solar System (additional)				$ 22,400	$2,008	$2,008		6.4	7%	0%
Subtotal	**210KW Total**	**$ -**	**$ -**	**$ -**	**$ 212,495**	**$ 40,693**	**$ 40,693**	**9,389**	**5.1**		
Indirect Energy Saving Projects											
Cessnock Library	Ceiling Insulation	$ 13,100			$ 13,100					0%	0%
Cessnock Pool	Thermal Blanket Winder	$ 5,000			$ 5,000					0%	0%
HWC Tourist Info Centre	Automated Door Control	$ 3,500			$ 3,500					0%	0%
HWC Tourist Info Centre	Reflective Blinds	$ 4,500			$ 4,500					0%	0%
Subtotal		**$ 26,100**	**$ -**	**$ -**	**$ 26,100**						
Total		**$810,940**	**$86,152**	**$48,790**	**$888,493**	**$142,692**	**$157,292**	**$669,348**	**5.6**		

Completed Projects - estimated costs											
Administration Building	Lighting	$ 77,165	$ 10,420		$ 66,745	$ 12,000	$ 20,000	112,072	3.3	15%	26%
Airport	Lighting (East & West Term.)	$ 29,810	$ 4,089		$ 25,721	$ 12,560	$ 12,560	50,241	2.0	93%	106%
Cessnock Library	Lighting	$ 21,913	$ 3,783		$ 7,228	$ 3,000	$ 5,000	27,227	1.4	10%	20%
CPAC	Lighting	$ 13,913	$ 1,600		$ 12,313	$ 1,600	$ 2,600	14,206	4.7	3%	8%
HWC Tourist Info Centre	Lighting	$ 15,435	$ 3,783		$ 11,652	$ 5,555	$ 5,555	27,227	2.1	33%	46%
Works Depot	Lighting	$ 41,010	$ 7,950		$ 33,060	$ 7,600	$ 13,000	70,614	2.5	25%	48%
Subtotal		**$199,246**	**$31,625**	**$0**	**$156,719**				**5.5**		

Completed Projects - actual costs and repayments							**Repayments**	**Balance Remaining**		**Works Completed**	
Administration Building	Lighting	$ 46,726	$ 9,971		$ 36,755		$ 17,500	$ 19,255		Feb-18	
Cessnock Library	Lighting	$ 14,275	$ 1,449		$ 12,826		$ 7,300	$ 5,526		Sep-18	
CPAC	Lighting	$ 15,488	$ 1,599		$ 13,889		$ 11,500	$ 2,389		Apr-19	
HWC Tourist Info Centre	Lighting	$ 15,610	$ 5,354		$ 10,256		$ 7,700	$ 2,556		Oct-18	
KK Library	Lighting	$17,712	$2,119		$ 15,593		$ 11,205	$ 4,388		Apr-17	
Works Depot	Lighting	$ 37,421	$ 12,332		$ 25,089		$ 13,400	$ 11,689		Aug-18	
Airport	Lighting	$ 40,730	$ 5,713		$ 35,016		$ 4,500	$ 30,516		Mar-19	
Cessnock Library	Reflective Blinds	$7,840			$ 7,840			$ 7,840		Apr-17	
CPAC	Meter Consolidation	$ 2,400			$ 2,400			$ 2,400		May-19	
HWC Tourist Info Centre	Meter Consolidation	$ 3,500			$ 3,500			$ 3,500		Jun-19	
Subtotal		**$ 201,702**	**$ 38,538**	**$0**	**$ 163,164**		**$ 73,105**	**$ 90,059**			

Works and Infrastructure

Report No. WI67/2020

Works and Infrastructure

SUBJECT: ***MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 20 JULY 2020***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

RECOMMENDATION

That the Minutes of the Local Traffic Committee meeting of 20 July 2020 be adopted as a resolution of the Ordinary Council.

1. ***TC17/2020*** **- That Council authorises the installation of regulatory parking signage on Charlton Street, Cessnock in accordance with the Charlton Street Cessnock _ Signage & Line Marking Diagram.**

2. ***TC18/2020*** **- That Council authorises the installation of regulatory parking signage on Castlemaine Street, Cessnock in accordance with the Castlemaine Street Cessnock _ Signage & Line Marking Diagram.**

3. ***TC19/2020*** **- That Council authorises the installation of regulatory parking signage on Government Road, Weston in accordance with the Government Road Weston _ Signage Diagram.**

4. ***TC20/2020*** **- That Council authorises the installation of regulatory signage and line marking on Edward and Allworth Streets, Kurri Kurri in accordance with the Edward Street Kurri Kurri _ Signage & Line Marking Diagram.**

5. ***TC21/2020*** **- That Council authorises the installation of regulatory signage and line marking on Ridgeview Drive, Blacksmith Street & Brokenwood Avenue, Cliftleigh in accordance with the Ridgeview Drive Cliftleigh _ Signage & Line Marking Diagram.**

6. ***TC22/2020*** **- That Council authorises the installation of regulatory signage and line marking on Roads MC27 & MC33, Bellbird in accordance with the Roads MC27 & MC33 Bellbird _ Signage & Line Marking Diagram.**

7. ***TC23/2020*** **- That Council authorises the removal of Bus Zone signage on Wollombi Road, Cessnock in accordance with the Wollombi Road Cessnock _ Signage Diagram.**

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN CESSNOCK CITY COUNCIL ANTE ROOM ON MONDAY, 20 JULY 2020

OPENING: The meeting was opened at 9.38am

PRESENT: Councillor Gray (Chair)
Mrs Anne Lomas – NSW State Member Representative
Senior Constable Amy Sweeney - NSW Police Force
Ms Wendy Wallace - Transport for NSW

IN ATTENDANCE: Mrs Tracey Cocking – Technical Support Officer
Mr Nathan Goodbun – Traffic Engineering Officer
Mr Warren Jeffery – Principal Engineer, Traffic & Transport
Ms Alison Shelton – Road Safety Officer

APOLOGIES

RESOLVED that the apology tendered for unavoidable absence be accepted on behalf of:

Mr Clayton Barr MP – NSW State Member
Mr Richard Ingall - Rover Coaches
Mrs Katrina Kerr – Infrastructure Manager

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Local Traffic Committee held on 15 June 2020, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

Nil.

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

Works and Infrastructure

Report No. WI67/2020

Works and Infrastructure

LISTED MATTERS

SUBJECT: ***CHARLTON STREET, CESSNOCK REGULATORY PARKING***

REPORT NO.: ***TC17/2020***

REFERENCE:

MATTER: Works have recently commenced in Charlton Street, Cessnock, in furtherance of the adopted Cessnock CBD Masterplan, consisting of the realignment of Charlton Street, removal of existing 90° angle parking, and the installation of parallel parking and pedestrian pathway.

These works make up Stage 2 of the Wollombi Road to Cessnock CBD - Pedestrian Links project, which will ultimately provide improved pedestrian and vehicular access between Vincent Street, Cooper Street and Wollombi Road.

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

- Consideration was given as to whether a 40km/h High Pedestrian Activity Area should be considered for Charlton Street. It was noted that the design for the road environment would introduce engineered constraints similar to those of a car park, thus encouraging lower speeds and that Charlton Street has a 10 km/h Shared Zone to the south; and

- Noted that completion of stage 2 of the project would introduce a 10km/h Shared Zone to the adjacent area referred to as Library Place.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage on Charlton Street, Cessnock in accordance with the Charlton Street Cessnock _ Signage & Line Marking Diagram.

SUPPORT: **Unanimous**

Works and Infrastructure

Report No. WI67/2020

Works and Infrastructure

SUBJECT: ***CASTLEMAINE STREET, CESSNOCK DISABLED PARKING***

REPORT NO.: ***TC18/2020***

REFERENCE:

MATTER: The installation of a lockable gate at the entry / exit to the restricted vehicle access area, mid-block in Castlemaine Street, Cessnock, has resulted in an unintended impediment to access for mobility impaired persons accessing Vincent Street and the Cessnock Performing Arts Centre (CPAC).

Council's Community and Cultural Engagement Manager has requested modifications to the existing mobility parking scheme spaces in Castlemaine Street to restore equitable access.

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

- Noted that the gate was installed to prevent unauthorised vehicle access to the non-motor vehicle trafficable section of Castlemaine Street; and

- Also noted that a full width gate was required to accommodate truck movements to / from the CPAC loading dock.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage on Castlemaine Street, Cessnock in accordance with the Castlemaine Street Cessnock _ Signage & Line Marking Diagram.

SUPPORT: **Unanimous**

SUBJECT: ***GOVERNMENT ROAD, WESTON NO STOPPING ZONES***

REPORT NO.: ***TC19/2020***

REFERENCE: ***TC19/2017***

MATTER: At its meeting of 17 July 2017, the Cessnock Local Traffic Committee recommended the modification of existing NO STOPPING signage in Government Road to address concerns regarding intersection sight distances at the intersection of Government Road and Fifth Street Weston.

Recent enforcement activities by Council's Rangers have identified the need for additional signage to adequately delineate the NO STOPPING area, particularly in regard to the statutory 10m NO STOPPING zones at the intersection.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage on Government Road, Weston in accordance with the Government Road Weston _ Signage Diagram.

SUPPORT: **Unanimous**

SUBJECT: ***EDWARD & ALLWORTH STREETS, KURRI KURRI INTERSECTION CONTROLS***

REPORT NO.: ***TC20/2020***

REFERENCE:

MATTER: Council officers have identified the need for the installation of priority controls at the intersection of Edward and Allworth Streets, Kurri Kurri, as the formalisation and use of a free camping area for recreational vehicles on Allworth Street, opposite the intersection of Edward Street, has effectively converted the original 'T' intersection to a four way intersection.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the installation of regulatory signage and line marking on Edward and Allworth Streets, Kurri Kurri in accordance with the Edward Street Kurri Kurri _ Signage & Line Marking Diagram.

SUPPORT: **Unanimous**

Works and Infrastructure

Report No. WI67/2020

Works and Infrastructure

SUBJECT: ***RIDGEVIEW DRIVE & BLACKSMITH STREET, CLIFTLEIGH REGULATORY SIGNAGE AND LINE MARKING***

REPORT NO.: ***TC21/2020***

REFERENCE: ***8/2007/757***

MATTER: Development consent (8/2007/757/1) has been provided for the construction of a residential development off Main Road, Cliftleigh. Included in the conditions of consent is the construction of an internal road network, including the subject four-way intersection. Approval is sought for the regulatory signage and line marking associated with the development.

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

- Noted that improvements to internal Council processes have occurred since determination of this Development Application, reducing the incidence of delayed referrals to Local Traffic Committee.

RECOMMENDATION

That Council authorises the installation of regulatory signage and line marking on Ridgeview Drive, Blacksmith Street & Brokenwood Avenue, Cliftleigh in accordance with the Ridgeview Drive Cliftleigh _ Signage & Line Marking Diagram.

SUPPORT: **Unanimous**

SUBJECT: ***ROADS MC27 & MC33, BELLBIRD REGULATORY SIGNAGE AND LINE MARKING***

REPORT NO.: ***TC22/2020***

REFERENCE: ***10/2018/650/1***

MATTER: Development consent (8/2018/650/1) has been provided for the construction of a residential development off Ruby Street, Bellbird. Included in the conditions of consent is the construction of an internal road network, including a four-way intersection. Approval is sought for the regulatory signage and line marking associated with the development.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the installation of regulatory signage and line marking on Roads MC27 & MC33, Bellbird in accordance with the Roads MC27 & MC33 Bellbird _ Signage & Line Marking Diagram.

SUPPORT: **Unanimous**

Works and Infrastructure

Report No. WI67/2020

Works and Infrastructure

SUBJECT: ***WOLLOMBI ROAD, CESSNOCK BUS ZONE REMOVALS***

REPORT NO.: ***TC23/2020***

REFERENCE:

MATTER: Recent correspondence from Rover Coaches advises that Bus Zones located outside No's 125 and 130 Wollombi Road, Cessnock, are no longer used by bus patrons, and are difficult to service due to street trees and the proximity to a pedestrian crossing.

Rover Coaches have requested the removal of the above Bus Zones, in conjunction with the removal of stops from the Transport for NSW bus route systems. It is noted that the bus route is adequately serviced by alternate coexisting bus stops and bus zones on Wollombi Road.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the removal of Bus Zone signage on Wollombi Road, Cessnock in accordance with the Wollombi Road Cessnock _ Signage Diagram.

SUPPORT **Unanimous**

CLOSURE: The meeting was declared closed at 10.10am

Works and Infrastructure

Report No. WI68/2020

Works and Infrastructure

SUBJECT: ***GOVERNMENT ROAD, WESTON _ FUNDING FOR ROAD REHABILITATION***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

SUMMARY

The purpose of this Report is to provide options for funding of road pavement rehabilitation of the section of Government Road, Weston from the bridge over Swamp Creek south to Mitchell Avenue. The report is in response to a Council resolution from the Ordinary Council Meeting on 4 September 2019.

RECOMMENDATION

That Council notes that the $350,000 of required funding for the rehabilitation of a section of Government Road, Weston, from the bridge over Swamp Creek south to Mitchell Avenue, is available through the following grant programs:

Local Roads and Community Infrastructure Program	**$300,000.**
Fixing Local Roads Program (Mitchell Avenue Project)	**$50,000.**

BACKGROUND

At its Ordinary Meeting of 4 September 2019, Council considered report WI57/2019 and resolved:

That Council notes the inherent value of the newly created Special Rate Variation Reserve, which allows for funding to be set aside across financial years in order to undertake specific projects in subsequent years.

2. That Council allocates the balance of funds in the Special Rate Variation Reserve to the following projects:

- *Sandy Creek Road (Fosters Bridge) - CBS-2016-001 - $391,369*
- *Frame Drive, Abermain (Frame Drive Bridge) - CRL-2019-007 - $102,000*
- *Paynes Crossing Road, (Paynes Crossing Bridge) - CBS-2019-001 - $336,000*
- *Government Road, Cessnock - RRL-2019-010 - $320,000*
- *Heddon Street, Kurri Kurri - RRL-2019-007 - $340,000*
- *Sanctuary Road, Paxton - RRL-2020-010 - $310,000*

3. That the General Manager bring a report back identifying options to fund the rehabilitation of the section of Government Road, Weston from the bridge to Mitchell Avenue. If any residual funding is available from the 2019/2020 budget programs, this work is to be carried out.

This Report responds to Item 3 above.

REPORT/PROPOSAL

Location

The section of Government Road, Weston in the poorest condition, requiring rehabilitation, is the deteriorated 140m section from the bridge over Swamp Creek south to Mitchell Avenue. The surface of the bridge also requires resurfacing.

Scope of Work

The proposed scope of work is insitu stabilisation of the existing road pavement to form a 480mm thick pavement, with a 40mm AC14 wearing course. The surface of the bridge also requires resurfacing with AC, which should be undertaken concurrent with the road pavement works. This equates to approximately 2,200sqm or road rehabilitation and 340sqm of bridge resurfacing. It is noted that the pavement on the northern side of the bridge has been rehabilitated and assessed as being of good condition.

Estimate Cost

The estimated cost of the rehabilitation works is as shown in **Table 1** below:

Table 1 – Concept Cost Estimate

Item	Cost
Waste Management	$10,000.00
Insitu Stablisation	$270,000.00
AC Wearing Course	$50,000.00
Contingency	$20,000.00
TOTAL	**$350,000.00**

Funding

Government Road, Weston is one of five projects that have been approved by Council for funding through the Australian Government's Local Roads and Community Infrastructure Program (LRCI Program). It is proposed that the major portion of the Government Road rehabilitation works will be funded from a $300,000 allocation through this Program.

The remaining $50,000 of works will be part of the rehabilitation of the intersection of Mitchell Avenue and Government Road and these works will be funded through the NSW Government's Fixing Local Roads Program, from which Council has received an allocation of $1,177,500 to resurface Mitchell Avenue from Government Road to Northcote Street.

The options to fund the rehabilitation works are shown in **Table 2** below.

Table 2 – Sources of Funding

Source	Amount
Australian Government's Local Roads and Community Infrastructure Program	$300,000.00
NSW Government's Fixing Local Roads Program	$50,000.00
TOTAL	**$350,000.00**

OPTIONS

Nil.

CONSULTATION

Internal Consultation: Internal consultation on this matter has occurred as follows:

- Director Works & Infrastructure
- Principal Engineer - Traffic & Transport, Infrastructure;
- Principal Engineer – Design & Project Management, Infrastructure;
- Traffic Engineering Officer, Infrastructure;
- Design Engineer, Infrastructure;

External Consultation: External consultation on this matter has occurred in the preparation of the Operational Plan 2020-21.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017- 21: The recommendation of this report aligns with the following objectives:

1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians:

4.1 Better transport links:
4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding; and
4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.

4.2 Improving the road network:
4.2.1 Develop prioritised capital works programs in line with adopted asset management plans; and
4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other Plans

Community Strategic Plan - Cessnock 2027: The recommendation of this report aligns with the following objectives:
1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.
4.0 Accessible infrastructure, services and facilities:
4.1 Better transport links.
4.2 Improving the road network:
- We have a quality road network; and
- We have managed the traffic impact of the Hunter Expressway on local communities.

Operational Plan 2020-21: The recommendation of this report aligns with the following objectives:

1.3: Promoting Safe Communities
1.3.5 Improve the safety of the road network.

The project is included in the Capital Works Program as RRL 2020 010.

The project was previously included in the 2016 Capital Works Program however did not proceed due to the cost exceeding the budget available at that time and the contemporary dealings with the then Roads and Maritime Services (RMS) for a change in reclassification of Government Road due to the opening of the Hunter Expressway.

IMPLICATIONS

a. Policy and Procedural Implications

Nil.

b. Financial Implications

Cost to the Community: The full cost of the works, estimated at $350,000 will be met from recently available grant opportunities.

c. Legislative Implications

Nil.

d. Risk Implications

Safety Risk: The low safety risk as drivers may not drive to the prevailing road conditions when the surface of the road is deteriorated.

Reputational Risk: There is a risk to Council reputation as the road has been in poor condition for a number of years and it will deteriorate rapidly under wet weather conditions.

e. Environmental Implications

It is important that roads and road surfaces adjoining waterways be kept in good condition to ensure clean water run-off into waterways.

f. Other Implications

Nil.

CONCLUSION

It is appropriate that Council notes the funding sources available to carry out the rehabilitation of road pavement and resurfacing of the section of Government Road, Weston from the bridge over Swamp Creek south to Mitchell Avenue.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN20/2020

General Manager's Unit

NOTICES OF MOTION No. *BN20/2020*

SUBJECT: ***NULKABA SHARED PATHWAY AND HUNTER VALLEY WINE COUNTRY VINEYARD CYCLEWAY***

COUNCILLOR: ***Di Fitzgibbon***

MOTION

1. **That Council advance and finalise the detailed design works, for the construction of the Off-road Nulkaba Shared Pathway via Wine Country Drive from Kerlew Street, Nulkaba to Broke Road, Pokolbin and the High Priority Works identified in the Pokolbin Cycling Improvements of the Section 7.12 Levy Contributions Plan.**

2. **That Council finalise the detailed design works for the 8 Council managed recreational trails across the Cessnock LGA as identified in the adopted Trails Strategy.**

3. **That a report come back to Council on completion of the design works, with estimated costs and implementation plan. The design and cost will include the planting of suitable trees, identified in the Street Tree Strategy, along the paths, where suitable.**

General Manager Commentary

In accordance with clauses 3.13 and 3.14 of the Code of Meeting Practice it is important for Councillors to be aware of the potentially significant strategic and financial implications of the Notice of Motion recommendation as it currently stands.

I have been informed that there is considerable resource and work required to implement the recommendation, which at this stage is unable to be quantified. Undertaking the projects as a priority will require diversion of already fully allocated resource for 2020-21 Operational Plan, and the financial resources required has not been quantified.

It is considered that an alternate consideration for Council would be that the notice of motion recommendation be amended to provide an opportunity for the General Manager to prepare a report for Council's consideration. This will provide some certainty in regards to the financial and strategic implications of the notice of motion, including estimated costs, timeframes, suitability of the identified source of funding and impacts on other already adopted programs.

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It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.
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RATIONALE

Council has adopted many strategies and plans for Shared Pathways and Cycleways, as well as a Trails Strategy. All of which list the financial and health benefits to the community. Council cannot afford to build this important Infrastructure without Federal and State Government assistance. We must make sure these projects are shovel ready for grant opportunities which may be presented in the current climate.

SOURCE OF FUNDING:

Section 7.12 Contributions
Section 7.11 Contributions

DELIVERY PROGRAM:

A connected, safe and creative community
A sustainable and prosperous economy
A sustainable and healthy environment.

Sgd: Di Fitzgibbon

Date: 11 August 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN21/2020

General Manager's Unit

NOTICES OF MOTION No. *BN21/2020*

SUBJECT: ***FRAME DRIVE BRIDGE***

COUNCILLOR: ***Ian Olsen***

MOTION

That the General Manager supply a report explaining why the road on Frame Drive on the northern side of the bridge has dropped and

a) What is council doing to resolve the issue
b) An approximate cost for the repairs
c) Timeline for when this will be completed.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

We as Councillors need to know why our money is being spent we continue to failures on roadwork's which continue to cost the ratepayers more money that could be better spent on other projects.

SOURCE OF FUNDING:

Not required.

DELIVERY PROGRAM:

Not applicable.

Sgd: Ian Olsen

Date: 26 July 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN22/2020

General Manager's Unit

NOTICES OF MOTION No. *BN22/2020*

SUBJECT: ***PLANNED ROAD WORKS & MASTER PLANS***

COUNCILLOR: ***Ian Olsen***

MOTION

When council has approved road works and master plans and changes to the design are required it is brought back to council for approval.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

We as councillors need to know when changes are being made to plans or roadwork's which are put into a budget so we can guarantee we are getting what we planned for and not another design.

SOURCE OF FUNDING:

Not required.

DELIVERY PROGRAM:

Not applicable.

Sgd: Ian Olsen

Date: 26 July 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN23/2020

General Manager's Unit

NOTICES OF MOTION No. *BN23/2020*

SUBJECT: ***CLEANING OF WATERWAYS/CREEKS***

COUNCILLOR: ***Ian Olsen***

MOTION

1. **That the General Manager investigate a plan to do regular clean outs of our creeks and waterways to assist with the flow of water and to minimise flooding in high risk areas.**

2. **When a plan and costings have been considered, a plan be brought back to Council for ratification.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

We have a flooding problem in a number of areas in the Cessnock LGA and when you look at the mess in the creeks and the areas that can cause slow flow which causes flooding is getting worse. Without a regular clean out and a planned cleaning system in place it will always cause problems for some areas.

SOURCE OF FUNDING:

Not required.

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 accessible infrastructure and services which effectively meet community needs.

Sgd: Ian Olsen

Date: 3 August 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN24/2020

General Manager's Unit

NOTICES OF MOTION No. *BN24/2020*

SUBJECT: ***CLEAN UP OF WASTE FROM BUSHLAND***

COUNCILLOR: ***Ian Olsen***

MOTION

That the General Manager investigate a source of funding to clean up the waste illegally dumped on Council owned land in the Cessnock Local Government Area.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

There is a large amount of waste being dumped in the local bushland for a number of reasons. While ever we let it sit there more people will continue to dump more waste and the problem continues to get worse. We need to be proactive in this area and start asking government agencies to help us remedy this situation.

We pay a large amount to the state government in Waste Levies and if they could return some of that money it could go towards fixing this problem and also create a couple of more jobs for locals. The problem won't go away while ever we do nothing about it.

SOURCE OF FUNDING:

Not required

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 accessible infrastructure and services which effectively meet community needs.

Sgd: Ian Olsen

Date: 3 August 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN25/2020

General Manager's Unit

NOTICES OF MOTION No. *BN25/2020*

SUBJECT: ***PARKING POLICY ENFORCEMENT***

COUNCILLOR: ***Ian Olsen***

MOTION

That the Council review Cessnock City Council Parking Enforcement Policy and under section 3.4 Footway Parking, Number 2 *Vehicles must not double park* be removed for clarity of all residents.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

Residents have complain to council about vehicles that are doubling parking in streets and although our policy states the following;

Where streets have no kerb and gutter and there is a narrow strip of bitumen down the middle of the road residents have stated there can be confusion regarding where they can park legally (i.e. where the road finishes and where the footpath starts). The following guideline has been produced to clarify parking on roads where there is no kerb and gutter and no defined delineation between the road and footpath:

1. *Motor vehicles must park parallel to the road in the direction of travel*
2. *Vehicles must not Double Park.*
3. *Sufficient residual footway width must be provided between the parked vehicle and the road boundary (front boundary of property) for footway use. A minimum of three (3) metres must be provided between the road boundary and any vehicles parked parallel to the road*
4. *Proposed residual footway widths must have full width clearance of three (3) metres for a minimum height of 2.0 metres at all times.*
5. *The entire width of residual footway (full three (3) metres) must be trafficable for all footway users under all normal circumstances. This width must not include areas that cannot be trafficked by footway users.*

Our rangers believe they have no power to charge residents for this illegal act and with our policy stating to stop confusion vehicles must not double park it is only causing problems for residents. To support the rangers we should remove this point from our policy.

SOURCE OF FUNDING:

Not required.

Notices Of Motion

Report No. BN25/2020

General Manager's Unit

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 accessible infrastructure and services which effectively meet community needs.

Sgd: Ian Olsen

Date: 6 August 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN26/2020

General Manager's Unit

NOTICES OF MOTION No. *BN26/2020*

SUBJECT: ***DRAFT 2020-25 WASTE AND RESOURCE RECOVERY STRATEGY***

COUNCILLOR: ***Jay Suvaal***

MOTION

That the General Manager hold a face to face workshop for Councillors on the draft 2020-25 Waste and Resource Recovery Strategy prior to the strategy being reported to Council.

That the workshop includes the information requested below.

1. **Recycling benefits and waste reduction statistics on the following kerbside waste collection options for waste collection with FOGO (unless specified):**
   a. **240L General Waste collected weekly + 240L Recycling and 240L Green Waste collected fortnightly;**
   b. **140L General Waste collected weekly + 240L Recycling and 240L Green Waste collected fortnightly;**
   c. **240L Green Waste collected weekly + 240L General Waste and 240L Recycling collected fortnightly;**
   d. **140L General Waste and 240L Green Waste collected weekly + 240L Recycling collected fortnightly;**
   e. **240L General Waste collected weekly + 240L Recycling and 240L Green Waste (without FOGO) collected fortnightly; and**
   f. **140L General Waste collected weekly + 240L Recycling and 240L Green Waste (without FOGO) collected fortnightly.**

2. **Financial, Staffing and Contractual information for each of the options (a to f) listed in point 1 including:**
   a. **Expected additional costs or savings to Council for the option based against the current services provided;**
   b. **Expected additional other costs or capital expenses for the option;**
   c. **Both the maximum and estimated waste levy savings from the option;**
   d. **Any other savings that could be expected from the option;**
   e. **The impacts of the option on our current workforce, including the number of Council employees required to provide the service; and**
   f. **The impact on our contractual obligations for the option, including any costs or impacts to exit all or parts of the contract.**

3. **Financial and waste reduction statistics on the waste vouchers including:**
   a. **The possibility of introducing a card system with a fixed dollar amount preloaded onto it each year;**
   b. **The expected cost of posting out vouchers separately to the rates notice;**
   c. **The expected increase or decrease in voucher usage if vouchers were provided to the household instead of the ratepayer, including costs or savings to Council;**

d. The reasoning behind the desire to change the voucher system given the waste tonnage and cost to council has progressively reduced over the last 4 years; and

e. Any expected cost to council by not changing from the current voucher system.

4. Financial and waste reduction statistics on bulk waste collection including:

a. The estimated cost per service for on-demand user-pay bulk kerbside collection;

b. The estimated subsidy per service for on-demand user-pay bulk kerbside collection for elderly and/or disabled residents;

c. The estimated cost to Council by providing this subsidised service per year;

d. The cost of providing this service as compared against it being provided by a panel of approved contractors; and

e. Any other expected costs or savings to Council by operating this service, including to the waste levy.

General Manager Commentary

In accordance with clauses 3.13 of the Code of Meeting Practice it is important for Councillors to be aware of the potential financial implications of the Notice of Motion recommendation as it currently stands.

There is considerable resource required to implement the recommendation, which at this stage is unable to be quantified. Undertaking to prepare answers to the questions in this Notice of Motion will require diversion of staff from their normal duties. However, the importance of addressing Waste Management through the Waste and Resource Recovery Strategy is acknowledged as it is in the best interest of Council and the community to ensure that the Waste and Resource Recovery Strategy is aligned with the State Government's aim of Waste Minimisation leading to less waste to landfill; and to ensure that Council is not exposing itself to unnecessary risks, including financial, legal and environmental.

In order to ensure transparency and civic leadership to the public in answering these questions, it is considered that an alternate consideration for Council would be that the notice of motion recommendation be amended to provide an opportunity for the General Manager to prepare a report to Council with the answers to the questions so that they are available to the community as a whole instead of in a Councillor briefing which is not open to the public.

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It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

Councillors were provided with a briefing on the draft 2020-25 Waste and Resource Recovery Strategy on Wednesday 29 July 2020.
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During and following that briefing there were a number of questions and concerns raised by Councillors which require more information to be provided.

Therefore, it is suggested we hold a further Councillors workshop to go through the questions and concerns raised by Councillors.

SOURCE OF FUNDING:

DELIVERY PROGRAM:

Sgd: Jay Suvaal

Date: 7 August 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN27/2020

General Manager's Unit

NOTICES OF MOTION No. *BN27/2020*

SUBJECT: ***CYCLEWAYS/SHARE PATHWAYS***

COUNCILLOR: ***Di Fitzgibbon***

MOTION

1. **That Council bring back a report recommending 3 Options in each of the Local Government Area wards (12 projects/project segments), identified in the adopted Cycling Strategy, for Councils adoption of 1 project in each of the 4 Local Government area Wards (4 projects) for fast tracking.**

2. **The 12 projects to be recommended on the basis of the following priorities:-**
   - **a) Cost/Benefit**
   - **b) Eligible for Developer contribution funds allocation**
   - **c) Connectivity to maximise increased use of existing facilities eg parks, schools, fields.**

General Manager Commentary

In accordance with clauses 3.13 and 3.14 of the Code of Meeting Practice it is important for Councillors to be aware of the potentially significant strategic and financial implications of the Notice of Motion recommendation as it currently stands.

I have been informed that there is considerable resource and work required to implement the recommendation, which at this stage is unable to be quantified. Undertaking the projects as a priority will require diversion of already fully allocated resource for 2020-21 Operational Plan, and the financial resource required has not been quantified. Undertaking these projects without additional resources will likely impact on the delivery of key projects identified in the 2020-21 Operational Plan.

It is considered that an alternate consideration for Council would be that the notice of motion recommendation be amended to provide an opportunity for the General Manager to prepare a report for Council's consideration. This will provide some certainty in regards to the financial and strategic implications of the notice of motion, including estimated costs, timeframes, suitability of the identified source of funding and impacts on other already adopted programs.

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Notices Of Motion

Report No. BN27/2020

General Manager's Unit

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 August 2020.

RATIONALE

Giving urgency to much needed community infrastructure. Ensuring that we are investment ready for grant opportunities which may be presented in the current climate.

SOURCE OF FUNDING:

DELIVERY PROGRAM:

A connected, sale and creative community;
A sustainable and prosperous economy;
A sustainable and healthy environment.

Sgd: Di Fitzgibbon

Date: 11 August 2020

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO11/2020

Corporate and Community Services

SUBJECT: ***MM4/2020 - COVID-19 PANDEMIC - FINANCIAL ASSISTANCE***

RESPONSIBLE OFFICER: ***Director Corporate and Community Services - Robert Maginnity***

RECOMMENDATION

That Council notes the correspondence received from The Hon Joel Fitzgibbon MP, Member for Hunter and Mr Clayton Barr MP, State Member for Cessnock.

At its Ordinary Meeting of 15 April 2020 Council considered report MM4/2020 – COVID-19 – Financial Support and resolved (inter-alia):

1. ***That Council calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.***

2. ***That Council calls for the packages to include the following measures:***

   - ***Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.***
   - ***Immediate financial assistance to support council employees, especially in early education and care.***
   - ***Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.***
   - ***Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.***

3. ***That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.***

4. ***That Council write to the local Federal and State Member(s) the Hon Joel Fitzgibbon MP, Meryl Swanson MP, Clayton Barr MP, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coulton, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their***

support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

Following representations on Councils behalf in relation to COVID-19 Financial Support, Council has received copies of correspondence from:

- the Member for Hunter, the Hon Joel Fitzgibbon MP on 22 July 2020 - correspondence received from the Office of the Minister for Housing and Assistant Treasurer.
- the Member for Cessnock, Clayton Barr MP on 2 July 2020 - correspondence received from the Minister for Local Government.

The correspondence is provided for Councils information at ***Enclosure 1*** and ***Enclosure 2.***

Council has previously noted correspondence in relation to this matter as follows:

Council Meeting 17 June 2020:

- The Premier of New South Wales, The Hon Gladys Berejiklian MP.
- Senator Deborah O'Neill addressed to The Minister for Regional Health, Regional Communications and Local Government, The Hon. Mark Coulton MP.
- The Hon Michael McCormack MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development; and The Hon Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government.
- The Hon Shelley Hancock MP, Minister for Local Government.
- Ray Williams MP, Parliamentary Secretary to the Premier and Western Sydney addressed to the Member for Cessnock Clayton Barr, MP, Shadow Minister for Water, Shadow Minister for Innovation, Science and Tertiary Education, Shadow Minister for the Hunter.

Council Meeting 15 July 2020:

- The Assistant Minister to the Prime Minister and Cabinet, The Hon Ben Morton MP on behalf of the Prime Minister, the Hon Scott Morrison MP.

ENCLOSURES

1⇩ Response COVID-19 Financial Support MM4/2020 - Federal Member for Hunter
2⇩ Response COVID-19 Financial Support MM4/2020 - State Member for Cessnock

29 JUL 2020

Office of the Minister for Housing and Assistant Treasurer

Ref: MC20-012155

The Hon Joel Fitzgibbon MP
Member for Hunter
PO Box 526
CESSNOCK NSW 2325

22 JUL 2020

Dear Mr Fitzgibbon

Thank you for your personal representation of 30 April 2020 on behalf of the Cessnock Council, originally directed to the Treasurer, concerning support during the Coronavirus outbreak. Your correspondence has been referred to the Minister for Housing and Assistant Treasurer for response and he has asked me to respond on his behalf.

Please accept my sincere apologies for being slow to respond. The Minister has received a large number of emails and requests for information and we have not been able to respond as quickly as we would like.

I appreciate you sharing the difficulties faced by the Council. Receiving feedback and suggestions play an important role in the Australian Government's efforts to respond to the economic impact of the Coronavirus.

The Government has acted decisively to support households and businesses and address the significant economic consequences of the Coronavirus. A total of $259 billion is being injected into the economy in order to keep Australians in work and businesses in business.

The Government's economic support package provides timely support to workers, households and businesses through a difficult time. The package is designed to support businesses to retain jobs and manage short-term cash flow challenges, provide support to individuals, severely affected communities and regions, and to ensure the continued flow of credit in the Australian economy.

Further information on the support package can be found at www.treasury.gov.au/coronavirus

The economic and financial impacts of Coronavirus will extend well beyond those receiving direct assistance under its economic support package. This event will affect all Australians, to varying degrees.

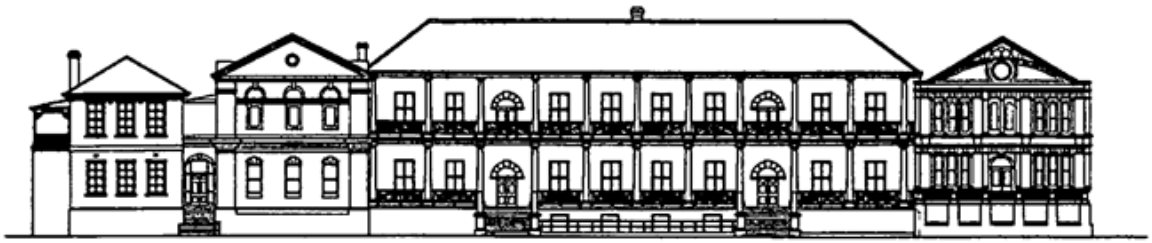
While the Council may not be eligible for direct assistance on this occasion, the announced measures are expected to benefit all Australians, now and over the long-term, by supporting overall confidence, employment and business continuity.

I trust this information will be of assistance to the Cessnock Council.

Yours sincerely

Barmak Amini
Chief of Staff

Parliament House Canberra ACT 2600 Australia
Telephone: 61 2 6277 7230



26 June 2020

For your information

Forwarded With The Compliments Of

CLAYTON BARR, MP
STATE MEMBER FOR THE
ELECTORATE OF CESSNOCK

CESSNOCK CITY COUNCIL
- 2 JUL 2020
RECEIVED

CESSNOCK CITY COUNCIL
- 2 JUL 2020
SCANNED

Electorate Office:
PO Box 242
Cessnock NSW 2325

Phone: (02) 4991-1466
or 1300 550 114

NSW GOVERNMENT

The Hon. Shelley Hancock MP
Minister for Local Government

RECEIVED
26 JUN 2020
BY:

Your ref: CB2-CessnockCityCouncil-Pre-20200429
Ref: A704828

Mr Clayton Barr MP
Member for Cessnock
PO Box 242
CESSNOCK NSW 2325

By email: cessnock@parliament.nsw.gov.au

Dear Mr Barr Clayton,

Thank you for your correspondence of 29 April 2020 to the Premier, the Hon. Gladys Berejiklian MP on behalf of Clr Bob Pynsent, Mayor of Cessnock City Council and Ms Lotta Jackson, General Manager, regarding council's resolution in support of financial sustainability packages for local government.

Ms Jackson and Clr Pynsent also wrote directly to me. Please find enclosed a copy of my response.

Thank you for taking the time to bring Cessnock City Council's request to my attention.

Yours sincerely

The Hon. Shelley Hancock MP
Minister for Local Government

18 JUN 2020

Encl.

CESSNOCK CITY COUNCIL
- 2 JUL 2020
RECEIVED

GPO Box 5341 Sydney NSW 2001 ▪ P: (02) 8574 5400 ▪ W: nsw.gov.au/ministerhancock

RECEIVED
26 JUN 2020
BY:

NSW GOVERNMENT
The Hon. Shelley Hancock MP
Minister for Local Government

Your ref: DOC2020/060802
Ref: A701038

Clr Bob Pynsent and Ms Lotta Jackson
Mayor and General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

By email: council@cessnock.nsw.gov.au

Dear Clr Pynsent and Ms Jackson

Thank you for your correspondence of 23 April 2020 regarding your council's resolution in support of financial sustainability packages for local government. I note that you have also written to the Premier, the Hon. Gladys Berejiklian MP, and the Treasurer, the Hon. Dominic Perrottet MP, seeking their support for council's proposals. In responding to you I write on behalf of the NSW Government.

I understand your advice that Cessnock City Council (Council) is struggling with the financial impacts of COVID-19 as well as drought and bushfires, including difficulties that impact council's financial position, services and staff.

The NSW Government is aware of the important role councils play in our economy and in local communities across the State. That is why the Treasurer and I announced a nation-leading $395 million local government economic stimulus package to safeguard jobs, local services and infrastructure in the wake of this pandemic.

This package recognises that COVID-19 has hit councils hard and is designed to give councils breathing space to adjust their structures and operations and be in a better position to effectively serve their communities throughout the duration of this crisis.

No other state or territory in the country has responded so swiftly and comprehensively to secure an economic stimulus of this size for their local government sector.

Importantly, this package builds on the NSW Government's $82 million to support 260 council-run childcare centres and $25 million for local councils to rebuild and refurbish local showgrounds. The NSW Government has also announced a $15 million Streets as Shared Spaces program that will fund council projects to provide more space for communities to safely walk, cycle and exercise. We are also providing a $500,000 funding boost to council-run pounds to meet veterinary, staff and food costs during the pandemic. These commitments bring our COVID-19 support for the local government sector to over half a billion dollars.

I have written previously to all mayors and general managers with details of the stimulus package, and I hosted a council webinar on May 1 to talk through the key features and answer questions about eligibility and other matters. Further details of the stimulus package, and a recording of the webinar, are available on the Office of Local Government website.

The Office of Local Government has provided further details to all councils outlining how to access the stimulus package.

GPO Box 5341 Sydney NSW 2001 • P: (02) 8574 5400 • W: nsw.gov.au/ministerhancock

I am pleased with this comprehensive funding package that has now been announced by the NSW Government to support councils in managing through the COVID-19 pandemic.

Thank you for taking the time to bring this matter to my attention.

Yours sincerely

The Hon. Shelley Hancock MP
Minister for Local Government

26 MAY 2020

GPO Box 5341 Sydney NSW 2001 ▪ P: (02) 8574 5400 ▪ W: nsw.gov.au/ministerhancock