



11 September 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, 16 September 2020 at 6.30pm, 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 Council's website.

**AGENDA:**

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- (3) **RECEIPT OF APOLOGIES**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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‡ - Denotes that Report is for notation only.



## ***Principles for Local Government***

### **Exercise of functions generally**

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

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

### ***Council's Values***

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

### ***Our Community's Vision***

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

*Cessnock – thriving, attractive and welcoming.*

### ***Our Community's Desired Outcomes***

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



## ***Council 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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 AUGUST 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  
Director Works and Infrastructure  
Development Services Manager  
Acting Strategic Planning Manager (Acting Strategic Planning Manager)  
Information Technology Manager  
Senior Media & Communication Officer  
Corporate Governance Officer

**APOLOGY:** **NIL**

**MINUTES:** **MOTION** **Moved:** Councillor Doherty  
**Seconded:** Councillor Stapleford  
1378  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15 July 2020 and Extraordinary Meeting held 5 August 2020, as circulated, be taken as read and confirmed as a correct record.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## ***DISCLOSURES OF INTEREST***

### ***DISCLOSURES OF INTEREST NO. DI9/2020***

***SUBJECT: DISCLOSURES OF INTEREST***

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#### ***RECOMMENDATION***

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

**CC71/2020 – Donations under Section 356 – Rates Relief** - Councillor Suvaal declared a Non Pecuniary Less than Significant Conflict for the reason that he is a member of the Hunter District Hunting Club that uses the Cessnock Rifle Range. Councillor Suvaal advised that he would 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 is an Ordinary Member only.

## ***PETITIONS***

Councillor Dunn tabled a petition on behalf of residents of Hamilton Street, Abernethy in regard to drainage and flooding in Hamilton Street and the laneway

## ***ADDRESS BY INVITED SPEAKERS***

NIL

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

**MOTION**                      **Moved:**    Councillor Doherty                      **Seconded:**    Councillor Suvaal  
1379

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

MM8/2020	Local Government Exclusion from National Cabinet .....	59
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‡ WI68/2020	Government Road, Weston _ Funding for Road Rehabilitation.....	437
‡ CO11/2020	MM4/2020 - COVID-19 Pandemic - Financial Assistance .....	455

**Council adopt the recommendations as printed for those items.**

<b>FOR</b>	<b>AGAINST</b>
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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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



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

## **NOTICE OF INTENTION NO. NI6/2020**

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

**CC78/2020 – CESSNOCK AIRPORT - HANGAR DISPUTE**

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**MOTION**

1380

**RESOLVED**

**Moved:**     Councillor Burke

**Seconded:**   Councillor Gray

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.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

6.36PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Dunn  
1381  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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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**

7.13PM

**Open Session**

**The meeting moved back into open session and the General Manager reported on the outcome.**

**CORPORATE AND COMMUNITY NO. CC78/2020**

**SUBJECT: CESSNOCK AIRPORT - HANGAR DISPUTE**

*This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, 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.*

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Dagg  
1382  
**RESOLVED**

**That Council authorises the General Manager to progress the legal proceedings relating to the hangar and airport subdivision, brought by 123259932 Pty Limited as outlined in the report.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM8/2020**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1383

**RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

***MOTIONS OF URGENCY***

***MOTIONS OF URGENCY NO. MOU9/2020***

***SUBJECT: MOTIONS OF URGENCY***

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**NIL**

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU17/2020**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal

1384

**RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE27/2020**

**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**

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**MOTION**  
1385  
**RESOLVED**

**Moved:**     Councillor Suvaal

**Seconded:**   Councillor Dunn

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*.

## CONDITIONS OF CONSENT

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### 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
<b>Total</b>	<b>\$10,883.87</b>

#### (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
<b>Total</b>	<b>\$217,677.40</b>

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](http://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.

**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. PE28/2020***

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

---

This application has been withdrawn by the Applicant.



**PLANNING AND ENVIRONMENT NO. PE29/2020**

**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**

---

**MOTION**  
1386  
**RESOLVED**

**Moved:** Councillor Stapleford **Seconded:** Councillor Dunn

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.

**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. PE30/2020**

**SUBJECT: CITIES POWER PARTNERSHIP**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1387  
**RESOLVED**

**That Council writes to the Climate Council requesting to join the Cities Power Partnership Program.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE31/2020**

**SUBJECT: LOCAL POLICY FRAMEWORK FOR THE CESSNOCK LGA VINEYARD'S DISTRICT**

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

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 and members of the Cessnock Vineyards District Community Reference Group 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.

**AMENDMENT**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Fitzgibbon

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 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 representatives from the established viticultural areas in Cessnock and in consultation with members of the Cessnock Vineyards District Community Reference Group 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.

#### 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 as such became the **MOTION**.

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

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Fitzgibbon  
 1388

#### **RESOLVED**

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 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 representatives from the established viticultural areas in Cessnock and in consultation with members of the Cessnock Vineyards District Community Reference Group 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.**

**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. CC68/2020

**SUBJECT:** T092021HUN PROVISION OF TREE MAINTENANCE

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal

1389

**RESOLVED**

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.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC69/2020**

**SUBJECT: T082021HUN PROVISION OF TRAFFIC CONTROL**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1390  
**RESOLVED**

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.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC70/2020**

**SUBJECT: JUNE 2020 REVIEW OF THE 2017-21 DELIVERY PROGRAM**

---

**MOTION**

1391

**Moved:** Councillor Burke

**Seconded:** Councillor Dagg

**RESOLVED**

**That Council notes the progress in implementing the 2017-21 Delivery Program as at 30 June 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**

**CORPORATE AND COMMUNITY NO. CC71/2020**

**SUBJECT: DONATIONS UNDER SECTION 356 - RATES RELIEF**

---

*Councillor Suvaal declared a Non Pecuniary Less than Significant Conflict for the reason that he is a member of the Hunter District Hunting Club that uses the Cessnock Rifle Range. Councillor Suvaal remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1392

**RESOLVED**

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

**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. CC72/2020**

**SUBJECT: RATEPAYER SUPPORT DURING COVID-19 - UPDATE**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1393  
**RESOLVED**

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.

**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. CC73/2020**

**SUBJECT: COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF POLICY - SIX MONTH REVIEW**

---

**MOTION**

1394

**RESOLVED**

**Moved:** Councillor Suvaal

**Seconded:** Councillor Gray

1. That Council makes the amendments listed below to the Councillor Access to Information and Interaction with Staff Policy:

- Amend 5.7.1. to:

5.7.1. For members of the public and their personal matters with Council, Councillors should, if practical, refer the individual(s) to contact Council's Customer Services or have the member of the public lodge a CSR.

- Add in new points 5.7.2. and 5.7.3. then reorder other points accordingly:

5.7.2. If it is not practical for a member of the public to contact Council's Customer Services or lodge a CSR (as per 5.7.1.), or if the Councillor or member of the public determine the matter should be referred by the Councillor, then as part of their civic duties a Councillor can contact Council's Customer Services or lodge a CSR on the member of public's behalf.

5.7.3. If a Councillor contacts Council's Customer Services or lodges a CSR on behalf of a member of the public (as per 5.7.2.) then that Councillor shall be advised when a response is given by Council to the member of public including a brief outline of the outcome.

- Amend 5.4.2.(l) to

Advice on, and assistance in drafting, the Councillors wording for a Notice of Motion relevant to Council's strategic direction.

2. That the Councillor Access to Information and Interaction with Staff Policy be reviewed in six months time, or following the release of a model policy by the Office of Local Government, whichever is sooner.

**FOR**

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)**

**AGAINST**

Councillor Doherty

**Total (1)**

***CARRIED***

**CORPORATE AND COMMUNITY NO. CC74/2020**

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020 -  
REQUEST FOR ATTENDANCE AND MOTIONS**

---

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
1395  
**RESOLVED**

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.

FOR	AGAINST
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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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC75/2020**

**SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1396  
**RESOLVED**

**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.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC76/2020**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1397  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC77/2020**

**SUBJECT: INVESTMENT REPORT - JULY 2020**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1398  
**RESOLVED**

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.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI65/2020**

**SUBJECT: RUBBISH BINS IN PARKS**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal

1399

#### **RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI66/2020**

**SUBJECT: REVOLVING ENERGY FUND ACTION PLAN**

---

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

1400

**RESOLVED**

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 the General Manager explores the feasibility of refitting the Abermain School of Arts and other Council Community Buildings as part of future Light efficiency Projects
3.     That a further report be brought back to Council when the works are completed.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI67/2020**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 20 JULY 2020**

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**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Suvaal  
1401  
**RESOLVED**

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.

**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. WI68/2020**

**SUBJECT: GOVERNMENT ROAD, WESTON \_ FUNDING FOR ROAD REHABILITATION**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1402  
**RESOLVED**

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.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

### **BUSINESS WITH NOTICE NO. BN20/2020**

**SUBJECT: NULKABA SHARED PATHWAY AND HUNTER VALLEY WINE COUNTRY VINEYARD CYCLEWAY**

---

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Dunn  
1403

#### **RESOLVED**

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. The design and cost will include suitable trees, identified in the Street Tree Strategy, along the paths, where suitable.
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 the Nulkaba Shared Pathway via Wine Country Drive, High Priority works identified in the Pokolbin Cycling Improvement 7.12 Contribution Plan and the 8 formalised Council managed Trails be added to the 20/21 Operational Plan subject to Grant Funding.
4. That the General Manager bring back a report to the next meeting of Council with:-
  - a) Estimated costs of the proposed design works for the projects listed
  - b) Funds available in the 7.11 and 7.12 Contributions Plans suitable for the design works
  - c) Recommendations for other funding sources if necessary.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN21/2020**

**SUBJECT: FRAME DRIVE BRIDGE**

---

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

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.

**AMENDMENT**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray

That the General Manager supply a Councillor Memo 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.

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	
<b>Total (12)</b>	<b>Total (1)</b>

The amendment was **PUT** and **CARRIED** and as such became the Motion.

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

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

1404

**RESOLVED**

That the General Manager supply a Councillor Memo 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.



**FOR**

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 (12)**

**AGAINST**

Councillor Olsen

**Total (1)**

***CARRIED***

**BUSINESS WITH NOTICE NO. BN22/2020**

**SUBJECT: PLANNED ROAD WORKS & MASTER PLANS**

---

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

When council has approved road works and master plans and changes to the design are required it is brought back to council for approval.

**FOR**

Councillor Olsen  
Councillor Dunn

**Total (2)**

**AGAINST**

Councillor Doherty  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (11)**

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

**BUSINESS WITH NOTICE NO. BN23/2020**

**SUBJECT: CLEANING OF WATERWAYS/CREEKS**

---

**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Fitzgibbon  
1405  
**RESOLVED**

**That the General Manager speak to Hunter Water and Water NSW to discuss ways for the clearing of our waterways to help with the flow of water and to minimise flooding in high risk areas.**

<b>FOR</b>	<b>AGAINST</b>
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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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN24/2020**

**SUBJECT: CLEAN UP OF WASTE FROM BUSHLAND**

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

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.

That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.

**AMENDMENT**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray

1. That the General Manager investigate an external source of funding to assist the current work of the RID Squad in cleaning up waste illegally dumped on Council owned land in the Cessnock Local Government Area.
2. That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

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 Suvaal      **Seconded:** Councillor Gray

1406

**RESOLVED**

1. That the General Manager investigate an external source of funding to assist the current work of the RID Squad in cleaning up waste illegally dumped on Council owned land in the Cessnock Local Government Area.
2. That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.

**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. BN25/2020**

**SUBJECT: PARKING POLICY ENFORCEMENT**

---

**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Dunn  
1407  
**RESOLVED**

**That the General Manager 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.**

*Councillor Doherty left the meeting, the time being 8.24pm*

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	

	<b>Total (0)</b>
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**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN26/2020**

**SUBJECT: DRAFT 2020-25 WASTE AND RESOURCE RECOVERY STRATEGY**

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

1408

**RESOLVED**

**That the General Manager hold a face to face workshop (if possible under Covid regulations) for Councillors on the draft 2020-25 Waste and Resource Recovery Strategy prior to the strategy being reported to Council.**

**FOR**

**AGAINST**

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 (0)**

**CARRIED UNANIMOUSLY**

*Councillor Doherty returned to the meeting, the time being 8.26pm*

**BUSINESS WITH NOTICE NO. BN27/2020**

**SUBJECT: CYCLEWAYS/SHARE PATHWAYS**

---

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

1409

**RESOLVED**

1. That the General Manager bring back a report in 3 months 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.
3. Projects chosen from the recommendation are to be added to the 20/21 Operational Plan subject to Grant Funding.

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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO11/2020**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1410  
**RESOLVED**

**That Council notes the correspondence received from The Hon Joel Fitzgibbon MP, Member for Hunter and Mr Clayton Barr MP, State Member for Cessnock.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Dagg

### **Mining and Energy Related Council meeting**

Existing power station assets coming to end of life up until 2040 (AEMO – August 2019) with markedly reduced capacity in the meantime.

NSW Electricity Strategy has been released – key actions included developing the Central West/Orana pilot Renewable Energy Zone (REZ) in the Warrumbungles to bring online new low-cost generation capacity. NSW has a strong pipeline of 116 large scale RE project proposals. Private sector led, geographically dispersed, require larger physical footprints than traditional generators. REZ is a modern-day power station, containing a mix of transmission, generation, storage and system strength services, enabled by bespoke regulation reform and coordinated planning. Energy Corporation of NSW (EnCo) is a the new State Government controlled statutory entity that will be repurposed as the REZ coordinating body. It will coordinate new energy generation and transmissions, deliver best-practice community consultation and improve consistency in the planning and approval process. EnCo and DPIE will develop a holistic planning framework for NSW REZ that could apply to both the Central-West/Orana Pilot and subsequent REZs. CW/Orana REZ represents about \$4.5B in private investment once fully built. Expected to support 450 construction jobs. Govt funding of \$40m allocated so far and will deliver up to 3,000MW of new energy generation by mid-2020s – enough to power 1.3m homes. During EOI process 113 responses received worth \$38B in capital investment from 78 unique developers offering 27,000MW of energy generation, so oversubscribed 9-fold – displays the level of interest shown by private sector.

Potential benefits for regions hosting REZs:

- Coordinated planning and regulatory reform
- Local economic growth
- Skills and capacity development
- Community benefit sharing
- Drought proofing and telecommunications
- Reduced electricity costs for households and businesses
- Reduced health impacts from air pollution.

Resources for Regions – MERC resolved to correspond with the government, opposition and cross-bench regarding the revised program and particularly advocating for the inclusion of 7 mining-related councils who missed out on having eligibility.

MERC resolved to make submission to DPIE regarding proposed changes to council mining rates revenue as per the recently released IPART rating report. Given Cessnock City Council has mining rateable land, a similar submission would be recommended.

Finally, I advised delegates of this Council's support of the coal mining industry, but its position regarding the inclusion of Wollombi as a release area for coal exploration under the Strategic Release Framework, based on Cessnock's LSPS. A number of delegates were familiar with the Wollombi Valley, and expressed their support for our position, most strongly by the Mayor of Singleton Council, Cr Sue Moore. MERC have offered to provide any assistance in this regard, should that be required and I will advise them further of the outcome of any discussions with Mr Barilaro.

Councillor Sander

### **Cessnock-Kurri Hospital Health Committee Meeting**

Councillor Sander reported on her and Councillor Gray's attendance at the above meeting.

The acknowledgement of country was observed and then the meeting moved onto the presentations in regard to the happenings at the hospitals.

#### **1. Patient Experience Officer Review**

The Hunter New England Health area have received funding for 15 months to employ administration offices at the area hospitals emergency Departments to help improve the patients experience when entering hospitals emergency department. A survey is being distributed to users of the service to identify the Care of Service when going to an ED. This program has been rolled out at Cessnock hospital in the first instance.

#### **2. Surgical Waiting Lists**

Due to the COVID19 outbreak surgery was ceased over the Hunter New England Health area for elective surgery.

This is coming back slowly however there are a number of outstanding operating lists that the hospitals hope to clear the backlog prior to December.

Category 1 patients are waiting 30 days.

Category 2 patients are waiting 90 days.

At Cessnock hospital this number is 399 outstanding.

Kurri Hospital 240 outstanding which are mainly cataract surgeries.

Ears Nose and Throat surgery also impacted by the COVID 19 pandemic.

### **Cessnock Hospital Report**

Pediatric Dental Treatments have commenced at Cessnock Hospital. This service is fairly new and all policies and guidelines are being updated to ensure the service is first class.

The dentist are being sourced from the Stockton Facility which is being reclassified for other purposes.

Cessnock hospital has continued to operate its drive in COVID 19 clinic every day and hope to increase numbers of testing by extending the hours of operation. The community must call and book in for these tests.

Recruitment has been ongoing in the Emergency Department and Operating theatre.

A total of 1135 presentations have been seen year to date at the Emergency Department.

The presentations to the Emergency Department also included patients from Cessnock Correctional Facility. The question was raised in regard to how the hospital deals with these prisoners. The hospital has Procedural Guidelines for the Prisoners and the safety requirements needed when dealing with these presentations.

The Correctional Facility does not have a hospital ward in the entire facility for the patients to attend so they are referred to Cessnock hospital for treatment. The Correction Facility Governor meets with hospital staff regarding issues that are raised.

A more detailed report regarding the security procedures for these cases is being prepared for the next meeting.

### **Kurri Kurri Hospital Report**

The zoom link was very poor from the hospital and the report is to be sent to all committee members however a couple of issues were identified prior to the fade out of technology.

These items were:

The follow up calls to patients leaving the hospital were at 100%.

Issue with parking on Hospital Road opposite the hospital with signing indicating that vehicles must park rear to fence. This is causing major issues with the community retrieving prams, wheelchairs and walkers from the rear of their vehicles.

Council to be sent an email asking for this to be changed to improve this issue.

### **General business Items**

Update on the New Maitland Hospital and the services that are being provided for the community.

Mayor

### **Recognition of Director Works & Infrastructure**

The Mayor recognised that it is the Director Works & Infrastructures last meeting at Council and provided the following:-

Justin commenced at Cessnock City Council in 2014 as the Director of Works & Infrastructure and at that point one of our greatest needs was Asset Management which fitted his background. Shortly after that Council was successful in being awarded the \$20M Broke Road Project through a commitment by the Government of the day.

That was a real critical point in the development of our Works staff because to complete a project of that magnitude our workers needed to be upskilled. Justin lead that team, took on board specific concrete experts who were able to train to upskill the rest of our staff. We went from there down Broke Road to the successful \$8.7m partnership with Singleton Council to complete the last piece of Broke Road and to commence the Cessnock Council section of Hermitage Road. Our workers did all of that to a very high standard because that was fully accountable to RMS at the time and the Government of the day. That upskilling of our staff continues, all of those skills that were learnt have been brought to the benefit to the residents of Cessnock City Council.

One of the other things that have happened over his time is the extensive development of recreational facilities. We are so proud as an organisation that our workers were responsible for the various stages, as much as possible of the Bridges Hill development, which is something that people of Cessnock couldn't believe it was happening here, but we deserve those things and under your leadership that is going to come to fruition very shortly this year to be completed.

So one of the most important things about Justin's background is that he always wants to work with his staff, the staff suggestions about let's do something about breast cancer, the Black Dog Institute, Prostate Cancer, mental health were all programs that he took on board and inspired his staff to go out there to take on to the other workers the importance of both cancer and mental health and I think that is something that really sticks with this organisation. When you see some of the gear that came with those programs, and to me every time I put on that pink high vis I will be thinking of you and thank you very much and on behalf of all the people of Cessnock.

*The Meeting Was Declared Closed at 8.50pm*

**CONFIRMED AND SIGNED** at the meeting held on 16 September 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI10/2020**

**Corporate and Community Services**

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**SUBJECT:** *DISCLOSURES OF INTEREST*

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

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**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.

Mayoral Minute

Report No. MM9/2020

General Manager's Unit



**MAYORAL MINUTE No. MM9/2020**

**SUBJECT: CHARITIES DISCOUNT FOR TEMPORARY EVENTS**

**RECOMMENDATION**

1. That the General Manager amends the Events DA Policy in the appropriate areas to reflect:  
  
*“That Events run by Registered Charities, have all councils’ fees and charges applicable to Temporary Events Development Applications discounted by 50% of the adopted fees and charges”.*
2. That the 50% discounted fees be placed on public exhibition for 28 days and if no submissions are received, the 50% discount apply.

**RATIONALE**

At the meeting on 15 July 2020 Council resolved:

*“That the General Manager facilitate a briefing to outline any differences in the process in lodging an event Development Application between Cessnock and neighbouring Councils”*

At the briefing on 2 September 2020, in comparing neighbouring councils it became apparent that all Councils operated similar policies or where significant differences existed they would potentially be more expensive than Cessnock Council.

However, it was evident that Singleton Council have a policy for Community Events run by Registered Charities where their fees and charges are discounted by 50% up front.

This would further Council’s support for the work of charities in the Cessnock LGA.

**ENCLOSURES**

There are no enclosures for this report

Mayoral Minute

Report No. MM10/2020

General Manager's Unit



***MAYORAL MINUTE No. MM10/2020***

***SUBJECT: MEDICARE ELIGIBILITY FOR MAGNETIC RESONANCE IMAGING***

***RECOMMENDATION***

That Council write to the following Federal and State members of parliament seeking their support for a Full Medicare licence for a Magnetic Resonance Imaging (MRI) system to be installed in the new Maitland Hospital;

- The Minister for Health, the Hon Greg Hunt MP
- Minister for Aged Care and Senior Australians, Minister for Youth and Sport, Senator the Hon Richard Colbeck
- Minister for Regional Health, Regional Communications and Local Government, the Hon Mark Coultson MP
- Minister for Indigenous Australians, the Hon Ken Wyatt AM MP
- Minister for Families and Social Services, Senator the Hon Anne Ruston
- The NSW Premier, the Hon Gladys Berejiklian MP
- Minister for Health and Medical Research, the Hon Brad Hazzard MP
- Minister for Local Government, the Hon Shelley Hancock MP
- Member for Lyne, the Hon David Gillespie MP
- Federal Member for Hunter, the Hon Joel Fitzgibbon MP
- Federal Member for Paterson, Ms Meryl Swanson MP
- State Member for Cessnock, Mr Clayton Barr MP

***RATIONALE***

After representations from the Chair of the Maitland Health Committee I bring forward this Mayoral Minute to advocate, on behalf of the Cessnock LGA, for a full Medicare licence for the MRI system being installed in the new Maitland Hospital due to open in 2022. The new MRI system will be a state of the art 3 Tesla MRI machine. It will have features and inclusions making it ideal for children, adults, patients who are obese, patients with claustrophobia, those needing general MRI examinations and those needing specific and specialised imaging.

Currently the options for those patients who need to access MRI services are:

- to attend the private sector MRI locally (but many of these patients express concern about the out of pocket expenses) or
- to access the public hospital MRI systems at the Calvary Mater and John Hunter Hospitals where the scans are covered by Medicare or public funding.

Unfortunately, these MRI machines also have significant waiting lists and if the MRI is not granted a full Medicare licence, this imaging will only be available for inpatients of the hospital.



**Mayoral Minute**

**Report No. MM10/2020**

**General Manager's Unit**

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***ENCLOSURES***

There are no enclosures for this report

Motions of Urgency

Report No. MOU10/2020

Corporate and Community Services

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**SUBJECT:** *MOTIONS OF URGENCY*

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

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**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. GMU18/2020  
General Manager's Unit



**SUBJECT:** *HUNTER VALLEY TOURISM SERVICE AGREEMENT*  
**RESPONSIBLE OFFICER:** *Economic Development & Tourism Manager - Tony Chadwick*

### **SUMMARY**

The purpose of this report is to present Council with a proposal to collaborate with Hunter Valley Wine and Tourism Association (the Association) to provide a joint tourism service that delivers improved outcomes for tourism operators, increase visitation and a unified approach to promotion and marketing.

### **RECOMMENDATION**

1. That Council endorses the creation of a tourism service agreement between Council and the Hunter Valley Wine and Tourism Association that represents the interests of tourism operators in the Hunter Valley;
2. That Council delegates authority to the General Manager to create a tourism service agreement between Council and the Hunter Valley Wine and Tourism Association;
3. That Council notes that there will be only one membership for tourism operators in the proposed agreement with the fees administrated by the Hunter Valley Wine and Tourism Association;
4. That Council places the removal of tourism fees (3.a – 3.i) on public exhibition for a period of 28 days and provide public notice of the intention to remove the fees subject to consideration of submissions received;
  - a) Fee For Service – Silver Deal
  - b) Fee For Service – Gold Deal
  - c) Fee for Service – Diamond Deal
  - d) Fee for Service for Community – Not for Profit
  - e) Visitor Guide and Map listing
  - f) Fee For Service – Additional Brochure
  - g) Early bird incentives
  - h) Sequential Fee For Service: Multi packages
  - i) Accommodation and Activity Bookings Commission
5. If no submissions are received after public exhibition, adopt the Recommendation.

General Manager's Unit

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General Manager's Unit



## BACKGROUND

On 19 August 2015 Council endorsed the Hunter Valley Wine and Tourism Alliance (the Alliance) Terms of Reference and Operating Rules.

The Alliance consists of nine members, being three representatives from Council, three representatives from Singleton Council (SC) and three representatives from the Hunter Valley Wine and Tourism Association (the Association).

The purpose of the Alliance is to enable the members to work together for the promotion, advancement and development of the Hunter Valley Wine Country region, including;

- Achieving unity between stakeholders and speaking with one voice,
- Increasing visitation,
- Attracting appropriate levels of funding,
- Product and industry development,
- Advocacy/Lobbying, and
- Facilitating strategic alliances for the purpose of achieving the above.

## REPORT/PROPOSAL

### A Case for Improved Tourism Services and Marketing

In March 2020, Council commenced developing the Hunter Valley Visitor Information Centre Business Plan for the purpose of identifying process improvements, service delivery improvements, cost savings and financial opportunities. The business planning process identified considerable duplication between Alliance members that is not consistent with the purpose and objectives of the Alliance (refer **Table 1**).

**Table 1 – Alliance member tourism service duplication**

Tourism services provided by Alliance members	Council	Association	SC
Tourism website	Yes	Yes	Partial
Online accommodation and experience booking	Partial	Yes	No
In Centre accommodation and experience booking	No	No	No
Face to face visitor services	Yes	No	Yes
Hunter Valley tourism map	Yes	Yes	No
Hunter Valley tourism guide	Partial	Yes	Partial
Social media promotion	Yes	Yes	Yes
Destination marketing	Yes	Yes	Yes
Brochure displays	Yes	No	Yes
Event calendar	Yes	Yes	Partial
Member e-news updates	Partial	Yes	No

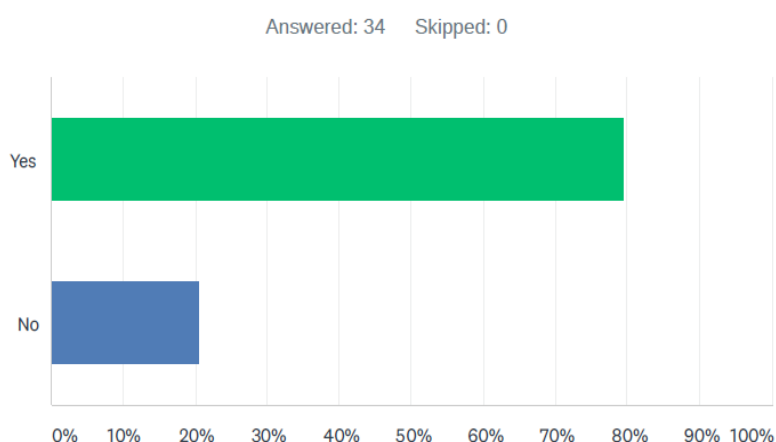
Analysis of **Table 1** shows that if tourism service duplication between Alliance members was minimised, then additional activities could be completed with the same resources.

### Hunter Valley Visitor Information Centre (HVVIC) Member Survey

To gauge the level of support for improved collaboration between Alliance members, the following survey question was e-mailed to HVVIC members.

Question: The HVVIC is exploring a partnership with the Association and Singleton Council that would seek to reduce duplication of assets, create a united Hunter Valley brand and merge the memberships of all organisations. Do you see benefits in a combined membership (yes or no)?

34 responses were received as shown in **Figure 1** below.



ANSWER CHOICES	RESPONSES	
Yes	79.41%	27
No	20.59%	7
TOTAL		34

**Figure 1 – Survey results**

### Recommended Service Agreement

An agreement between the Association and Council (HVVIC) that provides a joint tourism service representing the interests of tourism operators in the Hunter Valley will deliver a range of economic benefits to members, while creating a unified approach to promote, market and advocate on behalf of Hunter Valley tourism businesses.

An agreement between the two organisations will create a powerful product and brand for the Hunter Valley, fulfilling both destination marketing and in-destination tourism services, whilst unlocking significant potential funding streams to support local tourism.

The advantages of a joint tourism service include:

- Opportunity to grow and strengthen the Hunter Valley tourism industry by removing task and asset duplication to create a single, seamless Hunter Valley brand and user-experience,

## General Manager's Unit

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## General Manager's Unit



- Build capacity for the HVVIC to become a best-practice, full booking service driving increased experience and accommodation booking,
- Achieve unity between stakeholders to speak with one voice, attract ongoing sustainable sources of funding, advocate and lobby on behalf of the region, and
- Increased ability to foster and grow the Hunter Valley visitor economy through relationship building and alignment with local, state, and federal bodies.

A joint tourism service between Council and the Association would offer improved benefits to tourism businesses as shown in **Table 2** below.

**Table 2 – Benefits of a joint tourism service between HVVIC and the Association**

Membership Benefits	HVVIC	Association	Joint
Online accommodation and experience booking	No	Limited	Yes
HVVIC accommodation and experience booking	Limited	No	Yes
Face to face visitor services	Yes	No	Yes
Website listing	Yes	Yes	Yes
Hunter Valley Map listing	Yes	Yes	Yes
Hunter Valley Magazine listing	No	Yes	Yes
Social media promotion	Limited	Yes	Yes
Destination marketing	Limited	Yes	Yes
Advertising opportunity Hunter Valley Magazine	No	Yes	Yes
Advertising opportunity Hunter Valley Map	Yes	Yes	Yes
Brochure/s displayed at the HVVIC	Yes	No	Yes
Promotion of events on Event Calendar	Yes	Yes	Yes
Regular communications, updates, and opportunities	No	Yes	Yes
Access to REMPLAN economic data & expertise	Yes	No	Yes
"Get Connected" linked to DNSW and visitnsw.com	Yes	No	Yes
Book the HVVIC meeting room	Yes	No	Yes
Tourism videos displayed at the HVVIC	Yes	No	Yes

This improved tourism service would be achieved with the same resource allocation by both organisations and achieved by removing task duplication.

### Agreement Income

The reduction in income by removing HVVIC tourism fees currently in Council's fees and charges schedule (3.a – 3.i) currently administrated through Council, will be replaced with income received from the Association for providing services to support the joint member benefits shown in **Table 2**.

### OPTIONS

The following options are available to Council;

1. Adopt the recommendation, or
2. Do not adopt the recommendation.

Option one is recommended.

## **CONSULTATION**

General Manager – Cessnock City Council  
Councillors – Cessnock City Council  
Manager Economic Development and Tourism  
President - Hunter Valley Wine and Tourism Association  
Chief Executive Officer - Hunter Valley Wine and Tourism Association  
General Manager – Destination Sydney Surround North  
Hunter Valley Visitor Information Centre Fee for Service Members  
General Manager – Singleton Council  
Manager Strategy and Engagement – Singleton Council

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report aligns with the following Delivery Program 2017 – 2021 actions:

- A Sustainable and Prosperous Economy;
  - 2.1.2 Identify opportunities and advocate for economic development and infrastructure funding,
  - 2.3.1 Collaboratively identify markets and promote the local government area's tourism industry,
  - 2.3.2 Promote and grow the Hunter Valley Visitor Centre, and
  - 2.3.3 Support major community events and festivals.

### **b. Other Plans**

This report aligns with the following plans:

- Hunter Valley Visitor Economy Destination Management Plan;
  - Key Strategy 1 - Grow Destination Appeal and Hunter Valley Brand Awareness
  - Key Strategy 3 - Integrate Visitor Services,
  - Key Strategy 4 - Develop the Hunter Valley's Destination Experiences,
  - Key Strategy 5 - Develop Coordinated Visitor Economy Planning and Place-making, and
  - Key Strategy 6 - Grow Partnerships.
- Hunter Regional Plan 2036 Directions 9 – Grow tourism in the region; and

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- Hunter Regional Economic Development Strategy Action B.9 – Support viticulture and visitor economy.

## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

Policy implications – Nil.

Procedural implications – Operational procedures within the HVVIC would require amendment to accommodate a joint tourism service.

### **b. Financial Implications**

A joint tourism service between Council and the Association is being created as a cost neutral project. The removal of duplication between Council and the Association will allow additional services to be delivered for the same cost.

Financial implications – Nil (2020-21 HVVIC budget will remain as adopted by Council).

### **c. Legislative Implications**

Nil

### **d. Risk Implications**

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatment</b>	<b>Proposed Risk Ranking</b>
There is a risk of reputational damage if tourism services delivered do not align with community expectations	Medium	Create and implement a communication plan	Low
There is a risk of financial loss if joint membership fees are below 2019/2020 levels	Low	Monitor fee revenue, seek member feedback and undertake continual improvement	Low

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

## **CONCLUSION**

A tourism service agreement between Council and the Association will provide an improved product for members, will strengthen the Hunter Valley tourism brand, will reduce confusion for visitors and create long term economic benefits via increased visitation.



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An agreement that utilises the strengths of both organisations will create a powerful product and brand for the Hunter Valley, fulfilling both destination marketing and in-destination tourism services, while creating the capacity to attract funding and to expand product offerings.

***ENCLOSURES***

There are no enclosures for this report.

General Manager's Unit

Report No. GMU19/2020

General Manager's Unit



**SUBJECT:** *PROPOSAL TO CLOSE COUNCIL OFFICES BETWEEN CHRISTMAS AND NEW YEAR*

**AUTHOR:** *Human Resource Manager - Darrylen Allan*

### **SUMMARY**

Council Offices, including Libraries, have traditionally closed between Christmas and New Year, with staff available for emergency situations.

### **RECOMMENDATION**

1. That Council close its offices, including Libraries, from 12 noon Thursday, 24 December 2020 and reopen on Monday, 4 January 2021.
2. That Council close the Cessnock Performing Arts Centre from Thursday, 24 December 2020 and re-open on Monday, 11 January 2021.

### **BACKGROUND**

Council has traditionally closed its offices, including Libraries, between Christmas and New Year, with staff available for emergency situations.

### **REPORT**

It is proposed that Council Offices, including Libraries, close from 12 noon Thursday, 24 December 2020 and that the office and Libraries re-open on Monday, 4 January 2021 and the Performing Arts Centre close from Thursday, 24 December 2020 and re-open on Monday, 11 January 2021.

Listed below is a breakdown of applicable Public Holidays and Office closure dates:

Friday, 25 December 2020	Christmas Day (Public Holiday)
Monday, 28 December 2020	Boxing Day (Public Holiday)
Tuesday, 29 December 2020	Office Closed
Wednesday, 30 December 2020	Office Closed
Thursday, 31 December 2020	Office Closed
Friday, 1 January 2021	New Year's Day (Public Holiday)

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

### **OPTIONS**

Option 1: That Council Offices close between Christmas and New Year.

This is the preferred option

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Option 2: That Council Offices remain open between Christmas and New Year.

### **CONSULTATION**

N/A

### **STRATEGIC LINKS**

#### **a. Delivery Program**

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

N/A

#### **b. Other Plans**

N/A

### **CONCLUSION**

It is proposed that Council Offices, including Libraries, close from 12 noon Thursday, 24 December 2020 and re-open on Monday, 4 January 2021.

It is proposed that the Cessnock Performing Arts Centre, close from 24 December 2020 and re-open on Monday, 11 January 2021.

### **ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU20/2020  
General Manager's Unit



**SUBJECT:** *APPRENTICE, TRAINEE AND GRADUATE FRAMEWORK*

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

### **SUMMARY**

This report provides information regarding Council's new Apprentice, Trainee and Graduate Framework.

### **RECOMMENDATION**

**That Council notes the Apprentice, Trainee and Graduate Framework.**

### **BACKGROUND**

As part of the strategy to attract and retain young workers under Council's Workforce Plan 2017-2021, the Human Resource Team developed an Apprentice, Graduate and Trainee framework.

### **REPORT/PROPOSAL**

The Framework demonstrates Council's commitment to providing employment and training opportunities for Apprentices, Trainees and Graduates across Council. Contained in Enclosure 1 is the Apprentice, Graduate and Trainee Framework.

The key areas of focus in the plan are:

- Increase the number of Apprentice, Trainee and Graduate positions at Council by twelve (12) over a period of five (5) years.
- Review Council's workforce needs to determine the requirements for apprentices, trainees and graduates across the organisation.
- Develop and Implement a Mentoring Program to support apprentices, trainees and graduates undertaking their study and employment with Council.
- Actively promote opportunities for Apprentices, Trainees and Graduates across the community and education facilities.
- Review and update Council's Protocols, Procedures and Plans to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants, participating in our workplace.

### **OPTIONS**

Nil

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General Manager's Unit



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## **CONSULTATION**

Executive Leadership Team  
Management Team  
Cessnock City Council Consultative Committee  
Human Resource Team

## **STRATEGIC LINKS**

### **a. Delivery Program**

Completion of the Apprentice, Graduate and Trainee Framework is an action contained within the 2017 – 2021 Workforce Plan and within the 2019/20 Operational Plan.

### **b. Other Plans**

Reconciliation Action Plan

## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

Recruitment and Selection Protocol – An internal staff Protocol which sets out Council's requirements for merit based recruitment process.

### **b. Financial Implications**

The actions contained within the Apprentice, Graduate and Trainee Framework will be resourced within existing operational budgets.

### **c. Legislative Implications**

Nil

### **d. Risk Implications**

Nil

### **e. Environmental Implications**

Nil

### **f. Other Implications**

Nil

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Report No. GMU20/2020  
General Manager's Unit


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### ***CONCLUSION***

This report provides detailed information with regards to Council's Apprentice, Graduate and Trainee Framework.

### ***ENCLOSURES***

- [1](#)  Apprentice, Trainee and Graduate Framework



**Apprentice,  
Trainee  
& Graduate  
Framework  
July 2020 -  
June 2025**

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## ACKNOWLEDGEMENT OF COUNTRY

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Cessnock City Council acknowledges that within its local government area boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

# Our Vision

Cessnock City Council is committed to providing employment and training opportunities to apprentices, trainees and graduates across various functions of Council. We aim to offer our apprentices, trainees and graduates a dynamic work environment, on-going professional development, and a supportive on-the-job learning environment.

These positions are designed to provide the skills and knowledge necessary to successfully complete all aspects of their employment contract and associated studies.

Council aims to increase apprentice, trainee and graduate positions by four within the first year and an additional two every year following for the duration of the framework, totalling 12 new positions over the five year period.

The apprentice, trainee and graduate framework has been developed to support the management of these employees to ensure that the experience is of value to both Council and the employee. Council will ensure that all training and development for all apprentices, trainees and graduates will be encouraged and supported throughout their employment.

At Council, we strive to ensure that the entire life cycle of employment is meaningful, fulfilling and enjoyable for the student which ensures they gain a solid foundation for their future career.

At Council, our success is built by our people and core values. Our values reflect who we are as individuals and as an organisation, and we are committed to recruiting new employees who embody our values.

We offer direct connection to the community, providing opportunities to inspire growth and sustainability in our diverse region.

We are committed to providing these employment programs to people within the community, to assist them in gaining a formal qualification in their area of interest and develop their career path, whilst also building our workforce capabilities.



# Our Values & Behaviours



# Employment Programs

There are two distinct pathways offered within Council which are:

- Australian Apprenticeship Network Framework
- Graduate / Cadetship

## Australian Apprenticeship Network Framework

Australian Apprenticeships offer opportunities to train, study and earn an income at a variety of qualification levels in most occupations including traditional trades. An Australian Apprenticeship combines time at work with on-the-job training and study through a variety of providers in order to complete their chosen qualification. Upon completion, the employee will have a nationally recognised qualification.

Australian Apprenticeships may attract government funding which means that each apprentice and trainee is required to be registered with the Department of Industry and an Apprenticeship Network Provider who manage the funding process and training contact for employers.

There are three types of positions offered under this program:

## **Apprenticeship**

Council generally offers apprenticeships in traditional trade based roles such as Plumbers, Carpenters, Painters, Gardeners, etc.

Apprentices are employed on a fixed term contract of four years. Their employment consists of the first three years of formal study and on the job training, and the last year of full-time on-the-job training.

Study for apprenticeships is generally conducted face-to-face, through TAFE NSW.

## **Traineeship**

Council offers traineeships in a range of non-trade specific roles such as administration, finance and information technology.

Trainees are employed on a fixed term contract of up to two years, depending on the course being undertaken. Trainees are required to complete formal studies, whilst also working full time.

Study for traineeships is typically through an online forum and may be undertaken through a variety of providers, including TAFE NSW.

## **School-Based Traineeship**

School-Based Traineeships are offered to students who are still at school and enrolled in the Higher School Certificate. School-Based Trainees are employed on a two year contract. Traineeships commence at the beginning of Year 11 and are completed by the end of Year 12.

School-Based Trainees are required to undertake at a minimum Certificate II Australian Qualifications Framework (AQF) qualification for traineeship level.

School-Based Trainees are required to work one day a week during the school term at Council and may work additional days through school holidays to reach the minimum requirement of 700 hours / 100 days of employment over the term of the contract.

Study for School-Based Traineeships is typically offered via online forums.





# Employment Programs

## Graduate / Cadetship

Graduates / cadets are not covered under the Australian Apprenticeship Framework. Graduates / cadets are required to complete University study at an Undergraduate level, whilst also working at Council.

Graduates / cadets are employed on a fixed term contract. The employment contracts vary depending on the circumstances of the individual, but are generally two to five years in length.

Graduates / cadets are employed in a range of professional areas, depending on their specific area of study and expertise and are typically employed in areas such as Engineering, Building, and Environmental Health.



# Vacancies & Recruitment

Each year Council will review its workforce needs to determine the requirements for apprentices, trainees and graduates within the organisation. Positions identified for this program may vary from year to year depending on the operational requirements, workforce shortages and critical roles.

Vacancies for these positions are advertised between August and December each year, ready to commence in January the following year.

A merit-based recruitment process is followed for all apprenticeship, traineeship and cadetship positions at Council. When a position is advertised, candidates will be required to apply for the position answering selection criteria relevant to the position being applied for.

Should the application be shortlisted, candidates may be invited to attend an interview and undergo pre-employment checks. Successful candidates will generally commence in January / February of the following year.

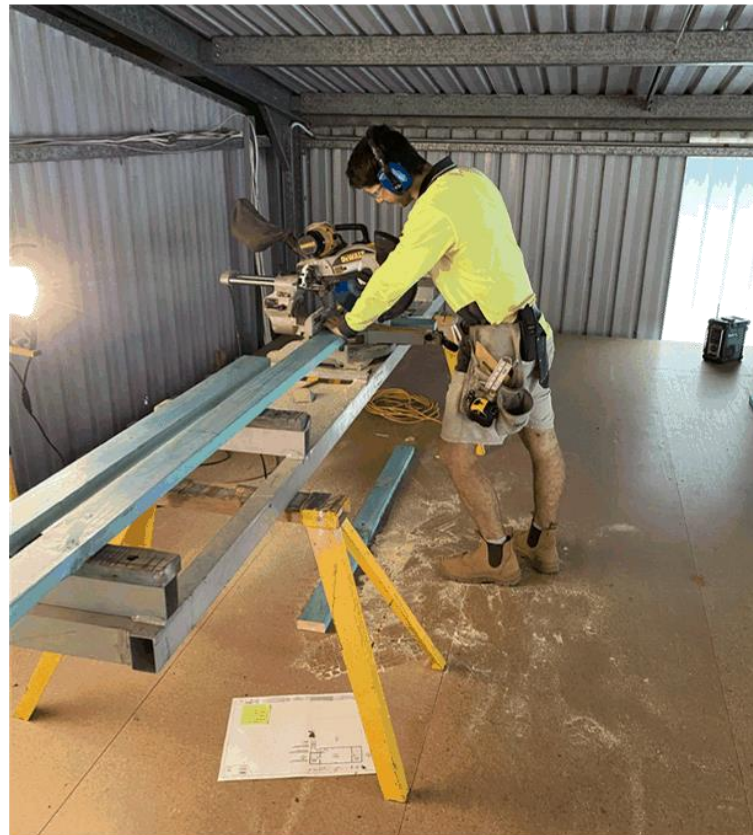


# Aligning Our Mission

The Apprentice, Trainee and Graduate Framework has been created to deliver actions within the Workforce Plan and corresponding objectives to increase the number of employees within these areas and better manage the entire program.

The Apprentice, Trainee and Graduate Framework also aligns to the following pieces of state legislation applicable to Council as well as Council's industrial and operational instruments.

- NSW Apprenticeship and Traineeship Act 2001
- Local Government (State) Award NSW 2017
- Cessnock City Council Enterprise Agreement 2018
- Cessnock City Council Code of Conduct
- Cessnock City Council Learning and Development Protocol
- Cessnock City Council Recruitment and Selection Protocol
- Cessnock City Council Reconciliation Action Plan
- Cessnock City Council Disability Inclusion Action Plan
- Cessnock City Council Equal Employment Opportunity Management Plan 2020 – 2024
- Cessnock City Council Diversity Plan



# Delivery Plan

CCC Strategies	Performance Indicators	Responsibility	Target
Consultation with internal stakeholders	Conduct consultation with internal stakeholders to determine requirements for positions within this framework.	Organisational Development	Ongoing
Consultation with external stakeholders	Conduct consultation with external stakeholders to determine current market gaps and demand for specific roles within the local area and wider region.	Organisational Development	Ongoing
Support current employees	Actively support employees currently employed in apprentice, trainee and graduate positions to ensure ongoing success and completion of qualification and on-the-job training.	Organisational Development Direct Supervisor / Manager	Ongoing
Develop supporting documentation	Develop documentation and programs to support the delivery of this framework.	Organisational Development	June 2021
Develop and Implement a Mentoring Program	Develop and implement a mentoring program to support apprentices, trainees and graduates undertaking their study and employment with Council.	Organisational Development	June 2021
Advertise and recruit vacancies	Follow Recruitment and Selection Protocol to advertise and recruit positions that are vacant to ensure they are filled with the right candidate.	Recruitment & Selection Organisational Development Direct Supervisor / Manager	Ongoing
Promote opportunities within community and educational facilities	Actively participate in external opportunities to represent Council at careers expos, University and TAFE open days and school visits to promote working at Council.	Recruitment & Selection Organisational Development	Ongoing
Deliver Reconciliation Action Plan (RAP)	Review and update Protocols, Procedures and Plans to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants, participating in our workplace.  Continue to report on the progress of the Reconciliation Action Plan to ELT. Review and modify the RAP when necessary.	Organisational Development Recruitment & Selection Corporate & Community	June 2025



# Testimonials



**Name:** Eliza

**Position:** Finance Officer at Cessnock City Council

**Traineeship:** Successfully completed Finance Traineeship in 2019.

"Throughout my traineeship, I was guided with the support and compassion of the Finance Team and the Human Resources team to ensure my needs were met as a trainee. With the support and guidance from Council, I was able to obtain new skills to help progress my career within Council for example, I was able to expand my knowledge not only within the Finance Department, but also with other departments within Council such as Customer Service, Cessnock Performing Arts Centre and the Rates Department."



**Name:** Dale

**Position:** Carpenter at Cessnock City Council

**Apprenticeship:** Successfully completed Carpentry Apprenticeship in 2019.

"I found my Carpentry Apprenticeship through Cessnock City Council extremely rewarding because of the wide range of work we carry out it has taught me a lot of different skills. Working in a team environment with a good bunch of people makes coming to work at Cessnock City Council enjoyable. It has been rewarding completing work in the community I live in."

**Name:** Nicholas

**Position:** IT and Communications School-Based Trainee at Cessnock City Council

**Traineeship:** Currently completing his second and final year of a Certificate III in Information, Communication and Technology

"As a School-Based Trainee, there is multiple opportunities which you can take away. I have developed skills I wouldn't have thought I could without having a job like this. Having a School-Based Traineeship has helped me improve time management skills and has given me a new pathway to look towards in the future. It develops your knowledge of what the workforce will be like after school and has given me a head start in life."

**Name:** Jesse

**Position:** Painter at Cessnock City Council

**Apprenticeship:** Successfully completed Painting Apprenticeship in 2019

"Starting and finishing an apprenticeship was great because it loaded me with skills like working in a team and thinking on your feet. It's always hands on training and it also gives you a thick skin. Getting a trade sets you up for life as it can take you anywhere around the world for work, there's nothing I regret about doing an apprenticeship."





CESSNOCK CITY COUNCIL



62-78 Vincent Street  
Cessnock, NSW  
Australia



Contact:  
tel:0249934300  
tel:0249934100



Online help:  
[council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)  
<http://www.cessnock.nsw.gov.au>

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING  
HELD 28 AUGUST 2020*

**RESPONSIBLE OFFICER:** *Internal Auditor - Arun Varghese*

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**RECOMMENDATION**

That the Minutes of the Audit and Risk Committee Meeting held 28 August 2020 be adopted as a resolution of the Ordinary Council.

***MINUTES OF AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY  
COUNCIL HELD VIA ZOOM ON FRIDAY, 28 AUGUST 2020, COMMENCING AT 9.30AM***

**PRESENT:** Mrs Jennifer Hayes – Independent Chair  
Mayor Pynsent  
Councillor Dunn  
Mr Stephen Coates – Independent Member  
Ms Sheridan Dudley – Independent Member

**IN ATTENDANCE:** Ms Lotta Jackson – General Manager  
Mr Robert Maginnity – Director Corporate & Community Services  
Mr Martin Johnson – Acting Director Planning & Environment  
(Strategic Planning Manager)  
Ms Katrina Kerr – Acting Director Works & Infrastructure  
(Infrastructure Manager)  
Mr Andrew Glauser, Finance & Administration Manager  
Ms Darrylen Allan – Human Resources Manager  
Mr Arun Varghese – Internal Auditor  
Mr Wayne Russell – External Auditor – Pitcher Partners  
Mrs Linda Lewis – Minute Taker

**INVITEES:** Mr Paul Grosbernd – Management Accountant  
Ms Catherine Bradley – Infrastructure Accountant  
Mr Wayne Reid – Business Partner and Service Accountant  
Mr Manav Sharma – Financial Accountant  
Mr Robert Wilson – Financial Accountant  
Ms Teresa Chadwick – Governance Co-ordinator  
Ms Esma Eftimova – Senior Legal and Governance Officer  
Mr Iain Rush – Acting Strategic Planning Manager  
Ms Emma McDermott – Acting Principal Strategic Planner  
Ms Alison Chisholm – Community Engagement Officer

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



## **APOLOGIES**

Furqan Yousuf – External Auditor - Audit Office of NSW

## **ACKNOWLEDGEMENT OF COUNTRY**

The Chair delivered an Acknowledgement of Country.

## **CONFIRMATION OF MINUTES**

### **MINUTES:**

### **MOTION**

**Moved:** Sheridan Dudley  
**Seconded:** Stephen Coates

**RESOLVED** that the Minutes of the Audit & Risk Committee held on 12 May 2020, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI3/2020**

**SUBJECT: DISCLOSURES OF INTEREST**

Nil

## **BUSINESS ARISING FROM THE MINUTES**

**SUBJECT: BUSINESS ARISING FROM THE PREVIOUS MINUTES AND RESOLUTIONS OUTSTANDING**

That the Audit and Risk Committee take the Resolutions and Actions from previous Audit and Risk Committee meetings as noted.

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. ACCLM13/2020**

**SUBJECT:** 2019-20 INTERIM MANAGEMENT LETTER

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Mayor Pynsent

#### **RESOLVED**

1. That the Audit and Risk Committee notes the receipt of the Interim Management Letter from the Audit Office of NSW and Management Responses to the issues raised.
2. That the Audit and Risk Committee notes the assessment of the matters by the Audit Office of NSW.

Matter	Likelihood	Consequence	Risk
Comprehensive revaluation of Council's infrastructure assets not performed before year-end	Likely	Medium	Moderate
Accounts payable Masterfile maintenance	Likely	Medium	Moderate
Lack of assessment for the new accounting standards	Likely	Low	Low
Independent review of key account reconciliations	Likely	Low	Low

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM14/2020***

***SUBJECT: DRAFT ANNUAL FINANCIAL STATEMENTS 2019-20***

***MOTION***      ***Moved:*** Jennifer Hayes      ***Seconded:*** Stephen Coates

***RESOLVED***

1. That the Audit and Risk Committee recommend to Council that the financial statements are formally referred for external audit.
2. That the Audit and Risk Committee congratulate Management and Council for a positive financial result and clean interim audit

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM15/2020***

***SUBJECT: FRAUD CONTROL AND CORRUPTION PREVENTION POLICY***

***MOTION***      ***Moved:*** Jennifer Hayes      ***Seconded:*** Mayor Pynsent

***RESOLVED***

That the Audit and Risk Committee notes the adopted Fraud Control and Corruption Prevention Policy.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM16/2020***

***SUBJECT:     PRIVACY MANAGEMENT PLAN 2020***

***MOTION           Moved:     Sheridan Dudley           Seconded:   Mayor Pynsent***

***RESOLVED***

***That the Audit and Risk Committee notes the Privacy Management Plan 2020.***

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM17/2020***

***SUBJECT:     INFORMATION AND PRIVACY COMMISSION'S - INFORMATION  
ACCESS AGENCY SELF-ASSESSMENT TOOL***

***MOTION           Moved:     Jennifer Hayes           Seconded:   Sheridan Dudley***

***RESOLVED***

***That the Audit and Risk Committee notes the results of the *IPC's Information Access Agency Self-Assessment Tool* and the proposed actions to address identified gaps.***

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM18/2020**

**SUBJECT: CESSNOCK LOCAL STRATEGIC PLANNING STATEMENT 2036**

**MOTION**      **Moved:** Sheridan Dudley      **Seconded:** Stephen Coates

**RESOLVED**

That the Committee notes the information contained within this Report.

**CARRIED UNANIMOUSLY**

Wayne Russell – Pitcher Partners left the Zoom Meeting at 11.25am.

**LISTED MATTERS - COMMITTEE NO. ACCLM19/2020**

**SUBJECT: STRATEGIC RISK UPDATE**

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Stephen Coates

**RESOLVED**

1. That the Audit and Risk Committee note the Strategic Risk Register.
2. That the Audit and Risk Committee note the Risk Management Policy Statement was adopted by Council on 17 June 2020.
3. That the Audit and Risk Committee note the Work Health and Safety Policy Statement was adopted by Council on 17 June 2020.
4. That a further report be presented to the Audit and Risk Committee in November 2020 on the periodic review of the Enterprise Risk Framework and the associated Operational/Enterprise Risk Register.

**CARRIED UNANIMOUSLY**



General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM20/2020**

**SUBJECT: STRATEGIC INTERNAL AUDIT PLAN 2020 - 23**

**MOTION**      **Moved:** Stephen Coates      **Seconded:** Sheridan Dudley

**RESOLVED**

That the Audit and Risk Committee endorses the revised Strategic Internal Audit Plan 2020-23.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM21/2020**

**SUBJECT: INTERNAL AUDIT REPORT AUGUST 2020**

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Sheridan Dudley

**RESOLVED**

1. That the Audit and Risk Committee notes the Internal Audit Report for August 2020.
2. That the Audit and Risk Committee notes the status of outstanding management action plans with four actions overdue and two actions not yet due for implementation.
3. *The Audit & Risk Committee endorse not progressing the three identified Audits being, Customer Satisfaction, Sustainability of Grants and Non-Rate Income Streams and Asset Accounting as originally scoped and that management provides an update to the November 2020 Audit & Risk Committee Meeting on the individual components to be addressed in future audit plans.*

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU21/2020  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM22/2020**

**SUBJECT: PROMOTING BETTER PRACTICE PROGRAM – SELF ASSESSMENT CHECKLIST**

**MOTION**      **Moved:** Mayor Pynsent      **Seconded:** Jennifer Hayes

**RESOLVED**

1. That the Audit and Risk Committee notes the results of the Office of Local Government's Promoting Better Practice Program – Self Assessment Checklist – Module 1 Strategic Planning and Module 3 Planning and Regulatory, with Council meeting 72 of the 77 requirements outlined achieving over 93% compliance.
2. That the Audit and Risk Committee notes the five areas identified for improvement and the agreed actions.

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE**

Nil

*The Meeting was Declared Closed at 12.27pm*

**PRESENTATION**

Community Engagement – Citizen and Local Democracy	Community Engagement Officer – Alison Chisholm	Presentation only (10 minutes)
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*The Presentation was finalised at 12.59pm*

**ENCLOSURES**

There are no enclosures for this report.

Planning and Environment

Report No. PE32/2020

Planning and Environment



**SUBJECT:** *DEVELOPMENT APPLICATION NO. 8/2020/46/1  
PROPOSING:  
PHASE 1: DEMOLITION OF EXISTING STRUCTURES AND ONE (1) INTO SIX (6) LOT TORRENS TITLE SUBDIVISION  
PHASE 2: CONSTRUCTION OF SEMI-DETACHED DWELLINGS ON LOTS 5 AND 6  
PHASE 3: CONSTRUCTION OF SEMI-DETACHED DWELLINGS ON LOTS 3 AND 4  
PHASE 4: CONSTRUCTION OF SEMI-DETACHED DWELLINGS ON LOTS 1 AND 2  
  
69 HIGH STREET, GRETA*

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

<b>APPLICATION NUMBER:</b>	8/2020/46/1
<b>PROPOSAL:</b>	Development comprising four (4) phases, as follows: Phase 1: demolition of existing structures and one (1) into six (6) lot torrens title subdivision Phase 2: construction of semi-detached dwellings on lots 5 and 6 Phase 3: construction of semi-detached dwellings on lots 3 and 4 Phase 4: construction of semi-detached dwellings on lots 1 and 2
<b>PROPERTY DESCRIPTION:</b>	Lot 1; DP 1130845
<b>PROPERTY ADDRESS:</b>	69 High Street, Greta
<b>ZONE:</b>	R2 – Low Density Residential
<b>OWNER:</b>	Mr N C Bolam & Ms N L Waeger
<b>APPLICANT:</b>	Complete Planning Solutions

## RECOMMENDATION

1. That:
  - (i) Development Application No. 8/2020/46/1 proposing a four (4) phase development at 69 High Street, Greta, as described above, 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:
- The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone of the *Cessnock Local Environmental Plan 2011*
  - The development is contrary to the development standards prescribed in Clause 4.1 – Minimum Subdivision Lot Size of *Cessnock Local Environmental Plan 2011*
  - The development is contrary to the provisions of Chapter D.1 – Subdivision Guidelines of Cessnock Development Control Plan 2010
  - The development is contrary to the provisions of Chapter D.2 – Urban Housing of Cessnock Development Control Plan 2010
  - The proposal is considered to be an over-development of the subject site
  - The subject site is not considered suitable for the proposed development
  - The proposed development is not in 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

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Development Application No. 8/2020/46/1 is being referred to Council for determination as the Application is recommended for refusal, and the refusal is considered to be merits-based.

## EXECUTIVE SUMMARY

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Council is in receipt of Development Application No. 8/2020/46/1, seeking approval for a development comprising four (4) phases, as follows:

Phase 1: demolition of existing structures and one (1) into six (6) lot torrens title subdivision,  
Phase 2: construction of semi-detached dwellings on lots 5 and 6,  
Phase 3: construction of semi-detached dwellings on lots 3 and 4,  
Phase 4: construction of semi-detached dwellings on lots 1 and 2,

at 69 High Street, Greta.

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.

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

The application was initially lodged proposing the subdivision of the site into three (3) lots (each with an area of approximately 464m<sup>2</sup>), the erection of a dual occupancy development on each of the proposed lots and further strata subdivision. However, following the introduction of Clause 4.1D of the *Cessnock Local Environmental Plan 2011*, which prescribes a minimum lot size of 600m<sup>2</sup> for a dual occupancy, the applicant opted not to proceed with the application as initially lodged. Instead, the application was amended to propose semi-detached dwellings as the provisions of Clause 4.1D do not apply to semi-detached dwellings. Notwithstanding, a significant variation is proposed in association with Clause 4.1 of the *Cessnock Local Environmental Plan 2011*, which relates to minimum lot size. In this regard, a minimum lot size of 450m<sup>2</sup> is required for each lot proposed to be created, however, in this case, the applicant has proposed to create a total of six (6) lots, with approximate areas of 232m<sup>2</sup> and 233m<sup>2</sup>, thereby representing a variation of 48.3% and 48.5%, respectively.

It is noted that the proposal will result in a significant increase in residential density on the subject site, and it is considered that such increase will contravene the objectives of the R2 low density residential zone, as prescribed in the *Cessnock Local Environmental Plan 2011*.

In consideration of the above, the proposed development is not considered appropriate given the degree of variation from the development standard relating to minimum lot size, as prescribed in the *Cessnock Local Environmental Plan 2011*.

The proposed development requires significant variations to a number of planning controls prescribed within Cessnock Development Control Plan 2010, including variations to the lot width of newly created lots at the building line, and front setback requirements. It is further considered that the proposed setbacks, scale and massing of the proposed development are unsympathetic to the established character of residential development within Greta, and will detract from the grandeur of the adjoining heritage item (known as the former Masonic Hall), which is located to the south-east of the subject site.

In addition, due to the established road widths surrounding the subject site (Scott and Bellby Streets), it has been determined that significant traffic changes would be required to be established, which are outside the authority of Council.

In summary, the application is contrary to the provisions of both *Cessnock Local Environmental Plan 2011*, and the Cessnock Development Control Plan 2010, and on this basis, it is recommended that the Development Application be refused subject to the reasons for refusal included in this report.

## LOCATION MAP





## AERIAL



## SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 69 High Street Greta, and is legally described as Lot 1, Deposited Plan 1130845.

The subject site is located on the north-eastern side of High Street, and has frontages to High Street, Scott Street and Bellby Street. The site has a frontage of 27.735m to High Street and Scott Street, a frontage of 50.29m to Bellby Street, and an overall site area of 1394.79m<sup>2</sup>. Vehicular access to the site is available from the Bellby Street frontage, however there is no formed vehicle crossing within the road verge.

The subject site is currently occupied by a single-storey weatherboard clad dwelling and ancillary structures, including fibro shed, and sheet metal and timber framed storage/animal shelter structures.

The surrounding properties are characterised by single-storey dwellings predominantly constructed from weatherboard and/or brick veneer. The adjoining property contains the local heritage item known as 'Greta Masonic Hall' (former). The property is located on the edge of the Heritage Conservation area of Greta's High Street.

High Street consists of 'Greta Median Strip Park' which contains sandstone kerb and guttering (located on the High Street frontage) of the subject site, horse trough, and a number of memorials. The south western side of High Street (New England Highway) contains neighbourhood shops.

There are no recent development consents issued in relation to the property.

## HISTORY

The following table summarises:

- the history of the amendment to the *Cessnock Local Environmental Plan 2011* in respect of dual occupancy developments; and
- the subject Development Application.

Date	Action
20 February 2019	<p>Council resolved to facilitate a Planning Proposal to amend <i>Cessnock Local Environmental Plan 2011</i> (known as Amendment No. 32), to introduce a minimum lot size for new dual occupancy development in the R2 – Low Density Residential zone, to ensure the zone objective of providing '<i>for the housing needs of the community within a low density residential environment</i>', was maintained.</p> <p>Council resolved to prevent variations to the minimum lot size for dual occupancy in the R2 – Low Density Residential zone by referencing the new clause in 4.6(8) of the CLEP 2011. This was undertaken to ensure that no dual occupancies could be created on lots of less than 600m<sup>2</sup> in area.</p>



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17 January 2020	<p>Development Application received via NSW Planning Portal for review, proposing:</p> <p>Torrens title subdivision of one (1) lot into three (3) lots and the construction of three (3) dual occupancies (one on each newly created lot), thereby resulting in a total of six (6) dwellings.</p>
22 January 2020	<p>Council advises the applicant of the abovementioned DA of the imminence of proposed Amendment No. 32 to <i>Cessnock Local Environmental Plan 2011</i>. Applicant was advised that the amendment had been publicly exhibited between April – May 2019.</p> <p>Under Clause 4.15(1)(a)(ii) of the <i>Environmental Planning and Assessment Act 1979</i>, a consent authority in determining a development application is required to take into consideration among other matters:-</p> <p><i>“(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 “</i></p> <p>The applicant was advised that the DA was unable to be supported because of the imminence of Amendment No. 32, and it was therefore recommended that the applicant not proceed with lodgement of the DA.</p>
28 January 2020	<p>Development Application lodged, as proposed on 17 January 2020, i.e., Torrens title subdivision of one (1) lot into three (3) lots and the construction of three (3) dual occupancies (one on each newly created lot), thereby resulting in a total of six (6) dwellings.</p>
31 January 2020	<p>Development Application assigned to assessment officer.</p>
4 February 2020	<p>Assessment officer contacted the applicant to:</p> <ul style="list-style-type: none"> <li>• request additional information which was submitted the same day (subdivision and stormwater plans); and</li> <li>• raise concern regarding the imminence of Amendment No. 32 to CLEP and the implications of such amendment on the application submitted;</li> <li>• raise concern regarding proposed setbacks and streetscape appearance.</li> </ul>

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13 February 2020	<p>Meeting held at Council offices with the applicant, owner and architect, along with Council's Development Services Team Leader and Senior Planning Assessment Officer, to discuss ongoing concerns with the application.</p> <p>Specifically, the meeting was held to discuss Amendment No. 32 to CLEP 2011 which had been gazetted on 7 February 2020. The applicant was advised that determinative weight would be given to Amendment No, 32 as it was imminent and certain at the time the DA was lodged, and had since been gazetted.</p> <p>Additional matters pertaining to heritage and stormwater, were also discussed.</p>
18 February 2020	<p>Correspondence sent to applicant by Senior Planning Assessment Officer confirming the outcomes of the meeting held 13 February 2020:</p> <ul style="list-style-type: none"><li>• Independent legal/planning opinion to be sought by the applicant, with an indication to Council within 14 days as to how the application is to proceed.</li><li>• Provided general advice confirming the nature of additional information to be submitted, to include information related to design considerations and additional civil designs for the staging of the development.</li></ul>
21 February 2020	<p>Correspondence sent to applicant by Development Services Team Leader confirming that a legal opinion is to be sought by the applicant prior to any further time being spent on detailed assessment or amendments to plans.</p>
10 March 2020	<p>Correspondence received from the applicant requesting update regarding the semi-detached dwelling proposal.</p>

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19 March 2020	<p>Correspondence sent to applicant in response to e-mail dated 10 March 2020. In response to the applicant's proposal to amend the DA to incorporate 'semi-detached dwellings', Council advises:</p> <ul style="list-style-type: none"> <li>• A semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.</li> <li>• Each of those dwellings which form a semi-detached dwelling will be required to be located on a lot which meets the minimum lot size for a dwelling, in this instance 450m<sup>2</sup>.</li> <li>• Having regard for the subject land this would require a variation in the order of approximately 50% to this standard, which is unlikely to be supported by Council.</li> </ul> <p>The following options are considered to be appropriate for the site in consideration of the above:</p> <ul style="list-style-type: none"> <li>• The subject land be subdivided to create two lots in excess of 600m<sup>2</sup> each, with a dual occupancy proposed on each lot. Each dual occupancy could be further subdivided, resulting in a total of four (4) lots; or</li> <li>• Subdivision of the subject land into three lots on which a dwelling and secondary dwelling could be erected. These could not be subdivided any further; or</li> <li>• Subdivision of the subject land into three lots, and erection of a dwelling on each of the lots.</li> </ul>
23 March 2020	<p>Correspondence sent to applicant by Development Services Team Leader, in which the applicant is advised that an amended application would not be accepted under the provisions of Clause 55 of the <i>Environmental Planning and Assessment Regulation 2000</i>. In this regard, any new proposal would be substantially different to the one initially lodged with Council, and therefore, the current DA should be withdrawn and a new DA lodged.</p>
6 April 2020	<p>Correspondence sent to the applicant requesting an update regarding the applicant's intentions with respect to the DA.</p>
15 April 2020	<p>Correspondence received from the applicant that, following advice from Director of Planning and Environment, the application will be amended.</p>

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22 April 2020	<p>Correspondence sent to applicant by Senior Planning Assessment Officer, again outlining concerns regarding the characterisation of the proposed amendment, and the applicant's intentions to utilise a change in characterisation to circumvent the issues relating to permissibility of dual occupancies given the recent LEP amendment on 7 February 2020.</p> <p>Concern was raised regarding extent of variation which would be required. Council officers advise that it is at Council's discretion as to whether an amendment to the application would be accepted. The applicant is afforded an opportunity for a teleconference to be held with Council's Development Services Manager, Development Services Team Leader and Senior Planning Assessment Officer to discuss the contents of the correspondence and any additional matters.</p> <p>Correspondence received from applicant advising that, following advice from a solicitor and Council's Director of Planning and Environment, the process of amending the documentation for a change in classification of the development had been initiated.</p>
23 April 2020	Correspondence sent to the applicant by Senior Planning Assessment Officer advising Council officers would like to proceed with previously proposed teleconference to discuss the application.
23 April 2020	Applicant contacted Senior Planning Assessment Officer via telephone to advise that they would be lodging the amended Development Application documentation the following day. The Applicant advised they did not wish to withdraw the application as the fact that it was lodged prior to the 7 February (LEP Amendment date), formed part of their argument for the amended application.
24 April 2020	Correspondence received from applicant advising of lodgement of amended Development Application.
28 April 2020	Correspondence received from applicant outlining their agreement to participate in the teleconference with the Development Services Manager, Development Services Team Leader and Senior Planning Assessment Officer.
30 April 2020	<p>Teleconference held with Development Services Manager, Development Services Team Leader, Senior Planning Assessment Officer, applicant and owner to discuss the amended application.</p> <p>The applicant and owner were advised of ongoing concerns with respect to the application, and Council staff confirmed it was likely that the DA would be recommended for refusal based on issues identified.</p> <p>Council's Development Services Manager also outlined that the amended application would be assessed and determined based on the information submitted, and additional opportunities to make amendments would not be afforded to ensure that further monetary expenditure did not occur when such a significant planning issue remained unresolved.</p>

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4 May 2020	Correspondence sent to the applicant by Senior Planning Assessment Officer, confirming the matters raised in the teleconference held on the 30 April 2020. Confirmation requested with respect to the proposed phasing of the development.
5 May 2020	Correspondence received from applicant advising of the proposed amended phasing.
6 May 2020	Correspondence received from applicant advising that amended BASIX certificates are not required for the amended application.
July/August 2020	Assessment of application completed and Council report drafted.

## DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2020/46/1 seeks approval for a development comprising four (4) phases, as follows:

Phase 1: demolition of existing structures and one (1) into six (6) lot torrens title subdivision,  
Phase 2: construction of semi-detached dwellings on lots 5 and 6,  
Phase 3: construction of semi-detached dwellings on lots 3 and 4,  
Phase 4: construction of semi-detached dwellings on lots 1 and 2,

## 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 Building Sustainability Index (BASIX) 2004*
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***

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.

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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 residential accommodation.

No evidence of contamination was observed during inspection of the site. As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

In summary, it is considered that the provisions of Clause 7(1) have been satisfied, and that the site is suitable for the purpose (residential development), proposed.

**2. State Environmental Planning Policy Building Sustainability Index (BASIX) 2004**

The aim of this policy is to encourage sustainable residential development. BASIX certificates have been submitted as part of this application. The certificate numbers for each proposed phase containing residential development, are:

- Phase 2: 1055363M
- Phase 3: 1055935M
- Phase 4: 1055938M

Each certificate meets the requirements in regards to water, thermal comfort and energy.

Provided the development is undertaken in accordance with the certificates, the resultant development will be consistent with the requirements of the SEPP.

**3. Cessnock Local Environmental Plan 2011**

**1.8A Savings provision relating to development applications**

The savings provision provided by Clause 1.8A applies to the initial adoption of the *Cessnock Local Environmental Plan 2011*, and does not apply to any subsequent amendments made to the *Cessnock Local Environmental Plan 2011*.

**3.1 Permissibility**

The subject site is zoned R2 – Low Density Residential under the provisions of the *Cessnock Local Environmental Plan (CLEP) 2011*.

The proposed development is categorised as ‘subdivision’ and construction of ‘semi-detached dwellings’ under CLEP 2011, which are defined as follows:

**Subdivision**

Phase 1 of 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:

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*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.

***Semi-detached dwelling***

The CLEP 2011, defines 'semi-detached dwelling' as:

*'means a dwelling that is on its own lot of land and is attached to only one other dwelling'.*

*Note: Semi-detached dwellings are a type of residential accommodation*

The development satisfies the above definition, as each lot created under Phase 1 of the proposal will contain one (1) dwelling, which is proposed to be connected to only one (1) other dwelling.

Development for the purpose of 'semi-detached dwellings' is a permitted land use in the R2 – Low Density Residential zone.

**3.2 Objectives**

The objectives of the R2 – Low Density Residential zone are as follows:

*'To provide for the housing needs of the community within a low density residential environment'*

It is considered that the proposed development is inconsistent with this objective as the scale of the development proposed represents an outcome that is more suited to a medium density residential zone/environment.

Additionally, the proposed built form is uncharacteristic of the surrounding low density residential character of Greta, which consists predominantly of single-storey and low scale dwellings and buildings.

*'To enable other land uses that provide facilities or services to meet the day to day needs of residents'*

This objective is not considered relevant, as the development does not propose 'other land uses' (i.e., other than residential).

**3.3 Relevant Clauses**

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

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**Clause 2.7 – Demolition Requires Development Consent**

Clause 2.7 states as follows:

*'The demolition of a building or work may be carried out only with development consent.'*

The application includes the demolition of relevant structures to enable the site to be developed for the purpose sought. Accordingly, it is considered that the proposed development is consistent with the provisions of Clause 2.7.

**Clause 4.1 Minimum Subdivision Lot Size**

In part, Clause 4.1 states as follows:

*'(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'.*

In accordance with the Lot Size Map, the minimum lot size required is identified as being 450m<sup>2</sup>.

In conjunction with Phase 1, the application proposes the creation of six (6) lots of the following sizes:

- Proposed Lot 1 – 233m<sup>2</sup>
- Proposed Lot 2 – 232m<sup>2</sup>
- Proposed Lot 3 – 233m<sup>2</sup>
- Proposed Lot 4 – 232m<sup>2</sup>
- Proposed Lot 5 – 233m<sup>2</sup>
- Proposed Lot 6 – 232m<sup>2</sup>

Each proposed lot results in a significant variation to the requirements of Clause 4.1. The proposed variations range between 48.3% and 48.5%.

**Clause 4.6 – Exceptions to Development Standards**

In part, Clause 4.6 states as follows:

- '(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—*



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- (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'*

Clause 4.6 outlines the process under which an applicant can apply to Council to vary a development standard, along with the matters that Council is required to consider in determining whether to grant a variation.

Under Clause 64 of the *Environmental Planning and Assessment Regulation 2000*, and Planning Circular No. PS 20-002 (dated 5 May 2020), the Secretary of the Department of Planning, Industry and Environment has provided written notification of their assumed concurrence to Councils for exceptions to development standards in respect to applications made under Clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006*.

To summarise the provisions, it is noted that all consent authorities (i.e., Council), may assume the Secretary's concurrence under Clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, with the exception of lot size standards for dwellings in rural areas. As the proposal the subject of this application seeks to vary a development standard relating to subdivision in the R2 Low Density Residential zone, Council may assume the Secretary's concurrence.

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Notwithstanding the above, because the variation to the development standard sought exceeds 10%, a Council (i.e., elected Council), must make the determination rather than a delegate of Council (i.e., assessment officer).

A written request has been submitted by the applicant seeking to vary the development standard prescribed in Clause 4.1 - Minimum Lot Size for Subdivision.

The following table summarises:

- The provision/relevant control;
- The applicant's comments/justification (noted in *italics*, as a direct quote by the applicant); and
- Council's comments/response.

<b>What is the name of the environmental planning instrument that applies to the land?</b>	
Applicant's comments/justification	Council's comments/response
<i>The environmental planning instrument that applies to the land is the Cessnock Local Environmental Plan 2011.</i>	Noted/agreed.
<b>What is the zoning of the land?</b>	
Applicant's comments/justification	Council's comments/response
<i>The subject site is zoned R2 Low Density Residential Zone under the provisions of the Cessnock Local Environmental Plan, 2011.</i>	Noted/agreed.
<b>What are the objectives of the zone?</b>	
Applicant's comments/justification	Council's comments/response
<ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul>	Noted/agreed.
<b>What is the development standard being varied?</b>	
Applicant's comments/justification	Council's comments/response
<i>The applicant is seeking Council's approval for a reduction in required lot size for the purposed of constructing a six (6) semi-detached dwellings. According to Council mapping the minimum lot size for the subject lot is 450m<sup>2</sup>.</i>  <i>The proposed lot sizes are:</i> <i>Lot 1 – 233m<sup>2</sup></i> <i>Lot 2 – 232m<sup>2</sup></i> <i>Lot 3 – 233m<sup>2</sup></i> <i>Lot 4 – 232m<sup>2</sup></i> <i>Lot 5 – 233m<sup>2</sup></i> <i>Lot 6 – 232m<sup>2</sup></i>	Noted, the applicant is requesting a variation to the development standard relating to minimum lot size.

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

Applicant's comments/justification	Council's comments/response
<i>Minimum lot sizes are listed under Clause 4.1 of the Cessnock Local Environmental Plan 2011.</i>	Noted/agreed.

**What are the objectives of the development standard?**
**Applicant's comments/justification**

*The development standard is located under CLEP 2011 Clause 4.1 Minimum Subdivision Lot Size.*

*(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.*

*The proposed lot sizes are appropriate for the R2 Low Density Residential Zone and for the land use, semi-detached dwelling, which is a permitted land use in the zone.*

*Cessnock's adopted City Wide Settlement Strategy 2010 (CWSS2010) refers to residential population growth within Greta.*

*CWSS2010 states that "The settlement areas with the youngest populations (such as Greta/Branxton/East Branxton) also exhibit the lowest percentages of home ownership." From this statement it is concluded that the proposed development will provide much needed diversity in housing stock. It provides diversity in housing for both private and rented markets.*

*Greta is considered to be a growth area. According to CWSS2010 "opportunity for village growth is limited to providing support to redirection of settlement growth into clustered urban area areas and a lifestyle choice for residents". However, the proposed development will provide a lifestyle choice for Greta residents.*

*The Lower Hunter Regional Strategy identifies Greta to be within a growth corridor. As a result, the status of Greta will change. Greta's status in the residential hierarchy will be elevated. The proposed development will contribute to the future positive growth of the town.*

*Cessnock Local Strategic Planning Statement 2020 also refers to providing diversity of housing stock to the Greta area.*

**Council's comments/response**

*The proposed variation to Clause 4.1 of CLEP 2011 would set an undesirable precedence for the creation of lots within the R2 – Low Density Residential zone below the minimum subdivision lot size.*

*The variation to the minimum lot size will result in the creation of six (6) significantly undersized allotments, which due to the phasing of the development, provides no certainty*

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that the development will be completed as proposed. In this regard, Phase 1 of the application proposes the subdivision of the site into six (6) lots. Once those lots are registered, there is no certainty that the remaining phases (Phases 2 – 4), will be completed. Rather, the applicant could register the six (6) lots, and those lots could be sold separately. No ability exists for Council to require the entire development to be completed.

Council resolved on 20 February 2019 to facilitate a Planning Proposal to amend *Cessnock Local Environmental Plan 2011* (known as Amendment No. 32), to introduce a minimum lot size for new dual occupancy development in the R2 – Low Density Residential zone, to ensure the zone objective of providing '*for the housing needs of the community within a low density residential environment*', was maintained.

Council resolved to prevent variations to the minimum lot size for dual occupancy in the R2 – Low Density Residential zone by referencing the new clause in 4.6(8) of the *Cessnock Local Environmental Plan 2011*. This was undertaken to ensure that no dual occupancies could be created on lots of less than 600m<sup>2</sup> in area.

The variation proposed is a significant variation from Council's adopted development standard and should be viewed as an attempt to circumvent the objectives and requirements of Clause 4.1D of the *Cessnock Local Environmental Plan 2011*. Specifically, it is noted that the applicant initially lodged the development application (proposing construction of 3 x dual occupancies, on lots proposed to be below 600m<sup>2</sup>), 10 days prior to Amendment No. 32 being gazetted after a Planning Proposal process which had been ongoing since 20 February 2019.

The *Cessnock City Wide Settlement Strategy 2010* was adopted by Council in September 2010. With the village status of Greta determined to no longer be appropriate in the identified settlement hierarchy, Greta was elevated to residential status within the hierarchy through re-zoning to low density residential land, being to permit only single dwelling and dual occupancy development on a single residential lot. The development proposed resembles medium density development, rather than low density, residential accommodation. Such proposal is considered to be out of character with the township of Greta.

In addition to the above, Greta is not identified within the *Cessnock Local Strategic Planning Statement 2036* adopted by Council on 17 June 2020, as a centre for medium density residential development.

The proposed percentage variation to the development standard relating to minimum lot size, is between 48.3% and 48.5%. The variation is significant and contrary to the objectives for low density residential development under the planning instrument.

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

Applicant's comments/justification	Council's comments/response
According to <i>Cessnock Local Environmental Plan 2011</i> the minimum subdivision lot size for a lot on land identified as "G" is 450m <sup>2</sup> .	Noted/agreed.

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

Applicant's comments/justification	Council's comments/response
<p>The proposed lot sizes are:</p> <p>Lot 1 – 233m<sup>2</sup>            Lot 2 – 232m<sup>2</sup>            Lot 3 – 233m<sup>2</sup>            Lot 4 – 232m<sup>2</sup>            Lot 5 – 233m<sup>2</sup>            Lot 6 – 232m<sup>2</sup></p>	Noted/agreed.

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

Applicant's comments/justification	Council's comments/response
<p>The proposed lot sizes are:</p> <p>Lot 1 – 233m<sup>2</sup>            Lot 2 – 232m<sup>2</sup>            Lot 3 – 233m<sup>2</sup>            Lot 4 – 232m<sup>2</sup>            Lot 5 – 233m<sup>2</sup>            Lot 6 – 232m<sup>2</sup></p> <p>The percentage variation between the proposed lot size and that recommended in the CLEP 2011 is approximately 48%.</p>	<p>Noted.</p> <p>The proposed variations range between 48.3% and 48.5%.</p>

**How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

Applicant's comments/justification
<p>Proposed Lots 1 to 6 do not meet Council's minimum lot size requirement. The compliance of meeting Council's minimum lot size in this instance is deemed unreasonable and unnecessary.</p> <p>Strict compliance with the development standard would not allow the proposed development to proceed. The original DA submitted to Council for a one (1) into three (3) Torrens title Subdivision, construction of dual occupancy on each newly created lot and strata subdivision was a permissible use of the land at the time of submission. Changes to the LEP voided the permissibility of the original DA. Legal advice was sort and from that advice it was decided to change of classification to one (1) into six (6) Torrens Title Subdivision and construction of semi-detached dwelling on each newly created lot.</p> <p>The strict compliance with the development standard is deemed unnecessary in this case as the proposed lot sizes can sufficiently accommodate each proposed dwelling. The proposed development meets Council's DCP requirements in relation to car parking and private open space.</p> <p>Figure 3 details the proposed site plan, including details of parking arrangements and private open space areas.</p>

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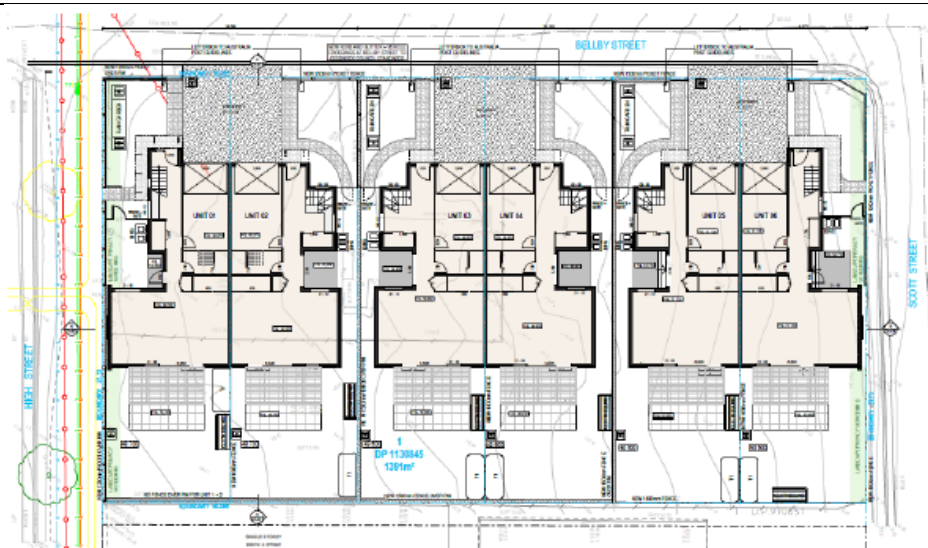


Figure 3: Site plan

*Extracted from Applicant's 4.6 Variation Application.*

## Council's comments/response

The strict compliance with Clause 4.1 of CLEP 2011 in this instance is considered to be necessary given the significant nature of the variation proposed to the numerical deficiency to the minimum lot size. Additionally, a variation to the development standard of this significance would undermine the objectives of not only Clause 4.1 of *Cessnock Local Environmental Plan 2011*, but additionally the zone objectives of the R2 Low Density Residential Zone.

The provision of lots at the proposed sizes is not characteristic of a low density residential environment. Furthermore, in specific response to the applicant's points of submission, the following key considerations are to be taken into consideration:

- Council's Development Services Team offers a complimentary Pre-DA service for proposed developments of significant value and complexity. It is noted that the applicant failed to utilise the service for the proposed development which would have been eligible for a meeting. It is likely that if the applicant had utilised this service for the proposed development, Council officers would have provided advice regarding the impending amendment to the *Cessnock Local Environmental Plan 2011* (Amendment No. 32), which had been notified in April – May 2019, and their client would have been better advised prior to continuing to progress with their development plans.
- Compliance with the requirement is reasonable and necessary in this circumstance. If the variation is permitted, the implementation and objectives of the recently adopted Clause 4.1D of *Cessnock Local Environmental Plan 2011* will be undermined by applications being lodged in the manner of semi-detached dwellings in order to vary the development standard associated with minimum subdivision lot size requirements.
- Whilst the proposed development may comply with some aspects of Cessnock Development Control Plan 2010, the application does not comply with all requirements of the DCP. Variations to setbacks, driveway proximity to intersections, and lot widths would additionally be required to accommodate the proposed development.



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**How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?**
**Applicant's comments/justification**

*The objects of this Act are:*

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

*The proposed development meets the object specified in Section 5(a)(i) and (ii) in the following ways:*

- Ensures the future economic viability of the land.*
- It encourages promotion of the social and economic welfare of the Greta and greater Cessnock LGA.*
- The proposed development promotes and co-ordinates an orderly and economic use and development of the land by providing a high quality residential housing.*

**Council's comments/response**

It is acknowledged that the subject lot is capable of being utilised in a more orderly and economic use through intensification of development. However, the extent of the development proposed is not considered to achieve the best outcome for the site, particularly taking into account the constraints posed by the adjoining heritage item or the numerous variations required to the DCP. The development proposed on the subject land is considered to represent an over-development of the site, and the resultant built form will more closely represent a medium density development, rather than low density residential development.

Specifically, the negative impacts of the proposed development on the heritage fabric of the adjoining heritage item 'Greta Masonic Hall' (former) would damage the heritage nature of Greta, and will result in an unacceptable outcome for both the adjoining heritage item by way of visually obscuring the former Greta Masonic Hall when viewed from High Street from the south-west and result in an unacceptable visual backdrop to the Greta Heritage Conservation Area.

**Is the development standard a performance based control? Give details.**
**Applicant's comments/justification**

*No. The development standard is numerically based.*

**Council's comments/response**

The development standard the subject of the variation application is not a performance based standard. The development standard the subject of the variation application is that

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of the minimum subdivision lot size as defined by Clause 4.1 of Cessnock Local Environmental Plan 2011, and is therefore numerical.

***Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?***

**Applicant's comments/justification**

*The subject site is zoned R2 Low Density Residential and the proposed development of semi-detached dwellings is a permissible use of the land.*

*Objectives of zone are:*

**1 Objectives of zone**

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**2 Permitted without consent**

*Home occupations*

**3 Permitted with consent**

*Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems*

**4 Prohibited**

*Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Any other development not specified in item 2 or 3*

*Strict compliance with the standard is deemed unnecessary as the proposed development is able to achieve Council's desired objectives for residential areas zoned R2. It is recommended that Council consider the information contained in point 14 of this Report for further justification to why compliance is deemed unnecessary.*

**Council's comments/response**

It is acknowledged that a semi-detached dwelling is a permissible land use within the R2 – Low Density Residential zone.

However, the application fails to meet the objectives of the R2 – Low Density Residential zone, as outlined below:

- *'To provide for the housing needs of the community within a low density residential environment'*

The proposed development is inconsistent with this objective as the scale of the development proposed is considered to represent development more appropriate for a medium density residential zone. Additionally, the proposed built form is uncharacteristic of



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the surrounding low density residential character of Greta which consists predominantly of single-storey and low scale dwellings and buildings.

- *'To enable other land uses that provide facilities or services to meet the day to day needs of residents'*

This objective is not considered relevant, as the development does not propose 'other land uses' (i.e., other than residential).

***Are there sufficient environmental planning grounds to justify contravening the development standard? Give details***

***Applicant's comments/justification***

*There are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds include:*

- *The construction of semi-detached dwelling on the subject site is a permissible land use;*
- *The proposed lot sizes are able to accommodate the semi-detached dwelling as well as providing sufficient parking and landscaping;*
- *The private open spaces area to be provided to each dwelling meets Council's requirements;*
- *The proposed development compliments the Heritage significant building within adjoins the subject property;*
- *The proposed development meets the aims and objectives of Cessnock's City Wide Strategy as well as the Draft Cessnock Local Strategic Planning Statement 2036;*
- *The proposed development incorporates high level building design elements;*
- *The proposed building is of an appropriate height for its location and has been located and designed so as to not have an adverse visual impact;*
- *The proposed development will provide a positive social and economic benefit to Greta and the Cessnock LGA;*
- *Under the provisions of CLEP2011 Clause 4.1C Exemptions to minimum lot sizes for certain residential developments dual occupancy developments can be erected and then Torrens Title subdivided in to 300m2 lots. While the proposed development is not classified as a dual occupancy it does meet the objectives of one. Under these circumstances the variation of lot size would be less.*
- *Lots 1 and 2 DP 1196420 (No. 2 31A) Wyndham Street Greta have a lot size of approximately 250m2. The proposed lot sizes of 232m2 and 233m2 and the proposed two storey design will result in a better outcome than in Wyndham Street as a greater area of private open space is to be provided;*

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- *The proposed building design will provide a positive impact on the streetscape;*
- *The proposed development aims to meet the objectives of Council's DCP. Where this has not been possible justification for variation has been provided;*
- *The proposed development is designed to be.....* (Council officer comment: it is acknowledged that this sentence does not continue/conclude, however, this is a direct quote from the applicant's submission.
- *The proposed development will provide a positive visual impact on a prominent site within Greta;*
- *The variation is not considered to have any adverse amenity outcomes to existing and future uses of surrounding land;*
- *The proposal represents a planned residential outcome given it similar developments within the area;*
- *Necessary services, such as town water, town sewer, electricity and telephone, are available;*
- *The subject has been cleared for residential development. The subject site is clear of any significant vegetation;*
- *To ensure that the proposed subdivision cannot be used for another purpose other than the proposed semi-detached development an 88B instrument should be attached to the land title which restricts the land use the approved DA. That means if the proposed development does not proceed once the subdivision has been registered lots would need to be consolidated to meet the minimum lot size requirement if future development was to occur upon the lots.*
- *The merits of the proposed variations are considered to provide acceptable outcomes of the DA being submitted to Council prior to changes with the LEP and the variations should be supported.*

Council's comments/response

In this case, there are insufficient environmental planning grounds to justify the contravention of the minimum lot size of 450m<sup>2</sup> by 217m<sup>2</sup> and 218m<sup>2</sup> (representing a variation of 48.3% and 48.5%, respectively).

It is acknowledged that semi-detached dwellings are permissible within the R2 – Low Density Residential zone. However, a significant variation to the minimum lot size standard is required in order to accommodate the proposed number of semi-detached dwellings on the subject site.

Whilst the applicant identifies that the proposal is capable of complying with some aspects of the Cessnock Development Control Plan 2010, through the provision of adequate private open space and off street car parking, there are a number of other provisions within the Cessnock Development Control Plan 2010 which are unable to be complied with as a direct consequence of the undersized allotments.

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The proposal includes non-compliances with driveway setbacks from intersections for proposed Lots 1, 2, 5 and 6, non-compliance with setback requirements for the developments proposed on Lots 1 and 6 fronting Scott and High Streets, and non-compliance with the width of all proposed lots at the building line. In addition, the scale and appearance of the proposed development is not considered to be compatible and sympathetic to existing development in the locality, and minimal presentation is made to High Street or Scott Street as principal points of access to the proposed developments. Additionally, there is no provision for access to the rear yards of proposed Dwellings 1 and 6 for the maintenance of the proposed gardens and lawns.

Having regard for the adjoining heritage item known as 'Greta Masonic Hall (former)' it is considered that heritage landmark buildings should not be utilised as a precedence for increasing the scale of new buildings. New buildings within heritage conservation areas should relate to the existing development around the landmark and respect its prominence.

With specific regard to the proposed development, the design changes made to the development at the time of amendment of the application are considered to be 'token' and involve no alteration or improvement to the architectural composition of the proposed buildings through the orientation of fenestration and defined entry points. The overall expression of the building to High Street presents as a side elevation rather than addressing the frontage as a primary entry. The setbacks to High and Scott Streets are inconsistent with the prevailing character and pattern of development. The minimal separation of the buildings will exacerbate the overall cumulative silhouette of the built form given the topography of the site, resulting in an unsympathetic presentation and relationship to the adjoining heritage item and disrupting the prevailing pattern of development visible within the periphery of the heritage item and heritage conservation area.

The development pattern within the area of Greta is dominated by single-storey dwellings on residential sized allotments. The City Wide Settlement Strategy adopted in 2010 elevated Greta from 'Village' status to 'Residential' in the hierarchy via rezoning to the R2 – Low Density Residential zone. Greta has not been identified within the recently adopted Local Strategic Planning Statement as being a centre for medium density residential development through a review of the current land use zoning. Whilst infill development of a suitable scale is encouraged within established localities, the development proposed is considered to be out of character with the surrounding development. The development as proposed is characteristic of a medium density development, which is not suited to a low density zone.

Given the mass, scale and separation of the development proposed when viewed obliquely from High Street, the development appears as multi-dwelling housing which is prohibited in the R2 – Low Density Zone.

The applicant has indicated that the proposed development will provide a positive social and economic benefit to Greta and the Cessnock LGA; however they have failed to address how the development proposed will achieve these outcomes.

The applicant has indicated that consideration should be given to the provision of Clause 4.1C – Exemptions to Minimum Lot Sizes for Certain Residential Development within *Cessnock Local Environmental Plan 2011*, specifically relating to the torrens title subdivision into 300m<sup>2</sup> lots.

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It is noted that Clause 4.1C – Exemptions to Minimum Lot Sizes for Certain Residential Development, only applies to certain residential development, being the erection of a 'dual occupancy' and the resultant subdivision of such. In this case, the application proposes erection of 'semi-detached dwellings', therefore, Clause 4.1C is not relevant.

Notwithstanding the above, the applicant has claimed that the outcome from approval of this application (i.e., semi-detached dwellings), would be similar to any outcome achieved via use of Clause 4.1C. Whilst it is acknowledged that, in both scenarios, the final lot sizes are smaller than the minimum required (i.e., 450m<sup>2</sup>), the key difference is that, in the case of subdivision occurring under Clause 4.1C, the design outcome of the dual occupancy is guaranteed. Specifically, this is because the subdivision cannot occur until such time as the dual occupancy is constructed. In this case, the subdivision of land must be undertaken prior to the construction of the proposed dwellings. As outlined previously, Council cannot be certain that the development will proceed beyond the subdivision phase, and therefore, that the built form on the site will be representative of the proposal, as lodged in conjunction with this application. Rather, the six (6) lots could be registered, then sold off separately, and alternative dwelling designs could be ultimately constructed. In summary, there is no certainty/guarantee as to the outcome of development on the six (6) lots, and this proves to be the critical difference between the use of Clause 4.1C and the development as proposed. In addition, it is noted that the lot sizes proposed (i.e., 232m<sup>2</sup> and 233m<sup>2</sup>), are substantially less than the 300m<sup>2</sup> required under Clause 4.1C.

A variation to the development standard in this instance would result in a precedence which would encourage other developers to circumvent the provisions of the newly adopted clauses of *Cessnock Local Environmental Plan 2011*, particularly Clause 4.1D.

With regard to the subdivision of Lots 1 and 2 DP 1196420 (No's. 1/31A and 2/31A) Wyndham Street Greta, and the creation of lots of approximate size of 250m<sup>2</sup>, the following is noted:

- These lots were created in 2009 under the provisions of Cessnock Development Control Plan 2006 Part B.1 Exempt and Complying Development;
- Specifically, Schedule 1 – Exempt Development, permitted dual occupancy subdivision in residential zones where the development for a dual occupancy met the specified circumstances;
- The identified subdivision was created utilising the exemption outlined within the Development Control Plan 2006;
- The subdivision was created under a previous Development Control Plan (2006), and this provision is no longer available to be utilised by applicants.

The application was amended on 2 May 2020 by the applicant. The amended development application has resulted in minimal design alterations to that which was originally proposed via the inclusion of a pedestrian entrance from High Street and Scott Street for proposed Dwellings 1 and 6 to address these streets. However, these 'additions' have done little to provide a sense of addressing these streets. Furthermore, there is no access to the dwellings from these frontages via the pedestrian access, and letterboxes have not been relocated to address these frontages. It would appear that very little other than a change to the description of the development proposed, has been made.

A variation to the minimum lot size would result in the construction of six (6) two-storey residential accommodation buildings in the form of semi-detached dwellings, on the subject

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site. The six (6) undersized lots are required to be created prior to the proposed semi-detached dwellings being constructed.

There are no similar developments within the area whereby a significant variation to a development standard has been considered appropriate in order to accommodate residential development characteristic of a medium density development within a low density residential zone.

Whilst the development is located within proximity to services including reticulated water and sewer, and electricity and telecommunications, it is considered that the variation to the development standard will result in the over-development of land within the R2 – Low Density Residential Land, thereby resulting in a built development resembling a medium density development, especially given the lack of separation between the proposed dwellings.

The variation proposed would result in the over-development of land within the low density residential zone. The subject site contains an existing single-storey weatherboard clad dwelling and ancillary developments including fibro shed and wood framed and sheet metal animal shelters/storage. There are two medium sized trees located on the site as well as a number of shrubs associated with a residential garden.

The utilisation of an 88B instrument is not considered to be an appropriate way to deal with planning matters which should be dealt with during the assessment of the application. Such a proposal to utilise an 88B instrument can result in difficulties in enforcement at a later date, for example, copyright laws associated with intellectual property could restrict the ability to obtain documents to complete the development by any other party, should the lots be sold off individually once created.

On the basis of the above, it is considered that a variation to the development standard is not in the public interest.

Development proposed by this application is inconsistent with the objectives of the R2 – Low Density Residential zone as described above, and in this instance, the applicant's argument has failed to demonstrate that the development standard is unnecessary and unreasonable in this circumstance. Additionally, the applicant has been unable to provide sufficient environmental planning grounds to justify contravening the development standard.

**Clause 5.10 – Heritage Conservation**

Clause 5.10(4) states as follows:

- (4) ***Effect of proposed development on heritage significance*** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*



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The subject land is identified on the Heritage Map as adjoining the heritage item known as former Greta Masonic Hall (I91) and bordering the heritage conservation area of Greta Main Street, as illustrated below:



**Figure 1:** Location of Subject Site in relation to Heritage Conservation Area and Heritage Items within Greta.

Given the application proposes development within the vicinity of a listed heritage item and the heritage conservation area, consideration is given to the impact of the development proposed on both the heritage item and the heritage conservation area.

Council's Heritage Advisor has reviewed the proposed development and has raised objection to the proposed development, citing that the development as proposed will result in an unacceptable outcome for both the adjoining heritage item by way of visually obscuring the former Greta Masonic Hall when viewed from High Street from the south-west, whilst also resulting in an unacceptable visual backdrop to the Greta Heritage Conservation Area. Specifically, the proposed setback to the High Street frontage is considered unacceptable as a zero (0) metre setback has generally only been applied to commercial or civic buildings, and not residential development.

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The proposed landscaping has failed to identify the size of proposed vegetation at maturity, or the quantity of plantings to be provided. The impacts of proximity and scale of the plantings adjoining the heritage item has been unable to be fully assessed.

The design of the development to the boundaries for proposed Dwellings 1 and 6 provides nil external access for the maintenance of the proposed yards adjoining the heritage item. This will likely result in the addition of garden sheds within the curtilage of the heritage item (I91) which will be able to be constructed without further consideration to the impact on the heritage item adjoining the subject site to the south-east via exempt development.

On the basis of the above, it is considered that the proposed development is inconsistent with the requirements of Clause 5.10.

**Clause 7.2 – Earthworks**

Clause 7.2(3) states as follows:

- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*
- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
  - (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
  - (c) *the quality of the fill or the soil to be excavated, or both,*
  - (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
  - (e) *the source of any fill material and the destination of any excavated material,*
  - (f) *the likelihood of disturbing relics,*
  - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
  - (h) *any measures proposed to minimise or mitigate the impacts referred to in paragraph (g)'.*

The application includes the requirement for a maximum of 1 metre of fill to be utilised for the construction of proposed Dwelling 5.

Council's Development Engineer has reviewed the application and has identified that the application is considered to be suitable having regard for the proposed earthworks.

- (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**

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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 tables:

<b>Part C: General Guidelines</b>			
<b>C.1 Parking and Access</b>			
<b>Provision</b>	<b>Required</b>	<b>Provided</b>	<b>Complies?</b>
1.2 Car Parking standards	2 parking spaces per 3+ bedroom dwelling. 1 parking space per 2 bedroom dwelling.	All proposed dwellings are provided with a garage space whilst the provision of stacked parking in front of the garage is considered acceptable for the proposed 3 bedroom dwellings.	Yes
1.4.1 Access to the Site	Be located no closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary.	The driveways proposed to service Dwellings 1, 2, 5 and 6 are located less than 6 metres from the corner boundary of the intersection of Bellby Street with High Street and Scott Street respectively. The approximate location is 5.2 metres from these intersections.  Council has assessed the current road network surrounding the subject land as being of inadequate width to service the proposed development whilst maintaining the current road function. The development will require the road functions to be altered to accommodate the development.	No
	Not be located within 12 metres on the approaches to a "stop" or "giveaway" sign.	No such signage is located within the vicinity of the proposed development.	Yes



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	Cross the footpath or footway at right angles to the centerline of the road.	The proposed crossovers are designed at right angle to the road	Yes
	Be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street.	The driveway access points for Dwellings 1 and 2 and 5 and 6 are located within 6 metres of the corner lot boundary. This may result in vehicles entering Bellby Street from both High Street and Scott Street, being unable to readily see a vehicle entering/exiting these sites.	No
	Be clear of obstructions which may prevent drivers having a timely view of pedestrians.	The site is clear of any such obstructions.	Yes
	Be properly signposted by the use of "in" or "entrance" and "out" or "exit" signs, where appropriate.	N/A for residential driveway.	N/A
	Be designed and constructed to suit design traffic loads.	Driveway accesses to be constructed of concrete with combined driveway width of 6.5 metres by 3 driveways servicing 6 dwellings.	Yes

**Variation Proposed***Proximity of driveway to the corner boundary*

The application seeks to vary the requirements of Section 1.4.1 in relation to the proximity of the driveway for dwellings 1, 2, 5 and 6 to the corner boundary. In this regard, the application seeks to vary the requirement of 6m by 13.4%.

The applicant has not addressed Chapter C.1 of Councils Development Control Plan, and has therefore not addressed the non-compliance in relation to the requirements of the DCP.

**Part D: Specific Development****Chapter 1: Subdivision Guidelines**

Provision	Required	Provided		Complies?
R2 & R3 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 lot size is 450m <sup>2</sup>	Lot	Area	<b>No</b>
		Proposed Lot 1	233m <sup>2</sup>	
		Proposed Lot 2	232m <sup>2</sup>	
		Proposed Lot 3	233m <sup>2</sup>	
		Proposed Lot 4	232m <sup>2</sup>	
		Proposed Lot 5	233m <sup>2</sup>	
		Proposed Lot 6	232m <sup>2</sup>	
	Minimum width of 18m at the building line	Lot	Width	<b>No</b>
		Proposed Lot 1	8.38m	
		Proposed Lot 2	8.38m	
		Proposed Lot 3	8.391m	
		Proposed Lot 4	8.372m	
		Proposed Lot 5	8.390m	
		Proposed Lot 6	8.372m	
	Minimum depth of 20m	Lot	Depth	<b>Yes</b>
		Proposed Lot 1	27.73m	
		Proposed Lot 2	27.73m	
		Proposed Lot 3	27.73m	
		Proposed Lot 4	27.73m	
		Proposed Lot 5	27.73m	
		Proposed Lot 6	27.73m	
	Maximum cut or fill required of 1.0m from the natural ground level.	Maximum fill of 1.0m has been measured for the construction of Proposed Dwelling 5 on Proposed Lot 5. A retaining wall to 1.0 metre high is proposed to be constructed between Proposed Lots 4 and 5.		<b>Yes</b>
Element 3: Heritage	A subdivision proposal on land which is adjacent to an item listed in CLEP, Schedule 5: Environmental Heritage, shall illustrate the means	In addition to the subdivision, the application proposes the construction of six (6) semi-detached dwellings (1 x dwelling on each proposed lot). It		<b>No</b>

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	proposed to preserve and protect such items.	has been presented by the applicant that the design of the development has considered the heritage item 'Greta Masonic Hall (former) I91' by creating private open space to service each dwelling which create a curtilage to the heritage item. The applicant has however, also proposed to construct Proposed Dwelling 1 with a zero (0) metre setback to the High Street and Scott Street frontages. Such built form impacts on the visibility of the heritage item when viewed obliquely from High Street. The two-storey construction of the proposed dwellings and the level of fill proposed will also impact on the visibility of the heritage item and result in shadows being cast over the heritage item.	
Element 6: Solar Access and Lot Orientation	To be designed and orientated to achieve maximum energy efficiency.	This clause applies as the subdivision involves the development of 6 building allotments.  The slope of the land does not exceed 10 degrees and each proposed lot at the completion of the proposed development will achieve a minimum of three (3) hours of solar access on the 21 June.	Yes
Element 7: Stormwater Management	Inter-allotment drainage is required if site topography prevents	The applicant has not submitted a stormwater management plan that demonstrates the ability	No

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	discharge of stormwater directly to the street gutter or a Council controlled pipe system	<p>of the proposed development to comply at each phase. The applicant proposes the use of raingardens within the frontages of Lots 2, 4 and 6 (at the completion of the landscaping), to manage stormwater run-off. There has been no evidence provided that the soils located at the subject site are suitable for the purpose of rain gardens. Rain gardens generally rely upon sandy soils with the Cessnock region predominantly containing clay based soils. Therefore, in the event the application is to be supported, further geotechnical information is required to justify the use of rain gardens.</p> <p>As outlined above, inadequate information has been submitted to assess the suitability of the stormwater management at each phase of the development, noting that it may be years between the construction of each phase. In this regard, it is unclear how stormwater will be managed if Phase 1 is constructed and no further phases are completed.</p>	
Element 8: Utility Services	Ability to connect to essential services, make arrangements for connection during construction.	The proposed development is considered to be 'infill' development and is located within the residential township of	Yes

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		Greta. Utilities and services are within close proximity to the subject site and able to be connected to the development should it be approved.	
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**Variations Proposed***Lot size*

The issue of the non-compliance with lot size requirements has been previously addressed in this report.

*Lot width*

The application seeks to vary the requirements of Section 1.7.1 in relation to lot width by 53.38% - 53.49%. In this instance, the proposed variation to the lot width requirement is considered unreasonable, as the proposed lot widths will not facilitate a variety of housing designs.

In addition to the above, the applicant has not provided sufficient information for the assessment of the stormwater disposal at each proposed phase of the development, nor has the design of the development demonstrated the adjoining heritage item will be adequately protected and preserved.

**Part D: Specific Development****Chapter 2: Urban Housing**

Provision	Required	Provided	Complies?
Streetscape & Front Setbacks	<p>The scale and appearance of new development is compatible and sympathetic to existing development in the locality, particularly on the perimeter of the development site and where that locality or development site has some heritage significance or distinctive character.</p> <p>Front setbacks are generally consistent with those of adjoining</p>	<p>The proposed development presents to the street as a multi-unit development. There is minimal presentation to the High Street and Scott Street frontages. These frontages were requested to be amended to provide a more prominent interaction with the streetscape on these frontages to identify them as the principal entrance to the site. Minimal amendments were made, including</p>	<b>No</b>

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	development, though not necessarily identical.	<p>the inclusion of a gate and path with the principal access unchanged and directed towards Bellby Street. The proposed letterbox/s fronts Bellby Street which further indicates minimal interaction with the streetscape of Scott and High Streets.</p> <p>The setback provided to Bellby Street is consistent with the established setback with nearby residential developments.</p> <p>However, the setbacks to High Street and Scott Street represent a variation of 91.4%. In this regard, a setback to the front wall from the front boundary of 0.3 metres is proposed, whereas a calculated average setback of 3.5 metres is established by seven properties within the immediate vicinity of the site.</p>	
Private Open Space	<p>1-2 bedrooms = 50m<sup>2</sup></p> <p>3+ bedrooms = 70m<sup>2</sup></p> <p>Principal Area = 4m x 4m</p>	<p>Proposed Dwellings 1 and 6 incorporate 2 bedrooms, and the submitted plans demonstrate a private open space area in excess of 50m<sup>2</sup> is provided to these two proposed dwellings.</p> <p>Proposed Dwellings 2, 3, 4 and 5 incorporate 3 bedrooms, and the submitted plans demonstrate that these sites are capable of being provided with useable functional</p>	Yes

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		private open space in excess of 70m <sup>2</sup> .	
External Appearance	New development must consider the existing scale, character and massing of development in the immediate area	<p>The existing scale, character and massing of residential development within the immediate area has been given minimal consideration in the proposed development.</p> <p>Due to the semi-detached dwelling style on proposed lots that are well below the minimum subdivision lot size required, the development has the appearance of a medium density development due to the lack of separation between the buildings which form the whole development.</p> <p>Residential development within the vicinity is dominated by single-storey buildings. Large civic and public buildings also exist within the vicinity, which are predominantly of heritage significance.</p> <p>The proposed two-storey development is inconsistent with the character, scale and massing of development in the immediate vicinity.</p>	<b>No</b>
Building Height and Scale	Building maximum height - 7.2m (calculated from natural ground level to the underside of the ceiling in the uppermost habitable room)	The maximum height of the proposed semi-detached dwelling to the underside of the ceiling in the uppermost habitable room, is a height of 7 metres (Proposed Dwelling 5).	Yes

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Side and rear setbacks	Minimum setback 1m - for walls up to 3m high then an additional 300m for every metre above 3m.	The development incorporates semi-detached dwellings and the development proposes common walls along boundaries between Proposed Dwellings 1 and 2, 3 and 4, and 5 and 6.  All other frontages are treated as front setbacks as the property has three road frontages.	Yes – the dwellings are attached
Energy Conservation	The provision of adequate solar access to courtyards and living areas.	The proposed development generally complies with this requirement, with the exception of a small portion of the site relating to Proposed Dwelling 1.	Yes
Views and Privacy	The development is sited and designed to meet projected user requirements for visual and acoustic privacy.	No detail has been provided on the location of proposed mechanical plant such as air-conditioning units.  However, considering that the design of the proposed dwellings is to incorporate bedrooms on the upper level, it is anticipated that locations could be identified which would reduce the incidence of acoustic intrusion at the completion of the development.	Yes
Fencing and Walls	Front fences to be a maximum of 1.2m high OR 1.8 metres high if the main private open space area is in the front setback of the dwelling house. This front fence is to have openings which make it not less than 50% transparent.	Elevations and plans indicate that 1.2m high fencing will be provided to High Street and Scott Street, and 1.8m high fencing will be constructed between proposed dwellings on Proposed Lots 1 and 2, 3 and 4, and 5 and 6.	Yes



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		<p>1.5m high fencing is proposed atop retaining walls between Proposed Lots 2 and 3, and 4 and 5. These fences would be heights of 2.1 metres and 2.3 metres respectively, which is considered excessive in a low density residential context.</p> <p>Details of proposed retaining walls adjoining the heritage item, and between proposed lots, have not been provided.</p>	
Car Parking	Adequate parking spaces provided	Refer to assessment in Part C.1.	Yes
Landscape Design	Landscaping to enhance the development, improve streetscape and assist in privacy	<p>Landscaping has been shown on plans, however no details of plants to be utilised has been provided to adequately assess the landscaping proposed. The planting of large trees within close proximity to the adjoining heritage item would not be supported as this will detract from the original setting of the heritage item, and shield the western elevation of the hall from view from public spaces and the heritage conservation zone.</p> <p>Proposed Dwellings 1 and 6 are not provided with external access to the areas of rear private open space to facilitate the maintenance of lawns and vegetation. It is envisaged that future occupiers would install garden sheds in the rear yards which would</p>	<b>No</b>

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		detract from the adjoining heritage item.	
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***Variations Proposed****Streetscape and front setbacks*

The application seeks to vary the requirements of Section 2.3.4 in relation to the front setback requirements by 91.4% to the High Street and Scott Street frontages. In this instance, the proposed variation to the front setback requirement is considered unreasonable, as the proposed setbacks result in no external access to the private open spaces for maintenance, and result in the proposed development having an unsatisfactory presentation to the High Street and Scott Street frontages.

*External appearance*

The application seeks to vary the requirements of Section 1.7.1 in relation to lot width by 53.38% - 53.49%. In this instance, the proposed variation to the lot width requirement is considered unreasonable, as the proposed lot widths will not facilitate a variety of housing designs.

*Landscape design*

The application has provided insufficient detail with regard to proposed landscaping to make an informed assessment. Details of selected plants to be utilised in the landscaping design, along with the quantity and size of vegetation at maturity, have not been provided. Additionally, the lack of access to the rear private open space will likely result in the installation of garden sheds within the curtilage of the adjoining heritage item. Garden sheds are considered 'Exempt Development' in accordance with the requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. In this instance, the development application is unable to be supported due to the lack of detail in relation to landscaping.

***(a)(iia) 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***

As demonstrated by the above assessment, 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.

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In particular, the proposed development seeks significant variations to a number of development controls and standards, which confirms that the proposed development is an over-development of the site and therefore unsuitable for the R2 – Low Density Residential zone.

The proposed development has failed to adequately consider the existing character, scale and development pattern of residential development within Greta, specifically on the periphery of the heritage conservation area.

Council has assessed the current road network surrounding the subject land as being of inadequate width to service the proposed development whilst maintaining the current road function. The development will require the road functions to be altered to accommodate the development. In this regard, should this development application be approved, a bi-directional 10km/hr shared zone (Category 1) would need to be established for the length of Bellby Street, to provide improved pedestrian outcomes, and maintain access to Scott Street for existing residents. It is noted that Council is not the relevant approval authority for this type of change to the road network.

**(c) *The suitability of the site for the development***

As demonstrated by the above assessment, the site is considered to be unsuitable for the intensity of development proposed. Specifically, the proposed development is inconsistent with the low density residential character of the area.

The proposed development requires significant variation to a number of development controls and standards, thereby demonstrating the proposed development represents an over-development of the subject site.

It is also considered that the proposed development will have a negative impact on the adjoining local heritage item.

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

The Development Application was publicly exhibited between 20 May 2020 and 3 June 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 be payable for the proposal. However, considering that the application is recommended for refusal, contributions have not been calculated.

## INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	The proposed development is not supported in its current form due to uncertainty regarding phasing, potential required upgrades to Bellby Street (for which, TfNSW would be the relevant approval body), and insufficient information regarding stormwater disposal.
Strategic Planning - Heritage	The proposed development is not supported in its current form and, considering that the site forms a significant visual backdrop to the Greta Heritage Conservation Area and adjoining heritage item, it is recommended that the proposed development incorporate design changes to better address the streetscape.
Traffic Engineer	<p>It is recommended that a shared zone be installed as the most appropriate treatment to ensure pedestrian and resident access to the development and existing residential properties in the immediate vicinity.</p> <p>TfNSW would be the relevant approval body for such shared zone.</p>

## EXTERNAL REFERRALS

The Development Application was not required to be referred to any external agencies for comment.

## 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 requirements of Clause 4.1 of the *Cessnock Local Environmental Plan 2011*, the zone objectives of the R2 – Low Density Residential zone, and the provisions of Cessnock Development Control Plan 2010, and is therefore considered unsuitable for the subject site.

The proposed development seeks significant variation to a number of development controls and standards, including the minimum lot size, lot widths and setbacks, which confirms that the proposed development is an over-development of the site, and is therefore unsuitable for the R2 – Low Density Residential zone.

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The proposed development has failed to adequately consider the existing character, scale and development pattern of residential development within Greta, specifically on the periphery of the heritage conservation area and in consideration of the adjoining heritage item. In this regard, the application proposes significant variations to the planning controls prescribed within Cessnock Development Control Plan 2010, including variations to the lot width of newly created lots at the building line, and front setback requirements. It is further considered that the proposed setbacks, scale and massing of the proposed development are unsympathetic to the established character of residential development within Greta, and will detract from the grandeur of the adjoining heritage item (known as the former Masonic Hall).

In addition, due to the established road widths surrounding the subject site (Scott and Bellby Streets), it has been determined that significant traffic changes would be required to be established, which are outside the authority of Council.

Finally, the proposed development should be viewed as an attempt to circumvent the development standard adopted by Council in Clause 4.1D (minimum lot size for dual occupancies), of the *Cessnock Local Environmental Plan 2011*. In this regard, approval for the development as proposed would set a precedence as a mechanism for development resembling dual occupancy development being constructed on undersized allotments.

Based on the assessment, it is recommended that Development Application No. 8/2020/46/1 be refused, subject to the reasons for refusal included in this report.

## ENCLOSURES

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- [1↓](#) Applicant's Clause 4.6 request
- [2↓](#) Proposed development plans

## REASONS FOR REFUSAL

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1. The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone of the *Cessnock Local Environmental Plan 2011* for the reasons outlined below:
  - a) The proposed development is inconsistent with the desired character of the area and will result in a medium density development being located in a low density residential zone. The proposed built form is uncharacteristic of the surrounding low density residential character of Greta which consists predominately of small scale single-storey weatherboard dwellings.
  - b) The housing type and density represents an over-development of the site and is inconsistent with the low density residential character of the locality.
  - c) The proposed development will result in a development which increases the demand for facilities and services in a locality with limited access to facilities and services to meet the needs of the current and future population (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
2. The development is contrary to the development standard prescribed in Clause 4.1 – Minimum Subdivision Lot Size of *Cessnock Local Environmental Plan 2011*, in that Proposed Lots 1 – 6 do not meet the minimum lot size required. Council has considered the ‘request for variation’ lodged by the applicant in respect of Clause 4.6 – Exceptions to Development Standards, and determined that the application does not satisfactorily establish that the development standard is unreasonable and unnecessary in the circumstances of the case (Section 4.15 (1)(a)(i) *Environmental Planning and Assessment Act 1979*).
3. The development is contrary to the provisions of Chapter D.1 Subdivision Guidelines of Council’s Development Control Plan 2010 in that Proposed Lots 1 – 6 do not meet the minimum lot size and lot width controls (Section 4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).
4. The development is contrary to the provisions of Chapter D.2 – Urban Housing of Council’s Development Control Plan 2010 in that Proposed Dwellings 1 and 6 do not adequately address the streetscape or meet the front setback requirements. In addition, it is considered that the proposed development has not adequately considered the existing scale, character or massing of residential development in the immediate area, and has not demonstrated the adequateness of the landscaping proposed (Section 4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).
5. The subject site is not considered suitable for the proposed development for the reasons outlined below:
  - a) The proposed development is inconsistent with the low density residential character of the area.
  - b) The proposed development will have a negative impact on the adjoining local heritage item.
  - c) The proposed development will require amendments to the operation of the local road network which Council does not have the authority to approve.
  - d) The proposed development requires significant variation to a number of development controls and standards, demonstrating the proposed development

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represents an over-development of the subject site (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*).

**Report PE32/2020 - Development Application No. 8/2020/46/1 proposing:**  
**Phase 1: Demolition of Existing Structures and One (1) into Six (6) Lot**  
**Torrens Title Subdivision**  
**Phase 2: Construction of Semi-Detached Dwellings on Lots 5 and 6**  
**Phase 3: Construction of Semi-Detached Dwellings on Lots 3 and 4**  
**Phase 4: Construction of Semi-Detached Dwellings on Lots 1 and 2**

**Enclosure 1**

**69 High Street, Greta**

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# **VARYING DEVELOPMENT STANDARDS**

**PROPOSED ONE (1) INTO SIX (6)  
TORRENS TITLE SUBDIVISION,  
DEMOLITION, CONSTRUCTION OF SEMI-  
DETACHED DWELLING ON EACH NEWLY  
CREATED LOT**

**Lot 1 DP 1130845  
(No. 69) High Street  
GRETA**

**Prepared For:**  
**N Bolam & N Waeger**

**APRIL 2020**

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**Report PE32/2020 - Development Application No. 8/2020/46/1 proposing:  
Phase 1: Demolition of Existing Structures and One (1) into Six (6) Lot  
Torrens Title Subdivision  
Phase 2: Construction of Semi-Detached Dwellings on Lots 5 and 6  
Phase 3: Construction of Semi-Detached Dwellings on Lots 3 and 4  
Phase 4: Construction of Semi-Detached Dwellings on Lots 1 and 2**

**Enclosure 1**

**69 High Street, Greta**

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**Complete Planning Solutions Reference**

190196- N Bolam & N Waeger - Greta

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**QA Status**

PREPARED	ISSUED
Karen Jurd B Dev Stud	April 2020

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(2)

**Report PE32/2020 - Development Application No. 8/2020/46/1 proposing:  
Phase 1: Demolition of Existing Structures and One (1) into Six (6) Lot  
Torrens Title Subdivision  
Phase 2: Construction of Semi-Detached Dwellings on Lots 5 and 6  
Phase 3: Construction of Semi-Detached Dwellings on Lots 3 and 4  
Phase 4: Construction of Semi-Detached Dwellings on Lots 1 and 2**

**Enclosure 1**

**69 High Street, Greta**

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(3)

This varying of development standards is to form part of a DA 2020/46 for a one (1) into six (6) lot Torrens Title subdivision and construction of semi-detached dwelling on each newly created lot at Lot 1 DP 1130845 (No. 69) High Street, Greta. Refer to Figure 1.



**Figure 1:** Locality Map - Aerial view of Lot 1 DP 1130845

The proposed development requires the varying of development standards under Clause 4.6 of Cessnock Local Environmental Plan 2011. The variation will require the Council's determination. The applicant is seeking Council's support and subsequent approval for a reduction in required lot size for the proposed development.

The subject site is zoned R2 Low Density Residential Zone under the provisions of the Cessnock Local Environmental Plan, 2011. According to Council mapping the minimum lot size required for the subject lot is 450m<sup>2</sup>. The proposed site areas of each newly proposed lot are as follows:

- Lot 1 – 233m<sup>2</sup>  
 Lot 2 – 232m<sup>2</sup>  
 Lot 3 – 233m<sup>2</sup>  
 Lot 4 – 232m<sup>2</sup>  
 Lot 5 – 233m<sup>2</sup>  
 Lot 6 – 232m<sup>2</sup>

## 1.1 Background

The previously proposed development for one (1) into three (3) lot subdivision and construction of dual occupancy on each newly created lot complied with Council's minimum lot size of 450m<sup>2</sup> at the time it was submitted.

The DA application was submitted to Council on 17 January 2020. This application was refused and was resubmitted 23 January 2020 which was accepted by Council. Changes to the LEP

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requiring 600m<sup>2</sup> for dual occupancy developments was enforced on 7 February 2020. Council's LEP does not provide a safety net for developments submitted prior to the changes.

The Proponents who submitted the DA complying with the correct minimum lot size (at the time of submission) have invested considerable time and money and it is unreasonable that the development should not be considered on its merit.

The Proponents for DA 2020/46 have received legal advice which recommends that they "Apply for a semi-detached dwelling and Torrens title subdivision. You will need to apply to vary the minimum lot size standard (cl 4.1) through cl 4.6 which you can then change the classification from dual occupancy to semi-detached dwellings and a variation to development standards to reduce the minimum lot size for each dwelling."

A semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling. The plans submitted to Council could be classified as semi-detached dwellings. The main issue is that the dwellings must be constructed on individual lots. If Council supported a change in classification the lot size for each new lot would be as follows:

Lot 1 – 233m<sup>2</sup>  
Lot 2 – 232m<sup>2</sup>  
Lot 3 – 233m<sup>2</sup>  
Lot 4 – 232m<sup>2</sup>  
Lot 5 – 233m<sup>2</sup>  
Lot 6 – 232m<sup>2</sup>

The proposed design proves that each two-storey dwelling can adequately fit on the proposed lot sizes. The proposed development meets Council's DCP requirements in relation to carparking and private open space provision.

The proposed development is a high-quality construction which provides Greta with diversity in housing stock. It is an infill development which is surrounded by single dwelling properties. The design of the proposed dwellings has ensured that it is not an overdevelopment of the site and its private open space areas provide a buffer to the adjoining heritage significant Masonic Hall. Design elements have been incorporated to ensure that the proposed development complements the Masonic Hall and provides a positive street scape to a prominent site in Greta.

## 2.0 LEGAL ADVICE

The Proponents for DA 2020/46 have received legal advice which recommends that they "Apply for a semi-detached dwelling and Torrens title subdivision. You will need to apply to vary the minimum lot size standard (cl 4.1) through cl 4.6 which you can then change the classification from dual occupancy to semi-detached dwellings and a variation to development standards to reduce the minimum lot size for each dwelling."

## 3.0 DEPARTMENT OF PLANNING

Nelcy Pane-Gill from NSW Department of Planning, Industry and Environment provided the following comments regarding the proposed development:

*I am aware of the change in the minimum lot size you refer to as part of an amendment to Cessnock LEP 2011 (Amendment 32) on 7 February 2020. In relation to variations to development standards, the following details are provided. Firstly, Part 4 of Cessnock LEP 2011 outlines the principle development standards, including subdivision in general (Cl 4.1) and those standards for dual occupancy development (Cl 4.1D).*

*Clause 4.6 of the LEP provides details of the circumstances where exceptions to development standards such as minimum lot sizes can be considered. Clause 4.6(4) and 4.6(5) provide the*

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considerations in assessing the merit of a request to vary a development standard. In most circumstances, Council has delegations to consider varying development standards including where the variation is greater than 10% however the elected Council, not a Council delegate (i.e. staff member), must determine those development applications with variations greater than 10%. The Planning Secretary (NSW government) concurrence is not required. In the case of development standards in residential zones, Council has delegations to determine these matters.

As you infer in your email, clause 4.6(8)(ba) states that clause 4.6 does not apply to minimum lots sizes for dual occupancy development. Your proposal to change the classification of the development to semi-detached dwellings is a matter between yourself and Council. I refer you to guidelines for development standard variations <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/varying-development-standards-a-guide-2011-08.pdf?la=en>

I strongly encourage you to consider the reasons for refusal of the previous development applications for dual occupancy development in the Heddon Greta (Avery's Lane) locality, along with the key considerations for Council in consideration a development standard variation in clause 4.6(4) of the LEP, which include consideration of the zone objectives.

**Applicant's Comments**

According to Council's Minutes of the Ordinary Council Meeting held on 20 March 2019 confirmed on 3 April 2019 the following are the reasons for refusal and the Applicant's response to the matter raised within them.

**Reason for Refusal**

1. The proposal is inconsistent with the objective of the R2 Low Density Residential zone of the Cessnock Local Environmental Plan 2011, which is 'to provide for the housing needs of the community within a low density residential environment'. Taking into consideration a total of 23 development applications proposing the erection of single-storey dual occupancies within Gullane Close, cumulatively, the proliferation of this specific type of development will result in Gullane Close resembling a medium density, rather than low density, residential environment (pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).

**Applicant's response**

The proposed dual occupancy development in the Heddon Greta locality was for 23 dual occupancy DAs. This would have resulted in 46 new dwellings. The proposed development at High Street Greta will result in only 6 new dwellings. It is unreasonable to compare the proposed development at Greta with that which was proposed at Heddon Greta.

**Reason for Refusal**

2. Cumulatively, taking into consideration a total of 23 development applications proposing the erection of single-storey dual occupancies within Gullane Close, the development will result in an adverse impact on the streetscape (pursuant to Section 4.15(1)(a)(iii) and (1)(c) of the Environmental Planning and Assessment Act 1979)

**Applicant's response**

The proposed development at Greta has been architecturally designed to ensure that there will not be an adverse impact on the streetscape. The combination of high-quality building design elements and landscaping will ensure that the proposed development creates a positive impact on the amenity of the area.

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**Reason for Refusal**

3. *The proposed development is inconsistent with the objectives and aims of Chapter D.2 of the Cessnock Development Control Plan 2010. Specifically, the proposal is not a form of high quality urban design and cumulatively, taking into consideration a total of 23 development applications proposing the erection of single-storey dual occupancies within Gullane Close, does not encourage a high standard of residential amenity (pursuant to Section 4.15(1)(a)(iii) and (1)(c) of the Environmental Planning and Assessment Act 1979).*

**Applicant's response**

The proposed development at Greta is a form of high-quality urban design and it does encourage a high standard of residential amenity. The incorporation of varying design elements, landscaping and the building's orientation towards Bellby Street ensure that the proposed development will create a positive impact on the area.

The proposed development is consistent with the objectives and aims of Chapter D2 of CDCP 2010 meeting Council's requirements in relation to car parking, private open space and landscaping.

**Reason for Refusal**

4. *The development is non-compliant with Clause 2.3.5 of Chapter D.2 of the Cessnock Development Control Plan 2010, which prescribes that a minimum of 70m2 of private open space is to be provided for each dwelling containing 3 or more bedrooms (pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*

**Applicant's response**

Private open space (POS) is provided to the front and rear of each dwelling. The provision of the POS meets Council's requirements.

**Reason for Refusal**

5. *The development is non-compliant with the 'design elements' provisions relating to streetscape, external appearance and landscape design, as outlined in Chapter D.2 of the Cessnock Development Control Plan 2010 (pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*

**Applicant's response**

The proposed development provides high-quality design elements. These design elements will provide a positive impact on the streetscape and amenity.

**Reason for Refusal**

6. *For the reasons outlined above, the development is contrary to the public interest (pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).*

**Applicant's response**

The proposed development will provide a number of positive impacts to the Greta area. These impacts include:

- Diversity of housing stock
- Positive economic and social benefits
- High-quality design housing
- Compliment the adjoining heritage significant building

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**Phase 4: Construction of Semi-Detached Dwellings on Lots 1 and 2**

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**CONCLUSION**

The refused Heddon Greta development was of a scale and intensity that is far beyond the development proposed at Greta. It is unreasonable in this instance to compare these developments.

The proposed development which seeks a variation to lot sizes is considered to be a high-quality development which meets the majority of aims and objectives of Council's planning policies. Where it does not meet the requirements justification has been provided.

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## 4.0 VARYING OF DEVELOPMENT STANDARDS

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

The environmental planning instrument that applies to the land is the Cessnock Local Environmental Plan 2011

2. What is the zoning of the land?

The subject site is zoned R2 Low Density Residential Zone under the provisions of the Cessnock Local Environmental Plan, 2011.

3. What are the objectives of the zone?

### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems

### 4 Prohibited

Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Any other development not specified in item 2 or 3

**The proposed development is for semi-detached dwellings. A semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.**

Semi-detached dwellings are a type of **residential accommodation**.

**Construction of semi-detached dwellings on the subject site is permissible with consent of Council.**

4. What is the development standard being varied? e.g. FSR, height, lot size

The applicant is seeking Council's approval for a reduction in required lot size for the proposed of constructing a six (6) semi-detached dwellings. According to Council mapping the minimum lot size required for the subject lot is 450m<sup>2</sup>. The proposed lot sizes are:

Lot 1 – 233m<sup>2</sup>  
Lot 2 – 232m<sup>2</sup>  
Lot 3 – 233m<sup>2</sup>  
Lot 4 – 232m<sup>2</sup>  
Lot 5 – 233m<sup>2</sup>  
Lot 6 – 232m<sup>2</sup>

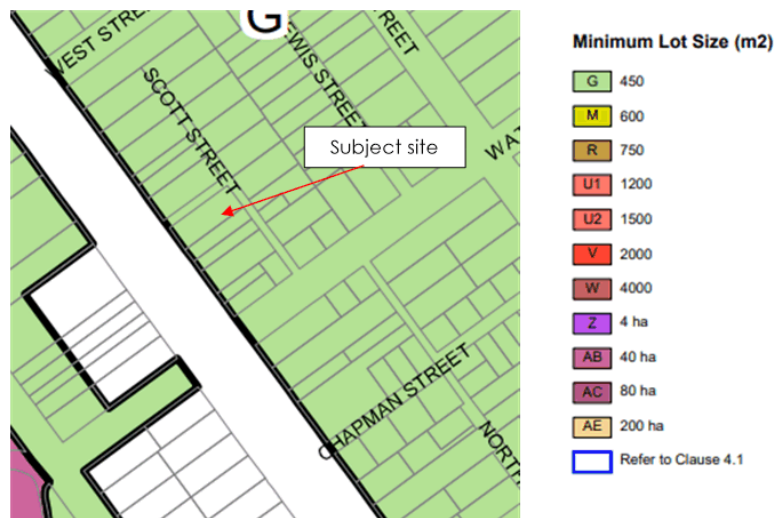
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5. Under what clause is the development standard listed in the environmental planning instrument?

Minimum lot sizes are listed under Clause 4.1 of the Cessnock Local Environmental Plan 2011. The lot is on land identified as "G" on Council Lot Size Map. Figure 2 identifies the subject lot as "G".



**Figure 2: CLEP 2011 Minimum Lot size**

6. What are the objectives of the development standard?

The development standard is located under CLEP 2011 Clause 4.1 Minimum subdivision lot size.

The objectives of this clause are as follows:

- (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—

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- (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.

**Applicant's Comments**

- The proposed lot sizes are appropriate for the R2 Low Density Residential Zone and for the land use, semi-detached dwelling, which is a permitted land use in the zone.
- Cessnock's adopted *City Wide Settlement Strategy 2010 (CWSS2010)* refers to residential population growth within Greta.
- *CWSS2010* states that "*The settlement areas with the youngest populations (such as Greta/Branxton/East Branxton) also exhibit the lowest percentages of home ownership.*" From this statement it is concluded that the proposed development will provide much needed diversity in housing stock. It provides diversity in housing for both private and rented markets.
- Greta is considered to be a growth area. According to *CWSS2010* "*opportunity for village growth is limited to providing support to redirection of settlement growth into clustered urban area areas and a lifestyle choice for residents*". However, the proposed development will provide a lifestyle choice for Greta residents.
- The *Lower Hunter Regional Strategy* identifies Greta to be within a growth corridor. As a result, the status of Greta will change. Greta's status in the residential hierarchy will be elevated. The proposed development will contribute to the future positive growth of the town.
- Cessnock Local Strategic Planning Statement 2020 also refers to providing diversity of housing stock to the Greta area.

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

According to Cessnock Local Environmental Plan 2011 the minimum subdivision lot size for a lot on land identified as "G" is 450m<sup>2</sup>.

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

The proposed lot sizes are:

Lot 1 – 233m<sup>2</sup>  
Lot 2 – 232m<sup>2</sup>  
Lot 3 – 233m<sup>2</sup>  
Lot 4 – 232m<sup>2</sup>  
Lot 5 – 233m<sup>2</sup>  
Lot 6 – 232m<sup>2</sup>

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

The proposed lot sizes are:

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Lot 1 – 233m<sup>2</sup>  
Lot 2 – 232m<sup>2</sup>  
Lot 3 – 233m<sup>2</sup>  
Lot 4 – 232m<sup>2</sup>  
Lot 5 – 233m<sup>2</sup>  
Lot 6 – 232m<sup>2</sup>

The percentage variation between the proposed lot size and that recommended in the CLEP 2011 is approximately 48%.

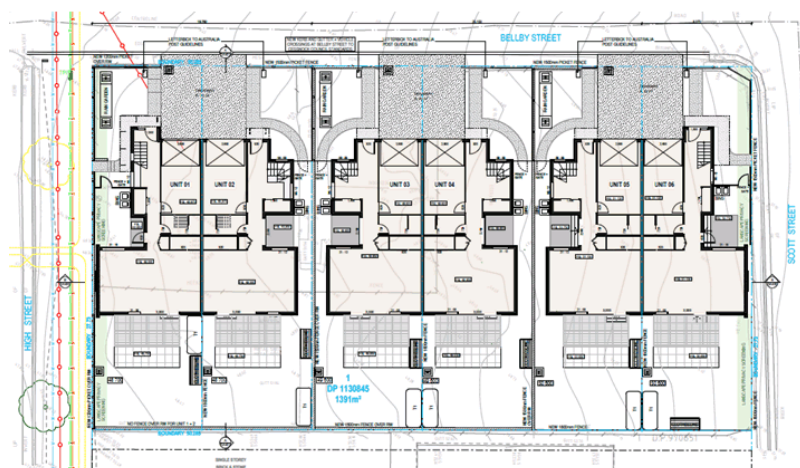
10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Proposed Lots 1 to 6 do not meet Council's minimum lot size requirement. The compliance of meeting Council's minimum lot size in this instance is deemed unreasonable and unnecessary.

Strict compliance with the development standard would not allow the proposed development to proceed. The original DA submitted to Council for a one (1) into three (3) Torrens Title Subdivision, construction of dual occupancy on each newly created lot and strata subdivision was a permissible use of the land at the time of submission. Changes to the LEP voided the permissibility of the original DA. Legal advice was sort and from that advise it was decided to change of classification to one (1) into six (6) Torrens Title Subdivision and construction of semi-detached dwelling on each newly created lot.

The strict compliance with the development standard is deemed unnecessary in this case as the proposed lot sizes can sufficiently accommodate each proposed dwelling. The proposed development meets Council's DCP requirements in relation to car parking and private open space.

Figure 3 details the proposed site plan, including details of parking arrangements and private open space areas.



**Figure 3:** Site plan

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11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

**Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 (extract)**

*The objects of this Act are:*

*(a) to encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

The proposed development meets the object specified in Section 5(a)(i) and (ii) in the following ways:

- Ensures the future economic viability of the land.
- It encourages promotion of the social and economic welfare of the Greta and greater Cessnock LGA.
- The proposed development promotes and co-ordinates an orderly and economic use and development of the land by providing a high quality residential housing.

12. Is the development standard a performance based control? Give details.

No. The development standard is numerically based.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

The subject site is zoned R2 Low Density Residential and the proposed development of semi-detached dwellings is a permissible use of the land.

Objectives of zone are:

**1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems

**4 Prohibited**

Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Any other development not specified in item 2 or 3

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**(13)**

Strict compliance with the standard is deemed unnecessary as the proposed development is able to achieve Council's desired objectives for residential areas zoned R2. It is recommended that Council consider the information contained in point 14 of this Report for further justification to why compliance is deemed unnecessary.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

There are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds include:

- The construction of semi-detached dwelling on the subject site is a permissible land use;
- The proposed lot sizes are able to accommodate the semi-detached dwelling as well as providing sufficient parking and landscaping;
- The private open spaces area to be provided to each dwelling meets Council's requirements;
- The proposed development compliments the Heritage significant building within adjoins the subject property;
- The proposed development meets the aims and objectives of Cessnock's City Wide Strategy as well as the Draft Cessnock Local Strategic Planning Statement 2036;
- The proposed development incorporates high level building design elements;
- The proposed building is of an appropriate height for its location and has been located and designed so as to not have an adverse visual impact;
- The proposed development will provide a positive social and economic benefit to Greta and the Cessnock LGA;
- Under the provisions of CLEP2011 Clause 4.1C Exemptions to minimum lot sizes for certain residential developments dual occupancy developments can be erected and then Torrens Title subdivided in to 300m<sup>2</sup> lots. While the proposed development is not classified as a dual occupancy it does meet the objectives of one. Under these circumstances the variation of lot size would be less.
- Lots 1 and 2 DP 1196420 (No. 2 31A) Wyndham Street Greta have a lot size of approximately 250m<sup>2</sup>. The proposed lot sizes of 232m<sup>2</sup> and 233m<sup>2</sup> and the proposed two storey design will result in a better outcome than in Wyndham Street as a greater area of private open space is to be provided;
- The proposed building design will provide a positive impact on the streetscape;
- The proposed development aims to meet the objectives of Council's DCP. Where this has not been possible justification for variation has been provided;
- The proposed development is designed to be
- The proposed development will provide a positive visual impact on a prominent site within Greta;
- The variation is not considered to have any adverse amenity outcomes to existing and future uses of surrounding land;
- The proposal represents a planned residential outcome given it similar developments within the area;
- Necessary services, such as town water, town sewer, electricity and telephone, are available
- The subject has been cleared for residential development. The subject site is clear of any significant vegetation;
- To ensure that the proposed subdivision cannot be used for another purpose other than the proposed semi-detached development an 88B instrument should be attached to the land title which restricts the land use the approved DA. That means if the proposed development does not proceed once the subdivision has been registered lots would need to be consolidated to meet the minimum lot size requirement if future development was to occur upon the lots.

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- The merits of the proposed variations are considered to provide acceptable outcomes of the DA being submitted to Council prior to changes with the LEP and the variations should be supported.

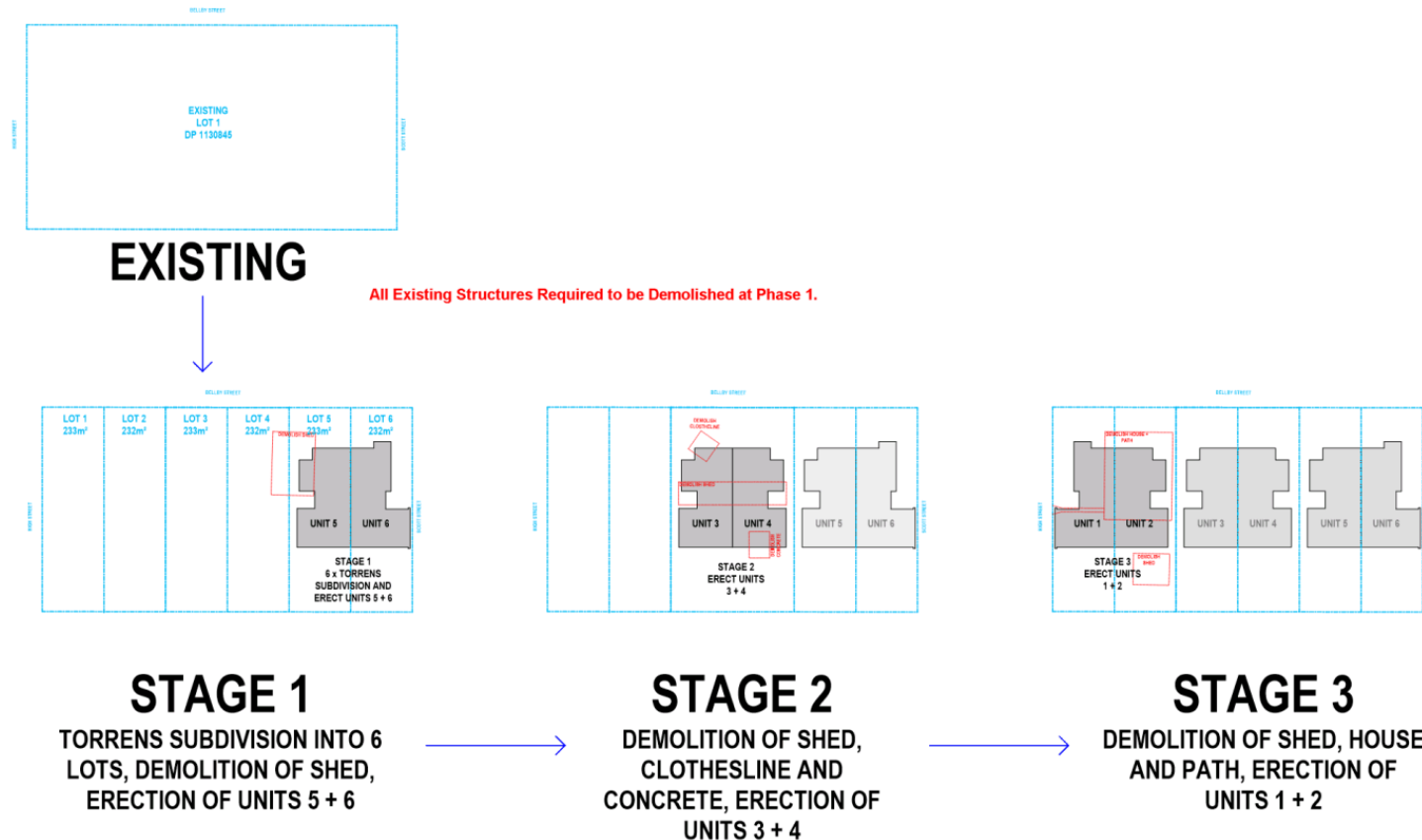
## 5.0 CONCLUSION

This varying of development standards statement has been prepared to address a reduction in minimum lot size for a proposed residential development. The proposed reduction in minimum lot size is deemed to be appropriate in this instance. It is requested that Council being the consent authority consider the agreements put forward in this document and grant a variation to development standards in this instance.

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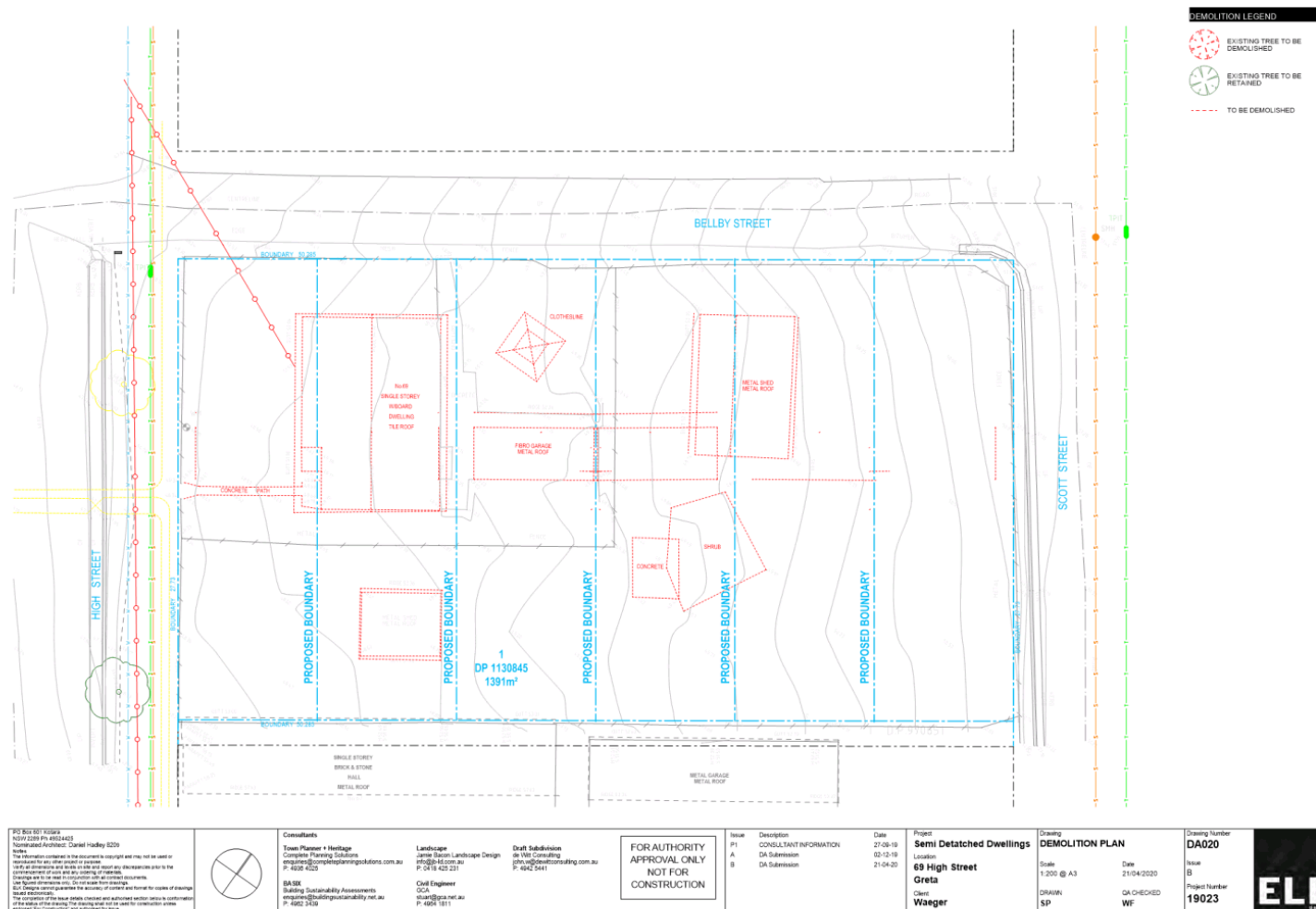


<p>PO BOX 801 KILGERA VIC 3209 PH 49324433 Email: info@completeplanning.com.au</p> <p><b>Complete Planning Solutions</b> Complete Planning Solutions enquiries@completeplanning.com.au P: 4932 4433</p> <p><b>BAIRN</b> Building Sustainability Assessments enquiries@buildingusability.net.au P: 4932 2438</p>	<p><b>Consultants</b></p> <p><b>Town Planner + Heritage</b> Complete Planning Solutions enquiries@completeplanning.com.au P: 4932 4433</p> <p><b>Landscape</b> James Bacon Landscape Design james@jamesbacon.com.au P: 0416 420 231</p> <p><b>Drain Subdivision</b> de Vries Consulting info@devriesconsulting.com.au P: 4942 5441</p> <p><b>Civil Engineer</b> SCA scaw@scanet.au P: 4954 1911</p>	<p><b>FOR AUTHORITY APPROVAL ONLY NOT FOR CONSTRUCTION</b></p>	<p>Issue P1 A B</p> <p>Description CONSULTANT INFORMATION DA Submission DA Submission</p> <p>Date 27-08-19 02-12-19 21-04-20</p>	<p>Project <b>Semi Detached Dwellings</b> 69 High Street Greta Client <b>Waeger</b></p>	<p>Drawing <b>STAGING PLAN</b></p> <p>Scale 1:500 @ A3</p> <p>Date 21/04/2020</p> <p>Drawn SP</p> <p>DA CHECKED WF</p>	<p>Drawing Number <b>DA015</b></p> <p>Issue <b>B</b></p> <p>Project Number <b>19023</b></p> <p><b>ELK</b></p>
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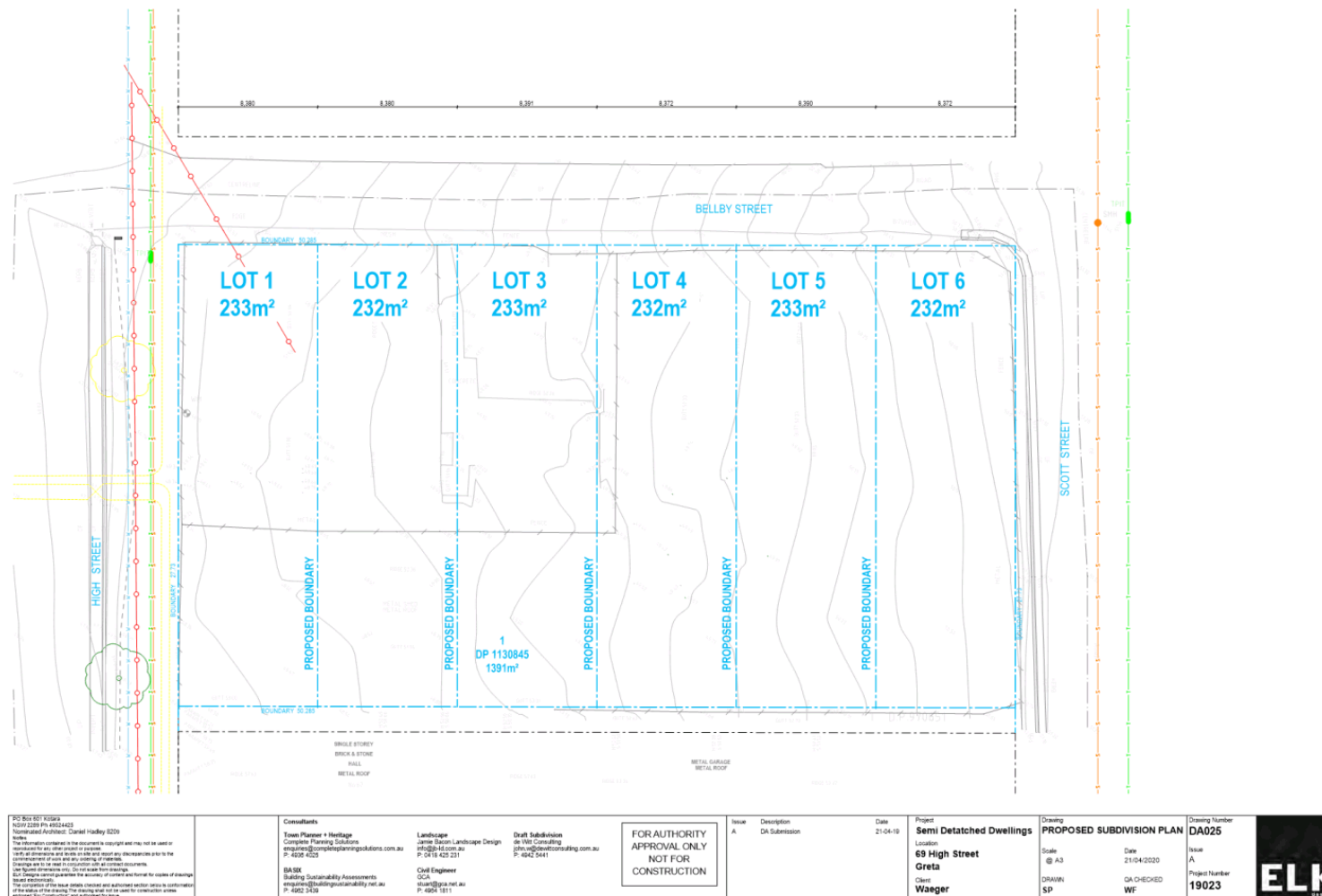
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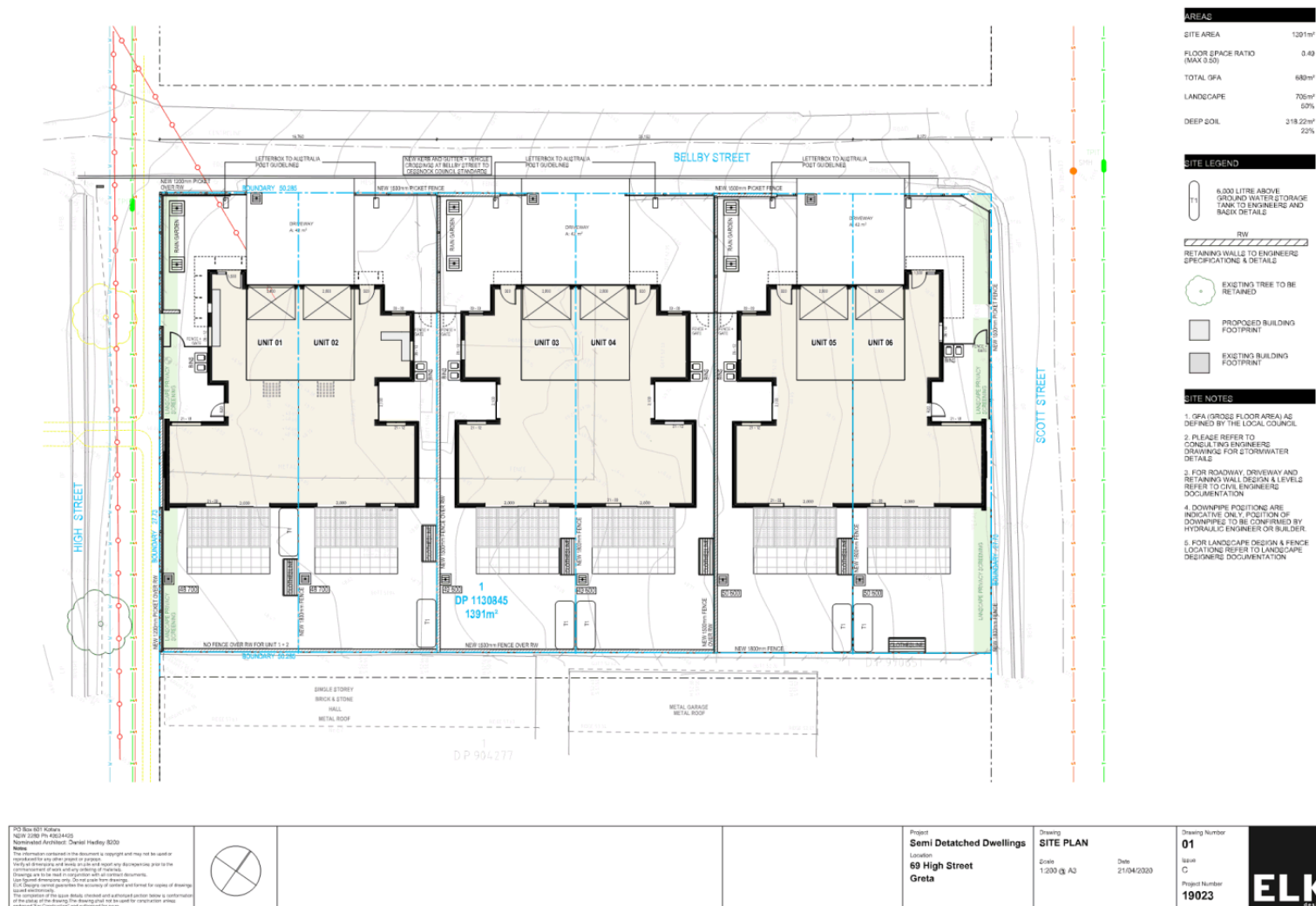
**VIEW OF UNIT 1 FROM HIGH STREET**

<div>PO BOX 801 GUNN VIC 3203 Ph: 4992 4422 Registered Architect: Daniel Haskin 2200 The information contained in this document is copyright and may not be used or reproduced for any other project or purpose without the prior written consent of the author. All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, without prior written permission in writing from the author.</div>	<div><b>Consultants</b> <b>Town Planner + Heritage</b> Complete Planning Solutions enquiries@completeplanning.com.au P: 4992 4523  <b>LANDSCAPE</b> James Russell Landscape Design info@jrsd.com.au P: 4992 4523  <b>Draft Subdivision</b> G &amp; W Consulting info@gwconsulting.com.au P: 4992 4523  <b>Civil Engineer</b> GCA info@gca.net.au P: 4992 1811</div>	<div>FOR AUTHORITY APPROVAL ONLY NOT FOR CONSTRUCTION</div>	<div><table><tr><th>Issue</th><th>Description</th><th>Date</th></tr><tr><td>P1</td><td>FINAL COORDINATION</td><td>18-11-19</td></tr><tr><td>A</td><td>DA Submission</td><td>02-12-19</td></tr><tr><td>B</td><td>DA Submission</td><td>21-04-20</td></tr></table></div>	Issue	Description	Date	P1	FINAL COORDINATION	18-11-19	A	DA Submission	02-12-19	B	DA Submission	21-04-20	<div><b>Project</b> Semi Detached Dwellings <b>Location</b> 69 High Street <b>Greta</b> <b>Client</b> Waeger</div>	<div><b>Drawing</b> PERSPECTIVES Scale @ A3 Date 21/04/2020 DRAWN SP CHECKED WF</div>	<div><b>Drawing Number</b> DA040 <b>Issue</b> B <b>Project Number</b> 19023 <b>ELK</b> ENGINEERS &amp; ARCHITECTS</div>
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**Report PE32/2020 - Development Application No. 8/2020/46/1 proposing:**  
**Phase 1: Demolition of Existing Structures and One (1) into Six (6) Lot Torrens Title Subdivision**  
**Phase 2: Construction of Semi-Detached Dwellings on Lots 5 and 6**  
**Phase 3: Construction of Semi-Detached Dwellings on Lots 3 and 4**  
**Phase 4: Construction of Semi-Detached Dwellings on Lots 1 and 2**

**Enclosure 2**

**69 High Street, Greta**



**Report PE32/2020 - Development Application No. 8/2020/46/1 proposing:**  
**Phase 1: Demolition of Existing Structures and One (1) into Six (6) Lot Torrens Title Subdivision**  
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**Phase 4: Construction of Semi-Detached Dwellings on Lots 1 and 2**

**Enclosure 2**

**69 High Street, Greta**



Planning and Environment

Report No. PE33/2020

Planning and Environment



**SUBJECT:** ***ADOPTION OF COMMUNITY ENGAGEMENT STRATEGY***

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

### **SUMMARY**

The purpose of this report is to provide the outcomes of the public exhibition process for the draft Community Engagement Strategy and Action Plan and seek Council's adoption of the final Strategy and Action Plan.

### **RECOMMENDATION**

1. That Council notes the outcome of the public exhibition process for the draft Community Engagement Strategy and Action Plan.
2. That Council adopts the Community Engagement Strategy and Action Plan.

### **BACKGROUND**

At its Ordinary Meeting of 15 July 2020, Council resolved (PE24/2020):

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.

### **REPORT/PROPOSAL**

The draft Community Engagement Strategy was placed on public exhibition from 20 July to 16 August 2020. The exhibition process included a guided submission form as well as the normal submission process of written submissions sent via email or post. The guided submission form covered:

- What you think of the proposed objectives
- What you think of the proposed principles
- General comments about the draft Strategy
- General comments about the draft Action Plan

The draft Strategy and Action Plan was made available on Council's website, at Council administration building (via Customer Service), Cessnock City Library and Kurri Kurri Library. A notification was sent to those that subscribed to receive updates regarding the draft Strategy.

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## Planning and Environment



Promotion and coverage of the draft Strategy included:

Source	Date	Engagement
The Advertiser Cessnock advertisement	22 July 2020	
The Advertiser Cessnock website	23 July 2020	
The Advertiser Cessnock Facebook page	23 July 2020	3 likes, 2 shares
Cessnock City Council website	20 July to 16 August 2020	253 Page views
Cessnock City Council Facebook page	21 July 2020  Boosted post on 24 July 2020	Reached 6,285. 446 engagements including link clicks, 12 likes, 22 comments, 9 shares
Cessnock City Council Twitter	21 July 2020	1 like
Cessnock City eNews	14 August 2020	166 recipients

One submission was received from a Cessnock resident via the guided submission form.

The submission had a clear theme of wanting Council to listen to the community, however disagreed with all of the draft Strategy objectives and with the principle of 'Inclusive: we will seek diversity of views'. There were no further comments in relation to the draft principles. The community member was contacted to clarify a number of points in the submission, however no response was received.

Although not a formal submission, feedback received via Facebook posts were considered. The main theme from this feedback was a disbelief that Council will in fact listen to community.

**Outcome:** The consistent theme from the formal submission and informal feedback was that Council should listen to its community. The submission did not raise any new issues or seek change to the Strategy and Action Plan. Therefore no changes are proposed in response to the submission.

The Community Engagement Strategy and Action Plan (**Enclosure 1**) has been finalised with only minor edits to improve readability.

### OPTIONS

Nil

### CONSULTATION

In addition to the public exhibition process, a presentation was made to Council's Aboriginal and Torres Strait Islander Committee. As a result, no changes to the draft Strategy and Action Plan were suggested.

**Planning and Environment**

**Report No. PE33/2020**

**Planning and Environment**



In developing the draft Strategy and Action Plan, over 200 individuals were consulted. The key themes of the initial consultation were:

- Engage early, before decisions are made
- Be honest and transparent with information
- Actively listen and engage in dialogue
- Be responsive to the community's views and allow these views to influence decisions

These themes were addressed in the draft Strategy and Action Plan.

The need to offer a variety of engagement methods was clear. The preferred methods are:

- Online (90%)
- In person (44%)
- In writing (23%)
- Via telephone (17%)
- Via Mobility app (4%)

The top 10 engagement methods our community are most likely to participate in are:

1. Survey
2. Facebook
3. Interactive map
4. Pop-up at public events
5. Discussion panel or ideas board
6. Workshop
7. Committee/advisory group
8. Guided submission to public exhibition
9. At home workshop
10. Drop-in information session

Supporting staff is an important step to improving Council's engagement with the community. During the consultation staff asked for guidelines, toolkit and templates; support and resources; improved use of existing tools; training and education; improved internal collaboration; a better understanding of community expectations; and cultural change.

**STRATEGIC LINKS**

**a. Delivery Program**

The Community Engagement Strategy and Action Plan aligns with the following objectives from the Delivery Program:

Objective 5.2 Encouraging more community participation in decision making:

- 5.2.1 Commence implementation of the priority projects from the Communications and Engagement Strategy.

Objective 5.3 Making Council more responsive to the community:

- 5.3.13 Continue to improve Council's use of technology to inform and engage the community.

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**Planning and Environment**



**b. Other Plans**

Council's Community Participation Plan sets out how and when Council engages the community across its planning functions as required under the *Environmental Planning and Assessment Act 1979*. It includes some information about Council's overall commitment to community engagement.

The Community Engagement Strategy builds on the foundations of the Community Participation Plan, including the adopted principles. The Strategy will not replace the Community Participation Plan, but may be used to enhance its requirements.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The Strategy has no direct financial implications. The actions identified in the Action Plan have been budgeted for in the 2020-21 Operational Plan. Any costs associated with engagement activities will be funded through the relevant project or service budget.

**c. Legislative Implications**

The *Local Government Act 1993*, Chapter 13, Part 2, Section 402 states: "(4) The council must establish and implement a strategy (its community engagement strategy), based on social justice principles, for engagement with the local community when developing the community strategic plan."

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Improving Council's community engagement is expected to have a direct impact on overall satisfaction of Council. The top three indicators that contribute to overall satisfaction\* of Council are:

- Council's response to community needs
- Community involvement in Council decision making
- Information supplied to residents about Council activities

*\*Cessnock City Council Community Satisfaction Survey 2019*



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### ***CONCLUSION***

Over 200 people participated in the development of the draft Strategy and one formal submission was received during the exhibition period. The submission did not raise any new issues or seek change to the Strategy and Action Plan.

It is appropriate that Council adopt the Community Engagement Strategy and Action Plan to improve community participation in Council decision-making processes, so Council can be more responsive to our community.

### ***ENCLOSURES***

[1](#)  Community Engagement Strategy



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## ACKNOWLEDGEMENT OF COUNTRY

Cessnock City Council acknowledges that within its local government area boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

# About this Strategy

Community engagement and participation in decision making forms an important part of our local democracy. Our community has the right and responsibility to access information, be consulted and actively participate in Council's planning and decision making processes.

The Community Engagement Strategy (the Strategy) will help you understand when and how you can influence Cessnock City Council's decision making. We acknowledge conversations are not always led by Council and can be initiated by the community.

The Strategy outlines Council's commitment to community engagement and sets a strategic direction that aims to increase opportunities for genuine participation.

Council is responsible for decisions that have both intended and sometimes unforeseen impacts on our community. The Strategy will support us in undertaking effective community engagement and being more responsive to our community, so we can deliver strategies, services, projects and programs that help achieve our community's aspirations for the Cessnock Local Government Area.

This Strategy is divided into two parts:

**Section 1:** Our community engagement approach including our principles.

**Section 2:** An action plan in order to meet the objectives of the Strategy.

The Strategy is supported by:

- [Community Strategic Plan](#) that sets out the community's vision for Cessnock.
- [Customer Service Strategy](#) that provides a roadmap for continuous improvement to achieve excellent customer service.
- [Community Participation Plan](#) that sets out

how and when we will engage the community across our planning functions under the *Environmental Planning and Assessment Act 1979*, including all mandatory requirements.

- Internal toolkit to provide Council staff guidance and direction in the planning of engagement activities



# Section 1 - Our Community Engagement Approach

## 1.1 What is community engagement?

Community engagement is a process of involving people that are affected by or interested in a decision. It enables good governance, problem solving and decisions that are balanced and informed, resulting in better outcomes. It supports transparency, builds trust in the decision making process and an understanding of decisions.

## 1.2 What do we mean by community?

Our community is the many different individuals, groups and organisations that have a vested interest in our people and the Cessnock Local Government Area, including:

- people that live or own a property here
- people who work or study here
- people that visit the local area
- business owners and operators
- resident and ratepayer associations
- local Aboriginal communities and agencies
- community, sporting and environmental groups

- community agencies that provide services to and/or advocate for people in the local area
- business and industry associations
- developers and investors
- neighbouring councils and regional bodies
- government agencies
- local members (state and federal).

## 1.3 Our engagement objectives

1. We are responsive to our community.
2. Our staff have the skills, tools, capacity and confidence to engage effectively.
3. Our community has opportunities to contribute to Council's decision making process.
4. Our community has the necessary information to make an informed contribution.

## 1.4 Our values

Our core values shape our corporate culture and guide us on how we interact with each other and provide the best outcomes for our community.



### Integrity

We are open, honest and transparent.  
We build trust.



### Respect

We treat people fairly and consistently.  
We respect others' views, ideas and opinions.



### Teamwork

We work as one to get the job done.  
We work together with our community.



### Accountability

We are committed to safety in all we do. We take ownership of our decisions and actions. We are accountable to our community.



### Excellence

We strive to do it once and do it right.  
We take pride in our work and strive for efficiency and innovation.



# Our Community Engagement Approach

## 1.5 Our community engagement principles

Council commits to the following principles that underpin all of our community engagement. They build upon Council's values of integrity, respect, teamwork, accountability and excellence.

In summary, our community engagement will:

- Be facilitated with **integrity**, ensuring the process is transparent and clear in scope and purpose.
- Be designed to be **inclusive** ensuring a range of values and perspectives are captured through use of participation practices that are accessible.
- Promote **dialogue** and encourage open and genuine discussion in an environment where participants feel heard.
- Ensure the community's **influence** is reflected in the outcomes.

### Integrity

- We will maximise engagement opportunities when there is capacity for our community to influence a decision.
- We will explain which decisions can and those that cannot be influenced by the community.
- We will be clear about the engagement process.
- We will be clear about the decision making process.
- We will actively share information to enable informed participation.
- We will communicate the information in a way that is accessible, easy to understand and uses plain language.

Measure: our community has confidence in the engagement process.

### Inclusive

- We will seek diversity of views.
- We will identify and remove barriers to participation.
- We will treat all views, ideas and opinions with respect.

Measure: levels of participation from different sectors of the community.

### Dialogue

- We will seek out and encourage participation from people who may be affected by or interested in a decision.
- We will engage in a way that is appropriate to the level of influence on the decision using methods that best suit our community.
- We will consider the differing views of our community in our decision making.
- We will use the information collected during the engagement process in a meaningful way.

Measure: affected and interested people have the opportunity to participate in a meaningful way.

### Influence

- We will be responsive to community.
- We will communicate to participants how their input was used to influence the outcomes.
- We will evaluate the effectiveness of the engagement with a view of continuous learning and improvement.

Measure: we report back to participants on how community input was used and the final outcome.

# Our Community Engagement Approach

## 1.6 Community engagement in the decision making process

We are responsible for making informed and balanced decisions about services for our community. Our decision making may be influenced by, but not limited to:

- legislation
- council policies and resolutions
- technical and professional advice
- community views
- budget and resourcing impacts
- social impacts
- environmental impacts
- economic impacts
- population data.

## 1.7 Community engagement process

The types of engagement we will undertake can be broadly identified as:

### Inform

We communicate information to those affected by or interested in a decision. This takes place when

a decision has already been made or there is no capacity to influence the decision.

### Consult

We seek some input or feedback on a project or decision before it progresses.

### Active participation

We collaborate with the community and/or specific stakeholder groups to problem solve and develop solutions that are included in decision making. It enables individuals and communities to raise their own issues and for participants to take responsibility for their contribution to solutions.

We will design the engagement process including methods and activities according to the:

- objectives of the project
- level and scope of influence on decision(s) to be made
- level of impact and interest the decision(s) may have
- most effective ways to reach affected and/or interested communities and stakeholders
- time, budget and level of resources available.

Some of the reasons for engaging with our community can include:

- making decisions that impact our community

- major infrastructure projects
- developing or reviewing of a significant policy, strategy or plan
- developing a new project or initiative
- changing a strategic direction or service.





# Our Community Engagement Approach

## 1.8 Barriers to engagement

There are many factors that could make it difficult for people to participate in engagement processes including, but not limited to physical health, language, social isolation, digital access and knowledge, distrust, lack of time and lack of awareness. Council acknowledges these barriers and is committed to making engagement opportunities inclusive and accessible by adapting our methods.

## 1.9 Statutory engagement

The *Local Government Act, 1993* states, in part: A Council has the following charter:

- To provide directly or on behalf of other levels of Government, after due participation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government.

It prescribes statutory engagement requirements for specific Council activities including the Community Strategic Plan.

We are also required to engage the community on our planning functions under the *Environmental Planning and Assessment Act 1979*. This includes strategic plans and Council's role in assessing and determining development applications. Please refer to our Community Participation Plan for further information, including notification and exhibition requirements, timeframes and methods.

The Strategy does not replace these existing statutory requirements, but may be used to enhance the minimum requirements specified.

## 1.10 When we won't engage

Council makes operational decisions that are guided by our adopted plans and the Integrated Planning and Reporting framework. There are times when the community cannot influence decisions of Council, including:

- developing or reviewing internal procedures and protocols
- the decision involves confidential or commercial information
- there is risk to public health and safety
- there are legal constraints
- an immediate resolution is required
- there is no scope for community input.

## 1.11 Reporting on engagement

The information we collect through community engagement activities helps us to make decisions. This information and the outcomes of engagement are reported and made publicly available.



# Our Community Engagement Approach

## 1.12 Privacy in engagement

Participants' personal information will be managed in accordance with the [Government Information \(Public Access\) Act 2009](#) (GIPA Act), the [Privacy and Personal Information Protection Act 1998](#) (PPIP Act) and the [Health Records and Information Privacy Act 2002](#) (HRIP Act). Our Privacy Management Plan details how personal information will be used, stored and accessed after it is collected by, or given to us.

Please note submissions and petitions are subject to the provisions of the [Government Information \(Public Access\) Act 2009](#) and may be made public. When a submission is released by law, we routinely withhold contact numbers, email addresses and signatures. Should an individual wish for all personal details or any information that may identify the individual to be withheld from the public, this must be advised in the submission.

Individuals must also advise the reasons behind their request to enable Council staff to process it, as the GIPA Act requires submissions to be publicly published unless there is a concern for one's welfare or safety. Petitions on the other hand are retained in Council's records management system and are tabled at a Council meeting where they can be inspected by anyone present at the meeting. Individuals not wanting to have their personal information shared should not sign any petitions.

## 1.13 Evaluating our engagement

We evaluate our engagement across the following areas so that we can adjust our engagement approach if required and improve future engagement.

### Process

How well was the engagement designed and implemented?

### Relevance

Was the engagement appropriate and did the community accept the engagement process?

### Reach

Did we reach those affected and/or interested in the decision?

### Outcomes

Did we achieve the objectives of the engagement process?



# Our Community Engagement Approach

## 1.14 Roles and responsibilities

### Council staff

All Council staff are responsible for identifying opportunities for community engagement in their area of work. It is their role to seek out the views of those stakeholders affected by or interested projects, and consider the information without bias as part of their decision making process. It is the role of the Council Officer to report back to participants how the information collected was used and the final outcome of the process. A toolkit is available to assist staff in designing an engagement process.

### Contractors

To ensure a consistent approach consultants contracted to undertake an engagement process are required to do so in accordance with Council's Community Engagement Strategy. Contractor guidelines are available in Council's internal engagement toolkit.

### Councillors

The role of each Councillor in implementing the Strategy is to represent the interests of ratepayers and residents, facilitate two-way communication between the community and Council and consider the results of community engagement processes in their decision making at Council meetings.

### Community

The community is responsible for making themselves aware of community engagement opportunities, ensuring they consider the information provided, participate in activities, provide personal views, be respectful of other views and provide feedback to Council on the process.



# Section 2: Action Plan

The Community Engagement Strategy is supported by actions that will be delivered over a four year period.

## 2.1 Objective 1: We are responsive to our community

### What's important to community?

Council's response to community needs.

#### We will:

- Be clear about the engagement process.
- Be clear about the decision making process.
- Consider the differing views of our community in our decision making.
- Use the information collected during the engagement process in a meaningful way.
- Communicate to participants how their input was used to influence the outcomes.

#### Actions

- ✓ Make an engagement summary available for public engagement processes.
- ✓ Publicly report how community engagement has influenced decision making.
- ✓ Communicate the link between Council operations and the Community Strategic Plan.
- ✓ Evaluate community engagement activities and processes.

- ✓ Continue to undertake the customer satisfaction survey biennially.
- ✓ Review the implementation of the Action Plan items on an annual basis and report to the Executive Leadership Team, Councillors and community.
- ✓ Report on the performance of community engagement activities in Council's Annual Report.





# Action Plan

## 2.2 Objective 2: Our staff have the skills, tools, capacity and confidence to engage effectively

### What's important to community?

A more proactive approach to engagement.

### We will:

- Engage in a way that is appropriate to the level of influence on the decision using methods that best suit our community.
- Treat all views, ideas and opinions with respect.
- Evaluate the effectiveness of the engagement with a view of continuous learning and improvement.

### Actions

- ✓ Provide information on our strategic objective to increase community engagement.
- ✓ Develop an engagement toolkit including guidelines, templates and checklists.
- ✓ Develop a dedicated section on the intranet with access to relevant information and tools/templates that guide community engagement practice.
- ✓ Include engagement in the corporate induction program.

- ✓ Implement a staff education program and targeted training.
- ✓ Identify and implement specialised skills development.
- ✓ Support and expand on the implementation of the Aboriginal and Torres Strait Islander cultural awareness training program\* for staff that includes local culture, history and achievements, legislation and management.
- ✓ Actively participate in the Local Government Engagement Practitioners Network.
- ✓ Develop and implement a forum that enables

\* Identified in Council's Innovate Reconciliation Action Plan (RAP)

staff to collaborate and share learnings regarding engagement.

- ✓ Develop case studies of engagement processes.
- ✓ Nominate staff that have undertaken best practice community engagement for staff awards.
- ✓ Nominate best practice community engagement for industry awards, where appropriate.
- ✓ Review the Community Engagement Officer role within the organisation.



# Action Plan

## 2.3 Objective 3: Our community has opportunities to contribute to Council's decision making process

### What's important to community?

Community involvement in Council decision making.

### We will:

- Maximise engagement opportunities when there is capacity for our community to influence a decision.
- Explain which decisions can and cannot be influenced by the community.
- Seek out and encourage participation from people who may be affected by or interested in a decision.
- Seek diversity of views.
- Identify and remove barriers to participation.

### Actions

- ✓ Develop and implement a proactive engagement program that includes face to face options.
- ✓ Identify projects requiring engagement in the Operational Plan.

- ✓ Include community engagement in project design plans.
- ✓ Clearly state the engagement process, including timeframes.
- ✓ Implement an online engagement hub where all public engagement activities can be viewed.
- ✓ Investigate and expand digital engagement options, including an interactive map, to increase participation.
- ✓ Work with hard to reach communities to ensure engagement methods and practices support participation.
- ✓ Identify and address access barriers for people with disability when planning engagement.
- ✓ Develop a database of individuals and organisations that are interested in Council's engagement opportunities.
- ✓ Develop a Terms of Reference and Nomination Form template for project-based community working groups.
- ✓ Review Council's Community Participation Plan.



# Action Plan

## 2.4 Objective 4: Our community has the necessary information to make an informed contribution

### What's important to community?

A single point of access to engagement processes and information that enables understanding of the issues.

### We will:

- Actively share information to enable informed participation.
- Communicate the information in a way that is accessible, easy to understand and uses plain language.

### Actions

- ✓ Share information that is necessary to the decision making process.
- ✓ Provide information in a way that is easy to understand and uses plain language.
- ✓ Provide information visually, where appropriate.
- ✓ Consider accessibility when planning written communication and make it available in alternative formats when requested.
- ✓ Provide answers, where possible, to common questions relating to the topic.





CESSNOCK CITY COUNCIL



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<http://www.cessnock.nsw.gov.au>



Planning and Environment

Report No. PE34/2020

Planning and Environment



**SUBJECT:** ***ABANDONED OR UNATTENDED SHOPPING TROLLEY  
POLICY REVIEW***

**RESPONSIBLE OFFICER:** ***Health & Building Manager - Colin Davis***

### **SUMMARY**

The purpose of this report is to advise Council that a review of the Abandoned or Unattended Shopping Policy has been completed and to seek Council's endorsement to place the draft amended Policy on public exhibition for 28 days.

### **RECOMMENDATION**

1. That Council places the revised Abandoned or Unattended Shopping Trolley Policy on public exhibition for 28 days.
2. That following public exhibition, Council adopt the revised Abandoned or Unattended Shopping Trolley Policy if there are no unresolved submissions received during the exhibition period.

### **BACKGROUND**

Council adopted an Abandoned or Unattended Shopping Policy at its meeting on 1 November 2017 following a Council briefing on 25 October 2017.

Report No PE/58 to the meeting on 1 November 2017 is provided for Councillors information – refer Enclosure 1.

### **REPORT/PROPOSAL**

The Policy is now up for review and has been presented to Council to seek Council's endorsement to place the draft amended Policy on public exhibition for 28 days.

The review has provided the opportunity to restructure the document to comply with Council's Controlled Documents Framework. Key changes include:

1. Expanding policy objectives and policy statement to require the Policy to guide Council staff, retailers and the community.
2. Detailing where members of the public can report lost, stolen or abandoned shopping trolleys directly to collector services.

No other changes have been made. A copy of the revised Policy is provided in Enclosure 2.

**Planning and Environment**

**Report No. PE34/2020**

**Planning and Environment**

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**CONSULTATION**

Director Planning and Environment  
Ranger Team Leader  
Building Services Team Leader  
Governance

**STRATEGIC LINKS**

**a. Delivery Program**

The report is linked to Clause 1.3.2: "Carry out regulatory and education programs to protect residential amenity and community health and safety".

**b. Other Plans**

Cessnock 2027 Community Strategic Plan – "A connected, safe and creative community".

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

Council can exercise controls over abandoned or unattended shopping trolleys under the following Acts/Regulations:

- *Impounding Act 1993*
- *Protection of the Environmental Operations Act 1997*
- *Local Government Act 1993*

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

N/A

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**Planning and Environment**

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***CONCLUSION***

A review of the Abandoned or Unattended Shopping Policy has been completed and the Policy has been restructured to comply with Council's Controlled Documents Framework. Minor changes to the objective and inclusion of where members of the public can report abandoned and unattended shopping trolleys have been included in the revised Policy.

This report seeks Council's endorsement to place the draft amended Policy on public exhibition for 28 days.

***ENCLOSURES***

- [\*\*1\*\* ↓](#) Abandoned Shopping Trolley Report & Enclosure - 1 November 2017
- [\*\*2\*\* ↓](#) DRAFT Reviewed Cessnock City Council Abandoned or Unattended Shopping Trolley Policy

**Report To Ordinary Meeting of Council - 1 November 2017**

**Planning and Environment**

**Report No. PE58/2017**

**Planning and Environment**



**SUBJECT: SHOPPING TROLLEYS**

**RESPONSIBLE OFFICER: Health & Building Manager - Colin Davis**

**SUMMARY**

This report is provided in response to Council's resolution regarding Notice of Motion BN30/2017 – Shopping Trolleys.

**RECOMMENDATION**

1. That Council work with shopping trolley tracker companies for collection of abandoned and unattended shopping trolleys on their behalf which is consistent with Hunter Regional Councils.
2. That Council place the "Abandoned or Unattended Shopping Trolley Policy" on public exhibition for 28 days.
3. That in the event any submissions are able to be resolved, that Council adopt the Abandoned or Unattended Shopping Trolley Policy as amended.

**BACKGROUND**

Council resolved at its meeting of 5 July 2017:

1. That an investigation be carried out into the policies of other Councils with reference to major CBD retailers' shopping trolleys, left in public and Council areas and the accountability of said major retailers for their removal.
2. That a policy come back to Council for adoption that provides a solution to the problem.

**REPORT/PROPOSAL**

Council staff work with retailers and the community to minimise the unreasonable impacts of unattended shopping trolleys in public places through public education and the provision of appropriate collection services.

It is an offence to abandon a shopping trolley in a public place (under section 32 of the *Impounding Act 1993*). The offence is committed by the person (shopper) abandoning the shopping trolley, not the retailer who provides the trolley. The retailer has therefore not committed an offence and has minimal accountability.

However to protect their investment and to limit the environmental impact of abandoned trolleys, retailers across Australia have funded trolley tracker companies for collection of abandoned shopping trolleys on their behalf. Most retailers use Trolley Tracker (Woolworths, Dan Murphy's, selected IGA stores and Big W) as an information service providing a free call 1800 number, website and phone app for members of the community and Councils to report wayward trolleys. Coles (Target, Kmart, Bunnings and Officeworks) have their own Trolley

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**Report To Ordinary Meeting of Council - 1 November 2017**

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**Planning and Environment**



Collect free call 1800 number, web reporting and app for abandoned trolleys. Both Trolley Tracker and Coles Trolley Collect have a 48 hour maximum recovery period.

Council staff have carried out an investigation into the policies of other Council's. There are currently no Council's within the Hunter region that have specific policies for abandoned shopping trolleys. All Council's work with the retailers and actively advertise collection companies (Trolley Tracker and/or Coles Trolley Collect) on their websites for residents to report abandoned shopping trolleys. As stated above both Trolley Tracker and Coles Trolley Collect have a 48 hour maximum recovery period.

Councils Ranger Team Leader is Council's officer responsible for liaison with the retailers and collection companies regarding trolley management. Meetings have been held with all retailers and Both Trolley Tracker and Coles Trolley Collect are very active within the Cessnock local government area. To supplement collection of reported trolleys Coles carry out routine patrols within the Cessnock CBD using dedicated vehicles and teams. For the Cessnock store they have additional street collection routines scheduled 3 days per week.

As an additional incentive for residents to report abandoned shopping trolleys, Trolley Tracker has a \$1000 random draw each month for anyone that reports the position of an unattended trolley.

**Benefits to Council of using collection companies**

- A professional information service that is solely dedicated to recovering abandoned trolleys. Trolley Tracker has been in operation for 20 years.
- Work with over 150 Council's Australia wide. All officers reporting on behalf of Council have a specific login which is given the highest priority by Trolley Tracker when prioritizing the collection of abandoned trolleys. With the Trolley Tracker and Trolley Collect Apps Council staff can report abandoned trolleys right where they find them (no need to phone it in or write it down and do it later) – fast, easy and efficient. Each report is confirmed by email for Council's record system.
- Free service to Council. Collection companies save Council resources (time and money) in tackling the issue of abandoned shopping trolleys. This is important given that Council does not have specialised equipment within the ranger fleet for collection of abandoned shopping trolleys.
- Educational materials – Trolley Tracker provides educational material free of charge to Local Government (templates for industry standard educational materials, media releases, promotions, etc.).

**Education program**

Council actively advertises trolley tracker companies on our website and has produced a number of press releases and posters for distribution within the major shopping centres.

Shopping trolleys will inevitably be abandoned by irresponsible persons irrespective of the type of management system in place; however, Council is currently employing industry best practice for the management of abandoned/unattended shopping trolleys.

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A draft policy is referred to Council for consideration and is recommended for adoption. The policy has been developed to set out the process for management of shopping trolleys abandoned or unattended within the local government area.

**OPTIONS**

1. Adopt the policy "Abandoned or Unattended Shopping Trolley Policy".

This is the preferred option.

2. Not adopt the policy "Abandoned or Unattended Shopping Trolley Policy".

**CONSULTATION**

In writing this report the following have been consulted:

- Ranger Team
- Director Planning and Environment
- Retail outlets (Coles, Woolworths, Big W, Aldi, IGA)
- Trolley Tracker
- Councils within the Hunter Region
- Councillors were briefed on 25 October 2017.

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to Objective 1.3.2 of the Delivery Program "Carry out regulatory and education programs to protect residential amenity and community health and safety".

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

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**Report To Ordinary Meeting of Council - 1 November 2017**

**Planning and Environment**

**Report No. PE58/2017**

**Planning and Environment**



**c. Legislative Implications**

Council can exercise controls over abandoned shopping trolleys under the following Acts/Regulations:

- *Impounding Act 1993*
- *Protection of the Environmental Operations Act 1997*
- *Local Government Act 1993*

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Council staff work with retailers and the community to minimise the unreasonable impact of unattended shopping trolleys in public places through public education and the provision of appropriate trolley tracker collection services.

No other Councils within the Hunter region have specific policies for abandoned shopping trolleys. All Councils within the Hunter region work with the retailers and actively advertise collection companies on their websites for residents to report abandoned shopping trolleys.

There are specific benefits to Council in using collection companies, as detailed within this report. Council is currently employing industry best practice for the management of abandoned/unattended shopping trolleys.

A draft policy is referred to Council for consideration and is recommended for adoption. The policy has been developed to set out the process for management of shopping trolleys abandoned or unattended within the local government area.

**ENCLOSURES**

- [1](#) Draft Abandoned or Unattended Shopping Trolley Policy

This is Page 40 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 1 November 2017



## Cessnock City Council Abandoned or Unattended Shopping Trolley Policy

<b>Policy Owner:</b>	Health and Building Manager
<b>Relevant Legislation:</b>	Impounding Act 1993
<b>Related Policy:</b>	Compliance and Enforcement Policy
<b>Policy Adoption/Amended Date:</b>	
<b>Policy Reviewed/History:</b>	

<b>Policy Review Date:</b>	<b>Policy Number:</b>	<b>Document Number:</b>
November 2019		

### 1. Objective:

To set out the process for management of shopping trolleys abandoned or unattended in the Cessnock local government area.

### 2. Policy Statement

Council will work with retailers and actively advertise on Council's website shopping trolley collection companies (e.g. Trolley Tracker and Coles Trolley Collect) for residents and staff to report abandoned shopping trolleys.

Council will liaise with retailers and trolley collection agents in developing and/or implementing education campaigns which may include, Signage within stores and carparks, Signage on shopping trolleys, Pamphlets in stores, Media releases.

The management of abandoned or unattended shopping trolleys will be carried out in accordance with the Impounding Act 1993 and Council's Compliance and Enforcement Policy.





## Cessnock City Council Abandoned or Unattended Shopping Trolley Policy

Date Adopted###/###/###Revision: 2

### 1. POLICY OBJECTIVES

- 1.1. To set out the process for the management of shopping trolleys abandoned or unattended in the Cessnock Local Government Area (LGA), providing a guide for Council staff, retailers, and the community on how to manage shopping trolleys so as to reduce trolley abandonment.

### 2. POLICY SCOPE

- 2.1. This policy applies in relation to all abandoned or unattended shopping trolleys in the Cessnock LGA.

### 3. POLICY STATEMENT

- 3.1. By effectively handling the management of abandoned or unattended shopping trolleys in the Cessnock Local Government Area, Council is working towards:
  - 3.1.1. Preserving the visual amenity of the Cessnock LGA by reducing and preventing the abandonment or unattended shopping trolleys;
  - 3.1.2. Recognising and responding to community expectations in minimising the problem of abandoned or unattended shopping trolleys;
  - 3.1.3. Minimising the potential danger to residents and property posed by abandoned or unattended shopping trolleys in the Cessnock LGA; and
  - 3.1.4. To clarify Council's obligations in dealing with abandoned or unattended shopping trolleys.

### 4. DEALING WITH ABANDONED OR UNATTENDED SHOPPING TROLLEES IN THE CESSNOCK LGA

- 4.1. Council will work with retailers and actively advertise on Council's website shopping trolley collection companies (e.g. [Trolley Tracker](#) and [Coles Trolley Collect](#)) for residents and staff to report abandoned or unattended shopping trolleys.
- 4.2. Council will liaise with retailers and trolley collection agents in developing and/or implementing education campaigns which may include:
  - 4.2.1. signage within stores and carparks;
  - 4.2.2. signage on shopping trolleys;
  - 4.2.3. pamphlets in stores; and/or
  - 4.2.4. media releases.



4.3. Members of the community can report lost, stolen or abandoned shopping trolleys directly to the following collector services:

- 4.3.1. Woolworths and Big W, report to [trolleytracker.com.au](http://trolleytracker.com.au) or 1800 641 497;
- 4.3.2. Coles, and Target, report to [coles.com.au](http://coles.com.au) or call 1800 876 553;
- 4.3.3. Aldi, report [online](#) or call 13 25 34;
- 4.3.4. Bunnings report [online](#) or call 1300 554 777; or
- 4.3.5. IGA report [online](#) or call Cessnock 4990 7708, Kurri Kurri 4937 2588.

## 5. POLICY ADMINISTRATION

<b>Business Group</b>	Planning and Environment
<b>Responsible Officer</b>	Health and Building Manager
<b>Associated Procedure</b>	Nil
<b>Policy Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number</b>	DOC2020/129233
<b>Relevant Legislation</b>	<i>Impounding Act 1993</i> (NSW)
<b>Relevant desired outcome or objectives as per Council's Delivery Program</b>	<p>A connected, safe and creative community</p> <ul style="list-style-type: none"> <li>Objective 1.3: Promoting safe communities</li> </ul> <p>A Sustainable &amp; Healthy Environment</p> <ul style="list-style-type: none"> <li>Protecting &amp; enhancing the natural environment &amp; the rural character of the area</li> </ul>
<b>Related Policies / Protocols / Procedures / Documents</b>	<ul style="list-style-type: none"> <li>Records Management Policy (DOC2019/038769)</li> <li>Compliance and Enforcement Policy (DOC2017/083408)</li> </ul>



## 6. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	<ul style="list-style-type: none"> <li>Impounding of Abandon Shopping Trolleys (Articles)</li> <li>Disposal of Abandon Shopping Trolleys (Articles)</li> </ul>	Health and Building <ul style="list-style-type: none"> <li>Manager</li> <li>Principal Ranger</li> <li>Rangers</li> </ul>

## 7. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	<<Enter text...>> <i>Must include the ELT or Council minute number</i>	01/11/2017 - New policy adopted
2	DATE	Periodic review Update Format

Planning and Environment

Report No. PE35/2020

Planning and Environment



**SUBJECT:** ***DEVELOPMENT APPLICATION PERFORMANCE  
MONITORING REPORT - JUNE QUARTER AND FINANCIAL  
YEAR 2019/2020***

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

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### **SUMMARY**

The purpose of this report is to provide Council with the June quarter and the financial year 2019/2020 data in relation to development performance monitoring data and provide an overview of development activity within the Cessnock Local Government Area.

### **RECOMMENDATION**

**That Council receives and notes the Development Performance Monitoring Report for the June quarter and financial year 2019/2020.**

### **BACKGROUND**

Each year, the NSW Department of Planning, Industry and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for development applications, modification of Consents and complying development.

Over recent years, Council has continued to work with key stakeholders to improve processes and the overall performance in relation to development assessment and processing times. The past 12 months has seen Council expand the use of online lodgement of applications via the NSW Planning Portal with one hundred percent of applications now lodged online.

### **REPORT/PROPOSAL**

Data outlined in this report provides details of Council's local development performance during the 2019/2020 financial year.

The NSW Planning Portal provides additional ePlanning reporting in relation to development assessment. The following link provides details of applications that have been lodged and determined by NSW Councils using the portals.

<https://www.planningportal.nsw.gov.au/eplanning-report>

# DEVELOPMENT ASSESSMENT

## Key Highlights 2019/2020

### Development Applications

212 applications Jun Qtr

774 applications YTD

RECEIVED



### Modifications

35 applications Jun Qtr

135 applications YTD

RECEIVED

221 applications Jun Qtr

787 applications YTD

DETERMINED



36 applications Jun Qtr

141 applications YTD

DETERMINED

Determination of DAs as defined under the Act (*granting consent or refusing consent*)

37 median YTD

PROCESSING DAYS



34 median YTD

PROCESSING DAYS

Determination of DAs as defined under the Act (*granting consent or refusing consent*)

57 mean (avg) YTD

PROCESSING DAYS



57 mean (avg) YTD

PROCESSING DAYS



2019/2020



Determination Body  
COUNCIL STAFF

99%



Determination  
GRANTING CONSENT

100%

Construction Certificates

52 percent

Principal Certifying Authority  
Market Share

Occupation Certificates

36 percent

Principal Certifying Authority  
Market Share



\$332,439,959

Development Value  
(Development Applications only)



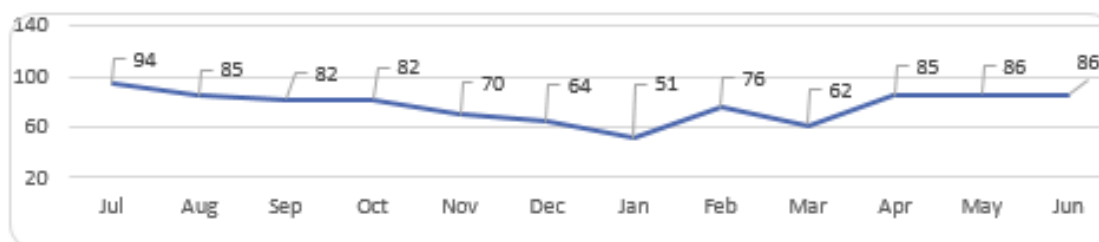
\$88,359,856

Complying Development  
Value for approvals  
(Council & Private Certifiers)



2019/2020

## 12 Month comparison of applications determined (DAs &amp; Modifications)



## Development by location



## Percentage of undetermined



## Number of total dwelling units



The seasonally adjusted estimate for Australia fell 4.9% in June.

DWELLING UNITS APPROVED  
STATE TRENDS

## NEW SOUTH WALES



The trend estimate for total number of dwelling units approved in New South Wales was flat in June after falling for two months. The trend estimate for the number of private sector houses rose 1.1% in June and has risen for five months.

## Planning and Environment

Report No. PE35/2020

## Planning and Environment



## Residential building approvals - dwellings

Cessnock City Council	Number			Annual change		
Year (ending June 30)	Houses	Other	Total	Houses	Other	Total
2019-20	545	48	593	-94	-15	-109
2018-19	639	63	702	+184	+22	+206
2017-18	455	41	496	+32	-3	+29
2016-17	423	44	467	+68	+24	+92
2015-16	355	20	375	+93	-13	+80
2014-15	262	33	295	-112	-87	-199
2013-14	374	120	494	+60	+67	+127
2012-13	314	53	367	+29	-28	+1

Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented in profile.id by .id, the population experts (Usual residence data)

## Residential building approvals

Cessnock City Council

Other dwelling approvals House approvals



Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented by .id, the population experts.



## Planning and Environment

Report No. PE35/2020

## Planning and Environment



**593** residential buildings  
approved to be built in the financial  
year 2019-20 JUN FYTD



The value of building approvals  
was **\$266m** in the 2019-20  
JUN FYTD financial year

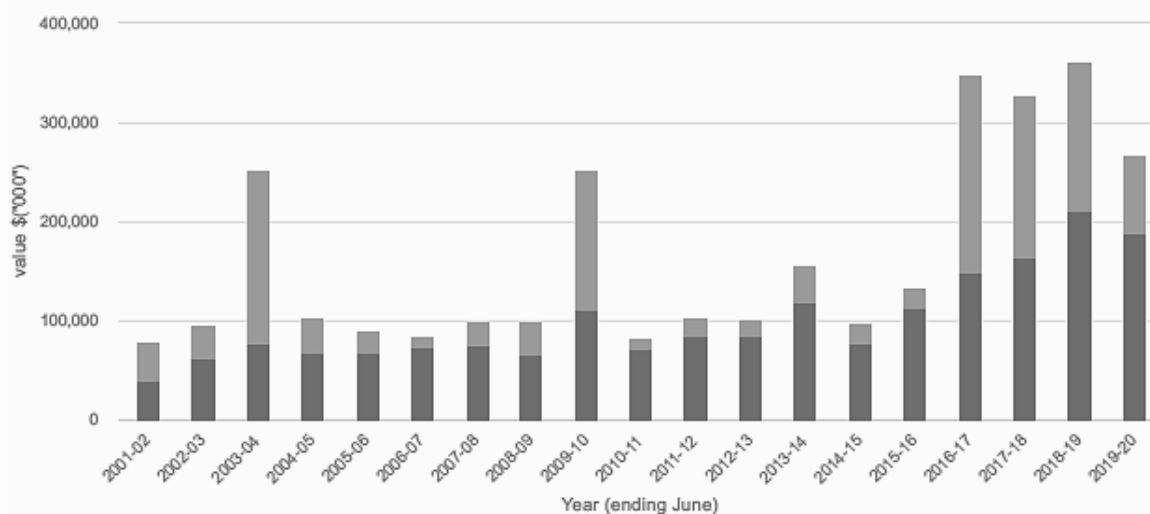
Value of total building approvals

reset ↺ export 📄

	Cessnock City			New South Wales			
Financial year	Residential \$('000')	Non- residential \$('000')	Total \$('000')	Residential \$('000')	Non- residential \$('000')	Total \$('000')	Cessnock City as a % of New South Wales
2019-20	187,775	78,320	266,094	18,389,347	17,087,616	35,476,962	0.8%
2018-19	209,657	149,537	359,194	21,819,095	16,849,392	38,668,487	0.9%
2017-18	163,405	163,611	327,016	26,688,322	14,681,502	41,369,824	0.8%
2016-17	146,563	200,917	347,480	25,294,965	14,322,685	39,617,649	0.9%
2015-16	112,573	20,406	132,979	24,507,071	11,286,909	35,793,980	0.4%
2014-15	76,046	19,245	95,291	17,998,424	8,538,785	26,537,210	0.4%
2013-14	117,126	37,315	154,441	15,651,703	12,000,977	27,652,680	0.6%
2012-13	83,814	17,007	100,821	11,981,013	7,883,815	19,864,829	0.5%

Value of total building approvals

Cessnock City

 Non Residential
  Residential

<https://economy.id.com.au/cessnock/value-of-building-approvals>

## Planning and Environment

Report No. PE35/2020

## Planning and Environment



## Legal Appeals

Application type (DA, s96)	Council reference number (DA/s96)	Legal appeal class	Legal Appellant	Legal appeal determination date dd/mm/yyyy	Legal appeal outcome	Appeal against planning arbitrator decision (Y/N)
S96	008/2017/00000718/002	Class 1	Developer	16/07/2019	Upheld	Y
DA	008/2018/00000650/001	Class 1	Developer	05/07/2019	Consent Orders	Y
DA	008/2018/00000859/001	Class 1	Developer	30/04/2020	Consent Orders	Y

<b>CESSNOCK CITY COUNCIL</b> <b>Register of Development Applications with Variations to Development Standards</b> <b>(Last Updated 17/07/2020)</b>									
In order to ensure transparency and integrity in the planning framework, Council maintains a publicly available online register of variations to development standards approved within the Cessnock Local Government Area under Clause 4.6 of the Cessnock Local Environmental Plan (CLEP) 2011.									
The register is updated quarterly.									
Council DA reference number	Lot number	DP number	Street number	Street name	Suburb Town	Postcode	Development standard to be varied	Extent of variation	Date DA determined dd/mm/yyyy
008/2015/00000225/002	LOT: 29	589827	57	Deakin ST	KURRI KURRI	2327	Clause 4.1	8.7%	12/08/2019
008/2018/00000355/001	LOT: 2 SEC: 52	758002	26	Colliery ST	ABERDARE	2325	4.1 - Minimum Lot Size Standard	7%	15/07/2019
008/2020/00000855/001	10	758555	79	Allandale	KEARSLEY	2325	Clause 4.1 Minimum lot size	8.50%	18/06/2020

## Highlights Commentary 2019/2020

- As at 30 June 2020 the number of applications being processed was 136 with 78% under 3 months, 10% at the key milestone of 3 months, 1% at 6 months, 6% at 9 months, 1% at 12 months, 3% at 18 Months and 2% at 24 months.
- During 2019/2020 financial year, development application processing days were 37 median days and 57 mean (average) days for development applications.
- 99 percent of applications were determined by council staff.
- The percentage of applications determined in 40 days or less equals 56% for the 2019/20 JUN FYTD period and there were 76% of applications determined less than 60 days.
- Determination of development applications as defined under the Act (*granting consent or refusing consent*) - 100 percent of applications were approved by granting consent. There were no applications refusing consent during the reporting period.
- 60% of housing approvals by Council were determined within 40 days.
- 593 residential dwellings were approved across the Cessnock LGA in the year 2019/20 JUN FYTD. This is trending lower than record residential approvals last financial year, however is still well above previous years.

## Planning and Environment

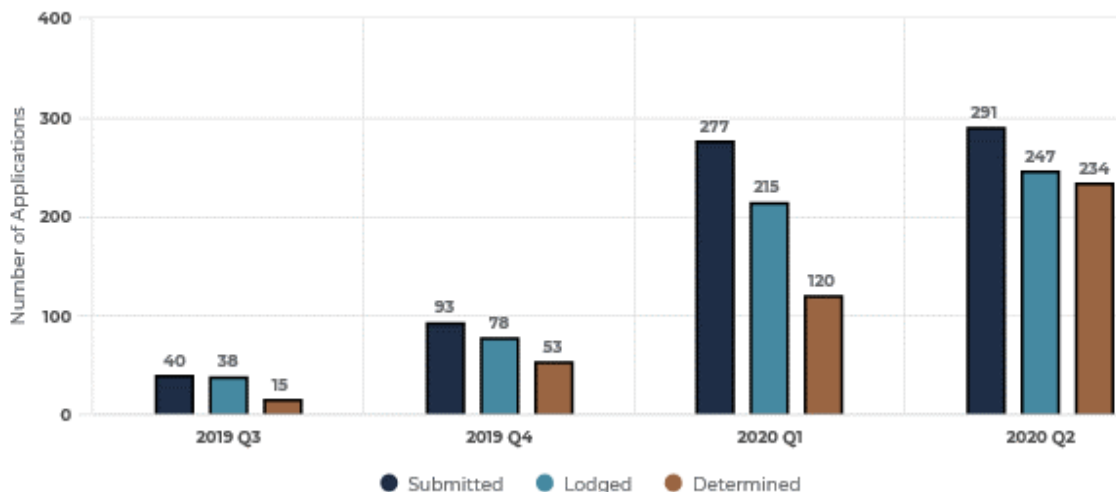
Report No. PE35/2020

## Planning and Environment



- The total value of building approvals in Cessnock LGA was \$266m in the 2019/20 JUN FYTD financial year. This figure is also trending lower consistent with the lower trend in approvals.
- Council's Building Certification market share for construction certificates was at 52% for the 2019/2020 financial year.
- North Rothbury (Huntlee) had the highest amount of development activity with 103 applications determined, followed by Cessnock 100, Cliftleigh 68, Greta 60, Pokolbin 46 and Kurri Kurri 40 applications were determined during the 2019/20 financial year.
- Benchmarking data for LDPM – Local Development Performance Monitoring Data is now available on the NSW Planning Portal. The dashboard provides local development data from all NSW councils, covering financial years 2006/07 to 2018/19.  
<https://www.planningportal.nsw.gov.au/local-development-performance-monitoring-ldpm>
- ePlanning reporting has made it easier for you to see how many applications have been lodged through the NSW Planning Portal. Development Assessment Data is available for Council's online DA services commencing from July 2019.

Online DA Status by Completed Quarter



- \* Submitted equals applications submitted in the NSW Planning Portal. Noting applications not meeting Council requirements are returned at this stage of the process
- \* Lodged equals applications that Council has accepted to process.
- \* Determined equals applications that were lodged through the NSW Planning Portal and have also been determined. Noting applications determined by council that were not lodged through the NSW Planning Portal are not included in this report.
- \* As of 2 January 2020 all development applications and associated certificates have been lodged through the NSW Planning Portal.

## Planning and Environment

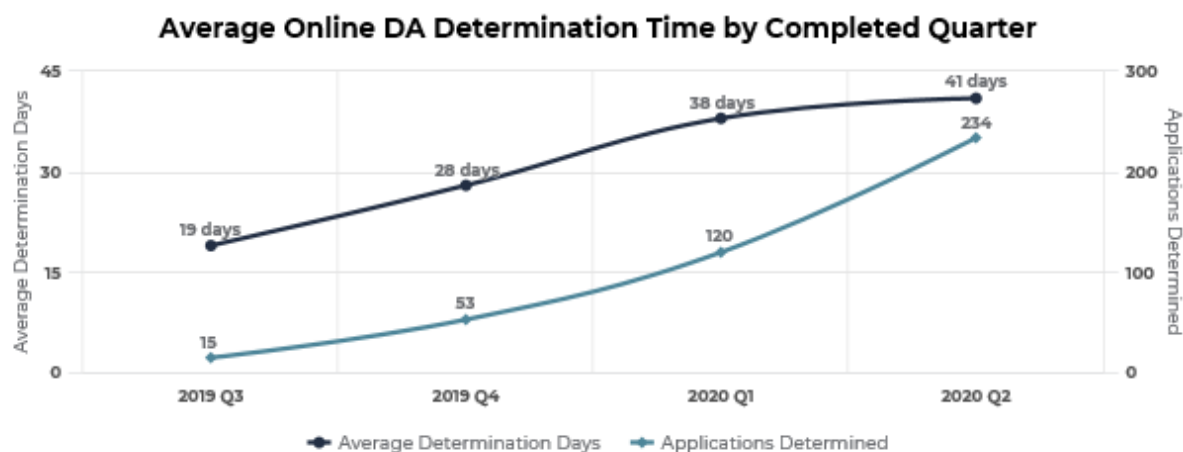
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## Planning and Environment



\* <https://www.planningportal.nsw.gov.au/eplanning-report>

This graph includes all application types: DAs, Review of determination and Modification Applications



Council is achieving excellent outcomes through implementation of the ePlanning digital service, which has resulted in improved efficiencies. Council collaborated closely with the DPIE in implementing the NSW Planning Portal. A brief history of implementation is as follows;

- April 2019: Concurrence and referral module was made operational
- July 2019: Lodgement of complying development certificates, development applications and post consent certificates was made available via the Portal
- January Council mandated online lodgement of all applications via the NSW Planning Portal. This change saw Council refine all internal processes, resulting in a complete digital solution for development assessment
- April 2020: Application Programming Interface API (Phase1) was developed, thereby integrating the NSW Planning Portal and Council's operating system (Content Manager)
- July 2020: API integration (Phase2) was completed, thereby integrating the Portal with Civica's Authority application module. These achievements have enabled Council to be the first Council in the state to successfully integrate the NSW Planning Portal with Council's corporate systems
- July 2020: Certificate register was made operational for Private Certifiers
- September 2020: Section 68 and Section 138 to be made operational. Council has participated in project workshops and user acceptance testing sessions
- Council is a member of the DPIE ePlanning Council Reference Group to support the ongoing delivery of the ePlanning Program, representing the Hunter Region
- Council is an advocate for the Portal, presenting at DPIE roadshows/workshop and has hosting information sessions to approx. 30 NSW councils in order to share Council's experiences, project plan and processes

**Planning and Environment**

**Report No. PE35/2020**

**Planning and Environment**

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- Council has won awards for Council's ePlanning Transformation, specifically the Local Government Excellence Awards; and NSW Local Government Week Awards Planning NSW.

**CONSULTATION**

NSW Planning – Local Development Performance Monitoring  
DPIE – NSW Planning Portal  
Civica – Authority and MasterView Consultants  
Acting Director Planning and Environment  
Health and Building Manager  
Development Services Manager

**STRATEGIC LINKS**

**a. Delivery Program**

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

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Environmental Implications**

N/A

**f. Other Implications**

Nil

Planning and Environment

Report No. PE35/2020

Planning and Environment

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***CONCLUSION***

The report is provided for information and outlines an overview of the performance of Development Assessment for the 2019/20 Financial Year.

***ENCLOSURES***

There are no enclosures for this report

Corporate and Community

Report No. CC79/2020

Corporate and Community Services



**SUBJECT:** *T072021HUN PROVISION OF LINEMARKING*

**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 Line Marking.

### **RECOMMENDATION**

1. That Council accepts the Regional Procurement Tender for the Provision of Line Marking (T072021HUN).
2. That Council accepts the panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Line Marking (T072021HUN), in no order of preference;
  - Jenalad Pty Ltd t/a Whiteline Road Services.
  - Workforce Road Services Pty Ltd.
  - J & M Road Marking Specialists.
3. That Council notes the contract term for Tender Provision of Line Marking (T072021HUN) 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 (T301718HUN) for the Provision of Line Marking. 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 expenditure for the term of this contract is estimated to be \$850,000 for the three year term.

### **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 7 July 2020 with five tenders received from the following suppliers to supply participating councils:

- Complete Linemarking Services Pty Ltd
- OZ Linemarking (NSW) Pty Limited

Corporate and Community

Report No. CC79/2020

Corporate and Community Services

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- Jenalad Pty Ltd t/a Whiteline Road Services
- Workforce Road Services Pty Ltd
- J & M Road Marking Specialists Pty Ltd

Regional Procurement evaluated the tenders on 6 August 2020 via Zoom with Council officers present being:

- Team Leader Contracts and Tendering
- Contracts and Tendering Officer
- State Maintenance Coordinator
- North Area Maintenance Coordinator

Technical difficulties prevented the representative from Regional Procurement attending the evaluation.

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 Provision of Line Marking (T072021HUN) 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:

- Jenalad Pty Ltd t/a Whiteline Road Services.  
Business Location; 5 Balook Drive Beresfield NSW
- Workforce Road Services Pty Ltd.  
Business Location; 1/383 Maitland Road Cessnock NSW
- J & M Road Marking Specialists.  
Business Location; 15 Rosegum Close Warabrook NSW



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**OPTIONS**

1. That Council accepts the Regional Procurement Tender for the Provision of Provision of Line Marking (T072021HUN) and appoints the recommended panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Line Marking (T072021HUN), 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:

- Works Engineer Works and Operations
- State Maintenance Coordinator Works Delivery
- 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 the 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.

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**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:

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- (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 Provision of Line Marking (T072021HUN) 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** T072021HUN 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.*

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Report No. CC80/2020

Corporate and Community Services



**SUBJECT:** *FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020 - REFER FOR AUDIT AND COUNCIL CERTIFICATION*

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

### **SUMMARY**

The draft financial reports for the year ended 30 June 2020 are required to be formally referred for external audit.

Section 413 of the *Local Government Act 1993* and the Local Government Code of Accounting Practice and Financial Reporting require a statement in the approved form to be adopted by Council in regards to the financial reports.

### **RECOMMENDATION**

1. That the financial statements are formally referred for external audit.
2. That in accordance with Section 413(2)(c) of the *Local Government Act, 1993* the General Purpose Financial Report has been prepared in accordance with:
  - *The Local Government Act 1993* and the Regulations made thereunder.
  - The Australian Accounting Standards and professional pronouncements.
  - The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these reports:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

3. That in accordance with the Local Government Code of Accounting Practice and Financial Reporting the Special Purpose Financial Reports have been prepared in accordance with:
  - The Local Government Code of Accounting Practice and Financial Reporting.
  - NSW Government Policy Statement "Application of National Competition Policy to Local Government".
  - Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality".

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To the best of our knowledge and belief, these reports:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

4. That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statements by Council on its Opinion of the 2019-20 Financial Statements.

## BACKGROUND

Section 413(1) of the *Local Government Act 1993* requires Council to prepare General Purpose Financial Reports for the financial year ending 30 June. Council must also prepare Special Purpose Financial Reports in accordance with the Local Government Code of Accounting Practice and Financial Reporting. Both of these financial reports require a Council resolution to formally refer them for audit and separate statements in the approved form as to Council's opinion on the reports as referred for audit.

## REPORT

The financial statements set out the financial performance, financial position and cash flows of Council at each year ending 30 June and are supported by detailed notes.

Section 413(1) of the *Local Government Act 1993* requires Council to prepare financial reports each year and refer them for audit. The financial reports must include a general purpose financial report, any other matter prescribed by the regulations and a statement in the approved form by the Council as to its opinion on the general purpose financial reports.

The Local Government Code of Accounting Practice and Financial Reporting requires Council to prepare Special Purpose Financial Statements and to provide a statement in the approved form by the Council as to its opinion on the special purpose financial reports.

The statements by Council and Management are required to be authorised by a resolution of Council and need to be signed in accordance with that resolution by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

The financial statements have been prepared and are scheduled for audit by Council's external Auditors, the Audit Office of NSW represented by Pitcher Partners in the week commencing 31 August 2020.

The Audit and Risk Committee has reviewed the preliminary draft financial statements at the meeting held on 28 August 2020. The Audit and Risk Committee is scheduled to meet again on 13 October 2020 to review the audited Annual Financial Statements and external Auditor documentation for comment prior to presentation to Council and the public.

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Section 419 of the *Local Government Act 1993* requires that following audit the Annual Financial Statements are to be presented to Council and the public. It is proposed that the audited financial statements be presented to Council and the public on 18 November 2020.

Copies of the Councillors and Management statements are provided at **Enclosures 1 and 2** to this report. The draft financial statements were provided to Councillors as part of the Audit and Risk Committee agenda for 28 August 2020 and a Councillor briefing was held on 9 September 2020.

Accounting Standard Changes – Impact on Statements

It is highlighted that the draft financial statements are not yet audited and once the audit is finalised, the statements will be reported to Council and the public, inclusive of the auditor's report, which will provide specific commentary on the result.

However, for the information of Councillors the requirement to adopt new Accounting Standards has meant that Council was required to change the way some items are treated and recorded in the financial statements. This resulted in some income having to be recognised as prepayments and shown as a liability, rather than income in the year, with the income being shown in the next financial period and the liability reversed.

The major items impacted by this change were:

- Development application and building fees income \$451k – income received was required to be recognised as a prepayment (liability). Impact is decreased income in the profit and loss statement, and increased balance sheet liability at year end.
- Future Lease liabilities \$83k – Impact is increased balance sheet liability at year end.
- Grants and contributions \$3.784m – grants held as a prepayment rather than recognised as income. Primarily these relate to capital projects with expenditure being a balance sheet item not an operating cost. Impact is decreased income in the profit and loss statement, and increased balance sheet liability at year end.
- Rates and Charges outstanding - Council was required to recognise prepayments of rates and charges as a liability to be consistent with standards being implemented rather than being included in the net rates outstanding figure as a receivable. The amount prepaid was \$1.724m as at 30 June 2020. This has resulted in a significant increase in the rates outstanding ratio, which was 5.29%. This result is still well below the performance measure for regional councils of less than 10% outstanding. If this change had not been required, the outstanding percentage would have been 2.15% (1.99% in 2018-19). Impact is contained within the balance sheet, with a higher receivable amount being offset by a higher liability.

A Councillor briefing on the draft statements was provided on 9 September 2020.

**OPTIONS**

N/A

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**Corporate and Community Services**

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**CONSULTATION**

Senior Finance Staff  
Asset Management Staff  
Pitcher Partners Accountants  
Audit Office of NSW  
Audit and Risk Committee  
General Manager  
Councillors

**STRATEGIC LINKS**

**a. Delivery Program**

This report is a crucial part of the organisation's governance framework and 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**

This report has no direct policy implications.

**b. Financial Implications**

Nil

**c. Legislative Implications**

Council's General Purpose Financial Reports have been prepared in accordance with Section 413 of the *Local Government Act 1993* and the Special Purpose Financial Reports have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting (Guidelines).

Referral of the financial reports for audit, including the Council and management statements as to its opinion on the financial reports is in accordance with legislative requirements.

**d. Risk Implications**

Nil

**e. Other Implications**

There are no environmental, community, consultative or other implications to this report.

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**Corporate and Community Services**

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**CONCLUSION**

Council is required to prepare financial reports each year and refer them for audit. The financial reports must include a statement in the approved form by the Council as to its opinion on the reports and the statements by Council and Management are required to be authorised by a resolution of Council and signed in accordance with that resolution by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

**ENCLOSURES**

- 1 [↓](#) Statement by Councillors and Management GPFS
- 2 [↓](#) Statement by Councillors and Management SPFS



## Cessnock City Council

### General Purpose Financial Statements for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2020.

Councillor Bob Pynsent  
Mayor  
16 September 2020

Councillor Melanie Dagg  
Councillor  
16 September 2020

Ms Lotta Jackson  
General Manager  
16 September 2020

Mr Robert Maginnity  
Responsible Accounting Officer  
16 September 2020

**Cessnock City Council**

**Special Purpose Financial Statements  
for the year ended 30 June 2020**

**Statement by Councillors and Management made pursuant to the Local Government Code of  
Accounting Practice and Financial Reporting**

**The attached Special Purpose Financial Statements have been prepared in accordance with:**

- the NSW Government Policy Statement '*Application of National Competition Policy to Local Government*',
- the Division of Local Government Guidelines '*Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*',
- the Local Government *Code of Accounting Practice and Financial Reporting*,
- the NSW Office of Water Best-Practice *Management of Water and Sewerage Guidelines*.

**To the best of our knowledge and belief, these statements:**

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.

**We are not aware of any matter that would render these statements false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 16 September 2020.**

\_\_\_\_\_  
Councillor Bob Pynsent  
Mayor  
16 September 2020

\_\_\_\_\_  
Councillor Melanie Dagg  
Councillor  
16 September 2020

\_\_\_\_\_  
Ms Lotta Jackson  
General Manager  
16 September 2020

\_\_\_\_\_  
Mr Robert Maginnity  
Responsible Accounting Officer  
16 September 2020

Corporate and Community

Report No. CC81/2020

Corporate and Community Services



**SUBJECT:** *ELECTION OF DEPUTY MAYOR*

**RESPONSIBLE OFFICER:** *Director Corporate and Community Services - Robert Maginnity*

### **SUMMARY**

Council has historically elected a Deputy Mayor for a term of twelve months. There is no statutory requirement for the appointment of a position of Deputy Mayor, however if Council so determines, the term and the method of election to be used needs to be decided.

### **RECOMMENDATION**

**That the election of Deputy Mayor be held and determined by open ballot with the term of office to be from 19 September 2020 to 3 September 2021.**

### **BACKGROUND**

The *Local Government Act 1993* (NSW) (**Act**) provides for Councillors to elect a person from among their number to be the Deputy Mayor. Historically Council has elected a Deputy Mayor each year for a term of twelve months. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

### **REPORT/PROPOSAL**

In September 2019, with the expectation that the September 2020 local government elections would be held as scheduled, Councillor Dagg was elected unopposed as Deputy Mayor with the period of office being from 1 October 2019 to 19 September 2020.

Following the COVID-19 Pandemic, the 2020 local government elections have been postponed to 4 September 2021, thus it is necessary for Council to determine whether it wishes to fill the role of Deputy Mayor beyond the current term.

In relation to a Deputy Mayor, Section 231 of the Act provides:

1. Councillors may elect a person from among their number to be the Deputy Mayor.
2. The person may be elected for the Mayoral term or a shorter term.
3. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor.
4. Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Schedule 7 of the *Local Government (General) Regulation 2005* outlines the election process for the position of Mayor or Deputy Mayor by Councillors under clause 394.

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The following procedure is prescribed:

- The General Manager (or delegate) will be the Returning Officer (clause 1).
- A nomination is to be made in writing by two or more Councillors, one of whom may be the nominee. The nominee must indicate consent to the nomination in writing (clause 2(2)).
- The nomination form has been provided as **Enclosure 1** and is to be delivered or sent to the General Manager, acting as Returning Officer (clause 2(3)). The Returning Officer will announce the names of the nominees at the Council meeting at which the election is to be held (clause 2(4)).
- If only one Councillor is nominated, that Councillor is elected (clause 3(1)). If more than one Councillor is nominated, the elected Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting (clause 3(2)). Ballot has its normal meaning of secret ballot, and open voting means voting by a show of hands or similar means (clause 3(4)).
- The election is to be held at the Council meeting at which the elected Council resolves the method of voting (clause 3(3); clause 11.5 of Council's Code of Meeting Practice).

For the information of Council, whilst Council has a popularly elected Mayor who serves for the term of Council, those councils that elect a Mayor from among their number, the term of office is set at 2 years. Section 230 of the Act provides (inter-alia);

1. *A mayor elected by the councillors holds the office of mayor for 2 years.*
2. *A mayor elected by the electors holds the office of mayor for 4 years.*

**OPTIONS**

1. Council decide not to elect a Deputy Mayor.
2. Council elect a Deputy Mayor, subject to:
  - 2.1 Term of Office
    - Council elect a Deputy Mayor for a 12 month period.
    - Council elect a Deputy Mayor for the remainder of the Mayoral term.
    - Council elect a Deputy Mayor for another designated term.
  - 2.2 Method of Election
    - The election of Deputy Mayor be by preferential ballot.
    - The election of Deputy Mayor be by ordinary ballot.
    - The election of Deputy Mayor be by open voting

**CONSULTATION**

General Manager

**STRATEGIC LINKS**

**a. Delivery Program**

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

**Corporate and Community**

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**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The fee applicable to an appointment to the Deputy Mayor position must be paid from the annual allocation to the Mayor as per sections 249 and 252 of the Act. The fee applicable was set at \$800 for 2020-21.

**c. Legislative Implications**

Section 231 of the Act provides that Councillors may elect a person from among their number to be the Deputy Mayor, and any such person may be elected for the Mayoral term or a shorter term.

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The Act provides for the election of a Councillor to be the Deputy Mayor. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

**ENCLOSURES**

[1](#) ↓ Nomination Form

## NOMINATION PAPER FOR POSITION OF DEPUTY MAYOR

We, the undersigned Councillors, do hereby propose for nomination:

.....

as a candidate for the Office of Deputy Mayor at the election to be held on     /     /

**Name**

**Signature**

**Date**

.....  
.....  
.....  
.....  
.....  
.....

## FORM OF CONSENT

I, the above named .....  
(full name of person proposed for nomination)

hereby consent to my being proposed for nomination

.....  
(signature of person proposed for nomination)

**Please note: A nomination must be made in writing by two (2) or more Councillors and is not valid unless the nominee has indicated consent to the nomination in writing.**

Corporate and Community

Report No. CC82/2020

Corporate and Community Services



**SUBJECT:** *CONSIDERATION OF COUNCILLOR NUMBERS - 2021  
COUNCIL ELECTIONS*

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

### **SUMMARY**

The purpose of this report is to request Council to consider the number of its Councillors for the following term of office as required by Section 224(2) of the *Local Government Act 1993* (NSW) (Act) before the next ordinary election.

### **RECOMMENDATION**

**That Council maintains the current number of Councillors being 13 (one of whom is the Mayor) for the following term of office.**

### **BACKGROUND**

In accordance with section 224 (2) Council must determine the number of its Councillors for the following term of office. In accordance with section 224 (3), if the elected Council proposes to change the number of Councillors, it must, before determining the number, obtain approval for the change at a Constitutional Referendum and as per section 224 (1) a Council must have at least 5 and not more than 15 Councillors (one of whom is the Mayor).

### **REPORT/PROPOSAL**

This report seeks Councils' consideration of Councillor numbers and in accordance with past decisions of Council relating to Councillor numbers to not undertake the process to change the number of elected officials from the current numbers of 13 (one of whom is the Mayor).

It should also be noted that in accordance with clause 244A(9) of the *Local Government (General) Regulations 2005* (NSW) (Regulation):

- (9) *A Council for an area that is divided into Wards may not make an application under this section for a decrease in the number of Councillors that would result in the number of Councillors for each Ward being fewer than 3.*

Therefore if Council did want to reduce the number of Councillors it would need to review the Ward system at the same time. This would require investigating whether there is a case for reducing the number of actual Wards through boundary adjustments or abolishing Wards.

The process to reduce the number of Councillors, after a Council has taken the issue to resident via a referendum is in accordance with clause 224A of the Regulation:

#### **224A - Approval to reduce number of Councillors**

- (1) *A Council may resolve to make an application to the Minister to approve a decrease in the number of Councillors within the limits referred to in section 224 (1).*  
(2) *The Council must give not less than 42 days' public notice of its proposed resolution.*

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- (3) *After passing the resolution, the Council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.*
- (4) *The Minister may approve the application without amendment or may decline to approve the application.*
- (5) *If the Minister approves the application, the number of Councillors of the Council is reduced to the number specified in the application with effect on and from the day appointed for the next ordinary election of Councillors after the application is approved.*
- (6) *Section 16 does not apply to a resolution of a Council to make an application to the Minister under this section.*
- (7) *An application may be made under this section after the commencement of the Local Government Amendment (Elections) Act 2011 but before the expiry of 5 months after that commencement.*
- (8) *Nothing in this section prevents a Council from making more than one application under this section or from taking action under section 224 to change the number of its Councillors.*
- (9) *A Council for an area that is divided into Wards may not make an application under this section for a decrease in the number of Councillors that would result in the number of Councillors for each Ward being fewer than 3.*

If Council propose any changes to Councillor numbers, a referendum at the 2021 elections would be required and the reduced numbers would take effect from the 2024 election, provided that the number of Councillors per Ward was also addressed.

**OPTIONS**

1. Council resolves to maintain the current number of Councillors being 13, including the popularly elected Mayor.
2. Council decides on a different number of Councillors and undertakes a community consultation process to reduce the number of Councillors and take that proposal to a referendum at the next election, with any change being effective from the 2024 elections.

**CONSULTATION**

Director Corporate and Community Services

**STRATEGIC LINKS**

**a. Delivery Program**

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

**b. Other Plans**

Nil



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## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

N/A

### **b. Financial Implications**

Reducing the number of Councillors would lead to reduce total Councillor allowances once the change became effective. Any saving would be dependent on the reduction in numbers and the level of allowance set by the Council at the time the reduction in numbers became effective. For the current financial year 2020-21, the annual Councillor allowance is \$20,800, with the maximum allowable allowance for a Regional Centre Council of \$24,320.

### **c. Legislative Implications**

The relevant provisions of the Act are as follows:

#### **Section 224 - How Many Councillors does a Council have?**

- (1) A Council must have at least 5 and not more than 15 Councillors (one of whom is the Mayor).
- (2) Not less than 12 months before the next ordinary election, the Council must determine the number, in accordance with subsection (1), of its Councillors for the following term of office.
- (3) If the Council proposes to change the number of Councillors, it must, before determining the number, obtain approval for the change at a Constitutional Referendum.

### **d. Risk Implications**

Failure to make a Council resolution to determine the number of its Councillors for the following term of office could be considered a breach of Section 224(2) of the Act.

### **e. Other Implications**

Nil

## **CONCLUSION**

This report provides information for Council's consideration in regards to Councillor numbers for the following term of office in accordance with section 224(2) of the Act and other associated statutory requirements, and recommends that in accordance with past decisions of Council that the number of Councillors remain the same.

## **ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC83/2020

Corporate and Community Services



**SUBJECT:** ***SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR THE REMAINDER OF 2020 AND UP TO THE LOCAL GOVERNMENT ELECTIONS IN 2021***

**AUTHOR:** ***Finance and Administration Manager - Andrew Glauser***

### **SUMMARY**

This report outlines the proposed schedule of Ordinary Meetings of Council for the remainder of 2020 and up until the 2021 Local Government elections as required by section 365 of the *Local Government Act 1993* ("the Act").

### **RECOMMENDATION**

**That Council determines its position in relation to the Ordinary Schedule of meetings for the remainder of 2020 and inclusive of the Local Government Elections in 2021 by nominating option 1, 2 or 3 as discussed in the report.**

### **BACKGROUND**

For planning purposes, Councillors are notified of the scheduled dates for the Ordinary Meetings of Council for the remainder of 2020 and up until the 2021 Local Government Elections. Meeting dates for 2020 were originally set taking into account the scheduled 2020 local government elections, which have now been postponed until September 2021.

Council on 15 July 2020 adopted a temporary amendment to the Code of Meeting Practice to hold one monthly meeting in August and September as part of risk management for the COVID19 Pandemic.

Council needs to determine the meeting dates for the remainder of 2020 and for 2021, and for Council to consider whether to continue with the amendment to the Code of Meeting Practice and hold only one meeting per month for the remainder of Council's current term.

### **REPORT**

Council is required to adopt a schedule of meeting dates every year and the Act requires a council to meet a minimum of 10 times per year, each time in a different month.

Part 3 of Council's Code of Meeting Practice references meetings being scheduled on the first and third Wednesday of each calendar month at 6:30pm, with the exception that there is only one meeting scheduled for December and no scheduled meetings in January. Council can amend the frequency and/or times of meetings at a later date if required or make an amendment to the meeting schedule when it reviews its Code of Meeting Practice.

Due to the then scheduled September 2020 local government elections, Council when setting the 2020 meeting calendar did not schedule meetings after the 1<sup>st</sup> meeting for October 2020. This report seeks consideration of a schedule of meetings for the remainder of 2020 and for 2021.

**Corporate and Community**

**Report No. CC83/2020**

**Corporate and Community Services**



As part of risk management during COVID-19, Council has twice temporarily amended its Code of Meeting Practice and moved to one meeting per month, with this temporary amendment ending in September 2020.

With the need to set meeting dates for the remainder of 2020 and into 2021, it is an opportune time for Council to consider its position in relation to the timing of Council meetings and whether it wishes to amend the Code of Meeting Practice and:

- move to a permanent monthly meeting schedule
- extend the temporarily amendment until the end of 2020
- revert to the meeting schedule outlined in the Code of meeting Practice.

Each option has relevant pros and cons. Some of these considerations include:

- agenda preparation, report authorisation process productivity savings
- logistical savings in printing and agenda distribution
- savings relating to catering and staff attendance at meetings
- potentially larger agendas (noting that this is dependent on the type and complexities of an individual report and not necessarily the number of reports)
- less time for Councillors to consider more complex and large agenda items
- potential delays in consideration of development applications and other urgent matters
- potential requirement for more extraordinary meetings.

Should there be urgent business arising during the month of January or outside of any scheduled calendar of meeting, and that business is outside the delegations of the General Manager and Mayor, an Extraordinary Council Meeting can be called.

**OPTIONS**

Option 1. - That Council set meeting dates in accordance with the Code of Meeting Practice

Wording required for adopting Option 1.

**That Council adopts the following schedule of Ordinary Meetings of Council for 2020 and 2021.**

<b>7 October 2020</b>	<b>21 October 2020</b>
<b>4 November 2020</b>	<b>18 November 2020</b>
	<b>9 December 2020</b>
<b>3 February 2021</b>	<b>17 February 2021</b>
<b>3 March 2021</b>	<b>17 March 2021</b>
<b>7 April 2021</b>	<b>21 April 2021</b>
<b>5 May 2021</b>	<b>19 May 2021</b>
<b>2 June 2021</b>	<b>16 June 2021</b>
<b>7 July 2021</b>	<b>21 July 2021</b>
<b>4 August 2021</b>	<b>18 August 2021</b>
	<b>1 September 2021</b>
	<b>6 October 2021</b>

Option 2. - That Council temporarily amends the Code of Meeting Practice with a monthly meeting for the remainder of 2020, before reverting to the Code of Meeting Practice schedule

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Wording required for adopting Option 2.

1. 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 October and November 2020, due to the ongoing uncertainty with COVID-19.
2. That Council adopts the following schedule of Ordinary Meetings of Council for 2020 and 2021.

	21 October 2020
	18 November 2020
	9 December 2020
3 February 2021	17 February 2021
3 March 2021	17 March 2021
7 April 2021	21 April 2021
5 May 2021	19 May 2021
2 June 2021	16 June 2021
7 July 2021	21 July 2021
4 August 2021	18 August 2021
	1 September 2021
	6 October 2021

Option 3. - That Council permanently amends the Code of Meeting Practice and moves to a monthly meeting schedule.

Wording required for adopting Option 3.

1. That Council permanently amend the Code of Meeting Practice – 3.1 Timing of Ordinary Council Meetings, to hold only one meeting per month, with the exception of January.
2. That Council adopt the following schedule of Ordinary Meetings of Council for the remainder of 2020 and inclusive of the Local Government Elections in 2021:

21 October 2020
18 November 2020
9 December 2020
17 February 2021
17 March 2021
21 April 2021
19 May 2021
16 June 2021
21 July 2021
18 August 2021
1 September 2021
6 October 2021

**Corporate and Community**

**Report No. CC83/2020**

**Corporate and Community Services**

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**CONSULTATION**

General Manager  
Director Corporate and Community Services  
Finance and Administration Manager  
Operations Accountant  
Corporate Governance Officer

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the objectives of *Encouraging More Community Participation in Decision Making* and *Civic Leadership and Effective Governance*.

**b. Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

Council's Code of Meeting Practice Part 3 deals with the number of and when Council Meetings are to be held, with regular meetings held in the Chambers on the first and third Wednesday of each month commencing at 6.30 pm, with the exception that there is only one meeting scheduled for December and no meetings held in January.

**b. Financial Implications**

N/A

**c. Legislative Implications**

Under section 365 of the Act, Councils are required to meet at least ten times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under section 365A.

Under section 9(1) of the Act, Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

**d. Risk Implications**

Limitation of public meetings can assist in the risk management for the COVID19 pandemic. Careful allocation of reports to meetings can manage the workloads for Councillors should a large Agenda be created and there remains the ability to call an Extraordinary meeting if an urgent matter needs to be considered by Council.

Corporate and Community

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Corporate and Community Services

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**e. Other Implications**

N/A

**CONCLUSION**

Council is required to adopt a schedule of meeting dates every calendar year and section 365 of the Act requires a council to meet a minimum of 10 times per year, each time in a different month.

This report seeks Councils consideration of the meeting schedule for the remainder of 2020 and for part of 2021 inclusive on the local government elections in September 2021.

**ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC84/2020

Corporate and Community Services



**SUBJECT:** *LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020  
- DETERMINE VOTING DELEGATES AND MOTIONS*

**RESPONSIBLE OFFICER:** *Director Corporate and Community Services - Robert Maginnity*

### **SUMMARY**

The purpose of this report is to enable Council to determine voting delegates for the 2020 Local Government NSW (LGNSW) Annual Conference (Conference) which is to be held as an online event from 8.45am on Monday 23 November 2020 and to consider motions to be submitted to the conference.

### **RECOMMENDATION**

1. That Council determines voting delegates for the online Local Government NSW Annual Conference 2020 to be held on 23 November 2020.
2. That Council submits the motion relating to the usage of the NSW Waste Levy for funding of the rehabilitation of orphan landfilled sites to the Association for consideration at the Local Government NSW Annual Conference 2020.
3. That Council determines other motions, if any, for referral to the Association for consideration at the Local Government NSW Annual Conference 2020.

### **BACKGROUND**

At its meeting of 19 August 2020 Council resolved:

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.

### **REPORT/PROPOSAL**

The LGNSW Conference will now be held in an online format to allow members to come together, submit motions, vote and discuss key issues while still meeting COVID-19 health and safety requirements. The Conference program has been updated to suit the online format and the ticket price has been reduced to reflect the revamped, shorter program, with a registration fee of \$66 per delegate.

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A link to the Conference program is provided below.

[https://lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2020/Annual\\_Conference\\_Program\\_26\\_Aug\\_2020.pdf](https://lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2020/Annual_Conference_Program_26_Aug_2020.pdf)

Council needs to determine voting delegates for the Conference, as there remains the need to hold a valid, quorate conference, which will necessitate voting on certain items, such as motions and statutory reporting requirements. Any Council voting delegate needs to be determined by Council and registered as a nominated voting delegate.

Prior to the change in the conference format, Councillors were requested to consider nominating for attendance in accordance with Council Policy, as well as to consider any motions for Council to consider for the Conference. Both motions and nominations were requested to be with the General Manager by 3 September 2020, for inclusion in the agenda for the 16 September 2020 Council meeting.

Council will have rights to register four voting delegates, with the ability to change voting delegates as per the Association Rules if required. Nominations had been received from four Councillors being Mayor Pynsent and Councillors Suvaal, Gray and Dagg, and copies are provided at **Enclosures 1-4**.

For information, the Association rules regarding motions are that motions will only be included in the conference business paper were 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 Councils submitting motions, supporting evidence such as Council minutes from the meeting where the motions were endorsed are required and are required to be submitted by 28 September 2020. The format of a motion should call on a specific body and have a specific outcome that the motion is aiming to achieve.

Motions submitted need to include responses to the following eight fields:

1. Council name
2. Contact details of relevant officer
3. Motion category (e.g. planning, economic, environment etc. This assists with assigning motions to the relevant policy staff and grouping related motions in the Conference Business Paper.)
4. Motion title (a few words)
5. Motion (a sentence or two which states the issue and the call to action)
6. Background note (a paragraph or two to explain the context and importance of the issue to the local government sector)



**Corporate and Community**

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7. Indicate if the motion conflicts with one or more of the Fundamental Principles
8. Evidence of council support for the motion (e.g. council meeting minutes)

At the time of this report being prepared, a motion relating to the State Government Waste Levy being available for the remediation costs of old landfill sites had been received and the details are provided below:

Motion Name: Waste Levy to fund Landfill Rehabilitation Costs

Outcome: That LGNSW calls upon the NSW State Government to fund Local Government investigation, evaluation, the formulation of Remedial Action Plans and the remediation of historic orphan waste management sites through funding allocations from the NSW Waste Levy.

Rationale: Many Local Government areas have numerous historic dump sites littered across their respective LGA's that pose a real risk to citizens health and their local environments. The liability to fund the remediation of these sites currently falls on each local Council

Many of these sites go back over many generations and the liability is falling on the current generation of rate payers to fund the assessment and remediation of these historic orphan sites. The liability will go into the millions of dollars and collectively across the state will almost certainly go into the billions.

With the State Government projected to collect over \$2.1 Billion in revenue over 4 years through the Waste Levy and only returning \$802 million back to Waste Management over nine years, whilst leaving local governments to pick up the bill for the remediation of these historic landfill sites is an injustice.

It has been said that these sites are a ticking time bomb for the environment, they are also a ticking time bomb for the balance sheets and financial sustainability for local governments. It is only reasonable and fair that Waste Levy funds that are collected in the name of Waste Management by the State, be used to assist Local Governments to remediate this toxic legacy.

Source: Figures

<https://www.governmentnews.com.au/nsw-councils-cry-foul-over-state-waste-levy/#:~:text=The%20levy%20is%20set%20to,nine%20years%20to%20waste%20managem ent.>

**CONSULTATION**

Councillors  
General Manager

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

**Corporate and Community**

**Report No. CC84/2020**

**Corporate and Community Services**

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**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Application for attendance at the Local Government NSW Annual Conference 2019 is in accordance with Council Policy.

**b. Financial Implications**

The Operational Plan provides funding for Councillors conference. With the amended online format for this year's Conference, the cost per delegate is \$66.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**e. Other Implications**


N/A

**CONCLUSION**

This report provides information on the attendance request for the upcoming Local Government NSW Annual Conference 2020 and provides Council with the opportunity to determine any motions to be submitted.

**ENCLOSURES**

- [1](#) Application - Councillor Suvaal
- [2](#) Application - Councillor Gray
- [3](#) Application - Mayor Pynsent
- [4](#) Application - Councillor Dagg



**COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING**

Name: Jay Savaal		Mobile Phone Number: 0417 126 211		Dietary Requirements: NIL	
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Course Name: LGNSW Conference		Organiser: LGNSW		Location: TBA	
Date: TBC	Cost: TBC	Job Number:			

**Detail benefits to you and your role in Council**

TO participate in the policy development for Council's peak representative body.

**Details of conferences / seminars / training already attended in this term of Council**

Previous LGNSW Conferences

**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 Required? ☐ Yes ☒ No Transport requirement: Special Requirements:

**Mayor / Councillor**

Name: Jay Savaal Signature: [Signature] Date: 1/9/20

**General Manager**

Full Name: Lorna Jackson Signature: [Signature] Date: 2/9/20

☒ Approved ☐ Not Approved

	Date	Signature		Date	Reference / Reservation Number
Received by EA:			Registered in RM:		
TRIM link to HR:			Registration Booked:		
Cir Advised:			Accommodation Booked:		
			Travel Booked:		

Cessnock City Council Request to Attend Conference / Seminar / Training Form Page 1 of 1



### COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING

COUNCILLOR DETAILS			
<b>Name:</b>	Darrin James Gray		
<b>Mobile Phone Number:</b>	0409548374	<b>Dietary Requirements:</b>	N/A

CONFERENCE/SEMINAR/TRAINING DETAILS			
<b>Course Name:</b>	Local Government Conference 2020		
<b>Organiser:</b>	Local Government NSW	<b>Location:</b>	Zoom
<b>Date:</b>	23 November 2020	<b>Cost:</b>	
		<b>Job Number:</b>	
<b>Detail benefits to you and your role in Council</b>			
Local Government NSW is the peak advocacy body of member councils in NSW. Participation and representation by Cessnock Councilors as voting delegates to the Local Government NSW Annual Conference is of critical importance to advancing Cessnock Councils agenda to State and Federal Governments			
<b>Details of conferences / seminars / training already attended in this term of Council</b>			
Conferences: ALGA National General Assembly of Local Government 2019 - Attended LGA NSW Conference 2016, 2018 & 2019 - Attended LGA NSW Tourism Conference 2018 Training: Financial Issues in Local government - Executive Certificate for Elected Members - LGNSW Speed Reading - Foundation for Directors Course - LGNSW Elected Life - LGNSW Social Media - LGNSW Financial issues in Local Government - Code of Conduct - Disclosure of information and Copy			

TRAVEL & ACCOMMODATION			
<b>Accommodation</b>			
<b>Is Accommodation Required?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)		
<b>Name:</b>		<b>Phone:</b>	
<b>Check in Date:</b>		<b>Check out Date:</b>	
<b>Travel</b>			
<b>Airfare Required?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)		
<b>Other Transport Require?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Transport requirement:</b>	
<b>Special Requirements?</b>			

AUTHORISATION			
<b>Mayor / Councillor</b>			
<b>Name:</b>	Darrin Gray	<b>Signature:</b>	<i>Darrin Gray</i>
		<b>Date:</b>	2/9/20
<b>General Manager</b>			
<b>Full Name:</b>	Wendy Jackson	<b>Signature:</b>	<i>Wendy Jackson</i>
		<b>Date:</b>	2/9/20
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Not Approved			

OFFICE USE ONLY					
	<b>Date</b>	<b>Signature</b>		<b>Date</b>	<b>Reference / Reservation Number</b>
<b>Received by EA:</b>			<b>Registered in RM:</b>		
<b>TRIM link to HR:</b>			<b>Registration Booked:</b>		
<b>Clr Advised:</b>			<b>Accommodation Booked:</b>		
			<b>Travel Booked:</b>		





### COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING

COUNCILLOR DETAILS					
Name:	Bob Pynsent				
Mobile Phone Number:	0408 267 532	Dietary Requirements:	NIL		
CONFERENCE/SEMINAR/TRAINING DETAILS					
Course Name:	Local Government NSW Annual Conference 2020				
Organiser:	Local Government NSW	Location:	Crowne Plaza Hunter Valley		
Date:	22-24 November 2020	Cost:	TBA	Job Number:	5018-690-116
Detail benefits to you and your role in Council					
As Mayor of the City, I see great benefits in attendance. In particular:					
<ul style="list-style-type: none"> <li>Innovation and directions in community leadership</li> <li>Networking with recognized Local Government leaders from across NSW</li> </ul>					
Details of conferences / seminars / training already attended in this term of Council					
LGNSW Annual Conference – 16-18 October 2016 NGA Conference – 18-21 June 2017 LGNSW Annual Conference - 3-6 December 2018 LGNSW Tourism Conference - 12-14 March 2018 Audit & Risk Committee Forum – 21 May 2018 ALGA Conference – 17-20 June 2018 LGNSW Annual Conference – 21-23 October 2018 LGNSW Tourism Conference - 17-19 March 2019 National General Assembly – 16-19 June 2019 LGNSW Annual Conference – 14-16 October 2019					
TRAVEL & ACCOMMODATION					
Accommodation					
Is Accommodation Required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if Yes please complete details below)				
Name:		Phone:			
Check in Date:	22 November 2020	Check out Date:	24 November 2020		
Travel					
Airfare Required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)				
Other Transport Require?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Transport requirement:	Self drive		
Special Requirements?					
AUTHORISATION					
Mayor / Councillor					
Name:	Bob Pynsent	Signature:	RJ Pynsent	Date:	24/2/2020
General Manager					
Full Name:	LORRA JACKSON	Signature:		Date:	24/2/2020
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Not Approved Pending Council Election Outcome.					
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:		



**COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING**

<b>COUNCILLOR DETAILS</b>					
Name:		Melanie Dagg			
Mobile Phone Number:		0409401898		Dietary Requirements: NIL	
<b>CONFERENCE/SEMINAR/TRAINING DETAILS</b>					
Course Name:		LCNSW Conference 2020			
Organiser:		LCNSW		Location: Online	
Date:		7-8 Oct 2020		Cost: -	
				Job Number: -	
Detail benefits to you and your role in Council					
opportunity to advocate for Cessnock LGA + broaden my knowledge so that I may be more effective as a councillor.					
Details of conferences / seminars / training already attended in this term of Council					
LCNSW Conf. 2016/2017/2018/2019, media skills, Planning 101, financial skills.					
<b>TRAVEL &amp; ACCOMMODATION</b>					
<b>Accommodation</b>					
Is Accommodation Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)					
Name:				Phone:	
Check in Date:				Check out Date:	
<b>Travel</b>					
Airfare Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)					
Other Transport Required?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Transport requirement:	
Special Requirements?					
<b>AUTHORISATION</b>					
<b>Mayor / Councillor</b>					
Name:		Melanie Dagg		Signature: [Signature]	
				Date: 2/9/20	
<b>General Manager</b>					
Full Name:		Lorith Duncan		Signature: [Signature]	
				Date:	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Not Approved					
<b>OFFICE USE ONLY</b>					
	Date	Signature		Date	Reference / Reservation Number
Received by EA:			Registered in RM:		
TRIM link to HR:			Registration Booked:		
Cir Advised:			Accommodation Booked:		
			Travel Booked:		

Corporate and Community

Report No. CC85/2020

Corporate and Community Services



**SUBJECT:** ***CODE OF CONDUCT AND PROCEDURES FOR ADMINISTRATION OF THE CODE OF CONDUCT - UPDATE TO REFLECT NEW PRESCRIBED MODELS***

**RESPONSIBLE OFFICER:** ***Director Corporate and Community Services - Robert Maginnity***

### **SUMMARY**

The purpose of this report is to provide Council with information regarding the recent updates prescribed for the Model Code of Conduct for Local Councils in NSW (Model Code) and Model Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Procedures) by the Office of Local Government (OLG).

Council is required to amend its existing Code of Conduct (Code) and Procedures for the Administration of the Code of Conduct (Procedures) to reflect these changes.

### **RECOMMENDATION**

1. That Council adopts the Code of Conduct and Procedures for the Administration of the Code of Conduct, which align with the recently updated Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW.
2. That the General Manager arranges a briefing on the changes under the Model Code of Conduct for Local Councils in NSW.
3. That Council notes the actions proposed to ensure Council staff are provided with suitable training and information regarding the revised Model Code of Conduct for Local Councils in NSW.

### **BACKGROUND**

The Model Code sets the minimum requirements of conduct for Council Officials in carrying out their functions and is prescribed by the *Local Government (General) Regulation 2005*.

The General Manager provides a briefing, under section 440(3) of the *Local Government Act 1993* (NSW) ("Act"), for Council to adopt a Code which incorporates the provisions of the Model Code. Council may include provisions that supplement the Model Code but any supplementary provisions will have no effect to the extent they are inconsistent with the Model Code. The Act specifically notes that a provision will not be inconsistent with the Model Code merely because it makes observance of the Code more onerous.

Council's existing Code reflects the previous Model Code as issued by the OLG, however an updated Model Code and Model Procedure were prescribed in August 2020 (**Enclosure 1**) and Council is required to amend its own Code and Procedures to reflect these changes.

Corporate and Community

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Corporate and Community Services



**REPORT/PROPOSAL**

The Model Code prescribes the minimum ethical and behavioural standards all Council Officials in NSW are required to comply with, and the OLG has issued an updated Model Code and Model Procedures.

Council is required to ensure the changes in the revised Model Code and Model Procedures are reflected within its own documents. Council may include provisions that exceed the minimum prescribed standards, but these may not be in conflict with the Models, and if there is conflict, the provisions under the Model Code and Model Procedures are to be applied.

The changes to the Model Code and Model Procedures were in response to the decision of the Supreme Court, in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134. Amendments to the Model Code and Model Procedures have been prescribed under the *Local Government (General) Regulation 2005* and take effect immediately. Refer to **Enclosure 1**.

Model Code – summary of changes

- Removes as a breach, failure to comply with a Council resolution requiring action in relation to a Code of Conduct breach, as it is now redundant
- Includes in definitions for committees and committee members, members of the Audit, Risk and Improvement Committee in anticipation of this being mandated following the next Council elections
- Increase the limit for gifts and benefits provisions to \$100
- Clarify that items with a value of less than \$10 are not gifts and benefits for the purposes of the Code
- Clarify that benefits and facilities provided by Councils as opposed to third parties are not gifts and benefits
- Remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties

Council is not obliged to lift the cap on value of gifts that may be accepted to \$100 and may retain the existing \$50 cap, or impose another cap lower than \$100.

Model Procedure – summary of changes

- Removes the need for a Council resolution to appoint a panel of conduct reviewers
- Strengthens the Office of Local Government involvement
- Allows for formal censure of a Councillor or referral to the Office for misconduct

A comparison of Councils Code and Procedures to the Models was undertaken and differences (excluding numbering) are shown in the comparison table at **Enclosure 2**. The review also highlighted some formatting issues which have been updated and that with the recommendation to retain two additional items some of the numbering does not directly align to the Model. It is important to note that the changes prescribed relate more to the administration of the Code under the Procedures rather than any significant change to the actual Code.



**Corporate and Community**

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**Corporate and Community Services**

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It is proposed to adopt the Model Code and Model Procedures with the exception of the items relating to Gifts and Benefits, and social media where it is proposed to retain the existing provisions in Councils Code and Procedures, which exceed the minimum standards prescribed.

Revisions of the Code and Procedures are provided at **Enclosures 3 and 4**.

Councillor and Staff – training and awareness of revisions

It is proposed that the General Manager arranges a briefing for Councillors to ensure that all Councillors are aware of the legislated changes and reinforce their obligations under the Code.

In regards to Council staff it is proposed that the induction process for new staff be updated to reflect the revised Code once adopted by Council. To ensure that existing staff receive information regarding the changes the following actions are proposed:

- Staff Consultative Committee receive an update of the changes.
- Managers receive an update of the changes at a Management team meeting.
- A summary of the changes be produced and distributed to all staff.
- Governance and Human Resources hold drop in sessions for staff and coordinators to outline the changes, and are available to attend tool box sessions if requested.

**OPTIONS**

All NSW Councils must amend their adopted Codes and Procedures in accordance with changes made to the Model Code and Model Procedures.

**CONSULTATION**

General Manager  
Governance and Council Support Coordinator

**STRATEGIC LINKS**

**a. Delivery Program**

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

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**Corporate and Community**

**Report No. CC85/2020**

**Corporate and Community Services**

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**b. Financial Implications**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

**c. Legislative Implications**

Section 440(3) of the Act requires that Council adopt a code of conduct that incorporates the provisions of the Model Code. The adopted code of conduct may include provisions that supplement the Model Code.

Section 440(6) of the Act states that a provision of a council's adopted code of conduct is not inconsistent with the Model Code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.

**d. Risk Implications**

N/A.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Council's existing Code and Procedures have been reviewed to align to the recently updated Model Code and Model Procedure and are presented to Council for adoption.

**ENCLOSURES**

- [1](#) OLG Circular Revised Model Code
- [2](#) Comparison of Changes - Code and Procedures
- [3](#) Code of Conduct - Revised
- [4](#) Code of Conduct Procedures - Revised

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## Council Circular

14 August 2020

### 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

<b>Circular Details</b>	20-32 / 14 August 2020 / A708384
<b>Previous Circular</b>	<u>19-25 – Penalties available to councils for code of conduct breaches by councillors</u>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement
<b>PDF Version of Circular</b>	 <u>20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures</u>

#### What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

#### What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.

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- Council's should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

#### **Key points**

#### **Amendments to the Procedures**

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
  - that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

#### **Amendments to the Model Code of Conduct**

- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards

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- include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed
  - clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
  - remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

**Where to go for further information**

For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

Tim Hurst  
Deputy Secretary  
Local Government, Planning and Policy

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Comparison of Differences – Code of Conduct			
Cessnock City Council Code of Conduct		New Model Code of Conduct 2020	
<b>6</b>	<b>Personal Benefit – Part 6</b>	<b>6</b>	<b><i>Personal Benefit – Part 6 – Model includes additional points</i></b>
<b>6.2</b>	<b>A reference to a gift or benefit in this Part does not include:</b>	<b>6.2</b>	<b><i>A reference to a gift or benefit in this Part does not include:</i></b>
		(a)	<i>Items with a value of \$10 or less</i>
(a)	a political donation for the purposes of the <i>Electoral Funding Act 2018</i>	(b)	<i>a political donation for the purposes of the Electoral Funding Act 2018</i>
(b)	A gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them	(c)	<i>A gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them</i>
(c)	Attendance by a council official at a work-related event or function for the purposes of performing their official duties, or	(d)	<i>A benefit or facility provided by the council to an employee or councillor</i>
(d)	Free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties	(e)	<i>Attendance by a council official at a work-related event or function for the purposes of performing their official duties, or</i>
(i)	The discussion of official business	(f)	<i>Free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties</i>
(ii)	Work-related events such as council-sponsored or community events, training, education sessions or workshops	(i)	<i>The discussion of official business</i>
(iii)	Conferences	(ii)	<i>Work-related events such as council-sponsored or community events, training, education sessions or workshops</i>
(iv)	Council functions or events	(iii)	<i>Conferences</i>

Comparison of Differences – Code of Conduct			
Cessnock City Council Code of Conduct		New Model Code of Conduct 2020	
(v)	Social functions organised by groups, such as council committees and community organisations.	(iv)	<i>Council functions or events</i>
		(v)	<i>Social functions organised by groups, such as council committees and community organisations</i>
<b>6.6</b>	<b>How Are Offers of Gifts and Benefits To Be Dealt With? Where you:</b>	<b>6.6</b>	<b><i>How Are Offers of Gifts and Benefits To Be Dealt With? Where you:</i></b>
	<p>a) receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing.</p> <p>b) refuse a gift or benefit of more than token value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing.</p> <p>c) refuse a gift or benefit of token value other than one referred to in clause 6.2, you are encouraged to disclose this promptly to your manager or the general manager in writing.</p> <p>The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in Council's gift register:</p> <p>a) Whether the gift was accepted or refused</p> <p>b) the nature of the gift or benefit</p> <p>c) the estimated monetary value of the gift or benefit</p> <p>d) the name of the person who provided the gift or benefit, and</p> <p>e) the date on which the gift or benefit was received.</p>		<p>Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:</p> <p>a) the nature of the gift or benefit</p> <p>b) the estimated monetary value of the gift or benefit</p> <p>c) the name of the person who provided the gift or benefit, and</p> <p>d) the date on which the gift or benefit was received.</p>



<b>6.8</b>	<b>Gifts and Benefits of Token Value</b>	<b>6.8</b>	<b>Gifts and Benefits of Token Value</b>
	You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12 month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:		<i>Model wording is the same however references to \$50 is replaced with \$100.</i>
(a)	Invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50		<i>Model wording is the same however references to \$50 is replaced with \$100.</i>
(b)	Gifts of alcohol that does not exceed a value of \$50		<i>Model wording is the same however references to \$50 is replaced with \$100.</i>
(c)	Ties, scarves, coasters, tie pints, diaries, chocolates or flowers or the like		<i>Model wording is the same.</i>
(d)	Prizes of awards that do not exceed \$50 in value		<i>Model wording is the same however references to \$50 is replaced with \$100.</i>
<b>6.9</b>	<b>Gifts and Benefits of More Than a Token Value</b>		
	Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.		<i>Model wording is the same however references to \$50 is replaced with \$100.</i>
<b>6.10</b>	Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.		<i>Model wording is the same however references to \$50 is replaced with \$100.</i>



<b>6.11</b>	Where you have accepted a gift or benefit of token value for a person or organisation you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$40 in value.		<b><i>Model wording is the same however references to \$50 is replaced with \$100.</i></b>
<b>8</b>	<b>Internet Access and Use of Social Media</b>	<b>8</b>	<b><i>Internet Access</i></b>
<b>8.21</b>	<b>Additional Item Included (8.21)</b> You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:		<b><i>Social Media Component not included in Model Code.</i></b>
<b>(a)</b>	Compromises your capacity to perform your official duties in an unbiased manner		
<b>(b)</b>	Has the potential to have a negative impact on your working relationships within the council or with external parties		
<b>(c)</b>	Is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council		
<b>(d)</b>	Has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive		
<b>(e)</b>	Divulges confidential council information		
<b>(f)</b>	Breaches the privacy of other council officials or those that deal with council		
<b>(g)</b>	Contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or		

<b>(h)</b>	Could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.		
<b>9</b>	<b>Compliance With Requirements Under the Procedures</b>	<b>9</b>	<b><i>Compliance with Requirements Under the Procedures</i></b>
<b>9.9</b>	Where you are a councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code		<b><i>Not included in the Model Code</i></b>
<b>10</b>	<b>Policy Definitions</b>		<b>Policy Definitions</b>
Council committee	A committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to.	Council committee	A committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to <b>and the council's audit, risk and improvement committee</b>
Council committee members	A person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee	Council committee members	A person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, <b>and a person other than a councillor who is a member of the council's audit, risk and improvement committee</b>
	<b>the Division</b> – remove this definition altogether		

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
<b>3</b>	<b>Administrative Framework</b>		
<b>3.1</b>	The council must <del>by resolution</del> establish a panel of conduct reviewers.	<b>3.1</b>	The council must establish a panel of conduct reviewers.
<b>3.2</b>	The council <del>by resolution</del> may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.	<b>3.2</b>	The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils
<b>3.10</b>	The council may terminate the panel of conduct reviewers at any time <del>by resolution</del> . Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.	<b>3.10</b>	The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
<b>5</b>	<b>How Are Code of Conduct Complaints To Be Managed?</b>		
<b>5.1</b>	<b>A</b> General Manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the General Manager or mayor are also to be taken to be references to their delegates.		<b>The</b> General Manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the General Manager or mayor are also to be taken to be references to their delegates.
<b>Heading</b>	HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT STAFF (OTHER THAN THE GENERAL MANAGER) <b>TO BE MANAGED?</b>		HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT STAFF (OTHER THAN THE GENERAL MANAGER) TO BE <b>DEALT WITH?</b>

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
5.20	The General Manager must refer the following code of conduct complaints about councillors to the <b>Division</b> :	5.20	The General Manager must refer the following code of conduct complaints about councillors to the <b>Office</b> :
6	Preliminary Assessment		Preliminary Assessment <b>of Code of conduct, Complaints About Councillors of the General Manager by Conduct Reviewers</b>
	REFERRAL OF CODE OF CONDUCT COMPLAINTS TO CONDUCT REVIEWERS		REFERRAL OF COE OF CONDUCT COMPLAINTS <b>ABOUT COUNCILLORS OR THE GENERAL MANAGER</b> TO CONDUCT REIVEWERS
6.2(b)	a panel of conduct reviewers established by an organisation approved by the <b>Chief Executive of the Office</b>	6.2(b)	a panel of conduct reviewers established by an organisation approved by the <b>Office</b> .
6.4(c)	they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100,000, or	6.4(c)	they or their employer has entered into one or more contracts with the council <b>(other than contracts relating to the exercise of their functions as a conduct reviewer)</b> in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value <b>that when aggregated</b> , exceeds \$100,000, or
Heading	<b>PRELIMINARY ASSESSMENT BY A CONDUCT REVIEWER</b>		<b>PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY A CONDUCT REVIEWER</b>
6.22	The conduct reviewer may only determine to investigate a matter <del>or to recommend that a conduct review committee be convened to investigate a matter</del> where they are satisfied as to the following:	6.22	The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
(b)	that the alleged conduct, on its face, is sufficiently serious to warrant <del>investigation</del> , and	(b)	that the alleged conduct is sufficiently serious to warrant <b>the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven</b> , and

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
<b>6.23</b>	In determining whether a matter is sufficiently serious to warrant <del>investigation</del> , the conduct reviewer is to consider the following:	<b>6.23</b>	In determining whether a matter is sufficiently serious to warrant <b>formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment</b> , the conduct reviewer is to consider the following:
	<b>COMPLAINTS ASSESSMENT CRITERIA</b>		
<b>7.4(e)</b>	Invite the respondent to make a written submission in relation to the matter <del>within at least 14 days or such other period</del> specified by the investigator in the notice, and	<b>7.4(e)</b>	Invite the respondent to make a written submission in relation to the matter with a <b>period of not less than 14 days</b> specified by the investigator in the notice, and
<b>7.7</b>	Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within <del>at least 14 days or such other period</del> specified by the investigator in the amended notice.		Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a <b>period of not less than 14 days</b> specified by the investigator in the amended notice.
<b>7.8(c)</b>	Invite the complainant to make a written submission in relation to the matter within <del>at least 14 days or such other period</del> specified by the investigator in the notice.	<b>7.8(c)</b>	Invite the complainant to make a written submission in relation to the matter within a <b>period of not less than 14 days</b> specified by the investigator in the notice.
	<b>DRAFT INVESTIGATION REPORTS</b>		
<b>7.27</b>	The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within <del>at least 14 days or such other period</del> specified by the investigator.	<b>7.27</b>	The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a <b>period of not less than 14 days</b> specified by the investigator.
<b>7.28</b>	Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected	<b>7.28</b>	Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
	person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within <del>at least</del> 14 days <del>or such other period</del> specified by the investigator.		containing such comment and invite the affected person to make a written submission in relation to it with a <b>period of not less than 14 days</b> specified by the investigator.
	<b>FINAL INVESTIGATION REPORTS</b>		
<b>NEW</b>	<i>Not currently in Council's Code of Conduct</i>	<b>7.36</b>	At a minimum, the investigator's final report must contain the following information:
	<i>Not currently in Council's Code of Conduct</i>	<b>(a)</b>	A description of the allegations against the respondent
	<i>Not currently in Council's Code of Conduct</i>	<b>(b)</b>	The relevant provisions of the code of conduct that apply to the alleged conduct investigated
	<i>Not currently in Council's Code of Conduct</i>	<b>(c)</b>	A statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
	<i>Not currently in Council's Code of Conduct</i>	<b>(d)</b>	A statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
	<i>Not currently in Council's Code of Conduct</i>	<b>(e)</b>	A description of any attempts made to resolve the matter by use of alternative means
	<i>Not currently in Council's Code of Conduct</i>	<b>(f)</b>	The steps taken to investigate the matter
	<i>Not currently in Council's Code of Conduct</i>	<b>(g)</b>	The facts of the matter
	<i>Not currently in Council's Code of Conduct</i>	<b>(h)</b>	The investigator's findings in relation to the facts of the matter and the reasons for those findings
	<i>Not currently in Council's Code of Conduct</i>	<b>(i)</b>	The investigator's determination and the reasons for that determination

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
	<i>Not currently in Council's Code of Conduct</i>	<i>(j)</i>	Any recommendations.
7.36	Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may <del>make one or more of the following recommendations</del>	7.37	Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may <b>recommend</b> :
7.37 (h)	<b>7.37(h) now becomes 7.37(a) with amendments to reflect Model</b> In the case of a breach by the general manager, that action be taken under the general manager's contract.	<i>(a)</i>	In the case of a breach by the general manager, that <b>disciplinary</b> action be taken under the general manager's contract <b>of employment for the breach</b> , or
New 7.36	Was part of 7.36 (a)	7.39	<b>Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.</b>
7.37	Where the investigator determines that the code of conduct investigated does not constitute a breach of the code of conduct, the <del>investigator may make one or more of the following recommendations:</del>	7.40	Where the investigator determines that the code of conduct investigated does not constitute a breach of the code of conduct, the investigator may <b>recommend</b> :
7.44	Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause <del>7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the General manager. Where the General Manager agrees with the recommendation's, the General manager is responsible for implementing the recommendation/s.</del>	7.44	Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause <b>7.37</b> , the complaints coordinator must, <b>where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.</b>
7.45	<del>Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause</del>	7.45	Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
	<del>7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the General manager or, where the report relates to the General Manager's conduct, to the mayor. The General manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.</del>		report to the Office for its consideration instead of reporting it to the council under clause 7.44.
	<b>CONSIDERATION OF THE FINAL INVESTIGATION REPORT BY COUNCIL</b>		
<b>7.47</b>	The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause <del>7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).</del>	<b>7.46</b>	The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause <b>7.37</b> .
<b>7.59</b>	A council may by resolution impose one or more of the following sanctions on a respondent: <b>Remove points a to f</b>	<b>7.58</b>	A council may be resolution impose one of the following sanctions on a respondent:
<b>7.58(g)</b>	In the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach.	<b>(a)</b>	In the case of a breach by the general manager, that <b>disciplinary</b> action be taken under the general manager's contract <b>of employment</b> for the breach, or



Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
<b>7.58(h)</b>	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA	<b>(b)</b>	In the case of a breach by a councillor; that the councillor be formally censured for the breach under section 440G of the LGA, <b>or</b>
<b>7.58(i)</b>	In the case of a breach by a councillor: (i) that the councillor be formally censured for the breach under section 440G of the LGA, and (ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA	<b>(c)</b>	In the case of a breach by a councillor: (i) that the councillor be formally censured for the breach under section 440G of the LGA, and (ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
<b>New</b>		<b>7.59</b>	<b>Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.</b>
<b>7.60</b>	The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt <del>one or more of</del> the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s, and state in its resolution the reasons for its decision	<b>7.60</b>	The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision
<b>Remove 7.61</b>	<del>Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.</del>		

Comparison of Differences – Procedures			
Cessnock City Council Code of Conduct Procedures		New Model Code of Conduct Procedures	
<b>7.62</b>	Where the council resolves not to adopt the investigator's recommendation <del>/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator,</del> the complaints coordinator must notify the Office of the council's decision and the reasons for it.	<b>7.61</b>	Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.
<b>12</b>	<b>CONFIDENTIALITY</b>		
<b>12.3</b>	Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within <del>at least</del> 14 days <del>or such other period</del> specified by the general manager or their delegate, and consider any submission made by them.	<b>12.3</b>	Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission <b>within a period of not less than 14 days</b> specified by the general manager or their delegate, and consider any submission made by them.



## Cessnock City Council DRAFT Code of Conduct

Date Adopted: XX/XX/XXXX Revision: 7

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## 1. Policy Objective

The Model Code of Conduct sets the minimum standards of conduct for council officials.

It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

This Code of Conduct is made in accordance with section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

## 2. Policy Scope

This policy applies to Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

## 3. General Conduct Obligations – Part 3

### GENERAL CONDUCT

3.1 You must not conduct yourself in a manner that:

- a) is likely to bring the council or other council officials into disrepute,
- b) is contrary to statutory requirements or the council's administrative requirements or policies,
- c) is improper or unethical,
- d) is an abuse of power,
- e) causes, comprises or involves intimidation or verbal abuse,
- f) involves the misuse of your position to obtain a private benefit,
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

### FAIRNESS AND EQUITY

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.



#### **HARASSMENT AND DISCRIMINATION**

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person,
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

#### **BULLYING**

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes





#### **WORK HEALTH AND SAFETY**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

#### **LAND USE PLANNING, DEVELOPMENT ASSESSMENT AND OTHER REGULATORY FUNCTIONS**

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

#### **BINDING CAUCUS VOTES**

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### **OBLIGATIONS IN RELATION TO MEETINGS**

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).



- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

#### 4. Pecuniary Interest – Part 4

##### WHAT IS PECUNIARY INTEREST?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
  - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your “relative” is any of the following:
    - i. your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii. your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii. the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body

##### WHAT INTERESTS DO NOT HAVE TO BE DISCLOSED?

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- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge
  - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
  - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - k) an interest relating to the payment of expenses and the provision of facilities councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
  - l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.





- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

**WHAT DISCLOSURES MUST BE MADE BY A DESIGNATED PERSON?**

- 4.8 Designated persons include:
- a) the General Manager
  - b) other senior staff of the council for the purposes of section 332 of the LGA
  - 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 (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 (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.
- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
  - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manger (or if the person is the General Manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

**WHAT DISCLOSURES MUST BE MADE BY COUNCIL DESIGNATED STAFF OTHER THAN DESIGNATED PERSONS?**

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.



**WHAT DISCLOSURES MUST BE MADE BY COUNCIL ADVISERS?**

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

**WHAT DISCLOSURES MUST BE MADE BY A COUNCIL COMMITTEE MEMBER?**

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

**WHAT DISCLOSURES MUST BE MADE BY A COUNCILLOR?**

- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

**DISCLOSURES OF INTERESTS IN WRITTEN RETURNS**

- 4.21 A councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
  - b) 30 June of each year, and
  - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
  - b) they have ceased to be a councillor or designated person in the preceding 3 months
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.25 Returns required to be lodged with the General Manager under clause 4.21 (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the General Manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.



#### **DISCLOSURE OF PECUNIARY INTEREST AT MEETINGS**

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
  - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the General Manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.





- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## 5. Non-Pecuniary Conflicts of Interest – Part 5

### WHAT IS A NON PECUNIARY CONFLICT OF INTEREST?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any nonpecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### MANAGING NON PECUNIARY CONFLICTS OF INTEREST

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.



- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a nonpecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member



of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### POLITICAL DONATIONS

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

#### LOSS OF A QUORUM AS A RESULT OF COMPLIANCE WITH THIS PART

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.





- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

#### OTHER BUSINESS OR EMPLOYMENT

- 5.23 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### PERSONAL DEALINGS WITH COUNCIL

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

### 6. Personal Benefit - Part 6

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) Items with a value of \$10 or less
  - b) a political donation for the purposes of the *Electoral Funding Act 2018*



- c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- d) a benefit or facility provided by the council to an employee or councillor
- e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
  - i) the discussion of official business
  - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
  - iii) conferences
  - iv) council functions or events
  - v) social functions organised by groups, such as council committees and community organisations.

#### **GIFTS AND BENEFITS**

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

#### **HOW ARE OFFERS OF GIFTS AND BENEFITS TO BE DEALT WITH?**

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit.
  - b) the estimated monetary value of the gift or benefit.
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.





- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### **GIFTS AND BENEFITS OF TOKEN VALUE**

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50.

They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value

#### **GIFTS AND BENEFITS OF MORE THAN A TOKEN VALUE**

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

#### **CASH-LIKE GIFTS**

- 6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

#### **IMPROPER AND UNDUE INFLUENCE**

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.



## 7. Relationships Between Council Officials – Part 7

### OBLIGATIONS OF COUNCILLORS AND ADMINISTRATORS

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators 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 LGA
  - 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 LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### OBLIGATIONS OF STAFF

- 7.4 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

### INAPPROPRIATE INTERACTIONS

- 7.6 You must not engage in any of the following inappropriate actions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters



- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's General Manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## 8. Access to Information and Council Resources – Part 8

### COUNCILLOR AND ADMINISTRATOR ACCESS TO INFORMATION

- 8.1 The General Manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The General Manager and Public Officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The General Manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.





#### **COUNCILLORS AND ADMINISTRATORS TO PROPERLY EXAMINE AND CONSIDER INFORMATION**

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

#### **REFUSAL OF ACCESS TO INFORMATION**

- 8.8 Where the General Manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General Manager or public officer must state the reasons for the decision if access is refused.

#### **USE OF CERTAIN COUNCIL INFORMATION**

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

#### **USE AND SECURITY OF CONFIDENTIAL INFORMATION**

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

#### **PERSONAL INFORMATION**

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
  - b) the *Health Records and Information Privacy Act 2002*



- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

#### **USE OF COUNCIL INFORMATION**

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

#### **INTERNET ACCESS AND USE OF SOCIAL MEDIA**

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) compromises your capacity to perform your official duties in an unbiased manner
  - b) has the potential to have a negative impact on your working relationships within the council or with external parties
  - c) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
  - d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
  - e) divulges confidential council information
  - f) breaches the privacy of other council officials or those that deal with council



- g) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
- h) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

#### **COUNCIL RECORD KEEPING**

- 8.22 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

#### **COUNCILLOR ACCESS TO COUNCIL BUILDINGS**

- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 8.27 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

### **9. Maintaining Integrity of this Code – Part 9**

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
  - a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures





- i) to prevent or disrupt the effective administration of this code under the Procedures

#### **DETRIMENTAL ACTION**

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
  - a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings

#### **COMPLIANCE WITH REQUIREMENTS UNDER THE PROCEDURES**

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

#### **DISCLOSURE OF INFORMATION ABOUT THE CONSIDERATION OF A MATTER UNDER THE PROCEDURES**

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

#### **COMPLAINTS ALLEGING A BREACH OF THIS PART**

- 9.15 Complaints alleging a breach of this Part by a Councillor, the General Manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the General Manager in accordance with the Procedures.



## 10. Policy Definitions

<b>administrator</b>	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
<b>committee</b>	see the definition of "council committee"
<b>complaint</b>	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
<b>conduct</b>	includes acts and omissions
<b>council</b>	includes county councils and joint organisations
<b>council committee</b>	A committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to <b>and the council's audit, risk and improvement committee</b>
<b>council committee member</b>	A person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, <b>and a person other than a councillor who is a member of the council's audit, risk and improvement committee</b>
<b>council official</b>	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 5.16, council advisers
<b>councillor</b>	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
<b>delegate of council</b>	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
<b>designated person</b>	a person referred to in clause 4.8
<b>election campaign</b>	includes council, state and federal election campaigns
<b>environmental planning instrument</b>	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
<b>General Manager</b>	includes the executive officer of a joint organisation
<b>joint organisation</b>	a joint organisation established under section 400O of the LGA
<b>LGA</b>	the <i>Local Government Act 1993</i>
<b>local planning panel</b>	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
<b>mayor</b>	includes the chairperson of a county council or a joint organisation
<b>members of staff of a Council</b>	includes members of staff of county councils and joint organisations





the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

## 11. Policy Administration

Business Group:	Corporate and Community Services
Responsible Officer:	Governance and Council Support Coordinator
Policy Review Date:	Three years from date of adoption unless legislated otherwise
File Number / Document Number:	DOC2016/012361
Policy Number:	
Relevant Legislation:	<ul style="list-style-type: none"> <li>Local Government Act 1993</li> <li>Local Government (General) Regulation 2005</li> </ul>
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> <li>Code of Conduct Procedures</li> </ul>

## 12. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	16 July 2008 / PM60/2008	New policy adopted
2	2 September 2009 / PM69/2009 - 538	Periodic review
3	20 February 2013 / PM12/2013 - 234	Periodic review
4	18 September 2013 / PM91/2013	Periodic Review
5	3 February 2016 / CC2/2016 - 1544	Periodic Review
6	1 May 2019 / CC11/2019 - 754	Mandatory Review following release of revised Model Code
7	TBA	Mandatory Review following release of revised Model Code

## 13. Schedules

- 13.1 Schedule 1: Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21
- 13.2 Schedule 2: Form of Written Returns of Interests Submitted Under Clause 4.21
- 13.3 Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37



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## **Schedule 1: Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21**



## Part 1: Preliminary

### DEFINITIONS

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made



- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

#### MATTERS RELATING TO THE INTERESTS THAT MUST BE INCLUDED IN RETURNS

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

#### Part 2: Pecuniary interest to be disclosed in returns

##### REAL PROPERTY

- 5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
- 8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

##### Gifts

- 9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.





10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

#### CONTRIBUTIONS TO TRAVEL

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution

#### INTEREST AND POSITIONS IN CORPORATIONS

15. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.



16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
  - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

**INTERESTS AS A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER**

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

**POSITIONS IN TRADE UNION AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

21. A person making a return under clause 4.21 of the code must disclose:
  - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

**DISPOSITIONS OF REAL PROPERTY**

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.



#### **SOURCES OF INCOME**

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - i) a description of the occupation, and
    - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

#### **DEBTS**

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or



- d) in the case of a debt arising from the supply of goods or services:
  - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

**DISCRETIONARY DISCLOSURES**

- 34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

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**Schedule 2: Form of Written Returns of Interests  
Submitted Under Clause 4.21**

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#### Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

#### Important Information

This information is being collected for the purpose of complying with clause 4.21 of the Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.



Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

#### A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June

Nature of interest

#### B. Sources of Income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor

Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

#### C. Gifts

Description of each gift I received at any time since 30 June

Name and address of donor



#### D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

#### E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	--------------------	----------------------------------	---

#### F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

#### G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

#### H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June
---

#### I. Dispositions of property

- 1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- 2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

#### J. Discretionary disclosures



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### **Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37**





1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

#### Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.



**Special disclosure of pecuniary interests by** *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the      day of      20      .

**Pecuniary interest**

**Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)**

Relationship of identified land to councillor  
*[Tick or cross one box.]*

- ☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the councillor has an interest in the land.
- ☐ An associated company or body of the councillor has an interest in the land.

**Matter giving rise to pecuniary interest<sup>1</sup>**

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)<sup>2</sup>

*[Tick or cross one box]*

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

*[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]*

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



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Proposed change of zone/planning control

[Insert name of proposed LEP and identify  
proposed change of zone/planning control  
applying to the subject land]

Effect of proposed change of zone/planning  
control on councillor or associated person

[Insert one of the following: "Appreciable  
financial gain" or "Appreciable financial loss"]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each  
additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of  
the meeting]

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## Cessnock City Council DRAFT Code of Conduct Procedures

Date Adopted: XX/XX/XXXX Revision: 2

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## 1. Introduction

These procedures are prescribed for the administration of Council's Code of Conduct. Council's Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of the adopted codes of conduct, Council may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the General Manager

## 2. Definitions

For the purposes of this Procedure, the following definitions apply:

<b>Administrator</b>	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
<b>Code of conduct</b>	a code of conduct adopted under section 440 of the Act
<b>code of conduct complaint</b>	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
<b>Complainant</b>	a person who makes a code of conduct complaint
<b>complainant councillor</b>	a councillor who makes a code of conduct complaint
<b>complaints coordinator</b>	a person appointed by the General Manager under these procedures as a complaints coordinator
<b>conduct reviewer</b>	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the General Manager
<b>Council</b>	Cessnock City Council
<b>Council committee</b>	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
<b>council committee member</b>	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
<b>councillor</b>	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
<b>council official</b>	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
<b>delegate of council</b>	a person (other than a councillor or member of staff of a council) or body and the individual members of that



external agency	body to whom a function of the council is delegated a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
General Manager	the General Manager of Cessnock City Council
ICAC	the Independent Commission Against Corruption
investigator	a conduct reviewer
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	the Mayor of Cessnock City Council
members of staff of a council	staff members of Cessnock City Council
The Office	the Office of Local Government
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

### 3. Administrative Framework

#### THE ESTABLISHMENT OF A PANEL OF CONDUCT REVIEWERS

- 3.1. The council must establish a panel of conduct reviewers.
- 3.2. The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3. The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4. An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5. To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i. investigations
    - ii. law
    - iii. public administration
    - iv. public sector ethics
    - v. alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.



- 3.6. A person is not eligible to be a member of the panel of conduct reviewers if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7. A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8. An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this part.
- 3.9. A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10. The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11. When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12. A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

**THE APPOINTMENT OF AN INTERNAL OMBUDSMAN TO A PANEL OF CONDUCT REVIEWERS**

- 3.13. Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14. To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15. An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16. Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.





#### THE APPOINTMENT OF COMPLAINTS COORDINATORS

- 3.17. The General Manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18. The General Manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19. The General Manager must not undertake the role of complaints coordinator.
- 3.20. The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21. The role of the complaints coordinator is to:
  - a) coordinate the management of complaints made under the council's code of conduct,
  - b) liaise with and provide administrative support to a conduct reviewer,
  - c) liaise with Office, and
  - d) arrange the annual reporting of code of conduct complaints statistics.

#### 4. How May Code of Conduct Complaints Be Made?

##### WHAT IS A CODE OF CONDUCT COMPLAINT?

- 4.1. For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2. The following are not "code of conduct complaints" for the purposes of these procedures:
  - a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3. Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under council's routine complaints management processes.

##### WHEN MUST A CODE OF CONDUCT COMPLAINT BE MADE?

- 4.4. A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5. A complaint made after 3 months may only be accepted if the General Manager or



their delegate, or, in the case of a complaint about the General Manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

**HOW MAY A CODE OF CONDUCT COMPLAINT ABOUT A COUNCIL OFFICIAL OTHER THAN THE GENERAL MANAGER BE MADE?**

- 4.6. All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7. Where a code of conduct complaint about a council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8. In making a code of conduct complaint about a council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9. The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10. Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

**HOW MAY A CODE OF CONDUCT COMPLAINT ABOUT THE GENERAL MANAGER BE MADE?**

- 4.11. Code of conduct complaints about the General Manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.
- 4.12. Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13. In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14. The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15. Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

**5. How Are Code of Conduct Complaints To Be Managed?**

**DELEGATION BY GENERAL MANAGERS AND MAYORS OF THEIR FUNCTIONS UNDER THIS PART**

- 5.1. The General Manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the General Manager or mayor are also to be taken to be references to their delegates.



**CONSIDERATION OF COMPLAINTS BY GENERAL MANAGERS AND MAYORS**

- 5.2. In exercising their functions under this Part, General Managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

**WHAT COMPLAINTS MAY BE DECLINED AT THE OUTSET?**

- 5.3. Without limiting any other provision in these procedures, the General Manager or, in the case of a complaint about the General Manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

**HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT STAFF (OTHER THAN THE GENERAL MANAGER) TO BE DEALT WITH?**

- 5.4. The General Manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5. The General Manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6. The General Manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7. Where the General Manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8. Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9. Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts

**HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT DELEGATES OF COUNCIL, COUNCIL ADVISERS AND COUNCIL COMMITTEE MEMBERS TO BE DEALT WITH?**

- 5.10. The General Manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11. The General Manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12. The General Manager may decide to take no action in relation to a code of conduct





complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13. Where the General Manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14. Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15. Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16. Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
  - a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17. Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
  - a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

**HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT ADMINISTRATORS TO BE DEALT WITH?**

- 5.18. The General Manager must refer all code of conduct complaints about administrators to the Office for its consideration
- 5.19. The General Manager must notify the complainant of the referral of their complaint in writing.

**HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS TO BE DEALT WITH?**

- 5.20. The General Manager must refer the following code of conduct complaints about councillors to the Office:
  - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct





- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21. Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.
- 5.22. The General Manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23. Where the General Manager decides to take no action in relation to a code of conduct complaint about a councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24. Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25. Where the General Manager resolves a code of conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26. The General Manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

**HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT THE GENERAL MANAGER TO BE DEALT WITH?**

- 5.27. The mayor must refer the following code of conduct complaints about the General Manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28. Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29. The mayor may decide to take no action in relation to a code of conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30. Where the mayor decides to take no action in relation to a code of conduct complaint about the General Manager, the mayor must give the complainant reasons in writing



for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures

- 5.31. Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32. Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33. The mayor must refer all code of conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

#### **HOW ARE COMPLAINTS ABOUT BOTH THE GENERAL MANAGER AND THE MAYOR TO BE DEALT WITH?**

- 5.34. Where the General Manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the General Manager and the mayor, the General Manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the General Manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.35.

#### **REFERRAL OF CODE OF CONDUCT COMPLAINTS TO EXTERNAL AGENCIES**

- 5.35. The General Manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36. The General Manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37. Where the General Manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38. Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

#### **DISCLOSURE OF THE IDENTITY OF COMPLAINANTS**

- 5.39. In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary



- to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

- 5.40. Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the General Manager.
- 5.41. Where a councillor makes a code of conduct complaint about another councillor or the General Manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42. A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43. The General Manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44. Where a complainant councillor makes a request under clause 5.41, the General Manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### **CODE OF CONDUCT COMPLAINTS MADE AS PUBLIC INTEREST DISCLOSURES**

- 5.45. These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46. Where a councillor makes a code of conduct complaint about another councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47. Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

#### **SPECIAL COMPLAINTS MANAGEMENT ARRANGEMENTS**

- 5.48. The General Manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49. Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
  - a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50. A special complaints management arrangement must be in writing and must specify the following:
  - a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.





- 5.51. The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52. While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53. Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54. Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55. A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## **6. Preliminary Assessment of Code of Conduct, Complaints about Councillors of the General Manager by Conduct Reviewers**

### **REFERRAL OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER TO CONDUCT REVIEWERS**

- 6.1. The complaints coordinator must refer all code of conduct complaints about councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the mayor.
- 6.2. For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
  - a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3. In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4. A conduct reviewer must not accept the referral of a code of conduct complaint where:
  - a) they have a conflict of interests in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5. For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be



influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

- 6.6. For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7. Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8. The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.
- 6.9. Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10. The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
  - a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11. Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

**PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT  
COUNCILLORS OR THE GENERAL MANAGER BY A CONDUCT REVIEWER**

- 6.12. The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13. The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
  - a) to take no action, or
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14. In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15. The conduct reviewer may make such enquiries the conduct reviewer considers to be



reasonably necessary to determine what option to exercise under clause 6.13.

- 6.16. The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17. The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18. The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19. The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20. Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21. Where the conduct reviewer refers a complaint to an external agency they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22. The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
  - a) that the complaint is a "code of conduct complaint" for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23. In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
  - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/ or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24. The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25. The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

**REFERRAL BACK TO THE GENERAL MANAGER OR MAYOR FOR RESOLUTION**

- 6.26. Where the conduct reviewer determines to refer a matter back to the General Manager





or to the mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the mayor, recommending the means by which the complaint may be resolved.

- 6.27. The conduct reviewer must consult with the General Manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28. The General Manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29. Where the conduct reviewer refers a matter back to the General Manager or mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30. Where the conduct reviewer refers a matter back to the General Manager or mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### **COMPLAINTS ASSESSMENT CRITERIA**

- 6.31. In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
  - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
  - k) whether there were mitigating circumstances giving rise to the conduct complained of
  - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
  - m) the significance of the conduct or the impact of the conduct for the council
  - n) how much time has passed since the alleged conduct occurred
  - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.



## 7. Investigations of Code of Conduct Complaints about Councillors or the General Manager

### WHAT MATTERS MAY A CONDUCT REVIEWER INVESTIGATE?

- 7.1. A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2. Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the mayor.
- 7.3. The General Manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

### HOW ARE INVESTIGATIONS TO BE COMMENCED?

- 7.4. The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) advise the respondent of the requirement to maintain confidentiality, and
  - e) Invite the respondent to make a written submission in relation to the matter with a period of not less than 14 days specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5. The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6. An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7. Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8. The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the mayor. The notice must:
  - a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) Invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.





#### **WRITTEN AND ORAL SUBMISSIONS**

- 7.9. Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10. The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11. Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12. Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13. Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14. The investigator must consider all written and oral submissions made to them in relation to the matter.

#### **HOW ARE INVESTIGATIONS TO BE CONDUCTED?**

- 7.15. Investigations are to be undertaken without undue delay.
- 7.16. Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17. Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18. Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19. An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

#### **REFERRAL OR RESOLUTION OF A MATTER AFTER THE COMMENCEMENT OF AN INVESTIGATION**

- 7.20. At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
  - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21. Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22. The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or



(b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 7.23. Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24. Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25. An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### **DRAFT INVESTIGATION REPORTS**

- 7.26. When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27. The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28. Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it with a period of not less than 14 days specified by the investigator.
- 7.29. The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30. The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31. Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32. The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### **FINAL INVESTIGATION REPORTS**

- 7.33. Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34. An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35. The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,



- i) constitutes a breach of the code of conduct, or
  - ii) does not constitute a breach of the code of conduct, and
  - iii) provide reasons for the determination.
- 7.36. At a minimum, the investigator's final report must contain the following information:
  - a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.
- 7.37. Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
  - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor, that the council resolves as follows:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38. Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39. Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40. Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend.
  - a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.41. The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42. At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a





written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43. Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44. Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45. Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

#### **CONSIDERATION OF THE FINAL INVESTIGATION REPORT BY COUNCIL**

- 7.46. The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47. The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48. Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49. Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.50. Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51. The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52. Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53. The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54. The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55. Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the



respondent.

- 7.56. The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57. The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58. A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor; that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA
- 7.59. Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60. The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61. Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## **8. Oversight and Rights of Review**

### **THE OFFICE'S POWERS OF REVIEW**

- 8.1. The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2. The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3. Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review

### **COMPLAINTS ABOUT CONDUCT REVIEWERS**

- 8.4. The General Manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5. The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6. The General Manager must implement any recommendation made by the Office as a



result of its consideration of a complaint about a conduct reviewer.

#### **PRACTICE RULINGS**

- 8.7. Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8. Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9. Where the Office makes a practice ruling, all parties must comply with it.
- 8.10. The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

#### **REVIEW OF DECISIONS TO IMPOSE SANCTIONS**

- 8.11. A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12. A review under clause 8.11 may be sought on the following grounds:
  - a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13. A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14. The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15. The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16. The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17. Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18. The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19. Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
  - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government





election, in which case it must be tabled at the first ordinary council meeting following the election, and

- b) the council must:
  - i) review its decision to impose the sanction, and
  - ii) consider the Office's recommendation in doing so, and
  - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter

- 8.20. Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## **9. Procedural Irregularities**

- 9.1. A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2. A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
  - a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the noncompliance.

## **10. Practice Directions**

- 10.1. The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2. The Office will issue practice directions in writing, by circular to all councils.
- 10.3. All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

## **11. Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager**

- 11.1. The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
  - a) the total number of code of conduct complaints made about councillors and the General Manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about councillors and the General Manager during the reporting period, including staff costs.





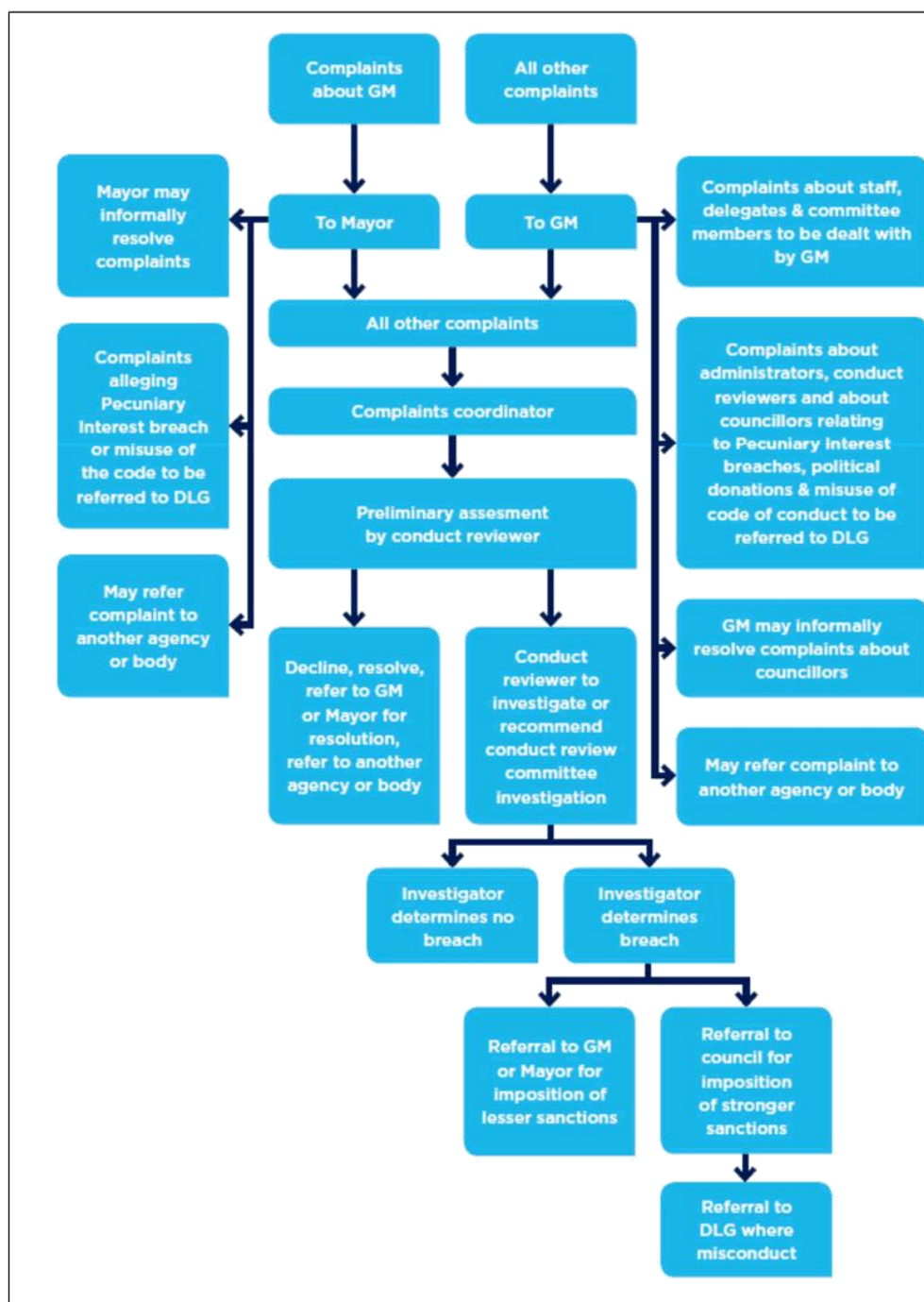
- 11.2. The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## **12. Confidentiality**

- 12.1. Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2. Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3. Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4. In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 12.5. The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the General Manager or their delegate considers should be notified of the determination.
- 12.6. Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the General Manager or their delegate under clause 12.2.
- 12.7. Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



### 13. Model Code Procedure Flowchart



Corporate and Community

Report No. CC86/2020

Corporate and Community Services



**SUBJECT:** ***DISPLAY OF COMMUNITY NOTICES, COMMUNITY DISPLAYS & EXHIBITIONS AND HOSTING OF PETITIONS IN COUNCIL LIBRARIES POLICY***

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

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### **SUMMARY**

The Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (the policy) was initially adopted by Council on 5 April 2000 and reviewed 18 September 2013. A recent review of the policy has been undertaken and being tabled to Council is an amended policy (Enclosure 1).

### **RECOMMENDATION**

1. That Council places the amended Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy on public exhibition for 28 days.
2. That should public submissions be received, a further report be prepared and submitted to Council for consideration.
3. That should no public submissions be received, the amended Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy is adopted by Council.

### **BACKGROUND**

Cessnock City Library comprises Cessnock Library Branch and Kurri Kurri Library Branch. In 2019 Cessnock Library Branch and Kurri Kurri Library Branch recorded over 150,000 visitations combined.

Cessnock Library Branch in its foyer area provides exhibition space and creates a welcoming entrance and opportunity for the community to engage in cultural expression. Kurri Kurri Library Branch although smaller in floor size also provides opportunity for exhibition and both branches display community notices.

### **REPORT/PROPOSAL**

The policy was first adopted 20 years ago with a review undertaken in 2013 resulting in minimal changes to the content of the policy.

In reviewing the well-established policy, amendments have been made to its language with more confident expression used. The amended policy also includes new sections for Policy Scope, Roles and Responsibilities, and Complaints Management. Content has also been deleted from the policy where it was better suited for inclusion in two ancillary operational documents namely Display and Exhibition Agreement and Standard Operating Procedure Hanging Exhibitions and Artwork. Within the current policy, requests for hosting of petitions or

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seeking signatures within the library are rejected unless approved by Council and this intent remains unchanged in the amended policy.

Table 1 provides examples of how the policy adopted in 2000 has now progressed to a well-established framework necessitating an amended policy that is more confident in expression and language. It also advises new inclusions within the amended policy.

Table 1: Example of differences between the current policy and the proposed policy.

<b>Current Policy (adopted 2000)</b>	<b>Proposed Policy (reviewed 2020)</b>
<p>Extract from Objective – Section 1</p> <p>To reserve Library notice boards for Community, Government, Council and Library posters, notices and announcements which are relevant to the community's cultural, educational, recreational, sporting and informational needs.</p> <p>To establish clear guidelines regarding the deposit in Libraries of petitions which solicit signatures from members of the community.</p> <p>To provide space in Cessnock and Kurri Kurri Libraries for community displays and exhibitions.</p>	<p>Extract from Section 1.1 Policy Objectives and demonstrates the policy is now well established.</p> <p>Provide an effective, accountable and transparent framework for decision-making with respect to the reserve of Cessnock City Library (Libraries) notice boards, display and exhibition facilities for Items.</p> <p>Provide guidelines regarding the deposit in Libraries of petitions which solicit signatures from members of the community.</p> <p>Provide guidelines for use and reserve of the Libraries' display and exhibition facilities.</p>
<p>Comment: Policy did not advise Policy Scope.</p>	<p>Extract from Section 2: Policy Scope</p> <p>2.1 This policy applies to:</p> <p>2.1.1 Anyone wishing to use the Libraries notice boards, display and exhibition facilities and deposit of petitions, and</p> <p>2.1.2 Council staff responsible for implementing this policy.</p>
<p>Comment: Section 2, Notice Boards and Petitions were grouped together.</p> <p>Current wording 'To be rejected, unless otherwise approved by Council (2.1.2): Petitions (nor can petitions be taken around inside the Libraries seeking signatures).'</p>	<p>Comment: Petitions is now a separate item and has strengthened wording for its approval process.</p> <p>Proposed wording Item 3.2.1 Petitions cannot be left at Libraries nor taken around inside the Libraries seeking signatures unless approved by resolution of the Council.</p>
<p>Comment: Roles and Responsibilities somewhat included within the Policy.</p>	<p>Inclusion of Section 4 Roles and Responsibilities and lists in heading format:</p>

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Current Policy (adopted 2000)	Proposed Policy (reviewed 2020)
	<ul style="list-style-type: none"> <li>• Library Customer Service</li> <li>• Library Service Co-ordinator</li> <li>• Community and Cultural Engagement Manager</li> <li>• Director Corporate and Community Services</li> <li>• Applicants</li> <li>• Records Management</li> <li>• Complaints Management</li> </ul>

**OPTIONS**

N/A

**CONSULTATION**

The amended policy was consulted with Council's Governance Team, Business Unit Managers and tabled to the Executive Leadership Team.

**STRATEGIC LINKS****a. Delivery Program**

The policy is aligned to the 2017-2021 Delivery Program strategic direction 'Making Council more responsive to the community'.

**b. Other Plans**

The 2020-21 Operational Plan lists the policy for review with a timeframe target 'policy reviewed and reported to Council by 30 September 2020'.

**IMPLICATIONS****a. Policy and Procedural Implications**

There are occasions where the public enquire with Library staff seeking permission for a petition to be left or circulated in the Library seeking signature from library users and visitors. The policy has always required the rejection of a petition, unless otherwise approved by Council. The amended policy lists petitions as a separate section and has strengthened wording for the approval process with a resolution of Council required stating 'Petitions cannot be left at Libraries nor taken around inside the Libraries seeking signatures unless approved by resolution of the Council' (Section 3.2.1).

**b. Financial Implications**

Nil

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**c. Legislative Implications**

Listed in the policy is the *Anti-Discrimination Act 1977 (NSW)* and refers to Items to be rejected:

3.1.2 d) Items which breach State or Federal legislation relating to discrimination, racial vilification, offensive behavior and defamation.

**d. Risk Implications**

Council's risk team assisted to develop Standard Operating Procedure Hanging Exhibitions and Artwork for Cessnock and Kurri Kurri Library Branches and outlines a safe method of work.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Both Library Branches are well patronised and provide people with community information and the opportunity to engage in culture. The policy is regularly used when assessing what can be accepted for display, exhibition and notice and reaffirms that petitions cannot be left at Libraries nor taken around inside the Libraries seeking signatures unless approved by resolution of the Council.

**ENCLOSURES**

- [1](#) Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy



## **Cessnock City Council Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy**

**Date Adopted: xx/xx/2020 Revision: 3**

### **1. POLICY OBJECTIVES**

1.1. The objectives of this policy are to:

- 1.1.1. Provide an effective, accountable and transparent framework for decision-making with respect to the reserve of Cessnock City Library (Libraries) notice boards, display and exhibition facilities for Items.
- 1.1.2. Provide guidelines regarding the deposit in Libraries of petitions which solicit signatures from members of the community.
- 1.1.3. Provide guidelines for use and reserve of the Libraries display and exhibition facilities.

### **2. POLICY SCOPE**

2.1. This policy applies to:

- 2.1.1. Anyone wishing to use the Libraries notice boards, display and exhibition facilities and deposit of petitions, and
- 2.1.2. Council staff responsible for implementing this policy.

### **3. GUIDELINES FOR DISPLAY AND EXHIBITION**

3.1. Items submitted for display or exhibition in any Library building or facility are accepted or rejected according to the guidelines below.

#### **3.1.1. Notice boards**

Items eligible for acceptance are:

- a) from local community groups;
- b) from local not for profit groups;
- c) from government departments and government sponsored bodies;
- d) Items which promote Council and its activities;
- e) from Public or State Libraries;
- f) Items that announce cultural, educational, recreational, sporting and community informational activities; or
- g) Items that announce charity events.





3.1.2. Items to be rejected are:

- a) Items that announce events and activities by individuals or enterprises for the purposes of profit (i.e. advertising for purely commercial enterprises) which do not comply with the intent of this policy. The exception to this is Items considered to be of community benefit, e.g. childcare, tutoring, concerts, and public seminars and will be determined by the Library Services Co-ordinator;
- b) Items by any Federal, State or Local political group or cause where the Library may be seen as supporting a particular political group;
- c) Items that are not physically suitable for display in the space available; or
- d) Items which breach State or Federal legislation relating to discrimination, racial vilification, offensive behaviour and defamation.

3.1.3. No Item is to be placed in the Library without prior approval and only to the extent that Items are in accordance with this policy. Anyone wishing to use the Libraries notice boards must seek authorisation from Library Staff.

3.1.4. Items can be displayed for up to one (1) month, however, depending on the space available, a year's calendar may stay on display until the last activity has taken place.

3.1.5. When the Item is removed, if it is not collected by a nominated person within five (5) working days of the display ending, it will become the property of the Library and be disposed of.

3.1.6. If Items do not have dates of events on them, the date due stamp may be used as the date upon which it will be removed from the notice board.

3.1.7. Information relating to local community services/events has priority.

3.1.8. Granting of permission to display Items does not imply Council endorsement of content; nor will the Council accept responsibility for the accuracy or inaccuracy of statements made in such materials.

3.1.9. Items shall not be attached to doors/windows/walls/counter-tops and fronts.

**3.2 Petitions**

3.2.1 Petitions cannot be left at Libraries nor taken around inside the Libraries seeking signatures unless approved by resolution of the Council.

**3.3 Displays and exhibitions**

3.3.1 Applications for the display and exhibition of artworks and artefacts must be in writing using the form Application for Display and Exhibition at Cessnock City Library and returned to the Library or emailed to [library@cessnock.nsw.gov.au](mailto:library@cessnock.nsw.gov.au).

3.3.2 Applications will be considered in accordance with this policy and the applicant will be notified of the outcome in writing within 10 working days.

3.3.3 Community groups are encouraged to make bookings for displays and exhibitions which present information on their activities. Application for bookings can be made to present a display for up to four weeks and will be accepted according to time and space available on the Library's display and exhibition calendar.

3.3.4 Displays and exhibitions which promote a particular commercial activity or business enterprise will not be permitted, except where that activity or



enterprise coincides with the particular theme of the community display or sponsorship of that display.

- 3.3.5 Displays or exhibitions of work by an individual artist or group of artists will be permitted if time and space is available and is not required for use by a community group. The Library will not sell works from these displays but will direct enquiries about purchase of Items to a contact name or number.

## **4. ROLES AND RESPONSIBILITIES**

### **4.1 Library Customer Service**

- 4.1.1 Provide administration assistance with the lodgement of Items, display and exhibition requests.
- 4.1.2 Perform functions as outlined in this policy and the Standard Operating Procedure Hanging Exhibitions and Artwork.

### **4.2 Library Services Co-ordinator**

- 4.2.1 Determine Items considered to be of community benefit that announce events and activities by individuals or enterprises for the purposes of profit (i.e. advertising for purely commercial enterprises) which do not comply with the intent of this policy.

### **4.3 Community and Cultural Engagement Manager**

- 4.3.1 Assess and determine suitability of Items in accordance with this policy where the Library Services Co-ordinator cannot do so.

### **4.4 Director Corporate and Community Services**

- 4.4.1 Where uncertainty remains, the final decision on the suitability of Items for display will be at the discretion of the Director Corporate and Community Services.

### **4.5 Applicants**

- 4.5.1 It is the responsibility of the Applicant to provide Items and remove them from the Library by the agreed date. Failure to remove including any display or exhibition will result in the material being removed by Library Staff and disposed, with no liability being incurred by Council for any damage or loss which may result.
- 4.5.2 Applicants once selected for display and exhibition are required to sign the Display and Exhibition Agreement which releases the Library from any responsibility for display and exhibition Items. The Display and Exhibition Agreement must be completed and signed by the Applicant or a nominated representative from the group making the booking.

### **4.6 Records Management**

- 4.6.1 Staff must maintain all records relevant to administering this policy in accordance with Councils Records Management Policy.

### **4.7 Complaints Management**

- 4.7.1 Any complaints under this policy will be managed in accordance with Council's Complaint Handling Policy.



## 5. POLICY DEFINITIONS

<b>Applicant</b>	means person or organisation making application for display or exhibition
<b>Council</b>	means Cessnock City Council
<b>Libraries Library</b>	means any or all of Cessnock City Libraries including Cessnock Library Branch and Kurri Kurri Library Branch
<b>Items</b>	means posters, notices, brochures, fliers, artworks and artefacts

## 6. POLICY ADMINISTRATION

<b>Business Group</b>	Corporate and Community Services
<b>Responsible Officer</b>	Library Services Co-ordinator
<b>Policy Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number</b>	DOC2020/061758
<b>Relevant Legislation (reference specific sections)</b>	<i>Anti-Discrimination Act 1977 (NSW), Section 20B</i>
<b>Relevant desired outcome or objectives</b>	A connected, safe and creative community Objective 1.1 Promoting social connections
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>Records Management Policy (DOC2019/038769)</li> <li>Complaint Handling Policy (DOC2018/048382)</li> <li>Display and Exhibition Agreement (DOC2020/061762)</li> <li>Standard Operating Procedure Hanging Exhibitions and Artwork (DOC2020/048220)</li> </ul>



## 7. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Determination of Items considered to be of community benefit that announce events and activities by individuals or enterprises for the purposes of profit (i.e. advertising for purely commercial enterprises) which do not comply with the intent of this policy.	Library Services Co-ordinator
2	Assessment of suitability for Items submitted for display where the Library Services Co-ordinator is unable to do so	Community and Cultural Engagement Manager
3	Determine instances of uncertainty for the suitability of Items for display	Director Corporate and Community Services

## 8. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	5 April 2000 DS&CS 55/2000-146	New policy adopted – Policy Number 26.1
2	18 September 2013 PM91/2013-581	Periodic review
3		

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**SUBJECT:** *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE HELD ON FRIDAY 21 AUGUST 2020*

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

**RECOMMENDATION**

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 21 August 2020 be adopted as a resolution of the Ordinary Council.
2. That Council notes that the Aboriginal and Torres Strait Islander Committee meeting was inquorate at the commencement of the meeting and became quorate prior to the consideration of the agenda item AACLM5/2020 Council Activities for NAIDOC Week 2020.

**MINUTES OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD VIA ZOOM ON FRIDAY, 21 AUGUST 2020, COMMENCING AT 9.00AM**

**PRESENT:** The Mayor, Councillor Pynsent  
Councillor Doherty  
Councillor Gray  
Mr Craig Layer (Community Representative)  
Ms Sonia Sharpe (Community Representative)  
Ms Susan Mulyk (Community Representative)  
Ms Tara Dever (Community Representative)

**IN ATTENDANCE:** Ms Lotta Jackson - General Manager  
Mr Robert Maginnity - Director Corporate and Community Services  
Ms Natalie Drage - Community & Cultural Engagement Manager  
Ms Johanna Dennis - Principal Community Planner  
Ms Jo Miller - Community & Cultural Development Officer

**INVITEES:** Mr Martin Johnson - Acting Director Planning and Environment  
Ms Emma McDermott - Acting Principal Strategic Planner  
Ms Alison Chisholm - Community Engagement Officer

The meeting was chaired by Mr Craig Layer (Community Representative).

**APOLOGIES**

Nil

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## **ACKNOWLEDGEMENT OF COUNTRY**

Acknowledgement of Country delivered by Ms Sonia Sharpe (Community Representative).

*As all members have not yet arrived, the meeting is inquorate.*

## **DISCLOSURES OF INTEREST**

Nil

*Ms Susan Mulyk (Community Representative) arrived at the meeting, the time being 9.15am.*

*The meeting is now quorate.*

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. AACLM5/2020**

**SUBJECT: COUNCIL ACTIVITIES FOR NAIDOC WEEK 2020**

**MOTION Moved:** Mayor Pynsent

**Seconded:** Ms Sharpe

### **RECOMMENDATION**

**That the Aboriginal and Torres Strait Islander Committee consider Council's NAIDOC Week activities for 2020.**

**CARRIED UNANIMOUSLY**

Discussion:

The Committee discussed promotion of local Aboriginal culture, histories, language and stories throughout the year as an opportunity for cultural learning.



## CONFIRMATION OF MINUTES

**MINUTES:**

**MOTION**

**Moved:** Mayor Pynsent

**Seconded:** Councillor Doherty

**RECOMMENDED** that the Minutes of the Aboriginal and Torres Strait Islander Committee held on 28 February 2020, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

## LISTED MATTERS

### LISTED MATTERS - COMMITTEE NO. AACLM6/2020

**SUBJECT:** **INNOVATE RECONCILIATION ACTION PLAN (MAY 2018 - APRIL 2020) EVALUATION REPORT**

**MOTION**

**Moved:** Councillor Gray

**Seconded:** Mayor Pynsent

**RECOMMENDATION**

That the outcomes and conclusion of the Cessnock City Council Innovate Reconciliation Action Plan May 2018 – April 2020 be noted.

**CARRIED UNANIMOUSLY**

Discussion:

The Committee discussed the following opportunities for future reconciliation actions:

- Employment opportunities at Council including Apprentice Framework and noted was funding provided to Council for a temporary Aboriginal Youth Worker role and will operate from Council's youth service 'CYCOS' in 2021.
- Cultural awareness training including use of eLearning platforms and the importance of including local content, specialist presenters, roles of local organisations and where possible involve young people.
- Training for Crown Lands Management, Native Title and Aboriginal Land Rights legislation.

*Ms Emma McDermott, Acting Principal Strategic Planner, arrived at the meeting, the time being 9.25am.*

*Ms Alison Chisholm, Community Engagement Officer, arrived at the meeting, the time being 9.28am.*



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*Ms Tara Dever, Community Representative, arrived at the meeting, the time being 9.32am.  
Ms Lotta Jackson, General Manager arrived at the meeting, the time being 9.45am.*

**LISTED MATTERS - COMMITTEE NO. AACLM7/2020**

**SUBJECT: COMMUNITY ENGAGEMENT STRATEGY AND ACTION PLAN**

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

**RECOMMENDATION**

**That the Committee notes the information contained in this report relating to Council's Community Engagement Strategy.**

**CARRIED UNANIMOUSLY**

Discussion:

The Committee discussed the importance to the community of Acknowledging Country and encouraged the inclusion of an Acknowledgement of Country on Council's presentation templates.

**LISTED MATTERS - COMMITTEE NO. AACLM8/2020**

**SUBJECT: INTRODUCTION TO THE ENVIRONMENTAL LANDS STUDY**

**MOTION**      **Moved:** Mayor Pynsent      **Seconded:** Councillor Gray

**RECOMMENDATION**

**That the Committee notes the information contained within this report relating to the Environmental Lands Study.**

**CARRIED UNANIMOUSLY**

Discussion:

The Committee discussed the importance of Local Aboriginal Land Council representation on all four geographical landscape-based community reference groups noting reference groups will be established. It was also encouraged that the Study be considerate of opportunities for landholders to use their land to support and sustain their communities into the future.

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**LISTED MATTERS - COMMITTEE NO. AACLM9/2020**

**SUBJECT: PROPOSED LANEWAY PROJECT**

**MOTION**      **Moved:** Ms Dever      **Seconded:** Mayor Pynsent

**RECOMMENDATION**

**That the Committee notes the report relating to a proposal for an Aboriginal art work installation in a laneway in Cessnock CBD.**

**CARRIED UNANIMOUSLY**

Discussion:

The Committee discussed how the project could involve Aboriginal artists, organisations and young people. The initial project proposal was supported by the Committee.

*Ms Alison Chisholm, Community Engagement Officer, left the meeting, the time being 10.55am.*

*Ms Emma McDermott, Acting Principal Strategic Planner, left the meeting, the time being 10.58am.*

**CORRESPONDENCE**

Nil

*The Meeting Was Declared Closed at 11.05am*

**ENCLOSURES**

There are no enclosures for this report

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Corporate and Community Services



**SUBJECT:** ***BI-ANNUAL COMPLAINT HANDLING REPORT (1 JANUARY - 30 JUNE 2020)***

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

### **SUMMARY**

The purpose of this report is to present to Council the Bi-annual Complaint Handling Report for the six month period January to June 2020. This is the first report since Council adopted the Complaint Handling Policy (the Policy) on 11 December 2019.

### **RECOMMENDATION**

**That Council notes the Bi-annual Complaint Handling Report for the period 1 January to 30 June 2020.**

### **BACKGROUND**

The Policy was adopted by Council on 11 December 2019 and the Complaints Handling Procedure was noted at the same time.

The Procedure provides (clause 9.1) that:

*Biannual reports will be provided to the elected Council on the following statistics:*

- i. *the number of Complaints received,*
- ii. *the number of Complaints resolved and time taken to do so,*
- iii. *the number of Complaints outstanding,*
- iv. *the categories of Complaints made.*

A complaint is an expression of dissatisfaction made to or about Council, Council services, Council staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

### **REPORT/PROPOSAL**

Complaints give Council valuable information about how it can improve its processes and services. The impact a complaint has upon Council is largely determined by how Council handles the complaint. A poorly handled complaint can have a negative effect on Council's reputation. Complaints provide Council with valuable information and learnings enabling operational process and service improvement.

For the reporting period to 30 June 2020, the Complaint Handling Register showed 30 Complaints were received under the Policy and a dashboard overview of the complaints received is provided at **Enclosure 1**. Learnings from these complaints with proposed and completed actions are outlined in this report.

The Policy includes a hierarchy for managing complaints:

- Tier 1 are complaints that have been made for the first time and that can be addressed by frontline staff. There were 27 received.

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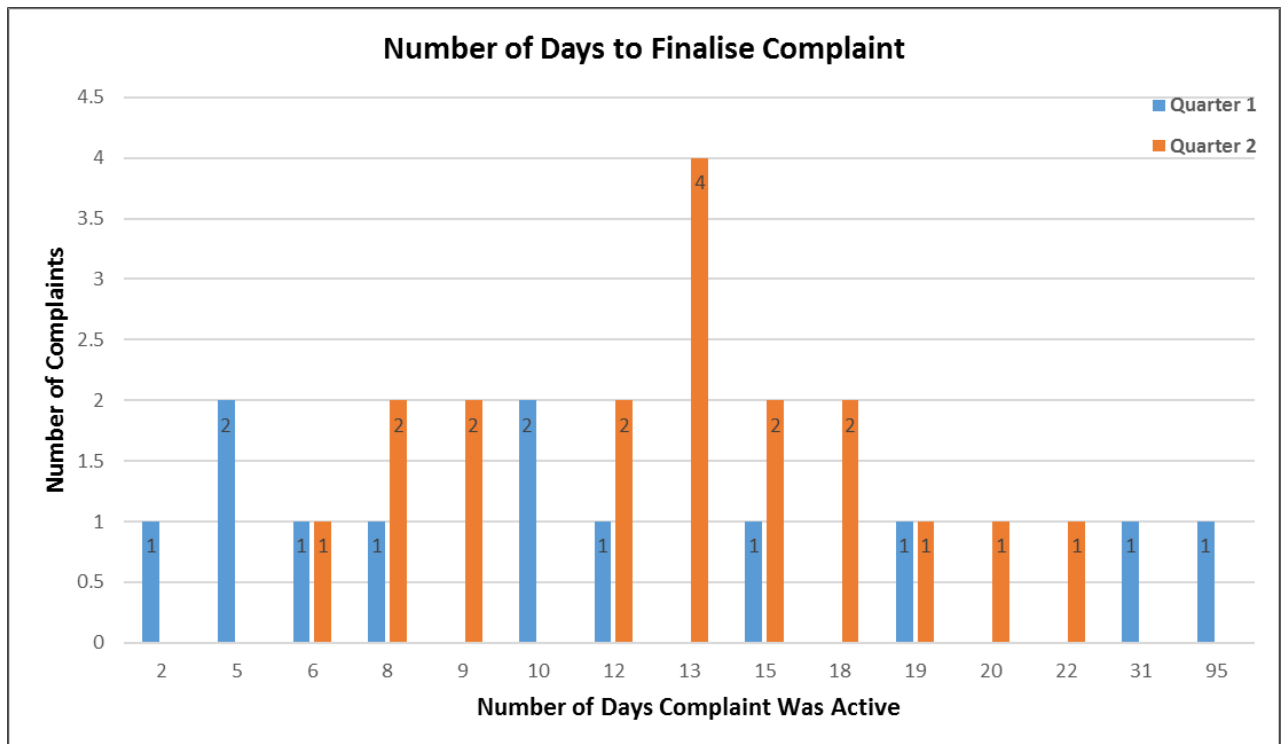
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- Tier 2 are requests for an internal review of Tier 1 complaints in which case the Public Officer or their delegate handles the request for review. There were two received.
- Tier 3 complaints are requests for review from external agencies, such as the NSW Ombudsman and Office of Local Government, and as with Tier 2 complaints, the Public Officer or their delegate handles the request for review. There were one received.

There were three complaints outstanding at the end of the reporting period and these have all subsequently been completed.



Complaints by categories:

Category of Complaint	Number	Substantiated
Breach of WHS	3	2
Council failed in its duty / responsibilities	3	0
Failure to follow Council Policy/process	9	0
Non adherence to Council Policy/Process	1	0
Non adherence to Code of Conduct	2	0
Non adherence to Councils standards of behavior	4	2
Dissatisfaction with service received	8	2
<b>Total</b>	<b>30</b>	<b>6</b>

**Learnings from the data**

The complaints received have provided valuable information in relation to:

- the importance of regular and timely communication with complainants,
- the manner in which information is provided to the complainants, and

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- the importance of working effectively across business units to meet response timeframes.

Two complaints were completed outside the Policy timeframes. These complaints required more time to resolve due to the nature of the complaint. The Executive Leadership Team are aware of these instances and corrective strategies are being implemented to address them in future.

Of the complaints received, 43% were a result of the complainant not accepting the outcome of a decision or determination originally made by Council officers under a function of Council, and instead of utilising any right of review under the appropriate provision they have made a complaint under the Complaint Handling Policy. This may have been because their period to apply for a review has passed or they have decided to use the complaint handling process (incorrectly) seeking to obtain a different outcome.

Six complaints were substantiated and have all resulted in addressing the individual issues concerned. The nature of the complaints did not reflect broader issues and therefore did not necessitate broader controls and measures or require changes to Council processes.

**Actions**

The Complaint Handling Standard Operating Procedure has been updated to highlight the requirement for communicating the status of the complaint to the customer and where cross department collaboration is required that one officer is identified as owner of the complaint who will be responsible for keeping the customer informed.

The importance of communication has been reinforced with Managers and assistance is available from the Public Officer or Directors where responsible officers are not getting a response from other departments/sections in a timely manner. The Governance circular will also include a reminder to staff to highlight the importance of keeping the customer informed.

The Executive Leadership Team have also received and considered a more detailed report on complaints received and will be using this as a means to improve the handling of and response to complaints, as well as to look for ways to improve Council operations and functions so as to foster a business improvement program with a customer focus.

***OPTIONS***

N/A

***CONSULTATION***

Executive Leadership Team  
Governance Team

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## **STRATEGIC LINKS**

### **a. Delivery Program**

Council's Complaints Handling process 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**

N/A

### **b. Financial Implications**

N/A

### **c. Legislative Implications**

N/A

### **d. Risk Implications**

Complaints give Council valuable information about how it can improve its processes and services. The impact a complaint has is largely determined by how Council handles the complaint. A poorly handled complaint can have a negative effect on Council's reputation.

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

## **CONCLUSION**

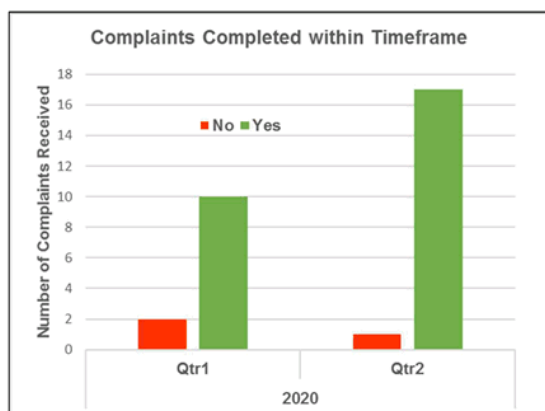
This report provides a high level analysis of all complaints received for the first six months of the calendar year 2020 for noting by the elected Council.

## **ENCLOSURES**

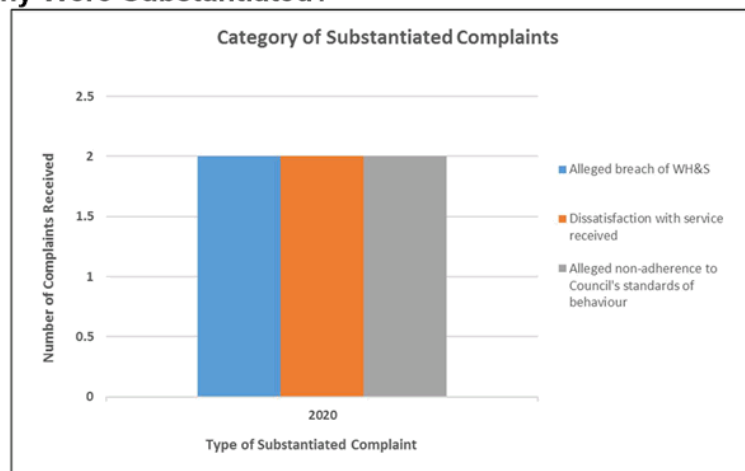
[1↓](#) Complaints Dashboard - 1 Jan - 30 June 2020

### Complaints Handling Dashboard – Q1 & Q2 2020

#### Is Council Responsive to the Complainant and How Many Were Substantiated?

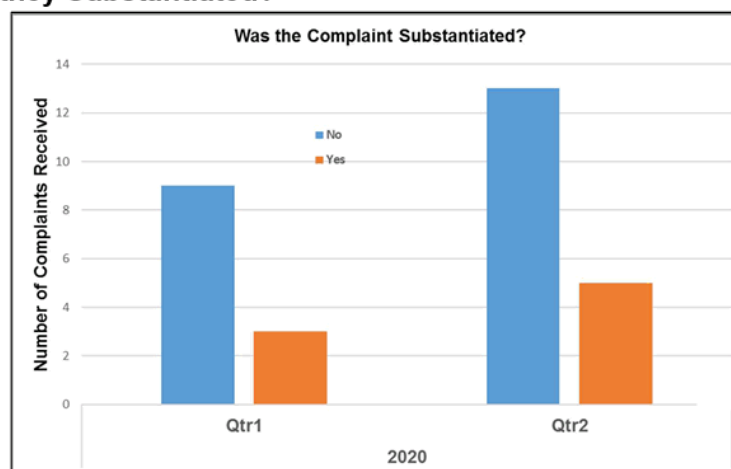
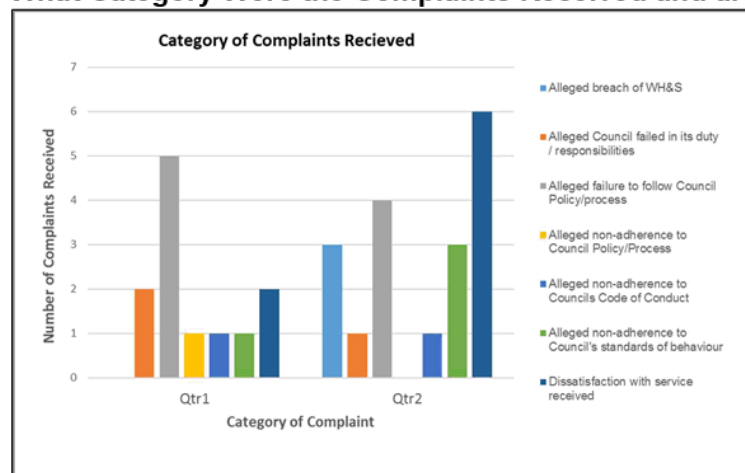


1. A number of Council Units involved which resulted in a failure to address concerns in a timely manner.
2. Several allegations resulting in a lengthy review.



Measure: process within 20 working days and advise complaint otherwise.

#### What Category Were the Complaints Received and are they Substantiated?





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**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.

The purpose of this report is to table returns received from designated persons and Councillors within 3 months after 30 June 2020.

### **RECOMMENDATION**

**That Council notes the tabling of the annual disclosures of interests in written returns received from designated persons and Councillors within 3 months of 30 June 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.*

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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) 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 2017-2021 – *continue to educate staff on statutory compliance obligations*, and
- strategic action 5.3.7 within the Operational Plan 2020-2021 – *continue to educate staff on statutory compliance obligations*.

**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 *Government Information (Public Access) Act 2009* (NSW). Council requires a person to make an appointment to view the register of returns during business hours.

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**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.

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**SUBJECT:** *INVESTMENT REPORT - AUGUST 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 August 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 \$44,850,207, year to date interest earned to 31 August was \$81,414 and the interest earned for August 2020 was \$39,184.

### **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 *Local 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 August 2020 exceeded the benchmark in the Investment Policy with an actual level of return at 150.30% of the year to date budget.

The Reserve Bank of Australia (RBA) official cash rate as at 31 August 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 1 September 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.

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**Investment Portfolio Information****Table 1** Total cash and investments held by Council as at 31 August 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%	6,609
	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
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
1407a	Commonwealth Bank	TD	274	23-Mar-21	0.75%	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
1411a	Westpac Bank	TD	193	09-Mar-21	0.70%	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
1418	Westpac Bank	TD	314	15-Jun-21	0.88%	1,000
1419	Westpac Bank	TD	321	22-Jun-21	0.88%	1,000
1420	Westpac Bank	TD	231	30-Mar-21	0.87%	1,000
1421	Westpac Bank	TD	259	27-Apr-21	0.87%	1,000
1422	ANZ Bank	TD	264	11-May-21	0.80%	1,000
<b>TOTAL</b>						<b>44,850</b>

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**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%	8,650	19.29%
IMB Bank	A2	10%	1,000	2.23%
National Bank	A1+	25%	9,200	20.51%
Suncorp Bank	A1	25%	3,000	6.69%
Members Equity Bank	A2	10%	1,900	4.24%
AMP Bank	A2	10%	3,500	7.80%
Westpac Bank	A1+	25%	7,200	16.05%
Macquarie bank	A1	25%	7,400	16.50%
ANZ Bank	A1+	25%	3,000	6.69%
<b>TOTAL</b>			<b>44,850</b>	<b>100.00%</b>

**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	37,700	84.06%
Cash/At Call Deposits	Low	Low	7,150	15.94%
<b>TOTAL</b>			<b>44,850</b>	<b>100.00%</b>

**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)	1.09%	2.15%
BBSW Average Interest Rate (year to date) *	0.10%	1.04%
Actual Investment Interest Earned (for the month)	\$39,184	\$68,076
Actual Investment Interest Earned (year to date)	\$81,414	\$138,340
Budget Investment Interest (year to date)	\$54,166	\$143,333
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	\$44,850,207	\$40,842,393

- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

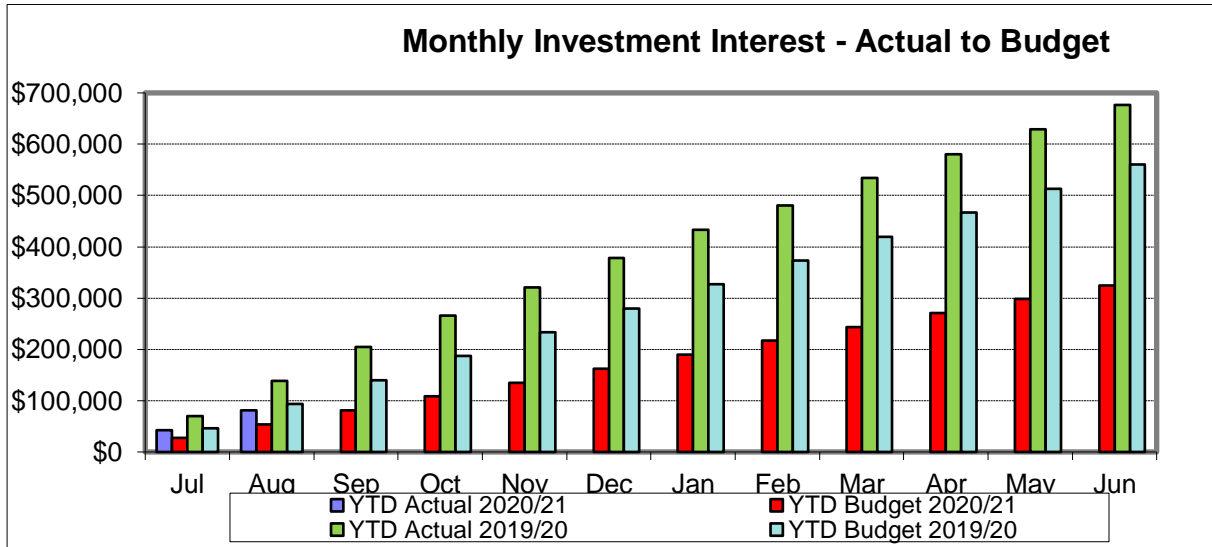
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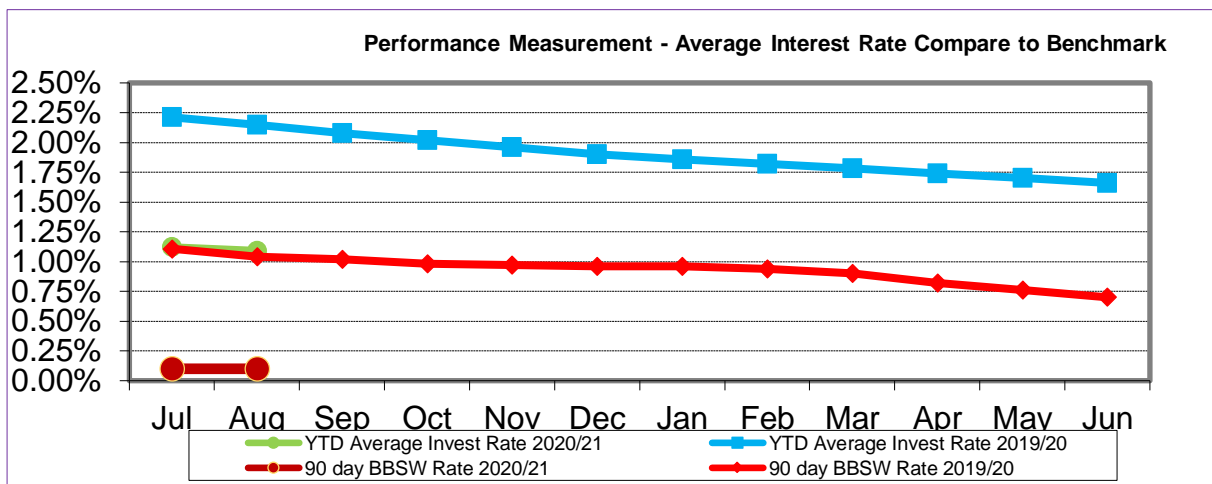
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**Graph 1** Actual interest earned to budget for this year and last year



**Graph 2** Current year portfolio performance to prior year performance





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**Table 5** Internal and external restrictions over cash and investments held

<b>Month End Totals \$'000</b>	<b>Aug 2020</b>	<b>July 2020</b>	<b>June 2020</b>	<b>May 2020</b>	<b>Apr 2020</b>	<b>Mar 2020</b>
Developer contributions	12,444	11,428	13,895	13,777	13,645	13,510
Committed Developer contributions	3,580	3,580	1,130	1,130	1,130	1,130
RMS contributions	2,090	2,090	2,090	2,083	2,083	2,083
Specific purpose unexpended grants	2,718	5,855	3,732	3,870	3,954	2,245
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	854	461	21	50	50	51
<b>External Restrictions</b>	<b>22,116</b>	<b>23,844</b>	<b>21,298</b>	<b>21,340</b>	<b>21,292</b>	<b>19,449</b>
<b>Month End Totals \$'000</b>	<b>Aug 2020</b>	<b>July 2020</b>	<b>June 2020</b>	<b>May 2020</b>	<b>Apr 2020</b>	<b>Mar 2020</b>
Plant and vehicle replacement	1,770	1,680	1,694	1,452	1,509	1,508
Employees leave entitlement	2,891	2,891	3,076	3,076	3,076	3,076
Carry over works	495	495	495	532	666	669
Bridge replacement	1,067	711	909	906	909	909
Lawn cemeteries	0	0	69	69	69	69
Computer services	268	268	327	366	366	366
Energy efficiency	91	91	101	101	101	101
Insurance provisions	1,303	1,483	1,415	1,420	1,420	1,420
Miscellaneous and property	1,648	1,659	1,946	1,617	1,617	1,602
Financial Assistance Grant ( in advance )	0	0	3,866	3,866	0	0
Grant Fund Leverage	769	795	768	774	774	774
Operations and programs	429	429	436	538	604	604
Property investment fund	628	439	862	862	741	839
Rezoning fees	85	85	85	85	85	85
Civil Works	1,827	599	599	596	596	596
Waste depot and rehabilitation	5,218	5,218	3,998	3,998	3,998	3,998
Unexpended loan funds	66	140	140	141	141	142
Committed projects(SRV)	1,633	336	970	977	1,320	1,276
<b>Internal Restrictions</b>	<b>20,188</b>	<b>17,319</b>	<b>21,756</b>	<b>21,376</b>	<b>17,992</b>	<b>18,034</b>
<b>Unrestricted - Balance of funds</b>	<b>2,546</b>	<b>2,590</b>	<b>4,087</b>	<b>5,855</b>	<b>2,108</b>	<b>3,628</b>
<b>Total Cash &amp; Investments</b>	<b>44,850</b>	<b>43,753</b>	<b>47,141</b>	<b>48,571</b>	<b>41,392</b>	<b>41,111</b>

The overall level of cash and investments generally remains relatively stable with increases during months when rate installments are due (September, November, February and May).

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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 is relatively static throughout the year, with the exception where major payments are made for such things as contracts, insurances or other significant payments.

It should be noted that the Grant Fund Leverage allocation has been fully committed:

Miller Park Masterplan – Cricket Infrastructure	\$95,000
New Strategic Planning Projects	\$400,000
Resourcing review of Cessnock LGA Traffic & Transport Strategy & Implementation Program	\$140,000
Miller Park Community Hub	\$121,200
Branxton to Greta Cycleway (balance of funds)	\$39,250
<b>Total</b>	<b>\$795,450</b>

**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.

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**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 reporting obligations.

**ENCLOSURES**

There are no enclosures for this report.

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**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

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

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**SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 13 August 2020 to 9 September 2020.

**RECOMMENDATION**

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

**ENCLOSURES**

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

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	8/09/2020
<b>MOTION</b> 475 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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&amp;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 &amp; 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.</p>						

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.  
 8 Sep 2020 - 7:26 PM - Justin Fitzpatrick-Barr  
 Action completed by: Kerr, Katrina  
 All items complete.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE5/2019	Ordinary Council 20/02/2019	Forsyth, Karen	Planning and Environment	Amendment to Cliftleigh Urban Precinct Planning Agreement	31/08/2020	31/08/2020
<a href="#">759</a> <b>MOTION</b>	<b>Moved:</b>	Johnson, Martin Councillor Lyons	<b>Seconded:</b>	Councillor Fitzgibbon		
759 <b>RESOLVED</b>						
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.  
 31 Aug 2020 - 11:47 AM - Robyn Larsen  
 Action reassigned to Forsyth, Karen by: Larsen, Robyn for the reason:  
 31 Aug 2020 - 12:03 PM - Karen Forsyth  
 The Deed of Variation has been signed by the GM (2 copies). 1 copy has been returned to the developer and Council has retained the second copy. This matter has now been finalised.  
 31 Aug 2020 - 12:08 PM - Karen Forsyth  
 Action completed by: Forsyth, Karen  
 The Deed of Variation has been signed by the GM (2 copies). 1 copy has been returned to the developer and Council has retained the second copy. This matter has now been finalised.

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
<a href="#">975</a> <b>MOTION</b> 975 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Sander	<b>Seconded:</b>	Councillor Gray		
<p>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.</p> <p>2. That Council allocates the balance of funds in the Special Rate Variation Reserve to the following projects:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sandy Creek Road (Fosters Bridge) - CBS-2016-001 - \$391,369</li> <li><input type="checkbox"/> Frame Drive, Abermain (Frame Drive Bridge) - CRL-2019-007 - \$102,000</li> <li><input type="checkbox"/> Paynes Crossing Road, (Paynes Crossing Bridge) - CBS-2019-001 - \$336,000</li> <li><input type="checkbox"/> Government Road, Cessnock - RRL-2019-010 - \$320,000</li> <li><input type="checkbox"/> Heddon Street, Kurri Kurri - RRL-2019-007 - \$340,000</li> <li><input type="checkbox"/> Sanctuary Road, Paxton - RRL-2020-010 - \$310,000</li> </ul> <p>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.</p> <p>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</p>						



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
<a href="#">1231</a> <b>MOTION</b> 1231 <b>MOTION</b>	<b>Moved:</b>	Kerr, Katrina Councillor Lyons	<b>Seconded:</b>	Councillor Suvaal		
<p>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.</p> <p>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</p>						

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	8/09/2020
<a href="#">1272</a> <b>MOTION</b> 1272 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Burke	<b>Seconded:</b>	Councillor Gray		
<ol style="list-style-type: none"> <li>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;</li> <li>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.</li> <li>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.</li> <li>That the General Manager engages with property owners and residents of South Cessnock to explain the adjusted Schemes and accept feedback.</li> </ol> <p>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.</p>						

8 Sep 2020 - 12:29 PM - Rachael O'Hara

Item 3 - Completed letters.

Item 4 - Completed Meeting.

8 Sep 2020 - 12:30 PM - Martin Conner

Action completed by: O'Hara, Rachael

Item 3 - Completed letters.

Item 4 - Completed Meeting.

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
<a href="#">1355</a> <b>MOTION</b> 1355 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Sander	<b>Seconded:</b>	Councillor Gray		
<p>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;</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Weston Public School Zone precinct upgrade - \$150,000</li> <li><input type="checkbox"/> Branxton Town Centre Upgrade Stage 3 - \$330,000</li> <li><input type="checkbox"/> Government Road Weston Road Pavement Upgrade – \$300,399</li> <li><input type="checkbox"/> CPAC Back Stage Access Project - \$200,000</li> <li><input type="checkbox"/> Visitor Information Centre Improvements - \$85,000</li> <li><input type="checkbox"/> 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</li> </ul> <p>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</p>						

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	8/09/2020
<a href="#">1356</a> <b>MOTION</b> 1356 <b>RESOLVED</b>	<b>Moved:</b>	Jackson, Lotta Councillor Burke	<b>Seconded:</b>	Councillor Gray		
<p>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;</p> <ol style="list-style-type: none"> <li>1. Cessnock Pool Splash Pad - \$680,000</li> <li>2. Kurri Kurri CBD Upgrade Stage 3 - \$482,198</li> <li>3. Youth Driver Training Community Program - \$100,000</li> <li>4. Richmond Vale Rail Trail Project Planning - \$50,000</li> <li>5. Cessnock Performing Arts Centre Cultural Hub Redesign - \$500,000</li> <li>6. Cessnock Airport Upgrade - \$900,000</li> </ol>						

**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.**

20 Aug 2020 - 1:15 PM - Tony Chadwick

Resources for Regions applications are due to be submitted by 2 Sep 2020.

A zoom workshop has been held with the program manager to strengthen applications and to ensure they meet fund guidelines.

The following applications are being developed by Council staff for Resources for Regions:

1. Cessnock Pool Splashpad Stage 2
2. Kurri Kurri CBD Park Beautification
3. Disadvantaged Youth Driver Training Community Program
4. Richmond Vale Rail Trail Project Planning
5. Cessnock Performing Arts Centre Cultural Hub Redesign
6. Cessnock Airport Upgrade

28 Aug 2020 - 11:52 AM - Tony Chadwick

To satisfy the Resource for Regions Round Seven Program Guidelines, council staff met with the fund Program Manager, Donatella D'amico to discuss project eligibility prior to funding application lodgement. This discussion determined that two projects were ineligible for funding and that one other project would need to be amended.

Resource for Regions Round Seven applications approved for submission by the Program Manager were as follows;

1. Cessnock Pool Splash Pad Stage 2 - \$420,300
2. Beautification of Rotary Park Kurri Kurri - \$482,198
3. Cessnock Disadvantaged Youth Driver Training Program - \$100,000
4. Cessnock City Cultural Hub - \$500,000 (\$309,700 within allocation and \$190,300 outside allocation)

Council's four applications total \$1,502,498. This amount is \$190,300 larger than our allocation of \$1,312,198.

Councillor memo DOC2020/138971 has sent to councillors.

8 Sep 2020 - 3:47 PM - Tony Chadwick

Action completed by: Chadwick, Tony

Resource for Regions Round Seven applications were as follows;

1. Cessnock Pool Splash Pad Stage 2 - \$420,300
2. Beautification of Rotary Park Kurri Kurri - \$482,198
3. Cessnock Disadvantaged Youth Driver Training Program - \$100,000
4. Cessnock City Cultural Hub - \$500,000 (\$309,700 within allocation and \$190,300 outside allocation)

Council's four applications total \$1,502,498. This amount is \$190,300 larger than our allocation of \$1,312,198.

Councillor memo DOC2020/138971 has sent to councillors.

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
<a href="#">1359</a> <b>MOTION</b> 1359 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Dunn	<b>Seconded:</b>	Councillor Stapleford		
<b>That the Minutes of the Roads Review Committee Meeting of 12 June 2020 be adopted as a resolution of the Ordinary Council.</b>						
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
<a href="#">1360</a> <b>MOTION</b> 1360 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Doherty	<b>Seconded:</b>	Councillor Fitzgibbon		
That the Minutes of the Local Traffic Committee Meeting of 15 June 2020 be adopted as a resolution of the Ordinary Council.						
<ol style="list-style-type: none"> <li><b>TC12/2020</b> - 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 &amp; Line Marking Diagram.</li> <li><b>TC13/2020</b> – That Council authorises the installation of regulatory parking <b>SIGNAGE</b> on Station Street, Weston in accordance with the Station Street Weston _ Signage Diagram.</li> <li><b>TC14/2020</b> – That Council authorises the installation of regulatory parking signage on Broke Road, Pokolbin in accordance with the Broke Road Pokolbin _ Signage Diagrams.</li> <li><b>TC15/2020</b> - That Council authorises the installation of Bus Zone signage on <b>WOLLOMBI</b> Road, Cessnock, in accordance with the Wollombi Road Cessnock _ Bus Zone Signage Diagram.</li> <li><b>TC16/2020</b> - That Council authorises the installation of regulatory parking <b>SIGNAGE</b> and line marking on Wilderness Road, Lovedale, in accordance with the Wilderness Road Lovedale _ signage &amp; line marking diagram.</li> </ol>						
<p>13 Aug 2020 - 11:49 AM - Tracey Cocking  Item 1 - Provided CRM 15856/2020 to Works &amp; Operations.  Item 2 - Provided CRM 15867/2020 to Works &amp; Operations.  Item 3 - Provided CRM 15869/2020 to Works &amp; 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.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN15/2020	Ordinary Council 15/07/2020	Kerr, Katrina	Business With Notice	Investigate Potential Inclusion of Streets into the 21-22 Operational Budget as a Design & Investigation Project	31/12/2020	8/09/2020
<b>MOTION</b>	<b>Moved:</b>	Kerr, Katrina Councillor Olsen	<b>Seconded:</b>	Councillor Dunn		
That Council direct the General Manager to;						
<ol style="list-style-type: none"> <li>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. <ol style="list-style-type: none"> <li>Rawson Street Aberdare from Pokolbin Street to Colliery Street</li> <li>Hetton Street Bellbird from Wollombi Road to Prince Street</li> <li>O'Connors Road from Ingles Lane to Oakey Creek Road</li> <li>Lindsay Street Cessnock from Maclean Street to Mavis Street</li> </ol> </li> </ol>						
<b>PROCEDURAL MOTION</b>	<b>Moved:</b>	Councillor Suvaal	<b>Seconded:</b>	Councillor Fagg		

1362

**RESOLVED**

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

8 Sep 2020 - 11:07 AM - Linda Lewis

Deferral noted.

8 Sep 2020 - 11:08 AM - Katrina Kerr

Action completed by: Lewis, Linda

Completed. Deferral noted.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN18/2020	Ordinary Council 15/07/2020	Maheer, Janine	Business With Notice	Development Application Approvals for Events	2/09/2020	3/09/2020
<a href="#">1364</a> <b>MOTION</b> 1364 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Gray	<b>Seconded:</b>	Councillor Dagg		
<p>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.</p> <p>17 Jul 2020 - 5:11 PM - Yvonne Blake Action reassigned to Maheer, Janine by: Blake, Yvonne for the reason: To organise a briefing in relation to the resolution of Council. 27 Aug 2020 - 2:11 PM - Janine Maheer Revised Target Date changed by: Maheer, Janine From: 12 Aug 2020 To: 02 Sep 2020 Reason: Councillor briefing scheduled for 2 September 2020. 3 Sep 2020 - 9:54 AM - Janine Maheer Action completed by: Maheer, Janine Briefing held on 2 September 2020.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC78/2020	Ordinary Council 19/08/2020	Maginnity, Robert	Corporate and Community	Cessnock Airport - Hangar Dispute	16/09/2020	25/08/2020
<a href="#">1382</a> <b>MOTION</b> 1382 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Gray	<b>Seconded:</b>	Councillor Dagg		
<p>That Council authorises the General Manager to progress the legal proceedings relating to the hangar and airport subdivision, brought by 123259932 Pty Limited as outlined in the report.</p> <p>25 Aug 2020 - 8:28 AM - Robert Maginnity Action completed by: Maginnity, Robert Noted. Matter progressing as per resolution</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM8/2020	Ordinary Council 19/08/2020	Jackson, Lotta	Mayoral Minutes	Local Government Exclusion from National Cabinet	16/09/2020	26/08/2020
<a href="#">1383</a> <b>MOTION</b> 1383 <b>RESOLVED</b>	<b>Moved:</b>	Jackson, Lotta Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>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.</p> <p>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.</p> <p>26 Aug 2020 - 2:24 PM - Lotta Jackson Action completed by: Radford, Gina All letters have been emailed 26/8/2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE27/2020	Ordinary Council 19/08/2020	Wells, Kristen	Planning and Environment	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	16/09/2020	27/08/2020
<a href="#">1385</a> <b>MOTION</b> 1385 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Suvaal	<b>Seconded:</b>	Councillor Dunn		
<p>1. That:</p> <p>(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 <i>Environmental Planning and Assessment Act 1979</i>, subject to the conditions contained in this report.</p> <p>(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:</p> <p><input type="checkbox"/> There are no matters contained within any relevant State Environmental Planning Policies that preclude the granting of development consent;</p> <p><input type="checkbox"/> The proposed development is consistent with the provisions of <i>Cessnock Local Environmental Plan 2011</i>. In particular, the proposal is a permitted form of development and is consistent with the objectives of the SP3 zone;</p> <p><input type="checkbox"/> The proposed development upholds the requirements of Clause 7.11A, providing additional residential allotments within the stipulated quota for the site;</p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> 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;</p>						

□	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 <i>Environmental Planning and Assessment Act 1979</i> .
<p>27 Aug 2020 - 3:56 PM - Kristen Wells</p> <p>Action completed by: Blake, Yvonne</p> <p>Consent generated and approved by ADP&amp;E 27 August 2020.</p>	

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE28/2020	Ordinary Council 19/08/2020	Ryl, Julia	Planning and Environment	Development Application 8/2020/79/1 proposing the torrens title subdivision of one lot into three lots - 1 Palmer Street, Mulbring	16/09/2020	27/08/2020
<p>Johnson, Martin</p> <p>This application has been withdrawn by the Applicant.</p> <p>27 Aug 2020 - 9:55 AM - Julia Ryl</p> <p>Action completed by: Ryl, Julia</p> <p>Application Withdrawn</p>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE29/2020	Ordinary Council 19/08/2020	Giannopoulos, Peter	Planning and Environment	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 ...	16/09/2020	2/09/2020
<a href="#">1386</a> <b>MOTION</b> 1386 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Stapleford	<b>Seconded:</b>	Councillor Dunn		
<p>1. That:</p> <p>(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 <i>Environmental Planning and Assessment Act 1979</i> subject to the conditions contained in this report.</p> <p>(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:</p> <p>The modified proposal is considered to be substantially the same development as that for which consent was granted.</p> <p>The proposed alterations to the conditions are appropriate given the proposed golf course no longer adjoins the eastern boundary of the site.</p> <p>(iii) In considering community views, the following is relevant:</p> <p>The modified proposal will have similar outcomes/impacts as the approved subdivision.</p> <p>(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>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.</p> <p>2 Sep 2020 - 3:27 PM - Peter Giannopoulos Action completed by: Maher, Janine Determination notice issued.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE30/2020	Ordinary Council 19/08/2020	McDermott, Emma	Planning and Environment	Cities Power Partnership	30/09/2020	27/08/2020
<a href="#">1387</a> <b>MOTION</b> 1387 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p><b>That Council writes to the Climate Council requesting to join the Cities Power Partnership Program.</b></p> <p>27 Aug 2020 - 10:03 AM - Emma McDermott Draft Letter has been provide to Comms Team to arrange for the Mayor to sign and post. 27 Aug 2020 - 10:08 AM - Emma McDermott Revised Target Date changed by: McDermott, Emma From: 16 Sep 2020 To: 30 Sep 2020 Reason: Draft letter is being reviewed by the Comms Team who will arrange for it to be signed and sent. 27 Aug 2020 - 4:17 PM - Emma McDermott Action completed by: McDermott, Emma Letter form the Mayor was sent out on the 27/08/2020 to the Climate Council requesting to join the Cities Power Partnership</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC68/2020	Ordinary Council 19/08/2020	Wade, Craig	Corporate and Community	T092021HUN Provision of Tree Maintenance	16/09/2020	25/08/2020
<a href="#">1389</a> <b>MOTION</b> 1389 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>1. <b>That Council accepts the Regional Procurement Tender for the Provision of Tree Maintenance (T092021HUN).</b></p> <p>2. <b>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;</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Active Tree Services Pty Ltd t/a Active Tree Services.</b></li> <li><input type="checkbox"/> <b>Asplundh Tree Expert Australia t/a Summit Open Space Services.</b></li> <li><input type="checkbox"/> <b>TreeServe Pty Ltd.</b></li> </ul> <p>3. <b>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.</b></p> <p>25 Aug 2020 - 8:48 AM - Craig Wade Regional Procurement advised of acceptance of tender 25 Aug 2020 - 8:50 AM - Craig Wade Action completed by: Wade, Craig Regional Procurement emailed 25/08/2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC69/2020	Ordinary Council 19/08/2020	Wade, Craig	Corporate and Community	T082021HUN Provision of Traffic Control	16/09/2020	25/08/2020
<a href="#">1390</a> <b>MOTION</b> 1390 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That Council accepts the Regional Procurement Tender for the Provision of Traffic Control (T082021HUN).</p> <p>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;</p> <p><input type="checkbox"/> DOB Enterprises Pty Ltd t/a Watchout Traffic Control.</p> <p><input type="checkbox"/> ICombined 360 Services Group Pty Ltd.</p> <p>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.</p> <p><b>CARRIED UNANIMOUSLY</b></p> <p>25 Aug 2020 - 8:50 AM - Craig Wade Regional Procurement advised of Council acceptance of tender 25 Aug 2020 - 8:51 AM - Craig Wade Action completed by: Wade, Craig Regional Procurement advised by email of acceptance</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC70/2020	Ordinary Council 19/08/2020	Ladmore, Donna	Corporate and Community	June 2020 Review of the 2017-21 Delivery Program	16/09/2020	25/08/2020
<a href="#">1391</a> <b>MOTION</b> 1391 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Burke	<b>Seconded:</b>	Councillor Dagg		
<p>That Council notes the progress in implementing the 2017-21 Delivery Program as at 30 June 2020.</p> <p>25 Aug 2020 - 8:02 AM - Donna Ladmore Action completed by: Ladmore, Donna Noted. In Progress and carry forward items have been added to 2020-21 Pulse and will continue to be monitored until completed.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed						
CC71/2020	Ordinary Council 19/08/2020	McGowan, Kelly	Corporate and Community	Donations under Section 356 - Rates Relief	16/09/2020	27/08/2020						
<a href="#">1392</a> <b>MOTION</b> 1392 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal								
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:												
<table><tr><th>Assessment</th><th>Organisation</th><th>Location</th></tr><tr><td>197467</td><td>Cessnock Rifle Club Inc</td><td>Cessnock</td></tr></table>							Assessment	Organisation	Location	197467	Cessnock Rifle Club Inc	Cessnock
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												
27 Aug 2020 - 12:32 PM - Robyn Larsen Action reassigned to McGowan, Kelly by: Larsen, Robyn for the reason: 27 Aug 2020 - 12:37 PM - Kelly McGowan Action completed by: McGowan, Kelly The rates adjustment has been completed. 20/8/2020												

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC72/2020	Ordinary Council 19/08/2020	McGowan, Kelly	Corporate and Community	Ratepayer Support during COVID-19 - Update	16/09/2020	27/08/2020
<a href="#">1393</a> <b>MOTION</b> 1393 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That Council notes the information in regards to the Community Support for those affected by the COVID-19 pandemic.</p> <p>2. That Council endorses the following measures to provide continued support to the community of Cessnock LGA until 31 December 2020.</p> <ol style="list-style-type: none"> <li>Referral of ratepayers to the Financial Counsellor only if the ratepayer was in hardship prior to COVID-19.</li> <li>Extension of the Hardship Policy to encompass all assessments.</li> <li>Debt collection which has commenced due to prior arrears is to be critically reviewed at each step.</li> <li>Council consider assessments with significant arrears and seek to engage with the owners to encourage payment arrangements.</li> </ol> <p>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.</p> <p>27 Aug 2020 - 12:35 PM - Kelly McGowan Action completed by: McGowan, Kelly No further action required. Council to continue to support the community where required.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC73/2020	Ordinary Council 19/08/2020	Eftimova, Esma	Corporate and Community	Councillor Access to Information and Interaction With Staff Policy - Six Month Review	16/09/2020	27/08/2020
<a href="#">1394</a> <b>MOTION</b> 1394 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Suvaal	<b>Seconded:</b>	Councillor Gray		
<p>1. That Council makes the amendments listed below to the Councillor Access to Information and Interaction with Staff Policy:</p> <p><input type="checkbox"/> Amend 5.7.1. to:</p> <p>5.7.1. For members of the public and their personal matters with Council, Councillors should, if practical, refer the individual(s) to contact Council's Customer Services or have the member of the public lodge a CSR.</p> <p><input type="checkbox"/> Add in new points 5.7.2. and 5.7.3. then reorder other points accordingly:</p> <p>5.7.2. If it is not practical for a member of the public to contact Council's Customer Services or lodge a CSR (as per 5.7.1.), or if the Councillor or member of the public determine the matter should be referred by the Councillor, then as part of their civic duties a Councillor can contact Council's Customer Services or lodge a CSR on the member of public's behalf.</p> <p>5.7.3. If a Councillor contacts Council's Customer Services or lodges a CSR on behalf of a member of the public (as per 5.7.2.) then that Councillor shall be advised when a response is given by Council to the member of public including a brief outline of the outcome.</p> <p><input type="checkbox"/> Amend 5.4.2.(I) to</p> <p>Advice on, and assistance in drafting, the Councillors wording for a Notice of Motion relevant to Council's strategic direction.</p> <p>2. That the Councillor Access to Information and Interaction with Staff Policy be reviewed in six months time, or following the release of a model policy by the Office of Local Government, whichever is sooner.</p> <p>27 Aug 2020 - 2:15 PM - Esma Eftimova Action completed by: Eftimova, Esma The Policy was amended as per the resolution and a new version was uploaded on Council's website on 27 August 2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI65/2020	Ordinary Council 19/08/2020	Benson, Nicole	Works and Infrastructure	Rubbish Bins in Parks	16/09/2020	25/08/2020
<a href="#">1399</a> <b>MOTION</b> 1399 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That Council supports the installation of rubbish bins and bin enclosures within the following six parks:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Margaret Street Park</li> <li><input type="checkbox"/> Nulkaba Park</li> <li><input type="checkbox"/> Birralea Park</li> <li><input type="checkbox"/> Meredith Park</li> <li><input type="checkbox"/> Abernethy Park</li> <li><input type="checkbox"/> Harle Street Park</li> </ul> <p>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.</p> <p>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.</p> <p>25 Aug 2020 - 8:24 AM - Nicole Benson Action completed by: Benson, Nicole 1. Noted 2. To be factored into 2021/2022 program 3. Noted</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI67/2020	Ordinary Council 19/08/2020	Goodbun, Nathan	Works and Infrastructure	Minutes of Local Traffic Committee Meeting held 20 July 2020	16/09/2020	25/08/2020
<a href="#">1401</a> <b>MOTION</b> 1401 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>That the Minutes of the Local Traffic Committee meeting of 20 July 2020 be adopted as a resolution of the Ordinary Council.</p> <p>1. <b>TC17/2020</b> - That Council authorises the installation of regulatory parking signage on Charlton Street, Cessnock in accordance with the Charlton Street Cessnock _ Signage &amp; Line Marking Diagram.</p> <p>2. <b>TC18/2020</b> - That Council authorises the installation of regulatory parking signage on Castlemaine Street, Cessnock in accordance with the Castlemaine Street Cessnock _ Signage &amp; Line Marking Diagram.</p> <p>3. <b>TC19/2020</b> - <b>THAT</b> Council authorises the installation of regulatory parking signage on Government Road, Weston in accordance with the Government Road Weston _ Signage Diagram.</p> <p>4. <b>TC20/2020</b> - 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 &amp; Line Marking Diagram.</p> <p>5. <b>TC21/2020</b> - That Council authorises the installation of regulatory signage and line marking on Ridgeview Drive, Blacksmith Street &amp; Brokenwood Avenue, Cliftleigh in accordance with the Ridgeview Drive Cliftleigh _ Signage &amp; Line Marking Diagram.</p>						

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.

25 Aug 2020 - 11:46 AM - Tracey Cocking

Item 1 - Advised Project Management.

Item 2 - Issued CRM 16756/2020 to Works & Ops.

Item 3 - Issued CRM 16750/2020 to Works & Ops.

Item 4 - Issued CRM 16767/2020 to Works & Operations.

Item 5 - Advised Development Services.

Item 6 - Advised Development Services.

Item 7 - Issued CRM 16753/2020 to Works & Operations.

25 Aug 2020 - 11:52 AM - Nathan Goodbun

Action completed by: Cocking, Tracey

All actions complete.



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	
<a href="#">278</a> <b>MOTION</b> 278 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Burke	<b>Seconded:</b>	Councillor Sander		
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Road Closure if required.</li> <li>That Council authorise the Mayor and the General Manager to execute the Plan of Road Closure for the Proposed Closed Roads if required.</li> <li>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.</li> </ol> <p>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.</p> <p>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.</p> <p>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.</p> <p>12 Feb 2018 - 11:28 AM - Bruce Hughes Previous notes still current</p> <p>4 Apr 2018 - 2:17 PM - Bruce Hughes Previous notes still current</p> <p>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.</p>						

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
CC6/2018	Ordinary Council 7/03/2018	Drage, Natalie	Deferred Business	Richmond Main Colliery - Remediation Plan	27/11/2020	
<a href="#">433</a> <b>MOTION</b> 433 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Gray		
<ol style="list-style-type: none"> <li>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.</li> <li>That a further report be prepared for Council detailing the estimated costs of implementing the Remediation Action Plan once they are known.</li> <li>That any future Richmond Main Colliery reports include the cumulative total of expenditure since the September 2017 fire.</li> <li>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.</li> </ol>						
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.

<p>23 Oct 2019 - 2:55 PM - Natalie Drage  Revised Target Date changed by: Drage, Natalie From: 31 Oct 2019 To: 20 Dec 2019  Reason: Soil sampling findings will inform the Remediation Action Plan.  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.  3 Dec 2019 - 9:21 AM - Natalie Drage  Revised Target Date changed by: Drage, Natalie From: 20 Dec 2019 To: 30 Mar 2020  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.  6 Mar 2020 - 11:15 AM - Natalie Drage  Revised Target Date changed by: Drage, Natalie From: 30 Mar 2020 To: 29 May 2020  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.  27 Aug 2020 - 1:59 PM - Natalie Drage  Revised Target Date changed by: Drage, Natalie From: 30 Sep 2020 To: 27 Nov 2020  Reason: The Remediation Action Plan is currently being reviewed by the External Auditor.</p>
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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W118/2018	Ordinary Council 7/03/2018	Harris, Kate	Works and Infrastructure	Options for Cessnock Pool	30/09/2020	
<a href="#">441</a> <b>MOTION</b> 441 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Gray	<b>Seconded:</b>	Councillor Sander		
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.

*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
WI60/2018	Ordinary Council 1/08/2018	Harris, Kate	Works and Infrastructure	BMX & Skate Facilities Within the Cessnock Local Government Area	30/09/2020	
<a href="#">598</a> <b>MOTION</b> 598 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Burke	<b>Seconded:</b>	Councillor Lyons		
<p>1. That Council note the progress of the implementation of the Cessnock Skate and BMX Facilities Needs Assessment 2020.</p> <p>2. That Council complete a detailed review of the Cessnock Skate and BMX Facilities Needs Assessment 2020.</p> <p>3. That following the review, a further report be prepared for Council's consideration outlining key findings and recommendations.</p> <p>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.</p> <p>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.</p>						



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 3: Complete

Item 4: The draft Carmichael Park Masterplan was reported to Council in July. Awaiting public exhibition which is anticipated to be in August.

3 Aug 2020 - 6:52 AM - Kate Harris

Revised Target Date changed by: Harris, Kate From: 31 Jul 2020 To: 30 Sep 2020

Reason: The public exhibition period for the draft Masterplan has not yet commenced

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	
<a href="#">893</a> <b>MOTION</b> 893 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Suvaal	<b>Seconded:</b>	Councillor Fitzgibbon		
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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ;					
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 - 9:04 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.  
*5 Aug 2020 - 10:43 AM - Robyn Keegan*

Owner has contacted Council this week and wants to finalise this matter. Surveyor has been contacted to move ASAP.  
*31 Aug 2020 - 12:27 PM - Robyn Keegan*

CCC Property Officer has spoken with the solicitor for the owners of the land we are to acquire last week and he has an issue with probate over the land ownership. Apparently when this matter commenced the site was owned by mother and son, after the passing of the father. Now, more recently, like late 2019, mother has passed and there are issues with the ownership transfer, which he is resolving now. Once this is in the son's name we can finalise the acquisition.

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	31/10/2020	
<a href="#">921</a> <b>MOTION</b> 921 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Sander	<b>Seconded:</b>	Councillor Fitzgibbon		
<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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 &amp; Ops.  Item 1.3 - Scheduled for resurfacing prior to line marking.  Item 1.4 - Issued CRM 16213/2019 to Works &amp; Ops.  Item 1.6 - Issued CRM 16149/2019 to Works &amp; 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</p>						

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  
 2 Sep 2020 - 4:05 PM - Vivian Waugh  
 Revised Target Date changed by: Waugh, Vivian From: 31 Aug 2020 To: 31 Oct 2020  
 8 Sep 2020 - 3:15 PM - Linda Lewis  
 Action reassigned to Vandermeer, Warren by: Lewis, Linda for the reason:

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	
<a href="#">934</a> <b>MOTION</b> 934 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<p>1. That Council note the information contained within this report.</p> <p>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.</p> <p>3. That the Heddon Greta-Cliftleigh Strategic Land use Plan be funded from the Rezoning reserve and section 7.11 where appropriate.</p> <p>4. That a further report on the progress of the development of the Strategic Land Use Plan be provided to Council within 6 months.</p> <p>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</p>						

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	
<a href="#">939</a> <b>MOTION</b> 939 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Dagg	<b>Seconded:</b>	Councillor Gray		
<p>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:</p> <ul style="list-style-type: none"> <li>* Cessnock City Council corporate website; and</li> <li>* Three smaller satellite websites: <ul style="list-style-type: none"> <li><input type="checkbox"/> Building Certifiers</li> <li><input type="checkbox"/> Cessnock Performing Arts Centre</li> <li><input type="checkbox"/> Cessnock City Council Libraries</li> </ul> </li> </ul> <p>2. That the General Manager investigate the development and cost of a mobile device app to integrate into the updated Council website.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7 Nov 2019 - 3:14 PM - Robyn Keegan  OpenCities are developing the new Website. Quotations are being researched.</p> <p>6 Feb 2020 - 2:09 PM - Robyn Keegan  Website being developed.</p> <p>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.</p> <p>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</p> <p>4 Aug 2020 - 10:45 AM - Robyn Keegan  Building Certifiers website - revised completion date of 14 August 2020.</p>						

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	
<a href="#">943</a> <b>MOTION</b> 943 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Stapleford	<b>Seconded:</b>	Councillor Fitzgibbon		
<p><b>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.</b></p> <p>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</p> <p>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</p> <p>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</p> <p>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</p> <p>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.</p> <p>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.</p> <p>31 Mar 2020 - 10:18 AM - Debbie Kellehear National Parks &amp; Wildlife have been contacted and they are now deciding which agency is most appropriate to make a presentation to Council. National Parks &amp; Wildlife or Department of Planning, Industry and Environment will come back to Council when a decision has been made.</p> <p>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.</p> <p>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 &amp; 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.</p> <p>Councillor Briefing date to be set in the near future</p> <p>30 Jun 2020 - 9:23 AM - Debbie Kellehear Department of Planning, Industry &amp; Environment have been contacted and advised of the Councillor Briefing dates for August. Awaiting response.</p> <p>30 Jun 2020 - 9:25 AM - Debbie Kellehear Revised Target Date changed by: Kellehear, Debbie From: 1 Jul 2020 To: 03 Aug 2020 Reason: Awaiting response from DPIE</p> <p>10 Aug 2020 - 11:53 AM - Debbie Kellehear Department of Planning Industry &amp; Environment to make a presentation to Councillor on Threatened Species Management in Cessnock. Briefing requested for 25 November 2020.</p> <p>27 Aug 2020 - 11:38 AM - Carly Thompson Council briefing is tentative for 25 November 2020.</p>						

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	30/10/2020	
<a href="#">1056</a> <b>MOTION</b> 1056 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Dagg		
<p>1. That Council wait for the delivery of the off leash dog exercise area strategy as identified in the 2019/20 Operational Plan.</p> <p>2. That the Carmichael Park Masterplan be considered in the Off Leash Dog Exercise Area Strategy.</p> <p>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. 27 Aug 2020 - 3:09 PM - Kate Harris Revised Target Date changed by: Harris, Kate From: 28 Aug 2020 To: 30 Oct 2020 Reason: The draft Strategy is currently being drafted but not yet finalised.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W188/2019	Ordinary Council 11/12/2019	Jeffery, Warren	Works and Infrastructure	Traffic & Transport Strategy - Resourcing for Implementation Program	16/09/2020	
<a href="#">1111</a> <b>MOTION</b> 1111 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>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.</p> <p>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.</p> <p>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.</p>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W1100/2019	Ordinary Council 11/12/2019	Kerr, Katrina	Works and Infrastructure	Building Better Regions Fund - Round Four	31/12/2020	
<a href="#">1123</a> <b>MOTION</b> 1123 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Dagg	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That Council endorses the submission of an application under the Building Better Regions Fund: <i>Infrastructure Projects Stream, Round Four – Drought Support</i> for the Branxton to Greta Cycleway project,</p> <p>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.</p> <p>3. That the General Manager work towards ensuring that more projects are shovel ready from adopted strategies across the whole LGA.</p> <p>4. That Council write to the Federal Member for Hunter seeking his support.</p> <p>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</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC4/2020	Ordinary Council 5/02/2020	Rathborne, Michael	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	30/10/2020	
<a href="#">1139</a> <b>MOTION</b> 1139 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That Council consents to the boundary adjustment and gaining that additional land marked on the attached plans:</p> <p>a) That Council authorises the General Manager to negotiate the agreement between the adjoining owners on Aberdare Road, Cessnock;</p> <p>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</p> <p>c) That Council authorises the Mayor and the General Manager to execute all documents relating to the land transfer.</p> <p>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:</p> <p>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;</p> <p>b) That the stormwater drainage infrastructure be constructed underground within the easement;</p> <p>c) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement;</p> <p>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;</p> <p>e) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and</p> <p>f) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.</p> <p>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.</p> <p>8 Apr 2020 - 10:15 AM - Michael Rathborne Awaiting final plan from Surveyors, due 23.4.2020</p> <p>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</p> <p>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.</p> <p>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.</p> <p>4 Aug 2020 - 1:28 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Sep 2020 Reason: owner contacted council this week with plans of easement and land boundary adjustment to move towards finalisation.</p> <p>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.</p> <p>31 Aug 2020 - 12:32 PM - Robyn Keegan CCC Property Officer spoke with the land owner in regards to the swap of land for easement last week and they are to meet onsite next week to resolve the placement of the easement so that his surveyor can finalise their plan and CCC can proceed with the transaction.</p> <p>4 Sep 2020 - 11:56 AM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Oct 2020 Reason: MR met with landowner 1.9.2020 to expedite the plans for council signature and lodgement.</p>						

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	
<a href="#">1164</a> <b>MOTION</b> 1164 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<p>1. That Council notes the update regarding the Heddon Greta Cliftleigh Urban Corridor Masterplan Project.</p> <p>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.</p> <p>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</p>						

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	
<a href="#">1187</a> <b>MOTION</b> 1187 <b>RESOLVED</b>	<b>Moved:</b>	Jackson, Lotta Councillor Pynsent				
<p>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.</p> <p>2. That the event be held before 30 June, 2020</p> <p>3. That the event be funded under the joint NSW and Commonwealth Government Funded Bushfire Community Resilience and Economic Recovery Funds: Phase 1.</p> <p>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.</p>						

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	16/12/2020	
<a href="#">1196</a> <b>MOTION</b> 1196 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<p>That the Minutes of the Extraordinary Floodplain Management Committee of 19 February 2020 be adopted as a resolution of the Ordinary Council.</p> <p><b>FLOCLM4/2020</b> - That Council notes that preparation of the <i>Cessnock City Wide Flood Study</i> is in progress.</p> <p><b>FLOCLM5/2020:</b></p> <p>1. That Council notes the findings of the <i>Draft Heddon Greta Minor Study and Concept Design</i>.</p> <p>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.</p> <p>3. That Council defers the previously planned drainage works lower in the catchment, which sought to address yard inundation in Cooper Street, Heddon Greta.</p> <p>4. That Council renegotiates the existing Deed of Agreement with the owner of 12 Cooper Street, Heddon Greta.</p>						

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.

8 Sep 2020 - 12:28 PM - Rachael O'Hara

Item 6 - The study is on exhibition until 21 September. Following this a report will be presented to the Floodplain Management Committee and Ordinary Meetings in December 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN12/2020	Ordinary Council 18/03/2020	Kerr, Katrina	Business With Notice	Traffic Issues Heddon Greta	16/09/2020	
<a href="#">1230</a> <b>MOTION</b> 1230 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<p>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.</p> <p>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&amp;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&amp;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.</p>						

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	
<a href="#">1260</a> <b>MOTION</b> 1260 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Stapleford	<b>Seconded:</b>	Councillor Suvaal		
<ol style="list-style-type: none"> <li>That Council notes the findings of the Cessnock CBD On-Street Parking Audit.</li> <li>That Council notes that on-street parking capacity in the Cessnock CBD meets the current demand.</li> <li>That Council retains the existing Multi-Use Zones and Special Purpose Zones within the Cessnock CBD.</li> <li>That Council receives a full briefing to explain the methodology.</li> </ol> <p>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 - Requested Briefing for September 2020. 3 Aug 2020 - 11:14 AM - Tracey Cocking Item 4 - Booked Councillor briefing for 2 September 2020.</p>						

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	
<a href="#">1265</a> <b>MOTION</b> 1265 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Suvaal	<b>Seconded:</b>	Councillor Dunn		
<p>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;</p> <p>2. That Council authorises the General Manager to negotiate the sale of each property for no less than 90% of the independent valuation;</p> <p>3. That Council authorises the General Manager and Mayor to execute the Transfer documentation between Cessnock City Council and the purchasers.</p> <p>4. That Council allocates the proceeds of sale in accordance with the adopted Property Investment Fund Policy.</p> <p>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.</p> <p>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.</p> <p>4 Aug 2020 - 1:29 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 18 Dec 2020 To: 18 Dec 2020 Reason: 10 Quorrobolong st will settle 7 August 2020. 12 Quorrobolong is still being marketed.</p> <p>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.</p> <p>31 Aug 2020 - 12:33 PM - Robyn Keegan As at 28/08/2020, Number 10 has settled now and 12 is currently under consideration of an offer received today.</p>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI35/2020	Ordinary Council 15/04/2020	Conner, Martin	Works and Infrastructure	Minutes of the Confidential Floodplain Management Committee Meeting held on 4 March 2020	30/09/2020	
<a href="#">1266</a> <b>MOTION</b> 1266 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Suvaal	<b>Seconded:</b>	Councillor Sander		
<p>1. That the Minutes of the Confidential Floodplain Management Committee Meeting of 4 March 2020 be adopted as a resolution of the Ordinary Council.</p> <p>2. That Council notes the impact of the adopted Greta Flood Study 2019 on the existing design for flood mitigation in Whitburn Estate, Greta.</p> <p>3. That Council endorses the alternate Concept Design to not pipe the watercourse works in accordance with proposed Stage 3 and 4 works.</p> <p>4. That Transport for New South Wales are contacted to be made aware of the outcomes of the Greta Flood Study 2019.</p> <p>5. That consultation be undertaken with affected stakeholders.</p> <p>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. 8 Sep 2020 - 3:50 PM - Rachael O'Hara Item 5 - Completed newsletter.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W142/2020	Ordinary Council 20/05/2020	Vandermeer, Warren	Works and Infrastructure	Minutes of Roads Review Committee Meeting held on 9 April 2020	25/09/2020	
<a href="#">1298</a> <b>MOTION</b> 1298 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Burke	<b>Seconded:</b>	Councillor Dunn		
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;					
	o MR181 – From the Central Coast Council boundary to Wollombi then via Millfield and Bellbird to Allandale Road at Cessnock.					
	o MR453 – Elderslie Road From Singleton council boundary to old New England Highway to Branxton connector road.					
	o MR590 – From the Central Coast and Cessnock Council boundary via George Downes Drive to the Wisemans Ferry-Singleton Road at Bucketty					
	o RR7786 – From MR220 – Wine Country Drive Lovedale Road and Allandale Road over the Hunter Expressway interchange to Maitland Local government boundary					
	o RR7787 – Buchanan Road – From John Renshaw Drive Roundabout to Maitland Local government boundary.					
	o 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						
13 Aug 2020 - 10:10 AM - Vivian Waugh						
Revised Target Date changed by: Waugh, Vivian From: 15 Jul 2020 To: 31 Aug 2020						
Reason: Revised timelines						
25 Aug 2020 - 9:53 AM - Warren Vandermeer						
Revised Target Date changed by: Vandermeer, Warren From: 31 Aug 2020 To: 25 Sep 2020						
Reason: Extended Closing Date						

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	30/10/2020	
<a href="#">1317</a> <b>MOTION</b> 1317 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Doherty	<b>Seconded:</b>	Councillor Gray		
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>25 Jun 2020 - 11:44 AM - Natalie Drage Resolution 1, 2 and 4 noted. Strategic Property &amp; 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.</p> <p>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 &amp; Community Facilities Committee.</p> <p>8 Jul 2020 - 9:40 AM - Natalie Drage Revised Target Date changed by: Drage, Natalie From: 15 Jul 2020 To: 31 Aug 2020</p> <p>27 Aug 2020 - 2:03 PM - Natalie Drage Revised Target Date changed by: Drage, Natalie From: 31 Aug 2020 To: 30 Oct 2020 Reason: Resolution 3 &amp; 5 - A report will be tabled at the upcoming Strategic Property &amp; Community Facilities Committee for review of the Committee's Term of Reference and funding opportunities for the cultural hub at Cessnock Performing Arts Centre.</p>						

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	
<a href="#">1321</a> <b>MOTION</b> 1321 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Doherty	<b>Seconded:</b>	Councillor Gray		
<p>1. That Council notes the information contained within the report.</p> <p>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.</p> <p>3. That the installation of the tank be funded by the Wollombi community.</p> <p>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.</p>						

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	18/09/2020	
<a href="#">1323</a> <b>MOTION</b> 1323 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Gray	<b>Seconded:</b>	Councillor Lyons		
<p>1. That Council places the draft Skate and BMX Strategy on public exhibition for a minimum period of 28 days and invite public submissions.</p> <p>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.</p> <p>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.</p> <p>3 Aug 2020 - 6:46 AM - Kate Harris Revised Target Date changed by: Harris, Kate From: 31 Jul 2020 To: 31 Aug 2020 Reason: The draft document is still on public exhibition 27 Aug 2020 - 2:54 PM - Kate Harris</p>						

Revised Target Date changed by: Harris, Kate From: 31 Aug 2020 To: 18 Sep 2020  
Reason: A report for adoption of the Skate and BMX Strategy is being presented to the 16 September Council meeting.

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	
<a href="#">1343</a> <b>MOTION</b> 1343 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Doherty	<b>Seconded:</b>	Councillor Fitzgibbon		
<p>1. That Council places the draft Community Engagement Strategy on public exhibition for a minimum period of 28 days and invite public submissions.</p> <p>2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Community Engagement Strategy.</p> <p>20 Jul 2020 - 12:56 PM - Alison Chisholm Draft Community Engagement Strategy and Action Plan was placed on public exhibition on 20 July 2020. 17 Aug 2020 - 6:52 AM - Alison Chisholm Public exhibition closed 16 August 2020. 27 Aug 2020 - 2:11 PM - Alison Chisholm Report seeking adoption of Strategy is on the agenda for 16 September, 2020 Council meeting.</p>						

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	
<a href="#">1344</a> <b>MOTION</b> 1344 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Doherty	<b>Seconded:</b>	Councillor Fitzgibbon		
<p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>2. That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</p> <p>3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</p> <p>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.</p> <p>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.</p>						

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	
<a href="#">1345</a> <b>MOTION</b> 1345 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<p>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 <i>and Assessment Act 1979</i>.</p> <p>2. That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</p> <p>3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</p> <p>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.</p> <p>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.</p> <p>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.</p>						

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	
<a href="#">1354</a> <b>MOTION</b> 1354 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Doherty	<b>Seconded:</b>	Councillor Fitzgibbon		
<p>1. That the Minutes of the Strategic Property &amp; Community Facilities committee meeting of 2 July 2020 be adopted as a resolution of the Ordinary Council.</p> <p>2. That Council amends the Cessnock Local Environmental Plan 2011 to reclassify the following properties from Community to Operational land:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 204 - 218 Vincent Street &amp; 2 Cessnock Street Cessnock (nine lots)</li> <li><input type="checkbox"/> Cessnock Road Weston Lot: 18 Sec: 27 DP: 979187</li> <li><input type="checkbox"/> 6 William Street Cessnock Lot: 3 SEC: J DP: 4927</li> </ul> <p>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</p>						

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	30/09/2020	
<a href="#">1357</a> <b>MOTION</b> 1357 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Stapleford	<b>Seconded:</b>	Councillor Fitzgibbon		
<p>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.</p> <ul style="list-style-type: none"> <li>a) The training field at the end of the sportsground be made into a second full sized ground.</li> <li>b) The carpark at the end of the sportsground have a connecting car bridge to the carpark across the creek.</li> <li>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.</li> <li>d) The main cricket ground be kept as a cricket ground and the second cricket ground be used as an extra soccer ground.</li> </ul> <p>2. That the following points be investigated by Council for possible inclusion at a later date:-</p> <ul style="list-style-type: none"> <li>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.</li> <li>f) The Old Southey Dam be acquired by Council as an alternative water supply to the sporting complex.</li> </ul> <p>3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final suite of Masterplans.</p>						



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

27 Aug 2020 - 9:40 AM - Emma Crosdale

Revised Target Date changed by: Crosdale, Emma From: 19 Sep 2020 To: 30 Sep 2020

Reason: Masterplans are currently on public exhibition until 15 September 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	30/10/2020	
<a href="#">1365</a> <b>MOTION</b> 1365 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Stapleford	<b>Seconded:</b>	Councillor Dunn		
<p>1. That the General Manager investigate the possibilities and cost of a multipurpose half court within Ellalong Park or exercise equipment.</p> <p>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.</p> <p>12 Aug 2020 - 1:37 PM - Kate Harris</p> <p>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.</p> <p>2. To commence following the completion of Item 1.</p> <p>12 Aug 2020 - 1:40 PM - Kate Harris</p> <p>Revised Target Date changed by: Harris, Kate From: 12 Aug 2020 To: 11 Sep 2020</p> <p>Reason: Design principles are required to be developed for outdoor fitness stations</p> <p>2 Sep 2020 - 4:36 PM - Kate Harris</p> <p>Revised Target Date changed by: Harris, Kate From: 11 Sep 2020 To: 30 Oct 2020</p> <p>Reason: planning works required on design guidelines/principles prior to this action being addressed.</p>						

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	16/12/2020	
<a href="#">1371</a> <b>MOTION</b> 1371 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Gray	<b>Seconded:</b>	Councillor Lyons		
<p>1. That the Minutes of the Confidential Floodplain Management Committee of 3 June 2020 be adopted as a resolution of the Ordinary Council.</p> <p>2. <b>FLOCLM8/2020</b> a) That Council endorses the public exhibition of the draft Heddon Greta Minor Flood Study and Concept Design for 42 days.</p>						

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.

8 Sep 2020 - 12:31 PM - Rachael O'Hara

Item 6 - The study is on exhibition until 21 September. Following this a report will be presented to the Floodplain Management Committee and Ordinary Meetings in December 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE31/2020	Ordinary Council 19/08/2020	Rush, Iain	Planning and Environment	Local Policy Framework for the Cessnock LGA Vineyard's District	30/06/2021	
<a href="#">1388</a> <b>MOTION</b> 1388 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Stapleford	<b>Seconded:</b>	Councillor Fitzgibbon		
<p>1. That Council prepare a 'Local Character Statement' for the Cessnock LGA Vineyard's District, with a focus on the following Key Strategic Areas:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> strategic agricultural land;</li> <li><input type="checkbox"/> important vegetation and fauna corridors;</li> <li><input type="checkbox"/> visually significant land; and</li> <li><input type="checkbox"/> centre and nodes.</li> </ul> <p>2. That Council implement the local policy framework as part of the comprehensive review of the Cessnock <i>Local Environmental Plan 2011</i> and representatives from the established viticultural areas in Cessnock and in consultation with members of the Cessnock Vineyards District Community Reference Group to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> give effect to the Local Character Statement through the Cessnock Local Environmental Plan 2011;</li> <li><input type="checkbox"/> investigate an appropriate zone for the Vineyard's District centre and nodes;</li> <li><input type="checkbox"/> review the range of permitted land-uses in the RU4 Primary Production Small Lots Zone and SP3 Tourist Zone; and</li> <li><input type="checkbox"/> 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.</li> </ul> <p>8 Sep 2020 - 2:06 PM - Iain Rush Revised Target Date changed by: Rush, Iain From: 16 Sep 2020 To: 30 Jun 2021 Reason: Council resolved to proceed with recommended policy framework for the Vineyards District at the meeting of Council on 19 August 2020. In accordance with the resolution, staff will proceed to draft new policy framework and implement as a component of the comprehensive LEP/DCP review.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI66/2020	Ordinary Council 19/08/2020	Donnelly, Patricia	Works and Infrastructure	Revolving Energy Fund Action Plan	16/09/2020	
<a href="#">1400</a> <b>MOTION</b> 1400 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Gray	<b>Seconded:</b>	Councillor Dagg		
<p>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;</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Administration Building 60kW System</li> <li><input type="checkbox"/> Cessnock Library Building 29.6kW System</li> <li><input type="checkbox"/> Hunter Visitor Information Centre 26.4 kW System</li> </ul>						

2. That the General Manager explores the feasibility of refitting the Abermain School of Arts and other Council Community Buildings as part of future Light efficiency Projects
3. That a further report be brought back to Council when the works are completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN20/2020	Ordinary Council 19/08/2020	Kerr, Katrina	Business With Notice	Nulkaba shared Pathway and Hunter Valley Wine country Vineyard Cycleway	16/09/2020	
<a href="#">1403</a> <b>MOTION</b> 1403 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Dunn		
<ol style="list-style-type: none"> <li>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. The design and cost will include suitable trees, identified in the Street Tree Strategy, along the paths, where suitable.</li> <li>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.</li> <li>3. That the Nulkaba Shared Pathway via Wine Country Drive, High Priority works identified in the Pokolbin Cycling Improvement 7.12 Contribution Plan and the 8 formalised Council managed Trails be added to the 20/21 Operational Plan subject to Grant Funding.</li> <li>4. That the General Manager bring back a report to the next meeting of Council with:- <ol style="list-style-type: none"> <li>a) Estimated costs of the proposed design works for the projects listed</li> <li>b) Funds available in the 7.11 and 7.12 Contributions Plans suitable for the design works</li> <li>c) Recommendations for other funding sources if necessary.</li> </ol> </li> </ol> <p>4 Sep 2020 - 11:02 AM - Katrina Kerr  Item 1 - Reviewed status of designs for Nulkaba Pathway, Pokolbin Cycling Improvement, and 8 recreational trails.  Item 2 - Reviewed status of design of 8 recreational trails.  Item 3 - Listed inclusion of Nulkaba Pathway, Pokolbin Cycling Improvement, and 8 recreational trails in the Operational Plan 2020/212 for acceptance in the September Quarterly Review.  Item 4 - Drafted report.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN21/2020	Ordinary Council 19/08/2020	Kerr, Katrina	Business With Notice	Frame Drive Bridge	16/09/2020	
<a href="#">1404</a> <b>MOTION</b> 1404 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Burke	<b>Seconded:</b>	Councillor Gray		
<p>That the General Manager supply a Councillor Memo explaining why the road on Frame Drive on the northern side of the bridge has dropped and</p> <ol style="list-style-type: none"> <li>a) What is council doing to resolve the issue</li> <li>b) An approximate cost for the repairs</li> <li>c) Timeline for when this will be completed.</li> </ol> <p>8 Sep 2020 - 9:44 AM - Kelly Paterson  Item 1 - Drafted Councillor memo.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN23/2020	Ordinary Council 19/08/2020	Conner, Martin	Business With Notice	Cleaning of Waterways/Creeks	14/10/2020	
<a href="#">1405</a> <b>MOTION</b> 1405 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Olsen	<b>Seconded:</b>	Councillor Fitzgibbon		
<p><b>That the General Manager speak to Hunter Water and Water NSW to discuss ways for the clearing of our waterways to help with the flow of water and to minimise flooding in high risk areas.</b></p> <p>8 Sep 2020 - 12:32 PM - Rachael O'Hara</p> <p>Item 1 - Preparing Position Paper on issue for the General Manager to meet with Hunter Water Corporation.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN24/2020	Ordinary Council 19/08/2020	Alexander, Michael	Business With Notice	Clean Up of Waste from Bushland	16/09/2020	
<b>MOTION</b> 1406 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Suvaal	<b>Seconded:</b>	Councillor Gray		
<p>1. <b>That the General Manager investigate an external source of funding to assist the current work of the RID Squad in cleaning up waste illegally dumped on Council owned land in the Cessnock Local Government Area.</b></p> <p>2. <b>That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.</b></p> <p>9 Sep 2020 - 1:03 PM - Michael Alexander</p> <p>Correspondence forwarded to RID Coordinator to seek collaborative meeting with stakeholders to determine best course of action</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN25/2020	Ordinary Council 19/08/2020	Davis, Colin	Business With Notice	Parking Policy Enforcement	31/10/2020	
<a href="#">1407</a> <b>MOTION</b> 1407 <b>RESOLVED</b>	<b>Moved:</b>	Johnson, Martin Councillor Olsen	<b>Seconded:</b>	Councillor Dunn		
<p><b>That the General Manager 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.</b></p> <p>26 Aug 2020 - 3:41 PM - Yvonne Blake</p> <p>Action reassigned to Davis, Colin by: Blake, Yvonne for the reason: Officer wrote report and is working on the updating the policy</p> <p>31 Aug 2020 - 7:45 AM - Colin Davis</p> <p>Revised Target Date changed by: Davis, Colin From: 16 Sep 2020 To: 31 Oct 2020</p> <p>Reason: Report being prepared on review of Parking Enforcement Policy in accordance with Operational Plan actions. This matter will be addressed at that time.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN26/2020	Ordinary Council 19/08/2020	Alexander, Michael	Business With Notice	draft 2020-25 Waste and Resource Recovery Strategy	16/09/2020	
<a href="#">1408</a> <b>MOTION</b> 1408 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Suvaal	<b>Seconded:</b>	Councillor Gray		
<p>That the General Manager hold a face to face workshop (if possible under Covid regulations) for Councillors on the draft 2020-25 Waste and Resource Recovery Strategy prior to the strategy being reported to Council.</p> <p>4 Sep 2020 - 12:42 PM - Kelly Paterson Action reassigned to Alexander, Michael by: Paterson, Kelly for the reason: 9 Sep 2020 - 1:02 PM - Michael Alexander Workshop to be arranged in consultation with GM and considering Covid restrictions. Date to be advised</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN27/2020	Ordinary Council 19/08/2020	Jeffery, Warren	Business With Notice	Cycleways/Share Pathways	16/09/2020	
<a href="#">1409</a> <b>MOTION</b> 1409 <b>RESOLVED</b>	<b>Moved:</b>	Kerr, Katrina Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Sander		
<ol style="list-style-type: none"> <li>That the General Manager bring back a report in 3 months 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.</li> <li>The 12 projects to be recommended on the basis of the following priorities:- <ol style="list-style-type: none"> <li>Cost/Benefit</li> <li>Eligible for Developer contribution funds allocation</li> <li>Connectivity to maximise increased use of existing facilities eg parks, schools, fields.</li> </ol> </li> <li>Projects chosen from the recommendation are to be added to the 20/21 Operational Plan subject to Grant Funding.</li> </ol> <p>4 Sep 2020 - 11:11 AM - Katrina Kerr Item 1 - Commenced draft report. Item 2 - Considered 12 potential projects. Item 3 - Commenced draft update to Operational Plan 2020/21 for acceptance in the December Quarterly Review. 8 Sep 2020 - 10:14 AM - Linda Lewis Action reassigned to Jeffery, Warren by: Lewis, Linda for the reason:</p>						

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Corporate and Community Services



**SUBJECT:** ***DECISION MADE UNDER DELEGATED AUTHORITY -  
RESOURCES FOR REGIONS ROUND SEVEN - FUNDING  
APPLICATION AMENDMENT***

**RESPONSIBLE OFFICER:** ***Director Corporate and Community Services - Robert  
Maginnity***

### **SUMMARY**

This report provides notification to Council of matters determined by the Mayor in exercising the function of Council pursuant to section 226(d) of the *Local Government Act 1993* (the Act).

### **RECOMMENDATION**

**That Council notes that the Mayor pursuant to section 226(d) of the *Local Government Act 1993*, between Council meetings exercised the decisions of Council due to the funding body advice of project eligibility under Resources for Regions Round Seven Program Guidelines which resulted in an amended funding submission as follows:**

- 1. Cessnock Pool Splash Pad Stage 2 - \$420,300**
- 2. Beatification of Rotary Park Kurri Kurri - \$482,198**
- 3. Cessnock Disadvantaged Youth Driver Training Program - \$100,000**
- 4. Cessnock City Cultural Hub - \$500,000 (\$309,700 within allocation and \$190,300 outside of allocation)**

### **BACKGROUND**

Section 226(d) of the Act prescribes that part of the role of the Mayor is to “exercise, in cases of necessity, the policy making functions of the governing body of the council between meetings”.

This report provides information on matters considered under this delegation.

### **REPORT/PROPOSAL**

Council at the meeting of 15 July 2020 resolved to lodge six applications under the Resource for Regions Round Seven Program with funding available of \$1,312,198. The programs in priority order and funding application amounts were:

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

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To satisfy funding guidelines, Council staff were required to meet with the funding body Program Manager to discuss project eligibility and provide clarification of some components of the original intended projects. Following these meetings, the Program Manager advised that two of the projects were ineligible for funding (Airport Upgrade and Richmond Vale Rail Trail) and one project needed to be amended to ensure it met funding guidelines (Cessnock Pool slashpad).

The applications were subsequently amended to reflect this advice to ensure that the full amount of the available funding would be able to allocated by the funding body with the four projects approved for submission by the Program Manager as follows:

1. Cessnock Pool Splash Pad Stage 2 - \$420,300
2. Beatification of Rotary Park Kurri Kurri - \$482,198
3. Cessnock Disadvantaged Youth Driver Training Program - \$100,000
4. Cessnock City Cultural Hub - \$500,000 (\$309,700 within allocation and \$190,300 outside of allocation)

The Mayor exercised the policy making functions of the governing body of Council and authorised changes to the projects that were adopted by Council as the timing of the grants submission due date did not allow for this matter to be returned to Council and Councillors were advised of the changes via a Councillor memo on 3 September 2020.

**OPTIONS**

N/A

**CONSULTATION**

General Manager

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A



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**c. Legislative Implications**

Section 226 outlines the role of the Mayor and 226(d) provides that the role of the Mayor is to “exercise, in cases of necessity, the policy making functions of the governing body of the council between meetings”.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

**CONCLUSION**

Section 226 outlines the role of the Mayor and 226(d) provides for the Mayor to “exercise, in cases of necessity, the policy making functions of the governing body of the council between meetings”. This report provides information on a decision made by the Mayor.

**ENCLOSURES**

There are no enclosures for this report.

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Works and Infrastructure



**SUBJECT:** *2019/20 AQUATIC SEASON REVIEW*

**RESPONSIBLE OFFICER:** *Open Space & Community Facilities Manager – Nicole Benson*

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### **SUMMARY**

The purpose of this report is to provide a review of the 2019/20 aquatic season in relation to Council's seasonal outdoor swimming pools at Branxton and Cessnock, and the year round indoor Kurri Kurri Aquatic & Fitness Centre.

### **RECOMMENDATION**

1. That Council notes the review of the 2019/20 aquatic season.
2. That Council resolves to not offer free Family Fun Days in the 2020/21 aquatic season due to the reasons contained within the report including the COVID-19 pandemic.
3. That Council notes the COVID-19 implications that will affect the operations and capacity of the pools for the foreseeable future.
4. That Council notes the performance of Belgravia Health & Leisure Group Pty Ltd in respect of Year 1 of the contract for management of Kurri Kurri Aquatic & Fitness Centre.

### **BACKGROUND**

Council provides three aquatic facilities within the Cessnock LGA, Branxton Pool, Cessnock Pool and the Kurri Kurri Aquatic & Fitness Centre (KKAFC). Branxton and Cessnock pools are seasonal pools opened between October and March each year and operated by Council.

KKAFC is a year round, indoor aquatic facility, managed under contract T1819-13 by Belgravia Health & Leisure Group Pty Ltd (Belgravia).

At its Ordinary Meeting of 19 June 2019, in consideration of the awarding of the contract to Belgravia, Council resolved:

**That the General Manager report to Council annually on the management performance as per Key Performance Indicators (KPI's) set by Council regarding the Kurri Kurri Aquatic Centre.**

This report provides:

- a review of the 2019/20 aquatic season in relation to Branxton and Cessnock pools,
- a consideration of measures affecting the operation, functionality and operational costs of Council's aquatic facilities due to the COVID-19 pandemic, and

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- responds to the above resolution of Council by reporting on the performance of Belgravia in managing the KKAFC.

**REPORT/PROPOSAL****2019/20 AQUATIC SEASON REVIEW**

The 2019/20 aquatic season saw unprecedented interruption with bush fires and the COVID-19 pandemic affecting the operations of all three aquatic facilities. Whilst the year ran smoothly with no reportable incidents at the aquatic facilities, attendances were down and operational costs were up at Branxton and Cessnock Pools due to a number of factors.

This review of the 2019/20 aquatic season addresses a range of management and operational aspects as follows:

1. Pool Facilities Renewal Program,
2. Family Fun Days,
3. Season Attendance & Financial Summary for Outdoor Pools,
4. Learn to Swim Program,
5. Outdoor Pools Service Improvement Project,
6. Aquatic Facility Marketing & Promotion, and
7. COVID-19 Pandemic Considerations.

**1. Pool Facilities Renewal Program**

The intent of the \$286,343 Pool Facilities Renewal Program is to ensure the continuity of service, improve the condition of the assets and ensure that any upgrades comply with current Australian Standards and or Building Codes.

Specific projects undertaken through the Pool Facilities Renewal Program are identified in **Table 1** below.

**Table 1 – Pool Facilities Renewal Program Projects**

Facility	Project
Branxton Pool	Painting of the shell of the pools
	Installation of security gates on the change room entries
	Floodlight replacement over main pool
	Pool pump replacement and servicing
	Picnic Shelter and pool concourse painting
	Hot water service replacement in plant room/club room
Cessnock Pool	Public Address system upgrade
	Shade Sail replacement over toddler pool
	First aid and entry foyer renewal
	Grandstand & concourse repairs
KKAFC	Family change room refurbishment
	Internal and external painting
	Carpet replacement and painting in back offices
	Patching & painting of gymnasium walls
	Filtration control board replacement
	Leisure pool recirculation pump replacement

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Facility	Project
	Leisure pool isolation and check valve replacement
	Water feature air blowers and pumps replacement

## 2. Family Fun Days

At its Ordinary Meeting of 4 September 2019, Council resolved:

1. That Council continue with the same Family Fun Days as per resolution at the ordinary meeting on 6 June 2018 *(that Council offer up to ten free Family Fun Days at the Cessnock and Branxton Outdoor Pools and the Kurri Kurri Aquatic Centre, commencing on the first Sunday of Christmas school holidays and ending the last Sunday in February)*
2. That security be increased at Cessnock Pool on Family Fun Days at the discretion of the General Manager with funding to be sourced from Pool Operational Budgets.

The free Family Fun Day attendances dropped consistent with the season recorded attendances as families, but provided opportunity for new patrons to access Council's aquatic facilities.

The ten free Family Fun Days at Council's three aquatic facilities attracted a total recorded attendance of 7,988, which was a 20% decrease from the 2018/19 recorded attendances across the three facilities. A snapshot of recorded attendances across the ten free Family Fun Days in 2019/20 compared to previous season and the dollar value of the free entry on these days is provided in **Table 2** below.

**Table 2 - Recorded Attendance & Dollar Value of Family Fun Days**

Facility	2018/19 Recorded Attendance	Dollar Value	2019/20 Recorded Attendance	Dollar Value
Branxton Pool	3,349	\$15,070.50	2,575	\$11,587.50
Cessnock Pool	3,511	\$15,799.50	2,788	\$12,546.00
KKAFC	3,198	\$17,908.80	2,625	\$14,962.50
<b>TOTAL</b>	<b>10,058</b>	<b>\$48,778.80</b>	<b>7,988</b>	<b>\$39,096.00</b>

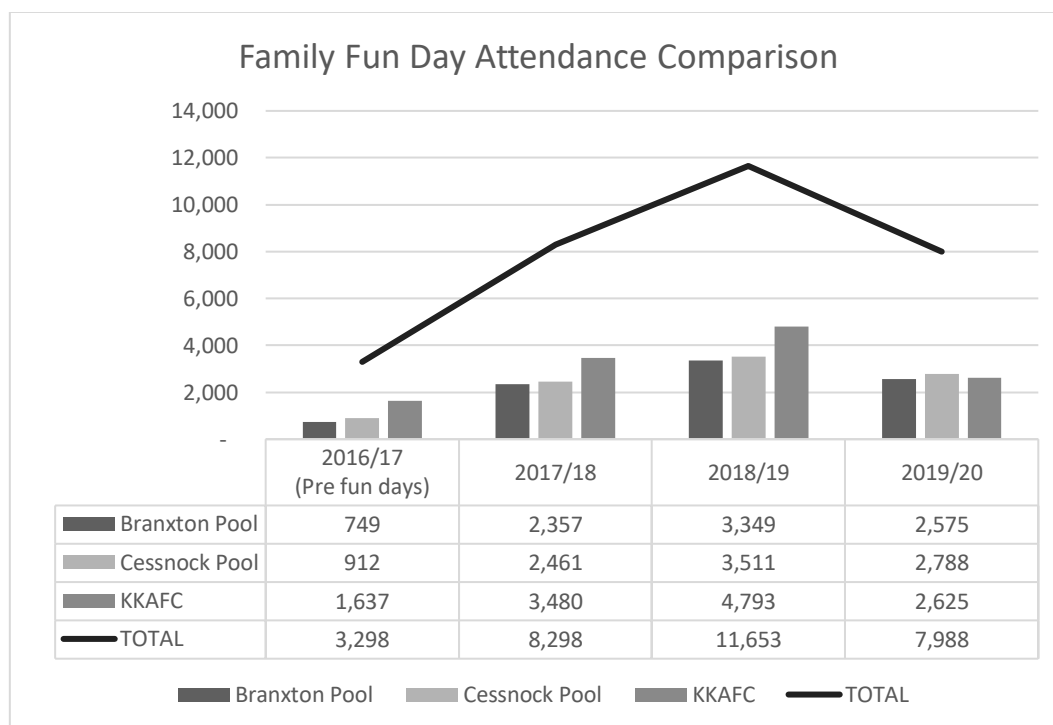
The dollar values provided in Table 2 for Branxton and Cessnock Pools were calculated on a single entry fee of \$4.50. The total costs for the KKAFC were based on invoices received from Belgravia (calculated on a single entry fee of \$5.70).

A comparison of recorded attendances for the ten Family Fun Days from 2017/18 to 2019/20 and corresponding attendances in 2016/17 prior to the introduction of the Family Fun Days is shown on **Figure 1** below.

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**Figure 1 - Comparison of Recorded Attendances for Family Fun Days.**

A comparison of recorded attendances for the ten free Family Fun Days from 2017/18, 2018/19 and 2019/20 showed an increase from 2017/18 to 2018/19 and a 20% decrease of recorded attendance in 2019/20. The 2016/17 figures show the equivalent 10 Sundays when the Family Fun Days were not in place.

Whilst the Family Fun Days saw 7,988 patrons take advantage of the free entry in 2019/20, feedback from pool patrons and observations from staff at the three facilities is outlined below:

- No additional season or multi-visit passes were purchased on these days at either Branxton or Cessnock Pool. Pool staff promoted memberships as patrons entered the facility, with no success.
- Whilst attracting new patrons to the pools, they were only attending because entry was free and did not attend outside of the Family Fun Days.
- Regular patrons did not attend due to the lack of available lane space and the behaviour of some of the patrons not abiding by the conditions of entry.
- Patron behaviour and their response to pool staff instruction and education on the pool rules was very poor at times, causing safety risks to themselves and other patrons.
- Hiring of security guards for the Family Fun Days at a cost of \$17,134 at Branxton and Cessnock Pool, and did not deter some patrons from misbehaving.
- Six additional staff were rostered on each Sunday to assist in patron management, pool supervision and customer service.

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- Pool pass members continue to feel that they are being “forgotten about” as they paid for a season pass, and feel that they are not able to safely attend the pool as usual during the peak season to make use of their season passes, as they are concerned for their safety due to the behavior of some patrons.
- With staff having to deal with patrons displaying poor behavior, supervision of other patrons was at times compromised due to being taken away from their primary duties of pool supervision.

In summary, the benefits free Family Fun Days appears marred by the factors listed above and the impacts of COVID-19 as outlined at point 7 of this report.

### 3. Season Attendance & Financial Summary for Outdoor Pools

A summary of the operations of the outdoor pools in 2019/20 compared with the 2018/19 season is provided in **Table 3** below.

**Table 3 – Season Attendance & Financial Summary for Outdoor Pools**

Facility	2018/19 Recorded Attendance	2019/20 Recorded Attendance	2018/19 Income	2019/20 Income	2018/19 \$ Net Operational Cost	2019/20 \$ Net Operational Cost
Branxton Pool	23,751	22,154	\$99,748	\$94,165	\$349,692	\$372,168
Cessnock Pool	44,442	35,754	\$194,000	\$166,529	\$454,782	\$547,254
<b>Total</b>	<b>68,193</b>	<b>57,908</b>	<b>\$293,748</b>	<b>\$260,694</b>	<b>\$804,474</b>	<b>\$919,421</b>

Observations between the 2018/19 and 2019/20 data in Table 3 are outlined below:

- Recorded attendances have decreased by 10,285 patrons or 15% after an 11% increase in recorded attendances 2018/19 from 2017/18.
- School entries decreased by 45% in 2019/20 compared with 2018/19 as the majority of schools now only allow competitors to attend swimming carnivals. Several schools were also affected by the poor air quality and bush fires in December 2019 and January 2020.
- 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.
- Income across the two outdoor pools decreased by \$33,054 compared to 2018/19.
- The overall net operating cost (excluding the Pool Facilities Renewal Program expenditure) increased in 2019/20 by \$114,947 compared to 2018/19. Additional costs can be attributed towards, security for Family Fun Days, back filling of long-term staff planned leave and 19% increase in maintenance costs due to a burst pipe at Cessnock

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Pool, which also required the pool to be closed on two occasions whilst the repairs were undertaken in January 2020.

The subsidy per recorded attendance for the 2019/20 financial year (excluding the Pools Facilities Renewal Program expenditure) was:

- Branxton Pool           \$16.80 (\$14.72 in 2018/19), and
- Cessnock Pool         \$15.30 (\$10.23 in 2018/19).

**4. Learn to Swim Program**

During the 2019/20 season a Swim and Survive Holiday Intensive program commenced at Cessnock Pool. The program ran for 2 weeks in January during the Christmas School Holidays.

Swim and Survive is a comprehensive swimming and water safety initiative of the Royal Life Saving Society of Australia that seeks to increase the swimming and water safety skills of all Australian children in order to prevent drowning and increase participation in safe aquatic activity.

22 participants were enrolled for the program in 2019/20 and positive feedback was received from patrons. It is hoped that the program will run again in 2020/21; however, after an initial round of recruitment no applications were received to fill the Learn to Swim Instructor roles. Additional rounds of recruitment will be undertaken and alternate options considered in the coming months.

**5. Outdoor Pools Service Improvement Project**

The Outdoor Pools Service Improvement Project (SIP) provided Council and its staff with a clear 3-year plan to increase patronage at the outdoor pools and streamline the processes associated with bookings, membership and entry sales in an effort to decrease the operational cost of both the Branxton and Cessnock pools. The SIP also identified the potential to offer new services at each of the pools.

The implementation of the Pool SIP is now complete, with all recommendations implemented or actioned. A final update on the outcomes of the SIP initiatives is outlined in **Table 4** below.

**Table 4 – SIP Outcomes**

Year	SIP Initiative	Status/Comment
2017/18	Implementation of EFTPOS and streamlining of membership sales.	Completed.
	Replacement of the pool inflatable	Completed.
	Children's parties inclusive of the use of the inflatable activity centre, party room and catering packages.	Completed in 2018/19 following club room refurbishment.
2018/19	Land and water based fitness activities such as Aqua Zumba & Aqua Aerobics.	Implemented using private operators to deliver classes.
	Contemporary Commercial Kiosk Agreements advertised in line with	A decision was made to operate kiosks in-house following benchmarking exercise of other



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Year	SIP Initiative	Status/Comment
	Council's Procurement Policy and Procedures.	Council operated facilities and there being very little appetite for commercial operators to take on the kiosk operations.
2019/20	Implementation of aquatic education classes such as learn to swim (LTS) and swimming and water safety programs.	Completed.

Staff will continue to identify and implement further efficiencies as they are identified to ensure the ongoing sustainability of these facilities as valuable community assets.

## 6. Aquatic Facility Marketing & Promotion

The SIP also recommended that a schedule for an outdoor pools advertising campaign be implemented. This incorporated promotion of the outdoor pools on social media, posters, flyers, website redesign as well as direct marketing with pass holders. A snapshot of social media posts and the reach it had with the community in relation to aquatic facilities and activities is provided in **Table 4** below:

**Table 4 – 2019/20 Social Media Posts**

Post Topic	Date	Likes/ Reactions	Comments	Shares
Open Early 2019/20 Season	11/09/19	56	54	23
Cessnock Pool Masterplan - Public Exhibition	23/09/19	34	71	18
Family Fun Days	20/12/19	92	145	175
	10/01/20	26	19	18
Free Entry (Seniors Week)	22/01/20	14	6	9
	10/02/20	2	0	3
General Pool information (carnival notifications, Cessnock Pool repairs, pool closed/open, Keep Watch Program)	08/10/19	67	2	26
	06/11/19	6		
	19/11/19	189	5	71
	06/12/19	37	13	61
	10/12/19	5		
	11/12/19	30	24	7
	06/01/20	24	8	22
	09/01/20	28	53	51
	10/01/20	26	24	18
	21/02/20	0	2	8
LTS Lessons	23/12/19	35	40	17
End of Season - early Closure due to COVID-19	25/03/20	2	2	7
End of Season – Thankyou	29/03/20	83	13	7

The figures shown above in Table 4 indicate that the social media posts were shared 541 times (up from 294 in 2018/19 and 243 in 2017/18), providing an excellent platform for Council to further promote facilities, services and activities to boost interest in the outdoor pools in 2019/20.

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Posters were displayed at all pools in the lead up to the free Family Fun Days. Promotional advertising was displayed in the Council Administration building on the electronic message monitor in the Customer Service area to assist in promoting the free entry to promote the events.

Vinyl banners were placed on the boundary fences of each pool to promote activities at the pools for the pool inflatable and aqua fitness classes.

## **7. COVID-19 Pandemic Considerations**

Documentation in consideration of the COVID-19 pandemic is being prepared to ensure compliance with the requirements of the current Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 (PHO). This has already affected the operating capacity and operational costs at KKAFC and will also change the operations at Branxton and Cessnock Pool. The impacts include, but are not limited to:

- compliance with the PHO Key considerations and changes affecting the operation, functionality and operational costs of Council's aquatic facilities,
- operational costs such as wages, chemicals, signage and cleaning equipment,
- changes to staff rosters, and
- Compliance and enforcement of the requirements of the NSW Health COVID-19 Safety Plan for Swimming Pools and Gyms including:
  - Physical distancing requirements,
  - Reduction in capacity (4 square metre rule),
  - Class capacity,
  - Hand hygiene,
  - Regular disinfecting of facilities and equipment, and
  - Keeping a record of all staff, volunteers, visitors, contractors and patrons for 28 days who attend the facilities.

Similar to the approach taken to the operation of all other recreation and community facilities to date during the COVID-19 pandemic, a communication plan will be developed and promoted to members and the community via the normal platforms as required to minimise disruption to operations.

In relation to the operation of Family Fun Days, given the behavioral and supervision issues described at point 2 of this report, ensuring adherence to the PHO on these occasions is challenging. In the past, when staff have undertaken postcode surveys, results have shown that people travel from out of the LGA to attend. Given recent community transmission of COVID-19 and declared "hot spots" in NSW, this is another aspect to be considered in providing free entry to Council's facilities.

In summary, COVID-19 affected the operation of the KKAFC and will more than likely impact the outdoor pools at Branxton and Cessnock when they open for the season reducing Council's capacity to provide the usual level of service.

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**KKAFC MANAGEMENT PERFORMANCE**

At its Ordinary Meeting of 19 June 2019, Council resolved that the General Manager report to Council annually on the management performance as per Key Performance Indicators (KPI's) set by Council regarding the Kurri Kurri Aquatic Centre.

Monthly contract management meetings are held and the agreed KPI areas of assessment are reviewed for:

- attendances, budget and marketing campaigns,
- cleaning, asset maintenance, and implementation of environmental efficiencies, and
- training and development.

Overall, Belgravia met or exceeded the majority of the agreed KPI's, with attendance the only KPI not met. As outlined in this report, there were a number of contributing factors, which affected attendances including the bush fires in December 2019 and January 2020 as well as forced closure of KKAFC in March due to the COVID-19 Pandemic.

Detailed information on Belgravia's performance is contained within confidential **Enclosure 1**.

**OPTIONS**

N/A

**CONSULTATION**

**Internal Consultation:** Consultation occurred with the following Council officers:

- Finance & Administration Unit
- Media & Communications Unit
- Open Space & Community Facilities Unit

**External Consultation:** Consultation occurred with the external stakeholders:

- Belgravia Health & Leisure Group Pty Ltd
- Branxton Greta Swimming Club
- Cessnock Amateur Swimming Club
- Cessnock Masters Swimming Club
- Coalfields United Swimming Club
- Other local Councils
- Pool Pass Holders

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** The recommendations of this report align with the following Program objectives:

- 3.2 – Better utilisation of existing open space

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- 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space
- 5.3 – Making Council more responsive to the community
  - 5.3.6 Implement systems and strategies to improve productivity across the organisation
  - 5.3.11 Continue to implementation of the Financial Sustainability Initiative projects

**b. Other Plans**

The recommendations of this report align with the following Program objectives:

- Aquatic Needs Analysis (2014)
- Outdoor Pools Service Improvement Project (2017)
- RLSSA Aquatic Facility Safety Assessment (2018)
- Cessnock Pool Masterplan (2019)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

An annual review of policies and procedures has been undertaken to ensure they are compliant with current government legislation, regulations and industry standards.

Staff have undertaken site inspections of a number of other pools in the Hunter to discuss pool operations and how the COVID-19 pandemic has affected the day-to-day running of facilities.

**b. Financial Implications**

The confidential enclosure contains information on the KKAFC budgets.

Recorded attendances at Branxton and Cessnock Pools decreased in season 2019/20 by 10,285 (15%) in comparison to 2018/19. The subsequent income for the season was reduced by \$33,054 and the net operational costs for these pools increased by \$114,947 compared to 2018/19 figures.

Ongoing COVID-19 restrictions and increased disinfecting and physical distancing measures, along with the NSW Department of Education cancelling term 4 Swimming and Water Safety programs, will see an impact on the 2020/21 budget, with 4,404 recorded school children attending Branxton and Cessnock Pool's for this program, school sport and swimming carnivals in November and December 2019 alone.

**c. Legislative Implications**

The following legislation affects management and operation of Council's aquatic facilities.

- Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020
- *Local Government Act 1993*
- Local Government Regulation (General) 2005
- *Civil Liability Act 2002*
- *Public Health Act 2010*

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- *Commission for Children and Young People Act 1998*
- *Child and Young Persons (Care and Protection) Act 1998*
- AS/NZS 2416.1:1010 Water Safety Signs and beach safety flags – Specifications for water safety signs used in workplaces and public areas

**d. Risk Implications**

**Safety Risks:** Looking forward, there are a number of safety/health risks that need to be considered and addressed for the 2020/21 season. These are, but are not limited to:

- Compliance with the requirements and restrictions required to be enforced as per the PHO.
- Maintaining physical distancing of patrons within the pool grounds, amenities and the pool itself which will change the way the pools operate and how patrons and staff can interact.
- Potential for reduced capacity during peak periods due to the PHO.
- Free Family Fun Days and events such as this pose a large reputational and safety risk to Council and pool staff due to the strict requirements around record keeping, physical distancing, regular disinfecting of amenities and equipment and ensuring that capacities prescribed in the PHO are maintained. Historically, when staff have undertaken postcode surveys, results have shown that people travel from out of the LGA to attend one of Council's aquatic facilities on the Family Fun Days. Given recent community transmission of COVID-19 and declared "hot spots" in NSW, this is another aspect to be considered in providing free entry to Council's facilities.
- Free Family Fun Days attract behavioral and supervision issues as described at point 2 of this report, such that ensuring adherence to the PHO on these occasions is challenging and may subject the community and Council to a higher level of risk.

Continued compliance with the following industry documents will assist minimise risks associated with aquatic facility operation and aims to ensure a safe and enjoyable experience for all patrons.

- RLSSA Guidelines for Safe Pool Operations,
- Office of Local Government – NSW Health Practice Note 15 – Water Safety,
- Council's Enterprise Risk Management Framework, and
- Council's Pool Facility Operations Manual

**e. Environmental Implications**

Pool attendances can differ significantly from season to season largely due to weather conditions. We saw that in 2019/20 that attendances were down across all facilities due to smoke and ash from bushfires, the COVID-19 pandemic and general community concerns for their individual health and accessing non-essential public facilities at times.

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**f. Other Implications**

**Health Implications:** It has been widely acknowledged that local government has a role in addressing health issues. Although Council does not deliver individualised health programs, it does provide some of the infrastructure to enable the community to socialise and participate in recreational activities.

Recreation provides opportunities for people to have fun, be healthy, experience adventure, socialise, learn skills, develop self-esteem and achieve a positive sense of identity. Recreation ultimately contributes to the quality of a person's life and their ability to be involved in their community.

**Economic Implications:** Council's aquatic facilities generate significant economic benefits for their patrons and for the Australian health care system. Increased physical activity, in the form of swimming and other aquatic exercise, leads to a valuable improvement in health outcomes and thereby improves economic impacts.

**CONCLUSION**

It is recommended that Council note the 2019/20 aquatic season review, which ran smoothly despite the unprecedented interruption due to bush fires, and the COVID-19 pandemic affecting the operations of all three aquatic facilities. There were no reportable incidents at the aquatic facilities, however attendances were down and operational costs were up for the Branxton and Cessnock Pools.

The free Family Fun Day attendances dropped consistent with the season recorded attendances as families, and while they do provide opportunity for new patrons to access Council's aquatic facilities, due to viability and operational issues the review concluded that the free Family Fun Days should not be reoffered.

The review highlighted that implementation of the Pool SIP is now complete, with all recommendations implemented or actioned, and that there are ongoing impacts from managing the COVID-19 pandemic as it affects Council's aquatic facilities.

The performance of Belgravia Health & Leisure Group Pty Ltd after entering into a new management agreement for KKAFC was reviewed and met or exceeded the majority of the agreed KPI's with the exception of attendance due to the impacts noted above.

**ENCLOSURES**

- 1** Belgravia Health & Leisure Group Pty Ltd - 2019/20 Management performance. - *This matter is considered to be confidential under Section 10A(2) (di) (dii) 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; AND 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. (Figures provided are of a commercial nature required as part of the Management Contract under T1819-13. )*

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**SUBJECT:** *ADOPTION OF SKATE AND BMX STRATEGY*

**RESPONSIBLE OFFICER:** *Strategic Recreation & Community Facilities Planner - Kate Harris*

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## **SUMMARY**

The purpose of this report is to outline submissions received during the public exhibition of the draft Skate and BMX Strategy, to present and seek Council's adoption of the final Strategy.

## **RECOMMENDATION**

1. That Council adopts the Skate and BMX Strategy.
2. That Council notes the implementation priorities of the Skate and BMX Strategy.
3. That the General Manager notifies those who made submissions during the public exhibition of Council's decision.
4. That Council makes provisions for the implementation of the Skate and BMX Strategy in consideration of future Operational Plans and available resources, including grant funding and development contributions.

## **BACKGROUND**

At its Ordinary Meeting of 17 June 2020, Council 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.*

This report has been prepared in response to Item 2 of the above resolution, noting that the final Skate and BMX Strategy has been provided under separate cover.

## **REPORT/PROPOSAL**

### **Aims of the Strategy**

The Skate and BMX Strategy aims to provide an updated strategic direction on the future provision, development and management of wheeled sports for the Cessnock LGA. The Skate and BMX Strategy aims to address existing and future gaps in the provision of skate and BMX facilities and better provide for this unstructured but highly popular recreation activity within the Cessnock LGA.

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**Public Exhibition of the Strategy**

**Exhibition Period:** The draft Skate and BMX Strategy was initially placed on public exhibition from 29 June 2020 to 26 July 2020, with an extension provided until 9 August 2020 due to a portion of the exhibition period falling within the July school holidays.

**Exhibition Platforms:** The exhibition featured a variety of engagement methods including a guided submission form via a 'Have Your Say' page on Council's website, and the invitation of written submissions sent via email or post.

The exhibition was also advertised on Council's Facebook page reaching 8,797 people.

Hard copies of the Plan were also located within Council's Administration Building, Council Libraries and Branxton Post Office.

**Submissions Received:** The Have Your Say page received 865 page views including 806 unique page views - a good engagement result. Eighteen (18) guided submissions were received during the exhibition period. A full summary of these submissions can be found at **Enclosure 1**.

Key points to note from the submissions include:

- Responses were received across all five age cohorts provided (from 0-12yrs through to 50-59yrs).
- The highest number of responses were received from the 35-49 year age cohort with half of these commenting in relation to the children they care for.
- The main interest in those completing submissions was caring for children who utilise skateparks, and being a skatepark user, followed by living near an identified site.
- In regards to supporting infrastructure, access to water was seen as the most important followed by seating, pathways, shade and then access to power.
- More than half of the submissions received were from the Greta-Branxton Planning Area who are supportive of the proposed pump track at Miller Park.
- Submissions were also received in regard to upgrading Carmichael Park, improvements to the skatepark at Kurri Kurri and support for the proposed skate spot/node at Kitchener Poppethead Park.

**Exhibition Outcomes:** Overall submissions were positive with community members looking forward to improvements at Council's skatepark and BMX facilities.

Based on the submissions received the draft Strategy has been finalised without the need for amendments. A number of suggestions made during public exhibition will be realised through the detailed design process of the relevant skateparks.



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**Works and Infrastructure****Implementation of the Strategy**

**Implementation Timeframes:** To successfully achieve the vision of the Skate and BMX Strategy a number of actions need to occur over the short, medium and long term.

**Prioritisation Criteria:** Based on actions identified as a high priority in the Skate and BMX Strategy, priorities for Council's Skateparks have been determined based on the following criteria:

- safety and condition of existing skateparks,
- availability of developer contribution funding,
- ability to absorb the development of concept plans/Masterplans within Council's current operating budget, and
- closing gaps in provision where population growth is ongoing.

**Implementation Priorities:** A list of implementation priorities is provided in **Table 1** below.

**Table 1 – Skatepark Implementation Priorities**

Priority	Location	Project	Notes
1.	Millfield	Construction of new local skatepark.	This project is to be completed via two stages due to available funding. The construction of Stage 1 is due to commence in October 2020.
2.	Kurri Kurri	Actions identified within the skateparks audit report.	Items have been included within the 2020/2021 Asset Renewal Program.
3.	Cessnock	Actions identified within the skateparks audit report.	Items have been included within the 2020/2021 Asset Renewal Program.
4.	Greta	Actions identified within the skateparks audit report.	Items to be included within the 2021/2022 Asset Renewal Program.
5.	Cessnock	Completion of detailed designs for Cessnock Regional Skatepark.	Currently unfunded. Grant opportunities to be investigated as a priority.
6.	Kitchener	A Masterplan be completed for Kitchener Poppethead Park incorporating a skate spot/node.	A draft Masterplan is complete. Officers are awaiting confirmation from Crown Lands regarding initial categorisation of the reserve. Following the assignment of categories for the reserve by Crown Lands, consideration will need to be given to the CLM Act 2026 including the completion of a Native title assessment.
7.	Bellbird	A detailed concept plan and design be developed for the Carmichael Park BMX facility.	Currently unfunded. Grant opportunities and funding within future annual Recreation Strategic Planning budgets to be investigated.
8.	North Rothbury	A skate spot/node be provided within the Huntlee development area.	To be negotiated within the revised Huntlee Voluntary Planning Agreement.

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Priority	Location	Project	Notes
9.	Bellbird	A skate spot/node be provided within the Bellbird North Development Area.	To be considered within future reviews of the City Wide Infrastructure Contributions Plan 2020.
10.	Cliftleigh	A local skatepark to be provided within Cliftleigh Meadows Park including the development of detailed designs.	Currently unfunded. Grant opportunities and funding within future annual Recreation Strategic Planning budgets to be investigated.

It is important to note that priorities may alter if opportunities arise to expedite any of the works identified above. It is also noted the timing of negotiations with developers for provision of facilities cannot be reliably predicted.

**OPTIONS**

Nil

**CONSULTATION**

**Internal Consultation:** Consultation occurred with the following Council officers:

- Open Space and Community Facilities team members
- Strategic Planning team members
- Community and Cultural Engagement team members

**External Consultation:** Consultation occurred with the external stakeholders. Substantial engagement was held with youth via the development of the design for Cessnock skatepark in 2018. That engagement relevant to the Strategy included:

- 280 questionnaire responses from youth,
- two key stakeholder workshops, and
- Mount View High School drop-in session.

It is appropriate that a response on the outcome of the public exhibition be provided to those who made submissions.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** Adoption of the Skate and BMX Strategy strongly aligns with a number of objectives of the Program including:

- Objective 1.1 - promoting social connections,
- Objective 1.2 - strengthening community culture, and
- Objective 3.2 - better utilisation of existing open space.

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**b. Other Plans**

Adoption of the Skate and BMX Strategy aligns with a number of other Plans including:

- Carmichael Park draft Masterplan 2020
- Cessnock City Council Recreation and Open Space Strategic Plan 2019
- Cessnock City Council Skate Facility Site Analysis 2015
- Cessnock LGA Skate Parks Audit Report 2019
- Convent Hill, Bridges Hill & East End Oval Masterplan 2016
- Greta Central Oval Masterplan 2020
- Kitchener Poppethead draft Masterplan 2018
- Mount View Park Masterplan 2018

The Skate and BMX Strategy also relates to a number of state and national plans and guidelines most notably:

- NSW Office of Sport Strategic Plan 2018 – 2022
- The Safety Grind – Guidelines for Safer Skate parks 2019
- Getting Australia Active III: A systems approach to Physical Activity for Policy Makers- April 2020

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

**Cost to the Community:** A series of priorities have been included in the Skate and BMX Strategy and will be used to develop future works programs, funded by:

- Council,
- developer contributions, and
- external grant opportunities.

**c. Legislative Implications**

Nil

**d. Risk Implications**

**Safety Risks:** In implementing the Skate and BMX Strategy, risk assessments and application of safety standards in design, construction and maintenance of facilities are required to be observed.

**e. Environmental Implications**

Formulation of the Skate and BMX Strategy has required consideration of environmental implications, which will be addressed during implementation, particularly for a proposed mountain bike precinct.

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**f. Other Implications**

Nil

***CONCLUSION***

It is recommended that Council adopt the final Skate and BMX Strategy and note the implementation priorities, which aims to address existing and future gaps in the provision of skate and BMX facilities across the Cessnock LGA.

It is appropriate that a response on the outcome of the public exhibition be provided to those who made submissions.

***ENCLOSURES***

[1](#) Enclosure 1: Submissions Received for Skate & BMX Strategy

## DRAFT SKATE AND BMX STRATEGY - SUMMARY OF PUBLIC SUBMISSIONS

## Enclosure 1 Council Report

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
Chris Moloney	I live near one of the identified sites	Somewhat Important	Very Important	Very Important	Somewhat Important	Not Important	<p><b>Cessnock:</b></p> <p>1. Carmichael Park has fantastic potential for the Bellbird and Cessnock communities. While it is already very popular with our family and friends it is now very old and in need of some upgrades. The starting ramp, jumps and berms have fatigued with age and need to be repaired to keep them safe and available to use in the years to come. As residents of Bellbird we have seen the number of local children and teenagers making use of this facility and believe it warrants significant investment. As cycling and mountain biking continue to explode in popularity we are sure funds invested in the Carmichael Park BMX track would be met with significant community engagement.</p> <p>2. Addition of Pump Track - While our family enjoys the Carmichael BMX track in its current form, we have noticed it is not an all abilities facility. For younger riders the start and large jumps are very intimidating. We believe the facility could be enhanced to</p>	<p>1. Noted. The condition of the BMX track is identified within the strategy and a high priority item is to develop concept plans and detailed designs for the facility.</p> <p>2. A pump track will be considered as part of the development of a concept plan for the site.</p>

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
							<p>give younger riders more opportunity to develop their skills before moving on to the main track. We believe a pump track similar to the one developed by the Salt Ash Council would be a perfect fit for Carmichael Park. We have noticed from our multiple visits this is a very popular facility with children of all ages enjoying riding on it.</p> <p><b>3.</b> Mountain Bike Tracks - It is no secret the sport of mountain biking is rapidly growing throughout Australia and as a family we enjoy travelling around to ride on the different tracks. The Hunter is lucky to have some great facilities like Awaba, Glenrock and now Dungog, but we believe Cessnock warrants its own tracks. As can be seen with the popularity of the Wollombi Wild Ride and the children's ride run by Cessnock Bicycle Company, with over twenty five junior riders at the last ride there is a strong and growing passion for the sport within the local area.</p> <p><b>4.</b> River Ride / Walk While living in Shepparton, Victoria we enjoyed taking our children on the cycling paths along the Goulburn River. As the Mount</p>	<p><b>3.</b> Noted. A mountain bike park has been included within the Strategy for future investigation.</p> <p><b>4.</b> Noted. Connection pathways from Mount View to Bellbird North via a riparian corridor has been incorporated within the City Wide Infrastructure Contributions Plan 2020.</p>

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
							View Estate continues its development along the Bellbird Creek, we believe this would be the perfect opportunity for the Cessnock Council to develop a local River Ride/Walk. As we witnessed these nature rides/walks were very popular with the local community. During the COVID lockdown this year we were amazed to see the number of families riding and walking around the Mount View Estate development. For young families the open / smooth roads and footpaths were a pleasant and safe activity when there were limited exercise options available to them during that difficult period. From our observation, this has continued and there are so many more young families making use of this area for exercise and outdoor recreation. As the township of Bellbird grows with the new land developments investment in the local cycling facilities would be a very healthy addition for the current and future families of our community.	
Michelle Tipper	I care for kid(s) that like to roll - scooter, bike,	Somewhat Important	Very Important	Very Important	Somewhat Important	Not Important	<b>Cessnock:</b>	<b>Cessnock</b> – Noted.

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
	skateboard, rollerblade. I live near one of the identified sites						<p>Anything to help our kids get outside and being social is a big must in my books.</p> <p><b>Kurri Kurri:</b> Kurri Kurri needs more things for kids to do.</p> <p><b>Greta Branxton:</b> Thus is my local area, I am all for anything that's going to allow our kids to be out and about and enjoying the outdoors.</p>	<p><b>Kurri Kurri</b> – Noted. Upgrades are proposed within the skatepark facility at Margaret Johns Park.</p> <p><b>Greta Branxton</b> – Noted.</p>
Stephanie Plackson	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Somewhat Important	Very Important	Very Important	Somewhat Important	Not Important	<p><b>Greta Branxton:</b> I do not live in the LGA however my grandkids do and I care for them regularly. A skate park, pump track or BMX track would be a great asset to the Branxton / Greta / Huntlee community as it would give the children somewhere safe and local to roll or ride. We need to support our small local communities for a stronger future.</p>	Noted.
Nicole Collins	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Somewhat Important	Very Important	Very Important	Somewhat Important	Not Important	<p><b>Greta Branxton:</b> A pump track / skate park facility in the Huntlee area would be a great asset to the children of the growing local community.</p>	Noted.
Alan Watt	I like to roll - scooter, bike, skateboard, rollerblade. I care for kid(s) that like to roll - scooter, bike, skateboard,	Somewhat Important	Somewhat Important	Very Important	Very Important	Not Important	<p><b>Greta Branxton:</b> The more the better.</p>	Noted.



Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
	rollerblade. I live near one of the identified sites							
Emma Hamilton	I like to roll - scooter, bike, skateboard, rollerblade. I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade. I live near one of the identified sites	Somewhat Important	Somewhat Important	Very Important	Somewhat Important	Not Important	<p><b>Cessnock:</b> Bridges Hill Park is coming along really well. My children use this park with grandparents.</p> <p><b>Kurri Kurri:</b> I have little interest.</p> <p><b>Greta Branxton:</b> My son has petitioned for a skate park at Branxton Miller Park. We have been waiting 4 yrs for building to begin. We would like the Miller park development to be prioritised over Greta as they already have something to ride on. My children do not.</p> <p><b>Other comments:</b> Some children ride through Huntlee since they do not have a skate park in town. By developing at Miller Park these children will be kept safe and reduce the risk of a child being hit by a car while playing on the street.</p>	<p><b>Cessnock – Noted.</b>  <b>Kurri Kurri – Noted</b>  <b>Greta Branxton – Noted.</b></p>
Marika	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Somewhat Important	Somewhat Important	Very Important	Not Important	Not Important	<p><b>Greta Branxton:</b> Would be great for the area and their youth.</p>	Noted

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
Krista Skinner	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade. I live near one of the identified sites	Somewhat Important	Somewhat Important	Somewhat Important	Somewhat Important	Not Important	<b>Cessnock:</b> Great for kids. <b>Kurri Kurri:</b> Great for kids. <b>Greta Branxton:</b> Excellent to have here. We only have a small skate park at Greta. We live in North Rothbury and there's nothing like this close and it way too dangerous for kids to ride from here to the Greta one.	<b>Cessnock</b> – Noted <b>Kurri Kurri</b> – Noted. <b>Greta Branxton</b> – Noted.
Simon Jacka	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Very Important	Somewhat Important	Somewhat Important	Somewhat Important	Not Important	<b>Greta Branxton:</b> A great use of land that is otherwise wasted. Toilets are already on site.	Noted.
James Haplin	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade. I live near one of the identified sites	Somewhat Important	Not Important	Somewhat Important	Very Important	Not Important	<b>Greta Branxton:</b> Miller park is an ideal area for a bmx track for kids to get out and burn off excess stress which is great for everyone's mental health without having to be part of a sporting team. Also plenty of room for a skate park which again a good spot for kids to expel extra energy n stress levels. With there being nothing else for kids n teens to do would give them an area to keep them busy n hopefully out of trouble.	Noted.
Rebecca Watt	I care for kid(s) that like to roll - scooter, bike,	Very Important	Somewhat Important	Very Important	Very Important	Somewhat Important	<b>Greta Branxton:</b> I definitely think it would be fantastic for the kids of the Greta/Branxton area to have	Noted.

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
	skateboard, rollerblade						these facilities available to them. It will give them something active and enjoyable to do year round, as the pool closes for half the year and the only other equipment is for toddlers at the park.	
Lucy Halpin	I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Very Important	Very Important	Very Important	Very Important	Not Important	<p><b>Greta Branxton:</b> Branxton desperately needs more facilities for kids. We have hundreds of children &amp; kids in the area &amp; the options are very little. We would love to see a BMX bike track put in near the already existing play equipment at Miller Park. A skate park would also be wonderful. The small park that sits in between Tulloch St &amp; McMullins Road East Branxton needs a well over due facelift. There is plenty of room there to add a smaller child's bike track or an updated park please. The kids &amp; parents need more to do with our children within our beautiful town.</p> <p><b>Other comments:</b> Please update &amp; improve our play spaces. We want to enjoy getting out &amp; socialising in our town, it brings the community together &amp; allows us to meet new people in &amp; around Branxton. The children need more facilities.</p>	Noted. A playground upgrade is planned for Brunner Park within the 2020/2021 Operational Plan with construction anticipated to commence early 2021.

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
Heather Kruzins	I like to roll - scooter, bike, skateboard, rollerblade. I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Very Important	Very Important	Very Important	Very Important	Somewhat Important	<p><b>Other comments:</b> Please consider that bowl designs are intimidating to beginners. I'm a youth worker who has taken a lot of kids to skate parks. The ones they love are Kurri Kurri, Maitland and Wallsend. Charlestown chip bowl, bar beach and Cameron Park, bowl designs exclude beginners, and have a poorer culture. We will travel for great skate parks. Saw 10+ Cessnock kids at Wallsend this week alone.</p> <p>The position of Kurri Kurri park looks intimidating in the afternoon. It's a wonderful facility, but the social culture can be rough. More great inclusive facilities can do wonders for community connectedness and belonging. I'm really pleased that your team are working in this.</p>	Noted. This information is of great assistance and will be incorporated within future skatepark designs.
Mason Bamford	I like to roll-scooter, bike, skateboard, rollerblade. I live near one of the identified sites	Somewhat Important	Very Important	Very Important	Very Important	Somewhat Important	<p><b>Cessnock:</b> I would love to see more facilities at Kitchener. We have built bmx bike jumps and tracks in the bush surrounding our house and a more permanent one like Bellbird would be good. A box pump track to go with the skate spot would be good too. There is a lot of new kids out here now with the new estate</p>	Noted. A box pump track is not currently identified at the site, however consideration can be given to BMX users when designing the skate spot/node.

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
							and we need more to keep us occupied as there is not a lot of ways to get into town. Also by building a footpath along Quorrobolong road would be good as the road is very narrow and cars doing 80km along the road is it not very safe for a 12 year old to ride into town.	
Brendan Wray - Youth off the Streets	I like to roll-scooter, bike, skateboard, rollerblade	Very Important	Very Important	Very Important	Somewhat Important	Somewhat Important	<p><b>Cessnock:</b> Would like to hear more about spaces in Bellbird North and Kitchener, personally I became quite disappointed in the push for the skate Park for Mount view park, the planning and design was done, and the excitement of the community was built then all of a sudden everything to with the skate park disappeared from any mention. Lastly, I think the original skate park in Cessnock across the road from the east Cessnock bowling club, should be kept, because it has history with the young people in Cessnock, its where the older crowd started and rode for years, and is now used daily by the younger generation. It's an important part of the Cessnock skate/bike/scooter scene.</p> <p><b>Kurri Kurri:</b></p>	<p>Noted. Council Officers welcome the opportunity to provide progress updates on skateparks or provide details on new skateparks. The recreation email inbox can be utilised at any time with a response provided by the relevant Council Officer. <a href="mailto:recreation@cessnock.nsw.gov.au">recreation@cessnock.nsw.gov.au</a>.</p> <p>The Bridges Hill skatepark (opposite the bowling club is to be retained).</p>

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
							<p>I would like to know more about the planned areas for the Kurri area.</p> <p><b>Greta-Branxton:</b> I would like to know about the planned spaces for the Greta-Branxton area.</p>	
Gemma Whiting	I live near one of the identified sites	Very Important	Very Important	Very Important	Very Important	Somewhat Important	<p><b>Cessnock:</b> It will be a welcomed addition to the Poppet Head Park at Kitchener, I see a lot of kids riding around the streets on bikes, perhaps if they have somewhere to go they will be safer than riding the roads. Kitchener park is very active especially on weekends with large amounts of families, I think the frequency of its use will only increase with time as new developments in the area keep rising.</p>	Noted.
Tracey Williams	I like to roll - scooter, bike, skateboard, rollerblade. I care for kid(s) that like to roll - scooter, bike, skateboard, rollerblade	Somewhat Important	Very Important	Very Important	Very Important	Not Important	<p><b>Cessnock:</b> Great</p> <p><b>Kurri Kurri:</b> Great</p> <p><b>Greta-Branxton:</b> Great</p>	Noted.
Kean Miles	I like to roll-scooter, bike, skateboard, rollerblade	Somewhat Important	Not Important	Very Important	Not Important	Not Important	<p><b>Cessnock:</b> The mount view option would be good but is missing a flat bar when it has a downrail this doesn't make sense. The bowl</p>	Noted. Feedback regarding the concept design for Mt View Park is appreciated. This feedback will be taken into consideration when detailed designs are completed.

Name	Interest	Shade	Seating	Access to Water	Pathways	Access to Power Points	Summary of Comments - Facilities Identified in Cessnock, Kurri Kurri and Greta Branxton Planning Areas	Response to Submission
							<p>can be smaller to make up for this and preferably add another ledge to skate.</p> <p><b>Kurri Kurri:</b> The repair of Kurri Kurri's snake run is much needed.</p> <p><b>Greta-Branxton:</b> Would be great to have a street section added as proposed.</p>	

Works and Infrastructure  
Report No. WI71/2020  
Works and Infrastructure



**SUBJECT:** *WESTON BEARS PARK MASTERPLAN*  
**RESPONSIBLE OFFICER:** *Open Space & Community Facilities Manager – Nicole Benson*

### **SUMMARY**

The purpose of this report is to outline submissions received during the public exhibition of the draft Weston Bears Park Masterplan, and to present and seek Council's adoption of the final Masterplan.

### **RECOMMENDATION**

1. That Council adopts the Weston Bears Park Masterplan.
2. That the General Manager notifies those who made submissions, and key stakeholders, of Council's decision.
3. That Council makes provisions for implementation of the Masterplan in consideration of available resources including grant funding and development contributions.

### **BACKGROUND**

At its Ordinary Meeting of 20 May 2020, Council resolved:

1. *That Council places the draft Weston Bears Park Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.*
2. *That a site visit be arranged for Carmichael Park to explain the plan.*
3. *That a site visit be arranged for Baddeley Park to explain the plan.*

This report has been prepared in response to Item 1 of the above resolution.

### **Varty Park**

At its 16 November 2016 meeting Council resolved inter alia:

*That Council consider a report on the options that would allow the sale of Varty Park; the proceeds from which would be restricted to the development of Weston Bears Park.*

As it involves the development and sale of Council land, this matter is reported through the Strategic Property and Community Facilities Committee. Since 2016 the Committee has considered options on the proposed sale of Varty Park and has commenced the process to reclassify the land north of Swamp Creek within Lot 260 DP1160174 from Community to Operational land and to rezone the area to R2 Residential during this process. The Gateway process has commenced and the Department of Planning, Industry and Environment are considering the proposal.



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**Works and Infrastructure****REPORT/PROPOSAL****Aims of the Masterplan**

Weston Bears Park is a highly utilised district sportsground located in the township of Weston. It is utilised daily for football (soccer) and is home to the Weston Bears Football Club who play in the Newcastle Premier League competition. The site contains a full sized football field, training ground and grandstand with amenities.

The draft Weston Bears Park Masterplan (the Masterplan) aims to provide a vision for the future development and character of the site. The Masterplan is provided at **Enclosure 1**.

**Public Exhibition of the Masterplan**

**Exhibition Period:** The draft Weston Bears Park Masterplan was placed on public exhibition from Monday 25 May 2020 to Monday 22 June 2020.

**Exhibition Platforms:** Due to the current COVID-19 Pandemic, the Masterplan was available on Council's website with a 'Have Your Say' page, along with Questions & Answers and an opportunity to provide email feedback. Council officers also provided an opportunity for virtual workshops with key user groups who were involved in the development of Masterplans.

**Submissions Received:** 34 submissions were received. 33 were received during the exhibition period with these being from local residents as well as key stakeholder groups.

One late submission was received from Weston Junior Football Club. Based on their status as a significant stakeholder at the site, items within this submission and proposed amendments to the Masterplan were deemed appropriate to consider with other submissions received during the exhibition period.

A full summary of the submissions received and subsequent responses is provided at **Enclosure 3**.

A summary of key issues identified in submissions is provided in **Table 1** below.

**Table 1: Summary of Key Issues Raised in S**

Key Issue	Response
Upgrade to lighting to training	Masterplan has been updated to include floodlighting upgrades to training field
Additional synthetic training area	Masterplan updated to include synthetic training area
Additional seating around junior field and training area	Masterplan updated to include additional seating
Relocation of spectator seating behind goals on main field	Masterplan updated and spectator seating relocated
Additional training area for junior Football Club	An additional training area has been added to the Masterplan.
Inclusion of a futsal court	Masterplan updated to include a futsal court
Design of the new amenities building and ensuring it caters for both the senior and junior football club	Noted and will be addressed during the detailed design phase.

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**Exhibition Outcomes:** Overall, the draft Masterplan was well received by the community and key users groups, confirmed by a number of positive submissions received.

**Implementation of the Masterplan:** Future implementation each element of the Masterplan will require funding and inclusion in Council's Delivery Program and subsequent annual Operational Plans. The Opinion of Probable Cost prepared is discussed under Financial Implications of this report.

**OPTIONS**

Nil

**CONSULTATION**

**Internal Consultation:** Consultation during preparation and development of the Masterplan, including incorporation of their feedback occurred with the following Council officers:

- Manager Open Space and Community Facilities
- Principal Community Planner
- Principal Recreation and Community Facilities Planner
- Parks and Reserves Coordinator
- Recreation and Community Facilities Coordinator
- Building Maintenance Coordinator
- Building Projects Coordinator
- Vegetation and Civic Spaces Coordinator
- Asset Engineering Officer - Open Space and Community Facilities
- Community Engagement Officer

**External Consultation:** Consultation occurred with the external stakeholders:

- Council Officers met with the Weston Bears Football Club during the exhibition period via zoom to discuss their feedback and proposed amendments to the draft Masterplan.
- Council Officers held a site meeting with Weston Junior Football Club just after the exhibition period to ensure their feedback was captured and included within draft Masterplan where appropriate.
- Weston Workers Club.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** Adoption of the Masterplan aligns with objectives of the Program including:

- Objective 1.1 - promoting social connections
- Objective 1.2 - strengthening community culture
- Objective 3.2 - Better utilisation of existing open space, and deliverables:

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- 3.2.3 Continue to implement adopted masterplans for Council's recreation and community facilities and spaces
- 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space.

**b. Other Plans**

Adoption of the Masterplan aligns with the Generic Plan of Management Sportsgrounds 2014.

Recreation and Open Space Strategic Plan 2019 action KK1.4 is to investigate the feasibility of disposing of Varty Park to fund the upgrade of Weston Bears Park as part of the Strategic Property Review. The rationale being that there is a current and future surplus of district sportsgrounds in the Kurri Kurri Planning Area. Varty Park is an under-utilised facility that is frequently targeted by vandalism and requires a significant amount of investment to bring up to acceptable condition. The works identified in the Weston Bears Park Masterplan are currently unfunded and the additional facilities proposed at Weston Bears Park would offset the loss of facilities at Varty Park.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

**Cost to the Community:** Implementation of the adopted Masterplan may have implications for Council's long-term financial plan as each element of the Masterplan would compete against other projects within Council's Delivery Program and subsequent annual Operational Plans.

Other potential sources of funding include:

- partnerships with user groups,
- external grant opportunities,
- developer contributions, and
- proceeds from the sale of Varty Park.

The Opinion of Probable Cost outlined in the Plan provides Council with an estimate of the cost to carry out the itemised works. The Masterplan will also support Council when applying for future grant funds as it will be able to demonstrate links to an adopted strategy, which has a high level of community involvement. The Opinion of Probable Cost is provided at **Enclosure 3**.

**c. Legislative Implications**

Nil

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**d. Risk Implications**

**Safety Risks:** In implementing the Masterplan, risk assessments and application of safety standards in design, construction and maintenance of facilities are required to be observed.

**e. Environmental Implications**

Weston Bears Park contains Kurri Sands Heath Woodland that is an Endangered Ecological Communities (EEC). Additional reports will be developed prior to the development of a training field within the EEC area (please note, previous environmental reports have identified the EEC within this area to be in relatively poor condition).

Opportunities also exist to build on the existing vegetation to provide increased habitat and improve habitat quality.

**f. Other Implications**

**Social Implications:** Participation in physical activity creates a wide range of benefits for individuals and the communities they live in. When people are physically active they are healthier, happier and more socially inclusive. By providing opportunities for social interaction, sport and recreation can help enhance community identity and promote community integration. Individuals learn and share community values and attitudes and can gain a better understanding of other groups in society. Participation can also have a deterrent effect on anti-social behavior including vandalism and petty crime.

**Recreational Implications:** There is an increasing demand for recreational pursuits in parks, open spaces and natural environments in both urban and non-urban areas. More effective planning and management practices will enable resources and facilities to be better utilised in a manner that is sustainable and equitable, improving the quality of life of individuals and the community in which they live.

**CONCLUSION**

It is recommended that Council adopt the final Weston Bears Park Masterplan, which will provide a planning framework for the future development of land and facilities at Weston Bears Park.

It is appropriate that a response on the outcome of the public exhibition be provided to those who made submissions, and key stakeholders.

**ENCLOSURES**

- [1](#) ↓ Weston Bears Park Masterplan
- [2](#) ↓ Weston Bears Park Masterplan - Summary of Public Submission
- [3](#) ↓ Weston Bears Park Masterplan - Opinion of Probable Costs

WESTON BEARS PARK MASTER PLAN



LEGEND



- 01 ARTIFICIAL TURF FOOTBALL FIELD
- 02 NEW FULL SIZE FOOTBALL FIELD
- 03 EXISTING TRAINING FIELD
- 04 NEW AMENITIES BUILDING
- 05 SPECTATOR BLEACHER
- 06 NEW SEALED CAR PARKING
- 07A ADDITIONAL STORAGE
- 07B ADDITIONAL STORAGE
- 08 WORKERS CLUB (PRIVATE LAND)
- 09 INFORMAL OVERFLOW CAR PARK
- 10 REGRADED EMBANKMENT
- 11 EXISTING STORM WATER CHANNEL TO BE PIPED UNDER EMBANKMENT
- 12 EXISTING CAR PARK
- 13 ENTRY SIGNAGE
- 14 ACCESSIBLE RAMP ACCESS
- 15 LOW RETAINING WALL
- 16 GRAVEL MAINTENANCE ACCESS
- 17 RAISED ACCESSIBLE SEATING
- 18 ENDANGERED ECOLOGICAL COMMUNITY
- 19 ADDITIONAL TRAINING GROUND
- 20 FUTSAL AREA/COURT (TO BE DETERMINED IN DETAIL DESIGN)
- 21 ADDITIONAL SPECTATOR SEATING
- 22 ADDITIONAL SYNTHETIC TURF TRAINING GROUND



REVISION: C  
DATE: 11/08/2020

SCALE:  
1:1000 @ A1



## Weston Bears Park Draft Masterplan - Summary of Public Submissions

Submitted By	Summary of Submission Details	Response
Sheay Andrew	<ul style="list-style-type: none"> <li>This is a fantastic proposal and a wonderful opportunity to create a state of the art regional football hub in the Hunter outside of Newcastle.</li> <li>My only opinion on an additional important requirement to the current proposal would be adding a remotely controllable electronic score board to the specification, a vital part of any modern football facility.</li> </ul>	<p>Information Noted</p> <p>A new electronic scoreboard will be installed at the site shortly in conjunction with the Weston Bears Football Club.</p>
Sharon Whyburn Weston Workers Club	<ul style="list-style-type: none"> <li>Can we please ensure the club has access to the car parking area as access to their loading dock is off the car park.</li> </ul>	<p>Noted. Access to the Weston Workers Club loading dock is still accessible in the draft Masterplan</p>
Scott Collins Katie Turkington Melinda Mehrton Daniel Pitcher Craig Bullen Kilinda Sorensen Nicole & Shaun Bamford Al Gibson Neil Stevens Schona Ball Graham Peters Jackie Davis Darren Lewsam Darren Lewsam - NCC Colin Forster Norma Crossley Darren Rockley Dianne Forster Brandon Collins Nathan Morris Jackson Burston Leo Bertos Max Foster Mark Lathan	<ul style="list-style-type: none"> <li>The Draft Masterplan has obvious benefits for the Weston Bears senior and junior clubs. It also puts a premium sporting facility at the heart of our communities which will provide participation opportunities for all ages.</li> <li>This new facility will provide an all year/all weather playing, training and learning/function facility for grassroots to National Premier League to masters competitions/organisations and in particular will addresses the development of female sport and participation.</li> <li>I congratulate Council on their forward thinking and taking a lead role to provide such an import community asset.</li> </ul>	<p>Information Noted</p>
	<ul style="list-style-type: none"> <li>Approval of the project given.</li> </ul>	<p>Information noted. The training field will remain the same size and the</p>



## Weston Bears Park Draft Masterplan - Summary of Public Submissions

Submitted By	Summary of Submission Details	Response
	<ul style="list-style-type: none"> <li>The training field area at the end of the main ground be a playing field size to accommodate youth or junior games, even Astroturf to accommodate high traffic as football in the hunter is growing massively and the project is for the long term forward.</li> </ul>	redevelopment of the main field to a synthetic surface has been added to the Masterplan.
Candice Hunter	<p>Some points in regards to the design:</p> <ol style="list-style-type: none"> <li>1. With the synthetic pitch, we need to make sure we get it right. It must have corking underneath. This will keep the temperature down.</li> <li>2. For Weston to participate in the National Premier League they have a certain criteria to meet, I suggest close consultation be made with the club in planning to make sure all criteria is met.</li> <li>3. Change rooms - The rate of female participation is on the rise in the Hunter and in 2019 it reached an all-time high of 4.82% registrations Female. At the moment Weston doesn't have the facilities to be able field a Women's team. For this to happen, there MUST be more change rooms.</li> <li>4. Canteen – Must be operational from both sides.</li> <li>5. Disability Access must be a priority.</li> <li>6. Seating – Must be able to see the ground from all seats.</li> </ol>	Information noted. Specific details regarding specifications for the synthetic pitch, changerooms, canteen, accessibility and seating will be further developed during the detailed design phase. Significant engagement with all key stakeholders will be held prior to commencing any design works
David Connor	<ul style="list-style-type: none"> <li>The Draft Masterplan has obvious benefits for the Weston Bears senior and junior clubs. It also puts a premium sporting facility at the heart of our communities which will provide participation opportunities for all ages.</li> <li>This new facility will provide an all year/all weather playing, training and learning/function facility for grassroots to National Premier League to masters competitions/organisations and in particular will addresses the development of female sport and participation.</li> <li>I congratulate Council on their forward thinking and taking a lead role to provide such an import community asset.</li> </ul>	Information Noted
Jason Burznski		
Craig Stoker		
Vikki Wrigley		
Weston Bears Football Club	<ul style="list-style-type: none"> <li>Feedback, criteria checklist sent and included;</li> <li>Synthetic training area</li> <li>Seating – Grandstand for 300 people, plus style behind the goals</li> <li>Lighting on the training field</li> <li>Design of amenities building</li> <li>Futsal Court</li> </ul>	Information noted. Synthetic training area, seating behind the goals, lighting upgrades to training field and futsal court have been added to the Masterplan. Specific details regarding specifications for the synthetic pitch,

## Weston Bears Park Draft Masterplan - Summary of Public Submissions

Submitted By	Summary of Submission Details	Response
	<ul style="list-style-type: none"> <li>Perhaps consider grants and future funding is the announcement of the Women's World Cup in 2023 will be in 3 days (June 25). If the co - Australian / New Zealand bid is successful, it will further support/justify the redevelopment as women's football, which is already the fastest growing sport in Australia, will go through the roof!</li> </ul>	changerooms, canteen, will be further developed during the detailed design phase. Significant engagement with all key stakeholders will be held prior to commencing any design works
Weston Junior Football Club <b>Late Submission</b>	<p>Committee feedback;</p> <ul style="list-style-type: none"> <li>It is important that Weston JFC have the following amenities independently of the Weston Bears and opening up onto field 2 from the new amenities building. This will facilitate supervision of members and will allow juniors members to remain in the alcohol free zone. We will require both girls and boys toilets, home and away changerooms and canteen. We feel that it is feasible for Weston JFC to share first aid and referee rooms.</li> <li>Concerns of downsizing to 1 full field.</li> <li>Concerns of no spectator seating.</li> <li>West jfc would require independent storage.</li> </ul>	Information Noted. Separate amenities and storage for the Junior Football Club have been included in the Masterplan. An additional mod field and spectator seating have been added to the Masterplan
Duane Searle	<ul style="list-style-type: none"> <li>The Draft Masterplan has obvious benefits for the Weston Bears senior and junior clubs. It also puts a premium sporting facility at the heart of our communities which will provide participation opportunities for all ages.</li> <li>This new facility will provide an all year/all weather playing, training and learning/function facility for grassroots to National Premier League to masters competitions/organisations and in particular will addresses the development of female sport and participation.</li> </ul>	Information Noted





Works and Infrastructure

Report No. WI72/2020

Works and Infrastructure



**SUBJECT:** *MINUTES OF ROADS REVIEW COMMITTEE OF 14 AUGUST 2020*

**RESPONSIBLE OFFICER:** *Acting Infrastructure Manager – Renae Leayr*

**RECOMMENDATION**

**That the Minutes of the Roads Review Committee Meeting of 14 August 2020 be adopted as a resolution of the Ordinary Council.**

**Officers Comment:** It is noted that the date for submissions of roads nominated by Councils for transfer and/or reclassification has been extended by the Independent Panel to 25 September 2020.

**MINUTES OF ROADS REVIEW COMMITTEE MEETING HELD VIA ZOOM  
ON FRIDAY, 14 AUGUST 2020, COMMENCING AT 4.05PM**

**PRESENT:** The Mayor, Councillor Pynsent (in the Chair)  
Councillor Dunn  
Councillor Lyons  
Councillor Sander  
Councillor Stapleford

**IN ATTENDANCE:** Councillor Fitzgibbon  
Ms Lotta Jackson - General Manager  
Mr Justin Fitzpatrick-Barr - Director Works & Infrastructure  
Mrs Katrina Kerr - Infrastructure Manager  
Mr Warren Vandermeer – Principal Engineer – Road Infrastructure  
Ms Vivian Waugh – Minute Taker

**INVITEES:** Nil

**APOLOGIES**

**NOTED** that no apologies were received.

**ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional custodians of this land the meeting was held on. **NOTED** that the Members and attendees where in various locations for the meeting conducted by Zoom.

Works and Infrastructure

Report No. WI72/2020

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## CONFIRMATION OF MINUTES

**NOTED** that the Minutes of the Roads Review Committee held on 12 June 2020, as circulated, were previously confirmed as a true and correct record.

## OFFICER'S REPORTS

**REPORT NO.** *RRCOR07/2020*

**SUBJECT:** *NSW ROAD CLASSIFICATION REVIEW*

**MATTER:** Recent engagement with Councils has included an information session conducted by the Independent Panel where a revised timeframe and criteria for classification and transfer were further explained.

Further consideration of, and proposed amended list of roads to be nominated for transfer and/or reclassification have been made in preparation for an appropriate response to the Panel.

**DISCUSSION:** It was noted that:

- In June and July the Independent Panel conducted information sessions, the sessions were attended by Council officers and the General Manager.
- The information sessions provided updated information on:
  - timeframes,
  - deadlines for Council submissions,
  - criteria for roads review,
  - principles and key platforms for review,
  - definition of roads types, and
  - funding arrangements.
- All regional roads that meet the criteria for transfer and/or reclassification have been proposed. In total 87.5km of Regional Roads have been included for nomination.
- It may be appropriate to request reclassification and transfer of Wilderness Road, Lovedale from Lovedale Road to Wine Country Drive which is a State Road.
- Un-gazetted transfer relates to Hunter Expressway (HEX) and could be an opportunity for additional funding.

Questions were raised regarding Quorrobolong Road and the timeframe for the gazettal. It was noted that:

- Quorrobolong Road was not considered for transfer at this stage as it does not appear to meet the HUB and Spoke criteria.
- The Independent Panel has not provided a timeframe for gazettal.

**MOTION:** *Moved:* Councillor Lyons

*Seconded:* Councillor Sander

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Report No. WI72/2020

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***RECOMMENDATION***

**That Council endorses the amended list of roads for classification and/or transfer to Transport for New South Wales under the NSW State Government's Road Classification Review.**

***CARRIED UNANIMOUSLY***

***CLOSURE:*** The meeting was declared closed at 4:15pm.

***ENCLOSURES***

There are no enclosures for this report

Works and Infrastructure

Report No. WI73/2020

Works and Infrastructure



**SUBJECT:** *HAMILTON STREET ABERNETHY  
PETITION REGARDING SEWERAGE & DRAINAGE*

**RESPONSIBLE OFFICER:** *Works & Infrastructure - Katrina Kerr  
Acting Director Planning & Environment - Martin Johnson*

### **SUMMARY**

The purpose of this report is to address a petition lodged by residents of Hamilton Street, Abernethy requesting that Council address septic sewage seepage and drainage.

### **RECOMMENDATION**

1. That Council notes the petition lodged by residents of Hamilton Street, Abernethy.
2. That Council notes the outcome of an investigation of septic seepage from properties adjoining Hamilton Lane.
3. That Council includes investigation of drainage in Hamilton Street and Hamilton Lane, Abernethy and preparation of a proposal in the Operational Plan 2020-21.
4. That the General Manager notifies the petition organiser of Council's decision.

### **BACKGROUND**

A written and signed petition was lodged on 21 August 2020 on behalf of residents of Hamilton Street requesting that Council:

- address septic seepage from properties on Hamilton Street,
- provide a dish drain to address drainage in Hamilton Street,
- clear the build up of silt in culverts under Murray Street, and
- grade to remove silt and drain Hamilton Lane.

This report proposes a way forward to commence addressing the various issues raised by the petition and current conditions on site.

### **REPORT/PROPOSAL**

#### **Petition**

The petition, prepared by a resident of Hamilton Street, Abernethy features 17 signatories.

**Works and Infrastructure**

**Report No. WI73/2020**

**Works and Infrastructure**

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**Septic Sewage**

Following a previous complaint regarding the same matter an investigation of the subject properties revealed that all on-site systems identified have a current Approval to Operate issued by Council and all properties have had a Council routine inspection completed in accordance with Council's On-Site Sewerage Program.

At the time of the investigation Council officers identified minor matters that were rectified immediately in accordance with legislative requirements and inspection reports from all properties indicate that all the systems and waste water disposal is compliant. In addition, all properties, except two have regular maintenance by Service Contractors. Council officers are now following up these two properties to ensure compliance with their approval. Reports from these Service Contractors comment on whether ponding or runoff is occurring and all have recorded that the systems are working well.

There is therefore no evidence of failure with any of the systems identified.

**Road Ownership**

The village of Abernethy was declared by the Department of Lands under the Crown Lands Consolidation Act 1913 and established the current road network commencing at the south side of Murray Street and western side of Hamilton Street.

The roads of Abernethy are noted in Council's GIS mapping system as "Investigation required possible Crown Road". Gazettal of the transfer of the roads from the Crown to Council has not been established. For this reason, it is currently understood that the roads may not be Council owned public roads, but rather Crown Roads. While, there have been some past improvement and maintenance works on roads in Abernethy by Council, to date this has not extinguished ownership by Crown Lands.

Confirmation and assessment of the status of the road ownership is required before proposing or undertaking any major drainage or upgrade works within the road reserve. It may be necessary to propose alternate drainage works to relieve drainage issues in the short term.

**Drainage**

The ground conditions during a recent site inspection were saturated with surface run off unable to drain away. An investigation is required to determine the source of the water, which on aerial photography has only been visible since the April 2020, and to scope the work required to improve stormwater drainage in both Hamilton Street and Hamilton Lane.

**Hamilton Street:** Drainage work that may be required in Hamilton Street would likely entail cutting of a swale drain, however this would require further works by property owners, such as a pipe and headwalls, to allow vehicle access crossings from the road carriageway to private property across the swale.

**Hamilton Lane:** Drainage work may also be required in Hamilton Lane. To address immediate concerns in the short term, Council's Works & Operations Unit has programmed slashing and minor grading of Hamilton Lane subject to conditions drying out sufficiently for access by a machine. Further investigation of the sources of run off is required.

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**Murray Street:** Regarding existing pipe culverts under Murray Street, Council's GIS mapping system shows the presence of pits and pipes under Abernethy Road and Murray Street. Council's Works & Operations Unit has inspected and advised that the pipes are operating satisfactorily, and that while there is some sediment buildup, it is not affecting the outlet capacity of the system.

**Way Forward:** The most appropriate way forward is to, confirm the status of road ownership, investigate options for drainage, and prepare a proposal for any necessary improvements.

Such a proposal should detail how the work to achieve improved drainage in Hamilton Street and Hamilton Lane can be accomplished, and include the levels of responsibility and costs to relevant stakeholders.

An investigation would also seek to allay current community concerns regarding the impact of stormwater and saturated ground on the operation of on-site sewage systems.

**OPTIONS**

Nil.

**CONSULTATION**

**Internal Consultation:** This report has been prepared in consultation with the following Council officers:

- Acting Director Planning & Environment,
- Works & Operations Manager,
- South Area Maintenance Coordinator, and
- Principal Engineer - Environmental Infrastructure.

**External Consultation:** Investigation and preparation of a proposal will require consultation with external stakeholders including:

- Crown Lands, and
- Private property owners and occupiers.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** The recommendation of this report aligns with the following objectives of the currently adopted Program:

- Objective 3.1 Protecting and enhancing the natural environment and the rural character of the area.
  - 3.1.6 Manage the risks to climate change and improve resilience to extreme weather events, flooding, bushfire, mine subsidence and land contamination.
  - 3.1.7 Manage Council's environmental assets.
  - 3.1.8 Carry out regulatory and education programs to protect and enhance the natural environment and environmental health.

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- 3.1.9 Commence implementation of the priority recommendations from flood studies and risk management plans for major catchments in the local government area.
- 3.1.10 Continue implementation of Council's Trunk Stormwater Drainage Strategy to protect and enhance the natural environment.

**b. Other Plans**

**Operational Plan 2020/21:** The currently adopted Plan does not include works in Abernethy

**Strategies and Plans:** In relation to stormwater drainage, investigation a preparation of a proposal will align with the following Plans:

- Stormwater, Waterway and Floodplain Strategy 2019
- Roadside Drainage Strategy 2019
- Cessnock Development Control Plan 2010 Part C Chapter 9

**IMPLICATIONS**

**a. Policy and Procedural Implications**

In relation to stormwater drainage, investigation a preparation of a proposal will be guided by the following policies:

- Cessnock Engineering Requirements for Development
- Policy No. D5.3 – Development Applications – Adjacent to Rear Lanes

**b. Financial Implications**

**Cost to the Community:** In relation to stormwater drainage, the outcome of the investigation and proposal will detail the financial implications.

**c. Legislative Implications**

In relation to stormwater drainage:

- The *NSW Local Government Act 1993* requires councils to provide stormwater drainage and flood prevention services. Under the *NSW Government Flood Prone Land Policy*, Council is directed to provide solutions to existing flooding problems and ensure new development is compatible with the flood hazard and does not make flooding worse elsewhere.
- Under Section 124 and 125 of the *NSW Local Government Act 1993*, Council can issue orders to prevent environmental damage, control the flow of surface water and abatement of a public nuisance.
- *Water Management Act 2000* Section 5 outlines the general principles for drainage management.
- Sections 120-123 of the *Protection of the Environment Operations Act 1997* make it a specific offence to pollute water.



**Works and Infrastructure**

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**d. Risk Implications**

**Safety Risk:** The existing situation is causing a nuisance and may be exposing residents to a public health risk.

**Legal Risk:** Council may be exposed to liability if the issues raised in the petition are not investigated and appropriate action recommended. Property owners may be able to sue for compensation or obtain a court order stopping an activity that is causing a nuisance or health hazard.

**e. Environmental Implications**

In relation to stormwater drainage, addressing the drainage issue may result in pollution of local waterways and groundwater if the septic issues are not appropriately managed.

Sections 120-123 of the *Protection of the Environment Operations Act 1997* make it a specific offence to pollute water, attracting penalties of up to \$1,000,000 for a corporation with an extra \$120,000 per day for a continuing offence, and up to \$250,000 for an individual, with a corresponding \$60,000 per day for a continuing offence.

**f. Other Implications**

In relation to stormwater drainage, waterlogged ground may cause issues with foundations of property improvements and lead to insurance claims by property owners.

**CONCLUSION**

It is appropriate to note that the outcome of the investigation into sewage seepage revealed that there is no evidence of failure with any of the on-site sewerage systems identified.

It is appropriate that Council investigate options for supporting residents to achieve improved drainage in Hamilton Street and Hamilton Lane and that a proposal be prepared to outline the way forward, including levels of responsibility and costs.

**ENCLOSURES**

[1](#) Hamilton Street and Lane Abernethy - Drainage Issues Petition

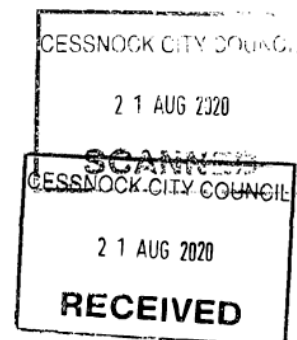
**The Community of Hamilton St, Abernethy**

C/O F. White  
9 Hamilton St  
Abernethy, NSW, 2325

30 July 2020

**The General Manager**

Cessnock City Council  
62-78 Vincent St  
Cessnock, NSW, 2325



Dear Ms. Jackson,

We the undersigned community members of Hamilton St, Abernethy write to you to highlight a couple of concerns we have regarding both the lack of essential infrastructure and possible health risk in Hamilton St and Hamilton Lane in Abernethy.

Our first concern is the lack of a formed drain on the residents' side of Hamilton St. The storm water from our homes & properties is piped to the street. The storm water pools in front of our properties until it soaks away.

We request that the council provide a dish drain along the residents' side of the street that can direct the flow of storm water to the end of the street and to the culverts that run under Murray St. We also request that the buildup of silt at the culverts under Murray St be cleared.

Our second concern is to do with Hamilton Lane. There are two areas of concern.

1. The septic output from the residents in Munro St seeps into Hamilton Lane. While the region experiences drought conditions the septic seepage is minimal and dries up quickly. While the area experiences normal rainfall, especially in the cooler months the septic seepage causes a permanently wet Hamilton Lane. The septic seepage under these wet conditions makes its way into the yards of the residents of Hamilton St making the yards a health hazard to the families residing in those homes.
2. Control of storm water in Hamilton Lane. The community accepts that in rain events surface run off water will find its way to Hamilton Lane. At present, Hamilton Lane has 'silted up'. The silt build up is the result of years of storm water flowing down from Munro St through the Munro St properties reaching Hamilton Lane. The water is trapped in the 'swamp' like conditions in Hamilton Lane.

We request that the council address the septic seepage problem in Hamilton Lane as a matter of urgency due to the possible health impact on the families whom reside in Hamilton St.

We also request that council grade Hamilton Lane to remove the silt build up to allow any surface water run off to flow out of the lane. Our observation indicates that Hamilton Lane needs to be graded each 2 years to control the siltation and allow the surface run off water to flow. We bring to your attention that council have graded Hamilton Lane after the Posha Bulka storm of 2007 and again around 2012. At both times Hamilton Lane was in a condition that the homes in Hamilton St were at risk of ingress on water. Hamilton Lane is in that state at present.

The Community of Hamilton St would like to make the point that we at our own cost like to maintain Hamilton Lane by way of mowing and edging the entire length of Hamilton Lane. We have many photos of Hamilton Lane in pristine condition and photos of Hamilton Lane in its current dire condition.

We are a proud community that want nothing less than a healthy place to raise our families.

The Community of Hamilton St look forward to hearing from you and further discussing the issues that we would like to address.

Warm regards,

**Fred White**

MEMBER OF THE COMMUNITY OF HAMILTON ST, ABERNETHY.

Print Name and address.

Signature

Nicole Wadsworth - 5 Hamilton st

Gavin Wadsworth 5 Hamilton St

Math Selby 11 Hamilton St

Stacey Selby 11 Hamilton st

Alison Stoddart 9 Hamilton St

Darrell Wilkinson 7 Hamilton St

Kristy-Ann Callaghan-Wilkinson 7 Hamilton St

Sharon Robson 13 Hamilton St

Renee Antcliff 13 Hamilton st

Patricia Robson 13 Hamilton st

Billy Frankland 13 Hamilton ST

MATTHEW ANDERSON 15 HAMILTON ST

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Warm regards,

Fred White

MEMBER OF THE COMMUNITY OF HAMILTON ST, ABERNETHY.

Print Name and address.

Signature

Nicole Wadsworth - 5 Hamilton st

Gavin Wadsworth 5 Hamilton St

Karolina Bantosik 13 Hamilton St

Bart Bantosik 13 Hamilton St

**SUBJECT:** *SHARED PATHWAYS AND TRAILS*

**RESPONSIBLE OFFICER:** *Acting Director Works & Infrastructure - Katrina Kerr*  
*Acting Infrastructure Manager - Renae Leayr*  
*Open Space and Community Facilities Manager - Nicole Benson*  
*Acting Director Planning & Environment - Martin Johnson*

### **SUMMARY**

The purpose of this report is to respond to Council's resolution of 19 August 2020 regarding preparation of detailed designs for a shared pathway on Wine Country Drive, Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.

### **RECOMMENDATION**

1. That Council notes the status of the design for the shared pathway along Wine Country Drive Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.
2. That Council notes the total estimated costs of \$2,500,000 to progress to Preliminary Designs for the shared pathway along Wine Country Drive Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.
3. That Council endorses the sources of funding identified as suitable to progress to Preliminary Designs with the further investigation and finalised scoping to inform the cost of Final Designs.

### **BACKGROUND**

Walking and cycling have documented benefits to health and wellbeing. Safe shared pathways in convenient and enjoyable locations encourage residents and visitors to exercise, experience social connection and use alternate forms of transport. Council has supported such lifestyle improvement through adoption of strategies, plans and programs.

At its Ordinary Meeting of 19 August 2020, Council considered report BN20/2020 and resolved:

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. The design and cost will include suitable trees, identified in the Street Tree Strategy, along the paths, where suitable.*
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.*

**Works and Infrastructure**

**Report No. WI74/2020**

**Works and Infrastructure**



3. *That the Nulkaba Shared Pathway via Wine Country Drive, High Priority works identified in the Pokolbin Cycling Improvement 7.12 Contribution Plan and the 8 formalised Council managed Trails be added to the 20/21 Operational Plan subject to Grant Funding.*
4. *That the General Manager bring back a report to the next meeting of Council with:*
  - a) *Estimated costs of the proposed design works for the projects listed*
  - b) *Funds available in the 7.11 and 7.12 Contributions Plans suitable for the design works*
  - c) *Recommendations for other funding sources if necessary.*

This report provides an update on items 1, 2 and 3, and responses to item 4 of the above resolution.

**REPORT/PROPOSAL**

**Nulkaba Shared Pathway**

**Scope of Work:** The off-road shared pathway along Allandale Road / Wine Country Drive would comprise approximately 680m of 2.5m wide pathway on the western side of Wine Country Drive. Running from Kerlew Street, to the southern side of O'Connors Road, where it would feature an off-shoot pathway, comprised of 205m of 2.5m wide pathway on the southern side of O'Connors Road, passing the Wine Country Tourist Park, it would link to Nulkaba Public School.

The primary shared pathway would continue on the western side of Wine Country Drive from O'Connors Road for approximately 850 metres, then crossing Wine Country Drive using a new pedestrian refuge. It would then proceed on the eastern side of Wine Country Drive for approximately 900m to the southern side of Lomas Lane, connecting to existing pedestrian infrastructure at St Philip's Christian College.

A shared pathway connection from the area of St Philip's Christian College on Lomas Lane to Broke Road, would involve an additional 2,200 metres of 2.5m wide pathway. This extension would necessarily entail the installation of another pedestrian refuge on Wine Country Drive for pathway users to safely return to the western side of Wine Country Drive.

Potential future alternate routes to connect the Nulkaba Shared Pathway to pathways on the Vineyards Precinct may include an off road facility from the Visitor Information Centre travelling south on the perimeter of the Cessnock Airport to connect De Byers road and on onwards to Broke Road via Halls Road or McDonalds via Campbells Lane.

**Status of Design:** The investigation, design and documentation for off-road Nulkaba Shared Pathway is in varying stages of development.

Preliminary investigation and design by in house resources has been prepared for the shared pathway between Kerlew Street and Lomas Lane, Nulkaba. To finalise the design, detailed investigations into property boundaries, public utilities and levels are required. The final design would include suitable street trees as appropriate.

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Design for the additional length of off-road shared pathway along Wine Country Drive from Lomas Lane to Broke Road, Pokolbin would need further scoping, investigation and design, commenced with site investigation and design.

Specific consent from TfNSW for the installation of the proposed pedestrian refuges on Wine Country Drive (State Road MR-220) and general concurrence from TfNSW for the other elements of the project impacting on the MR220 road reserve would be necessary.

**Status of Costs:** At this stage, the estimated cost to finalise designs for the shared pathway, the Pokolbin Cycling Improvements, and eight recreational trails can only be quantified at a broad scale. Further investigation and scoping are required to progress designs to a preliminary stage where the necessary site investigation are carried out and works are more fully scoped.

**Pokolbin Cycling Improvements**

**Scope of Work:** The High Priority Works identified in the Pokolbin Cycling Improvements of the Section 7.12 Levy Contributions Plan include:

- new off-road path on Broke Road from Wine Country Drive to McDonalds Road; and
- new off-road path on McDonalds Road from McDonalds Road cycleway to Broke Road.

Note the Section 7.11 Contributions Plan levies contributions for only part of the length of the Nulkaba Shared Pathway, namely between O'Connor Road to Lovedale Road Cycleway (2.6 km)

**Status of Design:** Detailed design for these two projects needs to be completed.

**Recreational Trails**

**Scope of Work:** The eight Council managed recreational trails across the Cessnock LGA as identified in the adopted Trails Strategy are listed below.

1. Abermain to Weston Link
2. Convent Hill Loop Trail
3. Chinaman's Hollow and Maybury Peace Park Trail
4. Kookaburra Trail
5. Kitchener Dam Loop Trail
6. Wollombi Brook Nature Walk
7. Wine Country Stroll
8. Hunter River Nature Walk

**Status of Design:** The trails requiring design are 1, 3, 6 and 7, however planning works required to get to the design stage are significant and determining the feasibility should be considered as an action for inclusion in future Operational Plans.

Detailed designs are not required for 2, 4, 5, or 8. The scope of works for these trails consists of improved infrastructure such as signage and improving trail surfaces through landscaping. Rubbish removal and decommissioning of unauthorised racks is also included.

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The Abermain to Weston Link, and the Chinaman's Hollow and Maybury Peace Park Trails require feasibility investigations to determine connectivity of the existing trail between Forbes Street and Date Avenue with consideration of the opportunity to meet the needs of a Grade 1 Universal Access Trail. Options to extend this trail east to Kurri Kurri and west to Cessnock also need to be explored. This work can be completed in house and would be followed by detailed designs.

Options for developing a wider network of trails in the Wollombi area are to be investigated before the design of the Wollombi Brook Nature Walk commences and a road safety audit and options for a wider network of recreational trails in Pokolbin must also be explored prior to any detailed designs for the Wine Country Stroll start.

**Status of Funding**

- Due to the recent adoption of the Trails Strategy the Trails have not been included in either the Section 7.11 or Section 7.12 Contributions Plans. Therefore this is no current Section 7.11 or Section 7.12 funds currently available to fund the design or construction of these works. The City Wide Infrastructure Contributions Plan (Section 7.11) is currently being reviewed. This review is to incorporate the adopted Trails.
- In addition, grant funding opportunities will be pursued when they become available

**Estimated Costs of Design:** At this very early stage, the estimated cost to finalise designs for the Nulkaba Shared Pathway, the Pokolbin Cycling Improvements, and eight recreational trails can only be quantified at a broad scale, based on high level desk top information.

The estimated cost to develop designs to Preliminary Design stage are outlined **Table 1** below.

**Table 1 – Estimated Cost of Progress to Preliminary Designs**

Project	Design Cost	Comments
Pathway Nulkaba	\$300,000	Assumed investigation and detailed design fees.
Pokolbin Cycling Improvements		
• Broke Road from Wine Country Drive to McDonalds Road	\$250,000	Estimated costs for investigations and all stages of design.
• McDonalds Road from McDonalds Road cycleway to Broke Road	\$250,000	
Recreation Trails		
• Abermain to Weston Link	\$100,000 - \$500,000	These are estimated cost ranges (based on indicative cost estimates within the Trails Strategy)
• Chinaman's Hollow and Maybury Peace Park Trail	\$<100,000	
• Wollombi Brook Nature Walk	\$<100,000	
• Wine Country Stroll	\$200,000 - \$1,000,000	
<b>Total</b>	<b>\$2,500,000</b>	



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Based on the currently available information, these estimates are based on an opinion of probable cost for the construction, with the order of accuracy to be improved as the scope of works are more fully determined, risks assessed and appropriate contingency formulated.

**Developer Contributions:** The funds available in the Cessnock Section 7.12 Levy Contributions Plan 2017 as a suggested source of funding, are outlined in **Table 2** below. These funds are presently available to fund projects identified in the works program that is appended to the Section 7.12 plan.

Funds from the Section 7.12 plan can be used for project design; however, cannot be used to fund any of the recreational trails projects listed in **Table 1**, as these projects do not appear in the works schedule appended to the 7.12 plan.

**Table 2 – Sources of Funding for Preliminary Design**

Source	Amount
Section 7.12 (as at 8 September 2020)	\$349,668.00

Note: The City Wide Infrastructure Contributions Plan (Section 7.11) is currently being reviewed. This review is to incorporate the adopted Trails. The funds collected under the Section 7.12 Plan cannot be used for Trails.

**Other Funding Sources:** The other suggested sources of funding that may become available for finalising design and or construction of the pathways and cycleways include:

- Walking & Cycling Program
- Public Spaces Legacy Program\*
- Future grant funding opportunities

\*It should be noted that a recent application under this program was made for up to \$3.0M for design and construction for a section of the Nulkaba Shared Pathway.

Other grant funding opportunities will be pursued as and when they become available.

**OPTIONS**

Nil

**CONSULTATION**

**Internal Consultation:** This report has been prepared in consultation with the following Council officers:

- Acting Director Planning & Environment
- Works & Operations Manager
- Principal Engineer – Design & Project Management

**Works and Infrastructure**

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**Works and Infrastructure**



**External Consultation:** Investigation and preparation of designs will require consultation with external stakeholders including:

- Transport for NSW, and
- Private property owners and occupiers.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** The recommendation of this report aligns with the following objective of the Program:

- Objective 1.1: Objective 1.1 Promoting social connections
- Objective 1.2: Strengthening Community Culture – We have adequate recreation facilities
- Objective 3.1: Protecting and enhancing the natural environment and the rural character of the area.
- Objective 3.2: Better utilisation of existing open space
- Objective 4.1 Better transport Links – our communities are linked by walking and bike tracks
- Objective 4.2: Improving the road network

**b. Other Plans**

The subject of this report links to the following Strategies and Plans:

- Cycleway Strategy 2016
- Trails Strategy 2020
- Pedestrian Access & Mobility Plan 2016
- The Recreation and Open Space Strategic Plan 2019
- Cessnock Section 7.12 Levy Contributions Plan 2017
- City Wide Infrastructure Contributions Plan 2020

**IMPLICATIONS**

**a. Policy and Procedural Implications**

**Grants Protocol:** In making applications of external grant funding Council officer are required to follow Council's adopted grants protocol.

**b. Financial Implications**

**Cost to the Community:** To progress projects to the level of preliminary or detailed design, would require Council to resource and fund significant investigation and design works.

**External Grants:** Having designs developed to a level that supports well considered, and costed grant applications may place Council on a position to obtain external grants.

**Works and Infrastructure**

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**c. Legislative Implications**

Planning, design and any future construction of the proposed infrastructure would be undertaken in accordance with relevant legislative requirements.

**d. Risk Implications**

**Safety Risk:** Planning, design and any future construction of the proposed infrastructure would be undertaken in accordance with relevant legislative requirements, Australian Standards, Council Engineering Requirements for Development and industry best practice.

**Financial Risk:** Upfront expenditure undertaken to fast track investigations and design before funds are available to construct may be at risk in the event that future funding does not become available.

**e. Environmental Implications**

**Review of Environmental Factors:** Designs would be guided by a site specific Review of Environmental Factors prepared to ensure that environmental impacts minimised by the design and construction processes.

**f. Other Implications**

Nil

**CONCLUSION**

Through its adopted strategies and programs Council has a demonstrated desire to improve lifestyle, health and wellbeing for residents and visitors by provision of safe shared pathways in convenient and enjoyable locations. Plans and designs for shared pathways are at varying stages of development.

The estimated cost to complete designs for shared pathways is considerable. There are a number of potential sources of funding to complete designs and construct shared pathways.

Having designs developed to a level that supports well considered, and costed grant applications may place Council on a position to obtain external grants.

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN28/2020

General Manager's Unit



***NOTICES OF MOTION No. BN28/2020***

**SUBJECT:** *CLOSURE OF LANEWAY*

**COUNCILLOR:** *Ian Olsen*

***MOTION***

**That the General Manager bring a report back to Council on the process of closing the laneway from Duguid Close to Casson Avenue, Cessnock with a plan to closing this laneway to all pedestrians.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 16 September 2020.

**RATIONALE**

Residents are complaining about the late night use of this laneway with excess noise and break-ins of houses that side the laneway. It is not a highly used lane and would not affect the local area except for making this a safer area.

**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: 4 September 2020

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN29/2020

General Manager's Unit



***NOTICES OF MOTION No. BN29/2020***

**SUBJECT:** *SHADE COVERS OVER BENCH SEATS*

**COUNCILLOR:** *Di Fitzgibbon*

***MOTION***

**That the General Manager bring back a report on the construction of shade covers over the 4 new bench seats, situated on the paved section of the Cooper Street/Charlton Street intersections.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 16 September 2020.

**RATIONALE**

The newly constructed bench seats were part of the CBD Revitalisation Plan, however 2 sit under large gum trees and are always covered in bird dirt plus there is a risk of falling tree litter on those seated under the trees. The other 2 benches offer no protection from the elements which makes them very uninviting.

**SOURCE OF FUNDING:**

**DELIVERY PROGRAM:**

3.2.4 Provide and maintain recreation facilities, streetscapes and public open space.

Sgd: Di Fitzgibbon

Date: 8 September 2020

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO12/2020

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 from The Hon Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government, 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.

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*

Correspondence

Report No. CO12/2020

Corporate and Community Services



***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.***

Correspondence was received on 25 August 2020 from the The Minister for Regional Health, Regional Communications and Local Government, The Hon. Mark Coulton MP advising of Government initiatives to support councils.

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.

Council Meeting 19 August 2020:

- Member for Hunter, the Hon Joel Fitzgibbon MP on 22 July 2020 - the Office of the Minister for Housing and Assistant Treasurer.
- Member for Cessnock, Clayton Barr MP on 2 July 2020 - the Minister for Local Government.

**ENCLOSURES**

- [1](#) The Hon Mark Coulton MP - Minister for Regional Health, Regional Communications and Local Government

**THE HON MARK COULTON MP**

Minister for Regional Health, Regional Communications and Local Government  
Federal Member for Parkes

Ref: MC20-003939

Ms Lotta Jackson  
General Manager  
Cessnock City Council  
PO Box 152  
Cessnock NSW 2325

Dear Ms Jackson

Thank you for your correspondence regarding COVID-19 and the impact it is having on local government. I understand Assistant Minister Morton has also responded to you on this matter, setting out how the Australian Government is investing in keeping Australians in jobs and businesses in business.

Local governments have a critical role in delivering vital services and ensuring quality of life for communities across Australia in good times and bad. They have now also been playing a key role in protecting the community from the spread of COVID-19 and have been doing a remarkable job under the circumstances. The recent experience in Victoria show us the pandemic is far from over and we must all remain vigilant to minimise the spread of the virus.

The priority for the Australian Government has been the health and wellbeing of Australians, their livelihoods, their jobs and ensuring Australia is positioned to emerge from the pandemic strong and resilient. This impact is being felt across all parts of the economy, and I appreciate that local government (and all levels of government) are not sheltered from this. The Coalition Government's plan for recovery will focus on jobs, investment and growth.

On 22 May 2020, I announced with the Deputy Prime Minister that the Australian Government would partner with local government to deliver a new \$500 million local stimulus package: the Local Roads and Community Infrastructure Program. This program will rapidly inject funds into local economies, enable local governments to fast-track 'shovel-ready' projects and most importantly support local employment opportunities. I am pleased that payments under this program have begun and I am looking forward to hearing the new projects that are able to be delivered.

In addition, we announced the Australian Government would prepay \$1.3 billion in 2019-20 from the Financial Assistance Grant programs 2020-21 allocation. This funding is untied in the hands of local governments, to be spent on locally-determined priorities and projects.

The Local Roads and Community Infrastructure Program and the Financial Assistance Grant prepayment, are in addition to a number of support packages announced by states and territories to assist councils with service delivery, workforce retention and local community leadership.

Parliament House Canberra ACT 2600  
Telephone (02) 6277 7495

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I note your support for the Australian Local Government Association's (ALGA) call for Financial Assistance Grant funding to be tied to one per cent of Commonwealth taxation revenue. Financial Assistance Grants have not been tied to Commonwealth taxation revenue since 1986. Since then, the tax system has changed significantly, including introduction of the Goods and Services Tax (GST). GST revenue is collected on behalf of, and is distributed to, state and territory governments, who each need to determine how much of that revenue to direct to their local government sector and their other priorities.

Putting GST aside, one per cent of Commonwealth taxation receipts amounted to an estimated \$3.7 billion for the 2019-20 financial year. In contrast, the Commonwealth provided more than \$3.7 billion in support to local government, including \$2.5 billion in untied Financial Assistance Grants and over \$1.2 billion in other program funding. In particular, the Coalition Government has increased Roads to Recovery funding to record levels, with at least \$500 million a year now available directly to local governments for local road maintenance and upgrades.

The Australian Government has no plans to tie Financial Assistant Grant funding to Commonwealth taxation revenue. In fact, I am concerned that doing so would only serve to increase the volatility of the payments received by local governments.

Your point regarding the need for increased access to TAFE, VET and other apprenticeships is timely. The Australian Government's commitment to a skilled economy for Australia's economic recovery has never been stronger with a further \$2.5 billion dedicated to reforming the VET sector and keeping apprentices in jobs. \$1 billion will be allocated to set up the JobTrainer Fund (with 50 per cent to be funded by the states and territories) to provide more Australians with access to free, or low cost, training places in areas of need. A further \$1.5 billion will be allocated to expand and extend the Supporting Apprentices and Trainees wage subsidy first announced in March 2020.

The Australian Government has also established the National Skills Commission which will be a critical new part of Australia's economic infrastructure to ensure we have a well-trained and adaptable workforce ready for future challenges. The National Skills Commissioner will work with state and territory governments, employers and other stakeholders to maximise the impact, efficiency and relevance of investment in the Australian VET sector and provide a national approach to skills demand forecasting to allow for consistent advice on skills needs.

Training and opportunities for local governments to upskill at a local level remains high on my agenda and I will continue to advocate on this issue.

I have been meeting regularly with state and territory local government ministers, and ALGA, during the pandemic. It has provided a good opportunity for me to hear what is happening across all governments at the state and territory level, while also providing a forum for concerns to be expressed and lessons to be shared between local government ministers. Ministers have shared information on how each jurisdiction is managing issues as diverse as relaxing supermarket curfews to allow re-stocking, legislative changes to allow councils to hold virtual meetings, arrangements for local government elections and the role that local governments can play in recovery. As the federal Local Government Minister, I will continue meeting with and listening to local government associations and individual councils to ensure their voices are heard.

Thank you for writing to the Australian Government on this important matter. I trust this information is of assistance.

Yours sincerely



**Mark Coulton MP**