



12 September 2023

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 20 September 2023 at 6:30pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

PAGE NO.

<b>(1) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	
<b>(2) OPENING PRAYER – Pastor Donohue</b>	
<b>(3) RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE</b>	
Leave of absence has been granted to:	
Councillor Karen Jackson - 18 August 2023 to 14 November 2023 Inclusive	
<b>(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	
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**(16) COUNCILLORS' REPORTS**

‡ - Denotes that Report is for notation only.



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

### **Exercise of functions generally**

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

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

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

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

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

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

*Cessnock – thriving, attractive and welcoming.*

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

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



## ***Council Code of Conduct***

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

Generally, the Code outlines the following issues:

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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 AUGUST 2023, COMMENCING  
AT 6.30PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Acting Director Corporate and Community Services (Chief Financial Officer)  
Director Works and Infrastructure  
Acting Chief Financial Officer (Governance and Council Services Coordinator)  
Strategic Planning Manager  
Economic Development & Tourism Manager  
Communications & Engagement Manager  
Help Desk Support Officer  
Council Services Senior Administration Officer  
Council Services Team Leader

**APOLOGY:** Nil

**MINUTES:** **MOTION** **Moved:** Councillor Sander  
**Seconded:** Councillor Moores  
540  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 19 July 2023, as circulated, be taken as read and confirmed as a correct record.

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

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI7/2023**

**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.**

#### **WI27/2023 Tender T2023-27 – Wollombi Road upgrade – Preliminary Engineering**

Councillor Jurd declared a Non Pecuniary Interest Less than Significant Conflict for the reason that Councillor Jurd works part-time for a salon located on Wollombi Road. Councillor Jurd advised that she will remain in the Chamber and participate in the discussion and voting as the conflict will not influence her way of voting.

#### **PETITIONS**

Nil

## ADDRESS BY INVITED SPEAKERS

Councillor Jurd declared a Non Pecuniary Interest Less than Significant Conflict for the reason that Councillor Jurd works part-time for a salon located on Wollombi Road. Councillor Jurd remained in the Chamber and participated in the discussion and voting.

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

Speakers	Company	For / Against	Report	Page No.	Duration
Naomi Smith	Choice Chiropractic	Against	WI27/2023 - Tender T2023-27 - Wollombi Road Upgrade - Preliminary Engineering	92	3 mins

### EXTENSION OF TIME

**Moved:**  
**Seconded:**

Councillor Hawkins  
Councillor Dunn

541

### RESOLVED

**That an extension of time of one minute be granted to Naomi Smith to complete her presentation.**

#### FOR

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

#### AGAINST

**Total (0)**

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI27/2023**

**SUBJECT: TENDER T2023-27 - WOLLOMBI ROAD UPGRADE - PRELIMINARY ENGINEERING**

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

**That Council accepts the tender (T2023-27) from Kellogg Brown & Root Pty Ltd for the lump sum of \$1,682,704.93 (including GST) for the Preliminary Engineering of the Wollombi Road Upgrade, over Stages 1 and 2.**

**AMENDMENT**      **Moved:** Councillor Olsen      **Seconded:** Councillor Jurd

**That the report be deferred until consultation with all residents and business owners in the area is carried out and a report provided to Council.**

*Councillor Olsen moved a Point of Order in regards to Councillor Hawkins' comments and asked for an apology.*

*The Mayor advised that Councillor Hawkins made a comment "you have to ask the Councillors that voted against funding the Ring Road, why they voted against the Ring Road" he did not hear the word liar used and the Mayor ruled the Point of Order as Out of Order.*

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

**FOR**

Councillor Watton  
Councillor Olsen  
Councillor Jurd

**Total (3)**

**AGAINST**

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

**Total (10)**

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

**AMENDMENT Moved:** Councillor Olsen      **Seconded:** Councillor Jurd

**That the report be deferred until consultation with all residents and business owners in the area is carried out and a report provided to Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Paynter	Councillor Jackson
Councillor Watton	Councillor Dunn
Councillor Olsen	Councillor Burke
Councillor Jurd	Councillor Moores
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
<b>Total (4)</b>	<b>Total (9)</b>

The Amendment was **PUT** and **LOST**.

*Councillor Olsen moved a Point of Order in regard to the Mayor closing debate and then continuing to speak.*

*The Mayor advised that he did not close debate, as if he had done so he would not have allowed Councillor Olsen to ask a question.*

*Councillor Olsen moved a Motion of Dissent on the Mayor's ruling.*

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

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

**MOTION**

542

**Moved:** Councillor Hill

**Seconded:** Councillor Sander

**RESOLVED**

That Council accepts the tender (T2023-27) from Kellogg Brown & Root Pty Ltd for the lump sum of \$1,682,704.93 (including GST) for the Preliminary Engineering of the Wollombi Road Upgrade, over Stages 1 and 2.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Paynter
Councillor Dunn	Councillor Watton
Councillor Burke	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (4)</b>

**CARRIED**

*Councillor Jurd left the meeting, the time being 7:58pm*

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

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
543

**RESOLVED**

*That having read and considered the report in the agenda related to items*

#	CC47/2023	Investment Report - July 2023 .....	17
#	CC49/2023	Disclosures of Interests in Written Returns .....	19
#	CC51/2023	Resolutions Tracking Report.....	21

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

# MAYORAL MINUTES

## BUSINESS NO. MM5/2023

**SUBJECT: BELLBIRD MINE DISASTER 100TH ANNIVERSARY**

---

**MOTION**      *Moved:*    Councillor Suvaal  
544

**RESOLVED**

1.      That Council notes that on 1 September 1923, 21 local miners perished as a result of a fire at Bellbird Colliery.
2.      That Council notes on 1 September 2023 there will be a memorial service commemorating the 100th Anniversary of the Bellbird Mine Disaster held at Bellbird Miners Memorial Park, at the corner of Wollombi Road and Kendall Street, Bellbird commencing at 11am.
3.      That Council notes various commemorative events are planned by Cessnock Council for the Bellbird disaster centenary.
4.      That the General Manager investigate the option of naming new streets in the Bellbird area after the 21 miners that lost their lives.

*Councillor Jurd returned to the meeting, the time being 7:58 pm*

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

**CARRIED UNANIMOUSLY**

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU7/2023**

**SUBJECT: MOTIONS OF URGENCY**

---

**Nil**

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU5/2023**

**SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD 12 JULY 2023**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Burke  
545  
**RESOLVED**

**That Council endorse the recommendations of the Community Engagement, Awards and Grant Committee to offer opportunities for induction into the Freeman of the City of Cessnock in recognition of achievement and contribution to fields of endeavor.**

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

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE27/2023**

**SUBJECT: HUNTER ESTUARY COASTAL MANAGEMENT PROGRAM - STAGE 1 SCOPING STUDY**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
546  
**RESOLVED**

**That Council endorses the Hunter Estuary Coastal Management Program- Stage 1 Scoping Study.**

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

**CARRIED**



**PLANNING AND ENVIRONMENT NO. PE28/2023**

**SUBJECT: ROTARY PARK KURRI KURRI COLOURED LIGHTING SYSTEM**

---

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Hill  
547

**RESOLVED**

**That Council allocates \$50,000 from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) to install an automated coloured lighting system within Rotary Park, Kurri Kurri.**

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

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE29/2023**

**SUBJECT: COMPREHENSIVE DCP REVIEW - DRAFT CHAPTERS:  
ADMINISTRATION AND LEGISLATIVE CONTEXT AND CENTRES -  
FOR EXHIBITION**

---

**MOTION**      **Moved:**    Councillor Burke      **Seconded:**    Councillor Paynter  
548  
**RESOLVED**

1.      **That Council place draft Chapters “Introduction and Legislative Context and Development Base Provisions-Centres” of the Cessnock Development Control Plan 2010 on public exhibition for a period of 28 days.**
2.      **That Council receive a further report following the public exhibition of the draft Chapters of Cessnock Development Control Plan 2010.**

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

**CARRIED**

**CORPORATE AND COMMUNITY**

**CORPORATE AND COMMUNITY NO. CC44/2023**

**SUBJECT: CONSIDERATION OF COUNCILLOR NUMBERS - 2024 COUNCIL ELECTIONS**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
549  
**RESOLVED**

**That Council determines the number of Councillors to be maintained at 13 (one of whom is the Mayor) for the term of office to commence following the next ordinary election.**

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC45/2023**

**SUBJECT: WARD BOUNDARIES - ADJUSTMENT TO ENROLMENTS**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
550

**RESOLVED**

1. That Council acknowledges that a ward elector enrolment variation of greater than 10% currently exists with the variation as at 20 June 2023 being 24%.
2. That Council determines the preferred ward boundary option 3 as circulated by a Councillor Memo 16 August 2023 and seek NSW Electoral Commission endorsement to commence public exhibition of the proposed ward redistribution.
3. That Council on receipt of endorsement from the NSW Electoral Commission, commence public exhibition and report back to Council for final determination.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC46/2023**

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023 -  
REQUEST FOR ATTENDANCE AND MOTIONS**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
551

**RESOLVED**

1. That Council determines the delegates to attend Local Government NSW Annual Conference 2023 as Mayor Suvaal, Councillors Hill, Grine and Dunn.
2. That Council determines that the voting delegates for the Local Government NSW Annual Conference 2023 as Mayor Suvaal, Councillors Hill, Grine and Dunn.
3. That Council determines motions, if any, to be submitted for referral to the Association for consideration at the Local Government NSW Annual Conference 2023.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

*Councillor Watton left the meeting, the time being 8:10pm*

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC47/2023**

**SUBJECT: INVESTMENT REPORT - JULY 2023**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
552

**RESOLVED**

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

- Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council’s month end cash and investments balance was \$73,436,237.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC48/2023**

**SUBJECT: CARRY FORWARDS AND REVOTES**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Paynter  
553  
**RESOLVED**

**That Council approve the following additions to the 2023-24 budget:**

- **Carry forward operating expenditure totaling \$207,356 as outlined in the report.**
- **Carry forward capital expenditure of \$3,522,895 for capital projects commenced prior to 30 June 2023 as outlined in the report.**
- **Revote of capital expenditure of \$1,039,696 for capital programs as outlined in the report.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC49/2023**

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

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
554  
**RESOLVED**

**That Council notes the tabling of the disclosures of interests written returns for the period 1 May – 31 July 2023 in accordance with Council’s Code of Conduct.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**



**CORPORATE AND COMMUNITY NO. CC50/2023**

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING HELD ON 21 JULY 2023**

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**MOTION**            **Moved:**    Councillor Hill                    **Seconded:**    Councillor Grine  
555

**RESOLVED**

1.    That the Minutes of the Aboriginal and Torres Strait Islander Committee meeting held on 21 July 2023 be adopted as a resolution of Ordinary Council.
2.    That Council adopts the revised Aboriginal and Torres Strait Islander Committee Charter.
3.    The Council receives and notes the Aboriginal and Torres Strait Islander Committee Performance Review and that the approved performance review report will be included in the Annual Report.
4.    That Council acknowledges that a national referendum will be held to formally recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution.
5.    That Council support the community to make an informed decision at the referendum by making available at Cessnock Library Branch, Kurri Kurri Library Branch, Cessnock City Council Administration Building and on its social media sites, Australian Government voice.gov.au fact sheets and the Official AEC referendum site including the wording of the referendum question and constitutional amendment, and how will an Aboriginal and Torres Strait Islander Voice to Parliament work.
6.    That Council promote to the community the importance of registering on the Australian Electoral Commission (AEC) to have a say on the Voice to Parliament.

*Councillor Watton returned to the meeting, the time being 8:22pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Dunn
Councillor Burke	Councillor Moores
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (4)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC51/2023**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
556  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC52/2023**

**SUBJECT: TENDER T2023-16 CONCRETE FOOTPATH CONSTRUCTION AND KERBS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
557

**RESOLVED**

1. That Council accept the Tender panel of suppliers below in no order of preference for T2023-16 – Concrete Footpath Construction and Kerbs.
  - All Kerbs & Concrete Pty Ltd
  - Bolla Contracting
  - Bulga Civil Earthmoving and Concreting
  - Civil and Sons
  - Conex Group Pty Ltd
  - Kingsline Pty Ltd
  - NSW Building and Civil Pty Ltd
  - State Civil Pty Ltd
  
2. That Council notes the contract term for T2023-16 Concrete Footpath Construction and Kerbs is 27 September 2023 to 27 September 2025 (2 years) with an option for 1x one-year extension based on satisfactory supplier performance.

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

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI28/2023**

**SUBJECT: KITCHENER POPPETHEAD PARK PLAN OF MANAGEMENT**

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**MOTION**      **Moved:** Councillor Hawkins      **Seconded:** Councillor Burke  
558

#### **RESOLVED**

1. That Council adopt the Kitchener Poppethead Park Plan of Management pursuant to section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Land Management Act 2016*.
2. That a copy of the Kitchener Poppethead Park Plan of Management be forwarded to the Department of Planning and Environment - Crown Lands.
3. That Council notifies those who made submissions of Council's decision.

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

**CARRIED UNANIMOUSLY**

## **COUNCILLOR REPORTS**

**Nil**

*The Meeting Was Declared Closed at 8:26pm*

**CONFIRMED AND SIGNED** at the meeting held on 20 September 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**MINUTES OF EXTRAORDINARY COUNCIL MEETING OF THE CESSNOCK CITY  
COUNCIL HELD IN THE COUNCIL CHAMBER ON WEDNESDAY, 30 AUGUST 2023,  
COMMENCING AT 5.00PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Acting Director Corporate and Community Services (Chief Financial Officer)  
Acting Director Works and Infrastructure (Infrastructure Manager)  
Acting Chief Financial Officer (Governance and Council Support Coordinator)  
Help Desk Support Officer  
Communications and Engagement Manager  
Senior Governance Officer

**LEAVE OF ABSENCE:** That the leave of absence for Councillor Jackson, from 18 August 2023 to 14 November 2023 inclusive, be noted.

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI8/2023**

**Nil**

**MAYORAL MINUTES**

*Nil*

## RESCISSION MOTIONS

### RESCISSION MOTIONS NO. RM3/2023

**SUBJECT: WI27/2023 - TENDER T2023-27 - WOLLOMBI ROAD UPGRADE - PRELIMINARY ENGINEERING**

---

The undersigned lodge the following motion of rescission:

That the recommendation to Report No. WE27/2023 – Tender T2023-27 – Wollombi Road, Upgrade – Preliminary Engineering be rescinded and that:-

“The Report be deferred until such time as we have plans to look at what we are building”.

*Councillor Olsen moved a Motion of Suspension of Standing Orders and -*

*That Council allow the applied public speaker be allowed to speak.*

*The Mayor advised Councillor Olsen that advice had been sought as to whether the Suspension of Standing Orders Motion is lawful and ruled the Motion as unlawful.*

*Councillor Olsen then moved a Motion of Dissent on the Mayor’s ruling.*

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Suvaal
Councillor Paynter	Councillor Dunn
Councillor Watton	Councillor Burke
Councillor Olsen	Councillor Grine
Councillor Jurd	Councillor Sander
	Councillor Hill
	Councillor Hawkins
<b>Total (5)</b>	<b>Total (7)</b>

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

**MOTION**      **Moved:**    Councillor Olsen      **Seconded:**    Councillor Watton

The undersigned lodge the following motion of rescission:

That the recommendation to Report No. WE27/2023 – Tender T2023-27 – Wollombi Road, Upgrade – Preliminary Engineering be rescinded and that:-

“The Report be deferred until such time as we have plans to look at what we are building”.

**FOR**

Councillor Moores  
Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd

**Total (5)**

**AGAINST**

Councillor Suvaal  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins

**Total (7)**

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

*The Meeting Was Declared Closed at 5:52pm*

**CONFIRMED AND SIGNED** at the meeting held on 20 September 2023

.....**CHAIRMAN**

.....**GENERAL MANAGER**



**Disclosures Of Interest**

**Report No. DI8/2023**

**Corporate and Community Services**



**SUBJECT: DISCLOSURES OF INTEREST**

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

Motions of Urgency

Report No. MOU8/2023

Corporate and Community Services

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**SUBJECT:** *MOTIONS OF URGENCY*

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

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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. GMU6/2023

General Manager's Unit



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

**RESPONSIBLE OFFICER:** *People & Culture Manager - Darrylen Allan*

### **SUMMARY**

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

### **RECOMMENDATION**

**That the report be received and noted with the Union Picnic Day to be held on Friday, 27 October 2023.**

### **BACKGROUND**

The Cessnock City Council Picnic Association has written to the General Manager requesting that approval be given for the Annual Cessnock City Council Union Picnic Day to be held on Friday, 27 October 2023.

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

### **REPORT**

The *Local Government (State) Award 2023* (the Award) at clause 22B Union Picnic Day provides

- (i) *Union Picnic Day shall for the purposes of this Award be regarded as a public holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the employer and the union(s).*
- (ii) *The union(s) shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.*
- (iii) *Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.*
- (iv) *Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to the employer to take annual leave, long service leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by the employer, or may be required by the employer to make up time.*

The General Manager has approved Friday, 27 October 2023 as the Union Picnic Day in accordance with the Award and has encouraged the Association to hold an event this year.

General Manager's Unit

Report No. GMU6/2023

General Manager's Unit



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

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

### **STRATEGIC LINKS**

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

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

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

N/A

### **IMPLICATIONS**

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

N/A

#### **b. Financial Implications**

The budget for the salaries costs of the staff leave associated with the Union Picnic Day is factored into the Delivery Program and 2023-24 Operational Plan.

#### **c. Legislative Implications**

*Local Government (State) Award 2023*

#### **d. Risk Implications**

N/A

#### **e. Other Implications**

N/A

### **CONCLUSION**

Council is advised of the date of the 2023 Union Picnic Day.

### **ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU7/2023  
General Manager's Unit



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

**AUTHOR:** *People & Culture 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 notes its offices, including Libraries will close from 12 noon Friday, 22 December 2023 and reopen on Tuesday, 2 January 2024.
2. That Council notes that the Performance Arts Culture Cessnock will close from 12 noon Friday, 22 December 2023 and re-open on Monday, 8 January 2024.

### **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 Friday, 22 December 2023 and that the office and Libraries re-open on Tuesday, 2 January 2024 and the Performance Arts Culture Cessnock close from 12 noon Friday, 22 December 2023 and re-open on Monday, 8 January 2024.

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

Monday, 25 December 2023	Christmas Day (Public Holiday)
Tuesday, 26 December 2023	Boxing Day (Public Holiday)
Wednesday, 27 December 2023	Office Closed
Thursday, 28 December 2023	Office Closed
Friday, 29 December 2023	Office Closed
Saturday, 30 December 2023	Office Closed
Monday, 1 January 2024	New Year's Day

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**

Nil

**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 Friday, 22 December 2023 and re-open on Tuesday, 2 January 2023 and that the Performance Arts Culture Cessnock, close from 12 noon Friday, 22 December 2023 and re-open on Monday, 8 January 2024.

**ENCLOSURES**

There are no enclosures for this report.

Planning and Environment

Report No. PE30/2023

Planning and Environment



**SUBJECT:** *DA 8/2021/22220/1 - DEMOLITION OF EXISTING BUILDINGS, TREE REMOVAL AND CONSTRUCTION OF A CENTRE-BASED CHILD CARE FACILITY*

**RESPONSIBLE OFFICER:** *Acting Development Services Manager - Sue Page*

<b>APPLICATION NUMBER:</b>	8/2021/22220/1
<b>PROPOSAL:</b>	Demolition of existing structures, tree removal and construction of a centre-based child care facility
<b>PROPERTY DESCRIPTION:</b>	Lots 1, 2 and 3, Section 35, DP 758590
<b>PROPERTY ADDRESS:</b>	132 – 136 Rawson Street Kurri Kurri
<b>ZONE:</b>	R3 Medium Density Residential
<b>OWNER:</b>	Central Coast Childcare Developments Pty Ltd
<b>APPLICANT:</b>	Zone Planning (Mr Jarrod Gillies)

## **RECOMMENDATION**

1. That:

- (i) Development Application No. 8/2021/22220/1 proposing the demolition of existing buildings, tree removal and the construction of a centre-based child care facility at Lots 1, 2 and 3, Section 35, DP 758590, 132 – 136 Rawson Street Kurri Kurri, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 2.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision) and consideration of community views are as follows:
  - The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011 (CLEP)*, *State Environmental Plan (Transport and Infrastructure) 2021* and *State Environmental Plan (Resilience and Hazards) 2021*.



- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Cessnock Development Control Plan 2010 (DCP).
  - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the Cessnock Local Environmental Plan 2011 (CLEP).
  - The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
  - The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
  - The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest.
  - Any issues raised in submission/s have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed on the determination. Council has given due consideration to community views when making the decision to determine the application.
- (ii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

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Development Application No. 8/2021/22220/1 is fully compliant and is only being referred to Council for determination because it has been called-up by three (3) Councillors.

## EXECUTIVE SUMMARY

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Council is in receipt of Development Application No. 8/2021/22220/1, seeking approval for the demolition of existing buildings, tree removal and the construction of a centre-based child care facility at 132 – 136 Rawson Street Kurri Kurri.



**Planning and Environment**

**Report No. PE30/2023**

**Planning and Environment**



The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2021*, relevant Environmental Planning Instruments and Council policies, and is fully compliant. The application has only been called to Council as it has been called up by three Councillors. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and four (4) submissions were received from three (3) households representing 18.75% of the surrounding notified households. The issues and concerns raised in these submissions are addressed in the attached assessment report.

The development has been assessed as being consistent with the objectives of the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011* (CLEP 2011), and it is considered that the proposal will result in the provision of additional child care services within the locality.

The proposal will not result in any significant adverse impacts on the surrounding natural or built environment, and suitable conditions of consent have been recommended to protect the amenity of adjoining properties. The site is considered suitable for the proposed development and is not contrary to the public interest.

A detailed assessment of the Development Application has been undertaken and is attached to this report as Enclosure 1.

Based on the assessment, it is recommended that the Development Application be approved, subject to the conditions of consent contained in Enclosure 2.

## ENCLOSURES

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- [1](#) ➡ Assessment Report
- [2](#) ➡ Draft Notice of Determination
- [3](#) ➡ Development Plans
- 4 Public Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy and contains personal information of those that made a submission*

Planning and Environment

Report No. PE31/2023

Planning and Environment



**SUBJECT:** *2023 CESSNOCK STOMP FESTIVAL - IN KIND SUPPORT*  
**RESPONSIBLE OFFICER:** *Economic Development & Tourism Manager - Tony Chadwick*  
*Principal Engineer - Traffic and Transport - Warren Jeffery*

### **SUMMARY**

The purpose of this report is to seek Council's approval to provide in-kind and financial support to the Cessnock Business Chamber to hold the 'STOMP Festival' on Sunday, 29 October 2023.

### **RECOMMENDATION**

- 1. That Council supports the 2023 Stomp Festival by providing in-kind and financial support to the value of \$17,470 for waste management, traffic management, event fees and the suspension of the Alcohol-Free Zone (AFZ); and**
- 2. That Council fund the waste management and traffic management support of \$8,510 from the Tourism Related Activities reserve and use existing recurrent operating budgets to waive Council fees; and**
- 3. That Council suspends the operation of the Alcohol-Free Zone in Vincent, Hall, Cooper and Charlton Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 29 October 2023.**

### **BACKGROUND**

The Cessnock Business Chamber (the Chamber) are planning to hold the 'STOMP Festival' on Sunday, 29 October 2023 and have approached Council seeking various forms of in-kind support for the event.

The Chamber is also seeking Council's suspension of the AFZ in Vincent and Cooper Streets, Cessnock for the duration of the festival.

The 2022 Cessnock 'STOMP Festival' saw 25,000 people attend the event, spending an estimated \$4.1 million in the local community. This expenditure has a positive impact on local businesses, tourism and the community. The Chamber are working hard to ensure this event becomes sustainable in the near future. Council's ongoing support will help the Chamber achieve this.

### **REPORT/PROPOSAL**

The following in-kind support is being requested:

#### **1. Waste Management**

- Clearing of existing street waste bins on the Friday prior to the Festival;

**Planning and Environment**

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- Delivery of 50 general waste bins and 30 recycling bins to an agreed Vincent Street location on the Friday prior to the Festival to be spread around the Festival site by Chamber volunteers;
- Collection of the bins on Monday after they have been returned to the selected location by Chamber volunteers on Sunday; and
- Sweeping of Vincent, Edward and Cooper Streets at approximately 8pm on Sunday, prior to the reopening of the roads.

**2. Traffic Management**

- Provision of Variable Message Signs (VMS) in accordance with the operative Traffic Management Plan to advise residents and visitors of the planned road closures for the Festival, with these being set up at strategic locations 7 days prior to the event, noting that the hire of these boards can be extended for use on the Australian Postie Bike Grand Prix-23, scheduled for the following weekend.

**3. Fee Waiver**

- Waiving of fees for the following:
  - Street vending application fee;
  - Road Events and Activities Temporary Road Closure Application fee;
  - Market Stall fees up to the value of \$5,000; and
  - DA modification fee to expand the festival into Hall Street.

Estimated Costs

The estimated cost to waive all applicable fees and provide all of the above support is detailed in **Table 1** as follows:

**Table 1 – Cost to provide requested support**

<b>Service</b>	<b>Estimated Cost</b>
1. Fee Waiver - Waste Management (Based on 50 general waste bins and 30 recycling bins in accordance with Council's Fees & Charges)	\$2,110
2. VMS Board installation and Hire	\$2,400
3. Fee Waiver - Street Vending Application and Assessment	\$529
4. Fee Waiver - Road Events and Activities Temporary Road Closure Application	\$1,952
5. Fee Waiver – Market Stall Application	\$5,000
6. Fee Waiver – DA Modification Fee	\$979
7. In-kind - Suspension of AFZ	\$500
8. Traffic Management Plan implementation support in lieu of staff resources	\$4,000
<b>TOTAL</b>	<b>\$17,470</b>

In reviewing the requests, Council Officers have determined that items 3 to 7 within Table 1 can be provided within existing recurrent operating budgets and items 1, 2 and 8 can be funded from the Tourism Related Activities reserve.

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The Chamber is a Not-for-Profit organisation and is eligible for support in accordance with Council's *Community Sponsorship and Fee Waiving Policy*.

On the basis of the above, it is recommended that Council provides \$8,960 to waive fees and \$8,510 in financial assistance for waste and traffic management. The total in-kind and financial support is \$17,470.

#### 4. Suspension of Alcohol-Free Zone

A major attraction for attendees at the festival is wine tasting, which will be undertaken in accordance with Responsible Service of Alcohol (RSA) guidelines. In order for this activity to occur it is necessary to suspend the operation of the Alcohol-Free Zone on Vincent Street Cessnock, between Edward Street and Hall Street, along with sections of Cooper, Hall and Charlton Streets under section 645 of the *Local Government Act 1993*.

#### OPTIONS

Nil

#### CONSULTATION

Internal consultation has been undertaken with the following:

- Director Works and Infrastructure
- Environmental and Waste Services Manager
- Development Services Manager
- Compliance Services Manager
- Infrastructure Manager

#### STRATEGIC LINKS

##### a. Delivery Program

**Delivery Program 2022-26:** The proposed in-kind sponsorship for this event supports:

- *Objective 1.2 - Strengthening community culture;*
- *Objective 1.4 - Fostering an articulate and creative community;*
- *Objective 2.1 – Diversifying and growing our economy; and*
- *Objective 2.3 – Increasing tourism opportunities and visitation in the area.*

##### b. Other Plans

**Greater Cessnock Jobs Strategy 2036:** The proposed in-kind sponsorship for this event supports the following objectives:

- *Economic Priority 3 – Retain and grow existing businesses;*
- *Economic Priority 6 – Grow the Visitor Economy;*
- *Economic Priority 10 – Create vibrant centres; and*
- *Economic Priority 11 – Build a strong, positive profile for the Cessnock LGA.*

## IMPLICATIONS

### a. Policy and Procedural Implications

The following council policies are relevant to determining this application:

- *Community Sponsorship and Fee Waiving Policy*; and
- *Cessnock City Council Risk Management Policy*.

### b. Financial Implications

The financial costs of \$8,510 to provide items 1, 2 and 8 from Table 1 will be funded from the Tourism Related Activities reserve. In-kind and fee waiver costs of \$8,960 to provide items 3 to 7 of Table 1 will be absorbed within existing operational budgets.

The Tourism Related Activities reserve currently contains \$108,006.

### c. Legislative Implications

The following legislative/regulatory provisions are relevant to this report:

- *Local Government Act 1993* – section 645 – Suspension or Cancellation of AFZ;
- *Local Government Act 1993* – Section 355 – How a council may exercise functions;
- *Local Government Act 1993* - Section 356 – Can a council financially assist others; and
- *Local Government Act 1993* – Section 610E – Council may waive or reduce fees.

### d. Risk Implications

**Reputational Risk:** There is a risk to Council's reputation if it is not seen to support a free social event that is growing in popularity from year to year.

**Financial Risk:** There is a risk that without in-kind support the event may not be sustainable for the Chamber.

### e. Environmental Implications

The provision of bins at locations to specifically suit the event and street sweeping aims to ensure no negative environmental impacts from the activity.

### f. Other Implications

Nil

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**CONCLUSION**

On the basis of supporting events that promote free visitation across the Cessnock LGA, it is recommended that Council provides in-kind and financial support to the upcoming 'STOMP Festival' as recommended in the report.

**ENCLOSURES**

[1](#) STOMP Festival 2023 - Request for Fee Waivers and In-kind Support

Planning and Environment

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Planning and Environment



**SUBJECT:** *CESSNOCK DEVELOPMENT CONTROL PLAN 2010 - REGROWTH KURRI KURRI (FORMERLY HYDRO) - POST EXHIBITION*

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

### **SUMMARY**

The purpose of this item is to report on the submissions received during the exhibition period and to present the revised Development Control Plan (DCP) chapter – Regrowth Kurri (formerly Hydro) for adoption by Council.

The report seeks Council's adoption of the DCP chapter, as amended in response to submissions.

### **RECOMMENDATION**

1. That Council adopt the amended Chapter – Regrowth Kurri Kurri of the Cessnock Development Control Plan 2010.
2. That Council notify in writing the persons who made a submission of Council's decision.

### **BACKGROUND**

The proposed redevelopment of the Regrowth Kurri Kurri (formerly Hydro) site has been in planning since 2015. It is a complex site in terms of planning considerations and extends over both Maitland and Cessnock Local Government Areas (LGAs).

In finalising the rezoning in December 2022, and in response to the release of the report from the NSW Flood Inquiry (August 2022) the Department of Planning and Environment (DPE) excluded some areas of the site from the made plan. These excluded areas are now being reconsidered after the submission of additional flood information.

Given time constraints, the preparation of a DCP Chapter did not proceed concurrently with the rezoning is required to satisfy requirements of *Cessnock Local Environmental Plan 2011* (CLEP 2011). Under clause 6.3, a development application cannot be determined in an Urban Release Area-URA (which this site is) unless a DCP has been prepared for the land.

At its 19 April 2023 meeting, Council resolved to exhibit the DCP Chapter – Hydro Kurri Kurri. The exhibition was undertaken for 28 days between 1 May and 29 May 2023. Council officers also held two drop-in sessions at which three members of the public attended.

Council received six submissions during the exhibition period.

This report outlines the issues raised during the exhibition period and describes the changes made to the DCP Chapter to address these.

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Council officers have also made changes to format, some of the narrative and some controls to improve readability, application and improve the design outcomes for the E3 Productivity Support Precinct.

**REPORT/PROPOSAL**

The DCP Chapter sets the development controls that guide and address the design, conservation and management of residential, industrial, commercial and infrastructure development within the site and the surrounding land and to help manage and mitigate the impacts of future development on the land and its surroundings.

Controls relate to land use considerations (such as flooding, bushfire, riparian and biodiversity lands, contamination) but also include public domain, active and public transport as well as linkages and connectivity to achieve a robust and resilient neighborhood

**Submissions**

Six submissions were received during the exhibition period (See **Enclosure 1**). Three of these were from State Agencies: Transport for NSW (TfNSW), State Emergency Service (SES), Department of Planning and Environment – Biodiversity Conservation Division (BCD), one from the landowner, another from a planning consultant on behalf of the South Maitland Railway and one from a member of the public.

TfNSW

TfNSW requested an additional development control be included requiring a road link between the employment lands and the residential lands prior to 50% development of the employment area or otherwise agreed to by TfNSW. This has been added to the DCP Chapter.

BCD

BCD's submission was focused on flooding and biodiversity.

As part of the rezoning process, the applicant proposed to bio-certify the site. The bio-certification process addresses biodiversity impacts over the entirety of the site, establishing areas which can be developed, and those which must be set aside for conservation purposes, as well as requiring additional conservation offsets and management actions. Once endorsed by the BCD, this effectively "turns off" the need to consider impacts to biodiversity at the Development Application (DA) assessment stage.

The bio-certification process has not yet been finalised, and given the delays, has meant that DAs have already been lodged with Council. As such, these DAs cannot rely on the bio-certification, and so biodiversity impacts associated with these DAs must be considered through an alternative assessment pathway.

BCD's submission was concerned about how the DCP Chapter would interact with the bio-certification, and that the DCP Chapter pre-empts the rezoning and development footprint.

The rezoning has already established the areas for potential future development, however, in the absence of the bio-certification, each individual DA must fully consider biodiversity impacts.



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A DCP is subordinate to the zoning of the land. Irrespective of the controls of the DCP, the development cannot progress if the zoning does not permit it.

BCD's other substantial concern was about flooding. Flooding on the site has been complicated by the exclusion of part of the site from the rezoning pending further investigation. BCD is concerned that the DCP Chapter will precede the decision over the development footprint. The areas excluded from the rezoning footprint are on the periphery of the residential and employment lands surrounding the floodplain.

A DCP is subordinate to the zoning of the land. Irrespective of the controls of the DCP, the development cannot progress if the zoning does not permit it.

**SES**

SES's main concern is about flood risk and in particular flood free access. Flood free access has been provided to the development and the DCP Chapter has been updated to reflect this.

**Public Submissions**

A submission was received from the landowners requesting several amendments to the DCP Chapter. The DCP Chapter has been amended to incorporate these changes where appropriate.

One submission raised issues relating to operational nature of the South Maitland Railway and the need to recognise this in the DCP Chapter. This has been addressed.

The final submission raised concerns over small lot sizes similar to that occurring in Huntlee. The lots sizes in Huntlee are regulated under an area-based development control plan that allows for small lot development. The lot size in the Regrowth Kurri Kurri URA is regulated under the CLEP 2011 which sets a minimum lot size of 450m<sup>2</sup>.

**Summary of changes**

Changes have been made to the format of the document including reducing the amount of narrative preceding the development controls. This narrative does not constitute development controls.

Some of the controls have been removed as they are no longer required and others rewritten to improve interpretation and application.

Some controls have been amended to respond to the submissions received and consultation during the exhibition period.

The most substantive change to the DCP Chapter has been the replacement of controls for development in the E3 Productivity Support zone with the DPEs Business Zone Design Guide. The Business Zone Design Guide is more rigorous and applicable to the type of development that is likely to occur in that zone than the controls that were originally proposed. This change to the DCP has been undertaken with agreement of the landowners.

## **CONSULTATION**

The DCP Chapter was prepared in consultation with the proponent and Council's internal teams.

Public exhibition including referral to relevant State Agencies occurred for 28 days and in accordance with the Council's Community Participation Plan.

During the exhibition, two public community drop-in sessions were held at:

- Kurri Kurri Library on 12 May 2023; and
- Kurri Kurri Golf Club on 18 May 2023.

Three members of the public attended these sessions.

Six submissions were received during the consultation period. A comprehensive response to these is at **Enclosure 1**.

## **STRATEGIC LINKS**

### **a. Delivery Program**

Some of the desired outcome and objectives relevant to the DCP Chapter are:

- A connected, safe and creative community
  - Promoting social connections and wellbeing
  - Strengthen community culture
- A sustainable and prosperous economy
  - Diversifying and growing our economy
  - Achieving more sustainable employment opportunities
- A sustainable and healthy environment
  - Protecting and enhancing the natural environment and rural character of the area
- Accessible infrastructure, services and facilities
  - Better transport links
  - Improving the road network

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**b. Other Plans**

The regional and local strategic documents relevant to the DCP Chapter are:

- Hunter Regional Plan 2041
- Community Strategic Plan
- Local Strategic Planning Statement
- Urban Growth Management Plan
- Cessnock Housing Strategy

The DCP Chapter is generally consistent with these strategic plans.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL.

**b. Financial Implications**

Resources to prepare, exhibit and make the DCP Chapter are provided for in the Council's Fees and Charges.

**c. Legislative Implications**

Pursuant to clause 14 of the *Environmental Planning and Assessment Regulation 2021*, Council after considering any submissions about the draft DCP, may;

- (a) approve the plan in the form in which it was publicly exhibited, or
- (b) approve the plan with any alterations the council considers appropriate, or
- (c) decide not to proceed with the plan.

It is recommended that Council approve the DCP Chapter in accordance with Clause 14 (b).

**d. Risk Implications**

The DCP Chapter applies to some land that is not yet zoned due to the need for further analysis of flooding matters. These areas are currently being reconsidered. Although this has been raised as an issue by both BCD and the SES, the DCP Chapter is subordinate to CLEP 2011 (land-use zone) and therefore development cannot occur unless it is consistent with the CLEP 2011. Further the "deferred" land is generally at the periphery of the URA and represents a relatively small proportion of the overall site.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

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### **CONCLUSION**

The DCP Chapter– Regrowth Kurri Kurri has been prepared to provide development controls for the future subdivision and development of the former Hydro lands. The DCP Chapter has been the subject of public exhibition and consultation with the relevant sections of Council and State Agencies.

Changes to the format and language has occurred throughout the DCP Chapter to improve interpretation and applicability. The originally proposed controls for the E3 Productivity Support Zone have been replaced with a requirement to address the DPE's Business Zone Design Guide which is considered a more rigorous and applicable that those originally proposed.

Issues raised in public and agency submissions have been addressed which has resulted in minor updates to the DCP

It is recommended that Council adopt the DCP Chapter in accordance with clause 14(b) of the Environmental Planning and Assessment regulation 2021.

### **ENCLOSURES**

- 1 ➡ Submission Summary
- 2 ➡ Cessnock Development Control Plan Chapter - Regrowth Kurri Kurri

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**SUBJECT:** ***DRAFT HUNTER POWER PROJECT (KURRI KURRI POWER STATION) PLANNING AGREEMENT***

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

### **SUMMARY**

The purpose of this report is to seek Council's endorsement to place the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement (Enclosure 1) on public exhibition for a minimum period of 28 days. The Draft Planning Agreement requires the Developer to provide a monetary contribution of \$880,000 to Council to be used to assist with the embellishment of Lot 1 Sec 39 DP 758590, known as Booth Park Kurri Kurri, for the purpose of a netball facility.

### **RECOMMENDATION**

- 1. That Council publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.**
- 2. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.**

### **BACKGROUND**

On 12 December 2020, the Kurri Kurri Gas-Fired Power Station was declared a critical State Significant Infrastructure project by order under *State Environmental Planning Policy (State and Regional Development) 2011*. The Infrastructure Approval for the Kurri Kurri Gas-Fired Power Station was subsequently granted by the then Minister for Planning and Public Spaces on 17 December 2021. The Developer of the Kurri Kurri Gas-Fired Power Station is Snowy Hydro Limited.

The Infrastructure Approval requires Council and the Developer to enter into a Planning Agreement within 6 months of the date of commencement of the development, or such later date as agreed by the Secretary. The Planning Agreement is to be in accordance with the *Environmental Planning and Assessment Act 1979* ('the EP&A Act') and the terms of the Developer's offer set out in Appendix 3 to the Infrastructure Approval. Appendix 3 to the Infrastructure Approval sets out the payment of a monetary contribution to Council of \$880,000 for projects agreed between Council and the Developer that have a community benefit and demonstrated link to the development.

The date for entering into a Planning Agreement was originally scheduled to lapse on 17 June 2022, but was extended to 31 December 2022 and then 31 August 2023 at the request of the developer. A Draft Planning Agreement was reported to Council for consideration on 19 July 2023. The Draft Planning Agreement specified the monetary contribution would be used to fund the acquisition and/or embellishment of a part of the former South Maitland Railway (SMR) spur line at Loxford. However, when reported to Council, the matter was deferred to

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enable Council and the developer to consider an alternative project, i.e. to use the monetary contribution to help fund a new netball facility at Booth Park in Kurri Kurri.

**REPORT/PROPOSAL**

Following Council's deferment of the matter at its meeting on 19 July 2023, further negotiation occurred between Council staff and the developer regarding the alternative Booth Park Netball Facility project.

On 17 August 2023, the developer advised that its preference was to either:

- progress the Draft Planning Agreement that has already been prepared and which specifies the contributions will be used to fund the acquisition and/or embellishment of land at Cliftleigh for the purpose of a cycleway; or
- amend the Draft Planning Agreement to reflect the alternative Booth Park project.

On 29 August 2023, a further extension of time to enter into a Planning Agreement was agreed to by the Department of Planning and Environment. The Planning Agreement is now required to be entered into by 29 February 2024. In the event a Planning Agreement is not entered into within the timeframe specified in the Infrastructure Approval, and no further extension of time is granted, the developer is required to make a monetary contribution to Council of \$880,000 in accordance with Section 7.12 of the EP&A Act.

On 31 August 2023, the developer advised that the amended Draft VPA, which nominates the alternative Booth Park Netball Facility, is, from its point of view, satisfactory for public exhibition. The amended Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement is provided at Enclosure 1.

It is recommended that Council publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum period of 28 days in accordance with the EP&A Act. In addition, it is recommended that Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

**OPTIONS**

1. Council resolve to support the recommendations of this report, prepare and publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum of 28 days. This is the recommended option.
2. Request changes to the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement and seek further discussion with the Developer. This option is not recommended.
3. Not adopt the recommendation and take no further action. This will result in the Developer making a monetary contribution to Council of \$880,000 in accordance with Section 7.12 of the EP&A Act.

## **CONSULTATION**

The original Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement was considered at the Development Contributions Steering Group meeting held on 21 June 2023. No objections to the Draft Planning Agreement were raised by the Steering Group.

Further consultation occurred with the developer following the deferral of the matter at the meeting of Council on 19 July 2023. The additional consultation has resulted in the original Draft Planning Agreement being amended to reflect the alternative Booth Park Netball Facility project.

It is recommended that Council place the Draft Planning Agreement on public exhibition.

## **STRATEGIC LINKS**

### **a. Delivery Program**

The Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement will contribute positively to the desired outcomes of the Community Strategic Plan and Delivery Programs aligning with the following objectives of the Cessnock 2036 Community Strategic Plan:

- 1.1 – Promoting social connections and wellbeing;
- 1.2 – Strengthening community culture;
- 2.3 – Increasing tourism opportunities and visitation in the area; and
- 3.2 – Better utilisation of existing open space.

### **b. Other Plans**

Nil

## **IMPLICATIONS**

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

The aims of the Planning Agreement are ensuring the timely provision of services and infrastructure, planning for suitable access and adequate provision for community/recreational services and facilities. The draft Planning Agreement will become effective upon execution by the General Manager.

### **b. Financial Implications**

The Draft Planning Agreement requires the Developer to provide a monetary contribution to Council of \$880,000, to be used to help embellish Booth Park in Kurri Kurri for the purpose of a netball facility.

The Draft Planning Agreement makes provision for Council to be reimbursed for costs incurred in preparing, negotiating and executing the Draft Planning Agreement, up to a cap of \$5,000.

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**c. Legislative Implications**

This Report and the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement have been prepared with regard to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Entering into the Draft Planning Agreement will have no environmental impact.

**f. Other Implications**

Nil

**CONCLUSION**

The Infrastructure Approval for the Hunter Power Project (Kurri Kurri Gas-Fired Power Station) requires Council and the Developer to enter into a Planning Agreement in accordance with the EP&A Act and the terms of the Developer's offer. The Developer's offer comprises a monetary contribution to Council of \$880,000.

As a result of negotiation, the Developer has agreed that the monetary contribution can be used to help fund the embellishment of Booth Park in Kurri Kurri for the purpose of a netball facility.

It is recommended that Council publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum period of 28 days in accordance with the EP&A Act. In addition, it is recommended that Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

**ENCLOSURES**

[1](#) Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement



**SUBJECT:** *ELECTION OF DEPUTY MAYOR - 2023/2024*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

The purpose of this report is to determine whether to elect a Deputy Mayor for a term of twelve months, and if so, the method of election to be used.

### **RECOMMENDATION**

**That the election of Deputy Mayor be held and determined by open ballot with the term of office to be from 21 September 2023 until the day prior to the next local government election.**

### **BACKGROUND**

At its Ordinary meeting of 21 September 2022, Council elected Councillor Moores as Deputy Mayor with the period of office being from 22 September 2022 to the September 2023 Council meeting.

### **REPORT/PROPOSAL**

The *Local Government Act 1993* (NSW) (the Act) provides that Councillors may 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.

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.

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Corporate and Community Services



Clause 394 of the *Local Government (General) Regulation 2021* (NSW) (the Regulation) requires that Council follow prescribed procedures (outlined in Schedule 7 of the Regulation) when electing a Mayor or Deputy Mayor:

- 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** to this Council report 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).

**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 an alternate designated term.
  - AND/OR
  - 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*".

**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 in accordance with sections 249 and 252 of the Act, with the applicable fee for 2023-24 set at \$1,200.

### **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 the person may be elected for the Mayoral term or a shorter term.

Clause 394 of the Regulation requires that Council follow prescribed procedures outlined in Schedule 7 of the Regulation when electing a Mayor or Deputy Mayor.

### **d. Risk Implications**

N/A

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

## **CONCLUSION**

Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

## **ENCLOSURES**

- [1](#) Deputy Mayor Nomination Form 2023

Corporate and Community

Report No. CC54/2023

Corporate and Community Services



**SUBJECT:** *DISPLAY OF COMMUNITY NOTICES, COMMUNITY DISPLAYS & EXHIBITIONS AND HOSTING OF PETITIONS IN COUNCIL LIBRARIES POLICY - RECOMMENDATION FOR REVOCATION*

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

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### **SUMMARY**

The purpose of this report is to revoke the Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (Policy Number 26.1).

### **RECOMMENDATION**

- 1. That Council revoke the Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (Policy 26.1).**
- 2. That petitions cannot be left at any Cessnock City Library branch nor taken around inside the libraries seeking signatures unless approved by resolution of Council.**

### **BACKGROUND**

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 and again on 16 September 2020.

### **REPORT/PROPOSAL**

The Policy conveys the types of media that can be displayed within the library. A periodic review of the Policy has been undertaken and while the content of the Policy still remains valid, when it is considered in conjunction with Council's Governance Framework it is more suited to a Procedure than a Policy.

In revoking the Policy, it is important that the item for Petitions be maintained and it currently reads 'Petitions cannot be left at Libraries nor taken around inside the Libraries seeking signatures unless approved by resolution of the Council'. This report recommends that petitions still require an approval by resolution of the Council. The reason for maintaining this is that a petition left in the Library could be seen by the community as Council advocating for a particular cause and/or Council giving its authorisation or position on a matter.

### **OPTIONS**

Council could decide not to revoke the Policy and resolve that a further report be tabled to Council seeking to adopt the Policy.



**CONSULTATION**

Community and Cultural Development Manager  
Senior Legal and Governance Officer

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Community Strategic Plan, specifically the key theme of Civic Leadership and Effective Governance:

5.3 Ensuring Council is accountable and 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**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

It is recommended that Council revoke the Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (Policy Number 26.1) and it be replaced with a Procedure for Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries.

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Corporate and Community Services

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**ENCLOSURES**

- [1](#) Policy for Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries

**SUBJECT:** *REVISED PUBLIC ART POLICY*  
**RESPONSIBLE OFFICER:** *Community & Cultural Development Manager - Natalie Drage*

### **SUMMARY**

The Public Art Policy (the Policy) has undergone a periodic review and minor changes are proposed to improve the Policy's intent and to ensure the content is current.

### **RECOMMENDATION**

1. That Council places the revised Public Art Policy on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Public Art Policy the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the Public Art Policy 2020 from the date the revised Public Art Policy is adopted.

### **BACKGROUND**

The Policy was first adopted by Council on 15 November 2017 and a periodic review with minor amendments was tabled to Council on 24 November 2020. The Policy provides a transparent and planned approach to developing, commissioning, managing and maintaining public art on Council owned or managed land.

### **REPORT/PROPOSAL**

There are no known concerns with the current Policy, however some minor changes are proposed to improve the Policy's intent and to ensure content is current. The below table identifies the proposed Policy amendments.

Table 1: Proposed Policy Amendments

<b>Revised Policy Clause</b>	<b>Proposed Public Art Policy Amendment</b>
1.7	New clause added in Policy Objectives:  To act fairly, ethically and without bias in the interests of the local community when applying this policy.
2.1	Previous clause: This policy applies to Public Art which is located on Council owned or managed land or buildings including but not limited to works commissioned, developed, purchased or maintained by Council  Proposed new clause:



Revised Policy Clause	Proposed Public Art Policy Amendment
	This policy applies to Public Art which is located on Council owned or managed land.
2.2.4	<p>New clause added in Policy Scope to identify the Policy excludes:</p> <p>Art works exhibited within Council owned or managed premises, meaning works exhibited inside a building.</p>
2.3	<p>Minor amendment to clause related to Policy Scope:</p> <p>Previous clause: This policy applies to Council staff and Councillors.</p> <p>Proposed new clause: This policy provides guidance to Council staff for the assessment of Public Art proposals.</p>
3.2	<p>Minor amendment made to clarify clause for planning approval requirements:</p> <p>Previous clause: Public Art within or on Council owned or controlled land requires approval. However, most site-specified curated Public Art Proposals, streetscapes, Temporary, Ephemeral and lighting scheme Proposals will be considered either “Exempt Development” or “Complying Development” under the Cessnock Local Environmental Plan.</p> <p>Proposed new clause: Public Art within or on Council owned or controlled land requires approval unless it is considered exempt development in accordance with the requirements prescribed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>
3.4	<p>Minor grammatical amendment with the inclusion of words ‘an’ and ‘a’:</p> <p>Council recognises that Public Art is most effective when it is a collaboration. Collaboration in this sense could be between an artist and a designer, landscape architects, architects, planners and developers, or artist and the community and other key stakeholders as appropriate (i.e. local historical societies, chambers of commerce, community based organisations, youth, multicultural and Aboriginal representatives).</p>
3.6	<p>New clause added:</p> <p>Council values are embedded in the development, review and implementation of this policy and its supporting documents to achieve consistent decision-making and appropriate resolution of ethical dilemmas even when there are no rules to follow. This in turn aids in the prevention and/or control of fraud and corruption.</p>





<b>Revised Policy Clause</b>	<b>Proposed Public Art Policy Amendment</b>
4	<p>New clause added to help clarify what is Public Art Collection:</p> <p>4.1 Public Art may take the form of:</p> <p>4.1.1 Placemaking to encourage interaction with a place and promote wellbeing and/or community connectedness through collective or individual artistic expression.</p> <p>4.1.2. A signature or landmark that is part of the discovery of a place and which helps people find their way within it.</p> <p>4.1.3. A design element that is integrated into architecture and site-based structures.</p> <p>4.1.4 An artistic interpretation of the heritage of a place, site, person or event.</p>
6.1	<p>Minor amendment to clause for correct position titles of Public Art Working Group members.</p>
6.2	<p>Now expressed as a separate clause:</p> <p>The Public Art Working Group that assesses and advises on Public Art Proposals will consult with Council’s Contributions Steering Group when utilising development contributions.</p>
7.2	<p>Minor amendment to reflect name change of Council grant and was previously Dollar for Dollar and is now Community, Sporting and Environment Grant.</p>
9.1	<p>Inclusion within existing clause of cost responsibilities associated with decommissioning public art.</p> <p>The existing clause reads:</p> <p>Where the work has been severely damaged or has lost the original intent or relevance, or Council is redeveloping the area, Council has the right to decommission the work and make reasonable effort to contact the artist.</p> <p>Added to the above clause is:</p> <p>Decommissioning of Public Art in these circumstances will be at Council’s cost. Council staff can facilitate such decommissioning costs based on individual financial authorisations. Where the artist decides to decommission their art work, it will be at the cost of the artist.</p>
9.2	<p>Minor word change from ‘should’ to ‘shall’ and reads:</p> <p>If Council cannot identify or locate the artist, or the artist’s representative, then Council shall dispose of the Public Art in accordance with the Council Disposal of Assets (excluding Infrastructure or Property Assets) Policy.</p>



Revised Policy Clause	Proposed Public Art Policy Amendment
10.1.1	<p>Minor amendment to Roles and Responsibility of Principal Community Planner with inclusion of wording 'Is responsible for' and reads:</p> <p>Is responsible for ongoing monitoring and review of the policy and maintains the register of Public Art.</p>
10.3	<p>Amendment of position title from Community and Cultural Engagement Manager to Community and Cultural Development Manager</p>
10.4.1	<p>Amendment to advise objections need to be in writing:</p> <p>Previous clause: Where there is significant public objection for a Proposal the determination will be at the discretion of Council.</p> <p>Proposed new clause: Where Council receives significant written public objection for a Proposal the determination of the Proposal will be at the discretion of Council.</p>
10.7.1	<p>New clause added for Privacy and Personal Information Handling:</p> <p>10.7.1 Personal information collected concerning Public Art is being collected for the purpose of implementing this policy. This information will be used for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.</p>
11	<p>Minor amendment in Definitions to further define Public Art for monument and memorials and reads:</p> <p>means works by an artist and located in a public space. It may be a commissioned work by professional artist/s or a community inspired collaboration between an artist/s, multi-disciplinary teams and members of a community. Public Art includes; sculpture, mosaics, murals, paintings, new media, land or earth art, kinetic works, functional art such as street furniture. Public Art may also take the form of monument and memorials where created by an artist.</p>
11	<p>Minor amendment in Definitions to further define building exteriors as Public Space and the exclusion of artworks within buildings and relates to Policy Scope.</p>
11	<p>Minor amendment in Definitions for the heading Temporary with the inclusion of the words 'Public Art' and now reads Temporary Public Art.</p>
12	<p>Minor amendments in Policy Administration section to ensure content is current.</p>

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Revised Policy Clause	Proposed Public Art Policy Amendment
13	Minor amendments in Policy Authorisations section to remove duplication of Principal Community Planner role and is already included in Clause 10.1.

**OPTIONS**

NIL

**CONSULTATION**

In the review of the Policy, consultation was undertaken with:

Senior Legal and Governance Officer  
Business unit managers

**STRATEGIC LINKS**

**a. Delivery Program**

The report aligns to the Delivery Plan outcome 'A connected, safe and creative community' and Objective 1.2 'Strengthening community culture'.

**b. Other Plans**

NIL

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The Procedure for Public Art (on Council Land and Facilities) Assessment and Approval was developed to outline the steps involved in assessing public art applications, and is informed by the Policy.

**b. Financial Implications**

The Policy identifies sources of funding that can be pursued for public art.

**c. Legislative Implications**

The Section for Policy Administration lists the following legislation:

- *Local Government Act 1993 (NSW)*
- *Environment Planning and Assessment Act 1979 (NSW)*
- *Roads Act 1993 (NSW)*

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**d. Risk Implications**

The Policy continues to ensure risk is considered in the assessment, planning and commissioning of public art. The Policy has provision for a community consultation process to assist in identifying potential reputational risks associated with proposals.

**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

***CONCLUSION***

Since the adoption of the Policy, it has been used to inform the assessment and determination of public art located on Council owned or managed land.

***ENCLOSURES***

[1](#) Public Art Policy

**SUBJECT:** *CLASSIFICATION OF BLACK CREEK CHANNEL LAND ACQUISITIONS*

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

### **SUMMARY**

The purpose of this report is to classify land recently purchased to facilitate public domain improvement works for the Cessnock Commercial Precinct Public Domain Plan.

### **RECOMMENDATION**

**That Council classify the following land as operational land:**

- 0 Wollombi Road Cessnock - Lot E DP 384895;
- 47- 49 Vincent Street Cessnock - Lot F DP 354733;
- 47- 49 Vincent Street Cessnock - Lot G DP 347929;
- 47- 49 Vincent Street Cessnock - Lot H DP 384894.

### **BACKGROUND**

On 14 December 2022, Council resolved to acquire four parcels of privately-owned land (refer **Enclosure 1**) for public works associated with the Cessnock Commercial Precinct Master Plan and Public Domain Plan. Sections 31(2) and 31(2A) of the *Local Government Act 1993* (NSW) (Act) require acquired land to be classified as community or operational land by resolution of Council. The Act requires land newly acquired by councils to be classified within three months. If no resolution is passed within three months of acquisition, the land defaults to a community land classification.

### **REPORT/PROPOSAL**

Adopted in 2017, the Cessnock Commercial Precinct Public Domain Plan nominated the subject land as required for capital works to enhance the public domain and improve carparking facilities. Consequently, the *Cessnock Local Environmental Plan 2011* was amended to reserve the land for future acquisition. On 14 December 2022 Council considered Report CC96/2022, resolving to acquire the four land parcels at the independently assessed current market value. The purchase was finalised on 15 June 2023.

Future use of the land has been determined as primarily for council operational purposes. In accordance with s34 of the Act, a resolution of Council is required to formally classify the land for operational use. Council gave the mandatory 28-day public notice of a proposed resolution to classify public land on 9 August 2023. While no objections were raised, five submissions offering suggestions as to future use of the land were received. A full community consultation report is attached at **Enclosure 2**.

### **OPTIONS**

N/A



## **CONSULTATION**

Commencing 9 August 2023, Council gave twenty-eight days mandatory public notice of the proposed resolution to classify public land in accordance with the Act.

Officers consulted include:

- Chief Financial Officer
- Senior Property Officer
- Community Engagement Officer

## **STRATEGIC LINKS**

### **a. Delivery Program**

A Sustainable and Healthy Environment:

- Objective 2.1 - Diversifying local business options
- Objective 2.2 - Achieving more sustainable employment opportunities

A Sustainable and Prosperous Economy

- Objective 4.1 - Better transport links
- Objective 4.2 - Improving the road network

### **b. Other Plans**

Cessnock Local Environmental Plan 2011

Cessnock Commercial Precinct Master Plan 2017

Cessnock Public Domain Plan and Implementation Plan 2017

## **IMPLICATIONS**

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

Nil.

### **b. Financial Implications**

Nil.

### **c. Legislative Implications**

The Act requires councils to pass a resolution classifying newly acquired land. If no resolution is passed within three months of acquisition, the land defaults to a community land classification.

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**d. Risk Implications**

Failing to classify land results in default to a community land classification. Per Division 2 of the Act, all community land is categorised for specific types of community use and a Plan of Management for the prescribed use must be developed and adopted by Council.

Land held for operational purposes such as public parking, drainage or maintenance access does not meet any of the core objectives for use and management of community land and must be classified as operational land.

**e. Environmental Implications**

Nil.

**f. Other Implications**

Nil

**CONCLUSION**

The Cessnock Commercial Precinct Public Domain Plan seeks to improve the public domain in the Cessnock Commercial Precinct. Many of the initiatives are high-cost, high impact projects. The land acquisitions provide an opportunity to leverage funding available through the Hunter Water Stormwater Naturalisation Project and improve a significant part of the public domain plan in this location. The subject land will be primarily used by Council for operational purposes and must be classified accordingly.

**ENCLOSURES**

- [1](#) Enclosure 1\_Map\_Classification of Black Creek Channel land
- [2](#) Enclosure 2\_Land Classification \_ Community Engagement Report

**SUBJECT:** *BI-ANNUAL COMPLAINT HANDLING REPORT - JANUARY TO JUNE 2023*

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

### **SUMMARY**

The purpose of this report is to present to Council the Bi-annual Complaint Handling Report for the six-month period from 1 January 2023 to 30 June 2023, in accordance with the Complaint Handling Policy (the Policy).

### **RECOMMENDATION**

**That Council notes the Bi-annual Complaint Handling Report for the period 1 January 2023 to 30 June 2023.**

### **BACKGROUND**

The Policy was adopted on 11 December 2019 and the Complaints Handling Procedure was noted at the same time.

Clause 9.1 of the Procedure provides 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 provide Council with valuable information and learnings enabling operational process and service improvements. The impact a complaint has upon Council is largely determined by how Council handles the complaint, as a poorly handled complaint can have a negative effect on Council's reputation.

For the reporting period 1 January 2023 to 30 June 2023, the Complaint Handling Register showed 20 complaints were received, with 6 of them being substantiated. A dashboard overview of the complaints received is provided at **Enclosure 1**.

The Policy outlines 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 19 Tier 1 complaints received during the period.



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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 was one Tier 1 complaint received during the period.
- 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 was no Tier 3 complaints received during the period.

Category of Complaint	Number	Substantiated
Dissatisfaction with service received	11	4
Alleged non-adherence to Council's standards of behaviour	4	1
Alleged non-adherence to Council Policy/Process	0	0
Alleged Council failed in its duty/responsibilities	2	1
Alleged breach of WH&S obligations	0	0
Dissatisfaction with a Council Decision	3	0
<b>Total</b>	<b>20</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
- the importance of working effectively across business units to meet response timeframes.

The number of complaints received in this 6 month period has increased compared to the same period last year (January 2022 - June 2022 where 16 complaints were received with 4 being substantiated).

Of the 20 complaints received in this reporting period:

- One complaint was completed outside the Policy timeframes.
- Six complaints were substantiated and have all resulted in Council addressing the individual issues concerned. Four of these were due to the customer not being satisfied with the service they received, one complaint alleged non-adherence to Council's standards of behavior and another alleged Council failed in its duty / responsibilities.

In considering the number of complaints received and in particular those found to be substantiated, it is important to consider the total number of interactions that Council received over the course of the reporting period. These interactions are at all levels, and is not confined to contact with the customer relations team.



<b>Interaction Type</b>	<b>Number</b>
Registered Compliments	24
Customer Service Centre – Counter Enquiries	4,857
Customer Service Centre – Incoming Phone calls	31,130
Customer Service Centre – CRM	13,597
Customer Service Centre – Web Chat	662
<b>Sub Total Customer Service Centre</b>	<b>50,270</b>
CYCOS – E-Engagement	4,121
CYCOS – Face to Face	2,419
<b>Sub Total CYCOS</b>	<b>6,540</b>
Performing Arts Centre – Box office tickets sold	10,649
Performing Arts Centre – E-mail enquiries	247
<b>Sub Total CPAC</b>	<b>10,896</b>
Cessnock Pool – Visitation	25,974
Branxton Pool – Visitation	13,716
Kurri Kurri Pool – Visitation	51,092
<b>Sub Total Pool Visitation</b>	<b>90,782</b>
Visitor Information Centre – Visitation	<b>33,566</b>
Waste Management Centre - Visitation	<b>24,203</b>
Cessnock & Kurri Kurri Library – Enquiries	<b>20,786</b>
Cessnock & Kurri Kurri Library Visitation	<b>54,552</b>
<b>Bi-Annual Interactions*</b>	<b>291,595</b>

\* This information is a selective representation of interactions from readily available data, it does not include all Council operations or facilities.

Additionally, during this six-month reporting period, Council published:

- 87 Paper Advertisements (Maitland Mercury, Port Stephens Examiner, Newcastle Herald, Advertiser, Sydney Morning Herald, Singleton Argus and Hunter Valley News).

**OPTIONS**

N/A



## **CONSULTATION**

Executive Leadership Team  
Governance Team

## **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 in Council's Delivery Program 2022-2026 - *Ensuring Council is more responsive and accountable 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**

N/A

### **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 2023 calendar year for noting by the elected Council.

## **ENCLOSURES**

- [1](#) Bi-Annual Complaints Handling Dashboard

**SUBJECT:** *MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 9 AUGUST 2023*

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

**RECOMMENDATION**

1. That the Minutes of the Strategic Property & Community Facilities Committee meeting held on 9 August 2023 be adopted as a resolution of the Ordinary Council.
2. That the General Manager undertake a feasibility design process to develop the Dover Street, Cessnock and Cessnock Street, Aberdare properties to be funded out of the Property Investment Fund.

**MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 9 AUGUST 2023, COMMENCING AT 2.30PM**

**PRESENT:** His Worship the Mayor, Councillor J Suvaal (in the Chair), Councillors Dunn, Paynter and Sander and General Manager

**IN ATTENDANCE:** Councillors Grine, Hill, Moores, Jackson and Burke  
Director Works & Infrastructure  
Acting Director Corporate & Community Services (Chief Financial Officer)  
Infrastructure Manager  
Open Space & Community Facilities Manager  
Strategic Planning Manager  
Principal Property Specialist  
Planning Assistant  
Senior Governance Officer (Minute Taker)

**INVITEES:** Housing Plus – Justin Cantelo and Ryan Stewart

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

**RECOMMENDED** that the apology tendered on behalf of Councillor Olsen be accepted.

**CARRIED UNANIMOUSLY**

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**MINUTES:**

**MOTION**

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

**RECOMMENDED** that the Minutes of the Strategic Property & Community Facilities Committee held on 31 May 2023, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

### **DISCLOSURES OF INTEREST**

Nil

## OFFICER'S REPORTS

### OFFICER'S REPORTS NO. SPOR5/2023

**SUBJECT:** DRAFT PROPERTY MANAGEMENT POLICIES

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

#### RECOMMENDATION

1. That the Committee recommends Council adopts the draft Property Management Policy 2023 and the draft Property Investment & Development Policy 2023.
2. That the Committee recommends Council revokes the Property Management Policy 2018 and the Property Investment & Development Policy 2018.

**CARRIED UNANIMOUSLY**

*Councillor Burke entered the meeting, the time being 2:37pm*

*Director Works & Infrastructure entered the meeting, the time being 2:38pm*

*The presentation by Housing Plus commenced, the time being 2:38pm*

*Strategic Planning Manager entered the meeting, the time being 2:57pm*

*Councillor Paynter entered the meeting, the time being 2:57pm*

*The presentation by Housing Plus concluded, the time being 3:22pm*

**BUSINESS ARISING FROM PREVIOUS MINUTES**

**BUSINESS ARISING FROM PREVIOUS MINUTES NO. SPSEBA1/2023**

**SUBJECT: BRIEFING - AFFORDABLE & COMMUNITY HOUSING**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Paynter

**RECOMMENDATION**

1. That the Committee receives and notes the information.
2. That the Committee recommend the Council requests the General Manager to undertake a feasibility design process to develop the Dover Street, Cessnock and Cessnock Street, Aberdare properties to be funded out of the Property Investment Fund.

**CARRIED UNANIMOUSLY**

*Councillor Grine left the meeting, the time being 3:34pm*

*Councillor Grine returned to the meeting, the time being 3:36pm*

## OFFICER'S REPORTS

### OFFICER'S REPORTS NO. SPOR6/2023

**SUBJECT:** STRATEGIC PROPERTY REVIEW UPDATE - AUGUST 2023

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Paynter

#### RECOMMENDATION

1. That the Committee notes progress with implementing strategy recommendations of the Strategic Property Review project;
2. That the Committee notes information provided regarding Council's Property Investment Fund; and
3. That the Committee notes the Collaboration Agreement with Land and Housing Corporation.

#### CARRIED UNANIMOUSLY

*Councillor Dunn left the meeting, the time being 3:45pm*

*Councillor Dunn returned to the meeting, the time being 3:46pm*

*Councillor Hill left the meeting, the time being 3:47pm*

*Councillor Hill returned to the meeting, the time being 3:47pm*

*The Meeting Was Declared Closed at 3:53pm*

#### ENCLOSURES

There are no enclosures for this report



**SUBJECT:** *RELATED PARTIES DISCLOSURE POLICY*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

The Related Parties Disclosure Policy is due for review having been last reviewed in July 2020. This Policy is in place to ensure compliance with the reporting requirements of the Australian Accounting Standard AASB124 – Related Party Transactions.

### **RECOMMENDATION**

**That the Council adopt the updated Related Parties Disclosure Policy.**

### **BACKGROUND**

With effect from reporting periods commenced 1 July 2016, all NSW councils are required to comply with the Australian Accounting Standard AASB124 – Related Party Transactions. Previously this accounting standard did not apply to public sector not-for-profit entities.

The initial Policy was endorsed in April 2017 and subsequently reviewed and endorsed in July 2020.

### **REPORT**

The objective of this Accounting Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Related party transactions are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, the entity has the ability to affect the financial and operating policies of the investee through the presence of control, joint control or significant influence.

Knowledge of an entity's transactions, outstanding balances and commitments, and relationships with related parties may affect assessments of its operations by users of their financial statements, including assessment of the risks and opportunities facing the entity.

The attached *Related Party Disclosures Policy* has been drafted to identify those who are affected by the application of this Accounting Standard, and their responsibilities associated with making the relevant disclosures.

The existing policy notes that all Directors are Key Management Personnel as per the standard. The proposed update is to include any Managers that are appointed to the Executive Leadership Team.

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The rationale for this inclusion is the definition of Key Management Personnel as per the standard:

*“Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.”*

Any manager appointed to the Executive Leadership Team that has input on decisions at the Executive Leadership Team could be reasonably considered to have authority for planning, directing and controlling the Council.

Note: the disclosures made in regards to Related Party Transactions are different and are in addition to the Declaration of Pecuniary Interests Returns made each year.

The Audit and Risk Committee have reviewed the updated policy and endorsed it for adoption at the meeting of 6 September 2023.

### **CONSULTATION**

Director Corporate & Community Services  
Audit and Risk Committee

### **IMPLICATIONS**

#### **Policy / Procedural / Financial / Legislative / Risk Implications**

There are no direct impacts on council policy or financial position. The primary impact is ensuring that council is compliant with legislative change.

### **OPTIONS**

The Council can choose to endorse or not endorse the changes to the policy.

### **CONCLUSION**

The Policy addresses council’s obligations under the reporting requirements of AASB 124.

### **ENCLOSURES**

[1](#) Proposed Related Parties Disclosure Policy

**SUBJECT:** ***FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023 - REFERRAL FOR AUDIT AND COUNCIL CERTIFICATION***

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

### **SUMMARY**

The purpose of this report is for the draft financial reports for the year ended 30 June 2023 to be formally referred for external audit.

The financial reports must include a general purpose financial report, any other matter prescribed by regulations such as a special purpose financial report, and a statement in the approved form by Council as to its opinion on the financial reports.

### **RECOMMENDATION**

- 1. That Council receive the draft Financial Statements for the year ended 30 June 2023 and formally refer them to Council's external auditor, the Audit Office of NSW, to provide an opinion and report to Council.**
- 2. That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements for the year ended 30 June 2023.**
- 3. That Council fix the date of 15 November 2023 as the date for the public meeting to present the audited Financial Statements and the Audit Reports for the year ended 30 June 2023, and that Council's external auditor be requested to present to answer questions.**
- 4. That the General Manager be delegated authority to seek an extension of time for lodgment of the Financial Statements to the Office of Local Government should the need arise during finalisation of the audit.**

### **BACKGROUND**

Section 413(1) of the *Local Government Act 1993* (the Act) requires Council to prepare General Purpose Financial Reports for the financial year ending 30 June. 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.

### **REPORT/PROPOSAL**

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.

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Section 413(1) of the Act 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 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 Prosperity Advisors.

The draft Financial Statements for the year ended 30 June 2023 were presented to the Audit and Risk Committee on 6 September 2023 and the following recommendations were made:

***That the Audit and Risk Committee:***

- 1. Recommend to Council that the financial statements are formally referred for external audit.***
- 2. Note that following receipt of the Auditor's Report, the 2022-23 Financial Statements will be presented to the public at the 15 November 2023 Ordinary Meeting.***

The Audit and Risk Committee is scheduled to meet again on 17 October 2023 to review the audited Financial Statements and external auditor documentation for comment prior to presentation to Council and the community.

Section 419 of the Act requires that following audit the Financial Statements are to be presented to Council and the public within five weeks of the date of the Audit Report.

Copies of the draft Financial Statements and Statements by Councillors and Management are provided as attachments to this report.

The Financial Statements, including audit, are required to be completed and lodged with the Office of Local Government (OLG) by 31 October 2023. In the unlikely event that the Audit will not be completed before this date and in accordance with the Code of Accounting Practice any extension request to lodge must be submitted in writing to the OLG by 17 October 2023. Any such request must include the reasons for the extension request and the period of extension sought. It is recommended that authority be delegated to the General Manager to seek such an extension should the need arise.

**Commentary on Financial Year Performance**

The draft Financial Statements for the year ended 30 June 2023 report an Operating Result for the year of a \$30.5m surplus. After allowing for capital grants and contributions there is an operating deficit of \$25.68m. At the March quarterly review, the forecast operating result was a deficit of \$1.7m.

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The major drivers of this difference can be attributed to:

- \$11.76m additional provision and depreciation for the current waste site and the six orphan waste sites.
- \$9.12m additional cost from loss on disposal of assets
- \$2.46m additional interest expense on recognition of lost court case
- \$1.94m of additional operating expenditure on capital works that are unable to be capitalised.

This is offset by a 100% prepayment of the financial assistance grant in May 2023.

Disposal of Assets

Profit and/or loss on disposal of assets occurs as infrastructure assets are renewed or otherwise disposed of through sales, or impaired through no longer being in use. Generally, Councils will have a loss in this area as assets are often renewed prior to the end of their accounting effective lives.

In financial year 2022-23 there was a net loss on disposal of assets of \$11.68m.

The loss on disposal of infrastructure assets comes from:

Category	2023	2022
Buildings	(475,805)	(250,142)
Roads	(6,146,790)	(3,864,921)
Bridges	(375,855)	(491,076)
Footpaths	(252,945)	(137,889)
Stormwater Drainage	(110,336)	(88,146)
Swimming Pools	(5,183)	(20,528)
Other open space/recreational assets	(590,256)	(179,204)
Other infrastructure (airport)	(4,016,905)	-
<b>Total Loss</b>	<b>(11,974,075)</b>	<b>(5,031,910)</b>

There were some small gains offsetting the infrastructure losses.

Of the 6 ratios, 2 remain outside of the benchmark being Operating Result and Own Source Operating Revenue.

**Accounting Opinions**

Council officers have made the following conclusions regarding key matters within the financial statements.

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Prior period error(s)

In the 2022 Financial Statements Council did not recognise costs on two of the former waste sites due to questions about access or uncertainty on rehabilitation. On further research this is considered an error, materially big enough to require a restate of the comparative column and notes in the accounts.

In February 2023, Council lost a court case that imposed reimbursement of the costs of hanger and additional interest from the time of the surrender of the airport licence. While this is under appeal the uncertainty of the appeal success requires Council to recognise the purchase and interest expense. Original investigations show that the original accounting of the hanger was incorrect with the judgement requiring a loan previously not accounted for to allow for the interest charge in the accounts.

The effects of these entries can be seen in the restated prior year comparatives as well as a detailed note at G4-2.

Orphan Waste Sites

As has been previously advised, Council is providing for future costs to rehabilitate orphan waste sites throughout the Local Government Area. Waste and Environment have provided an update to the costs of rehabilitation.

Council officers have determined that rehabilitation will only occur on the basis of a legal judgement imposing Council to act. Accordingly, there are no future cashflows to discount for the provision and therefore moving forward the provision will increase equal to a CPI adjustment.

Rural Fire Service Mobile Assets

As per Council resolution, Council has not accounted for, nor undertaken a stocktake on Rural Fire Service fleet assets within the Local Government Area.

**OPTIONS**

The recommendation is the preferred option, alternatively Council can choose to not refer the statements to audit. This would lead to Council not being able to meet legislated timelines to complete the financial statement process.

**CONSULTATION**

Audit and Risk Committee  
General Manager  
Director Corporate and Community Services  
Finance Staff  
Director Works and Infrastructure  
Asset Management Staff  
Briefing provided to Councillors 13 September 2023

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**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**

NIL

**b. Financial Implications**

The financial statements are reporting the performance of council over the past financial year that includes accounting adjustments to meet the requirements of the accounting standards. The cost of the audit and finance staff is as per the existing council budget. There are no other financial implications.

**c. Legislative Implications**

Council's General Purpose Financial Reports have been prepared in accordance with Section 413 of the Act and the Special Purpose Financial Reports have been prepared in accordance with the Guidelines.

Referral of the financial reports for audit, including the Statements by Councillors and Management as to its opinion on the financial reports is in accordance with legislative requirements.

**d. Risk Implications**

NIL

**e. Environmental Implications**

NIL

**f. Other Implications**

There are no environmental, community, consultative or other implications to this report.

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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 Councillors 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](#) Draft Financial Statements for the year ended 30 June 2023



**SUBJECT:** *INVESTMENT REPORT - AUGUST 2023*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer – Matthew Plumridge*

### **SUMMARY**

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

### **RECOMMENDATION**

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

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$80,182,605.**

### **BACKGROUND**

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

### **REPORT**

#### **Statement by the Responsible Accounting Officer**

The Responsible Accounting Officer has certified that this report is produced in accordance with Clause 212 of the Regulation and that all investments have been made in accordance with the Act, Regulation and Policy.

#### **General Investment Commentary**

Council officers monitors and manages the cash and investment portfolio by taking into consideration credit ratings of financial institutions, interest rates offered for periods of investment, counterparty exposures and cash flow requirements.

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of August 2023 are exceeding the budgets. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Council has engaged Prudential Investment Services Corp for investment advice and the August 2023 Economic and Investment Portfolio Commentary, regarding interest rates notes:

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- *In the UK, inflation (at 6.8%yoy) and wages growth (at 7.8%yoy) came in stronger than expected keeping the BoE on track for another 0.5% hike at its next meeting. There is little indication that the US and Australia will need to follow suit given the UK had much higher inflation and wages growth over the past few years.*

Domestic issues noted within Prudential's report include:

- *The latest monthly CPI release, which is less thorough than the quarterly release but provides a trend indicator, showed inflation has fallen to 4.9%, down from last month's 5.4% and below expectations of 5.2%. The data, released at the end of August, eliminated any market anticipation of an interest rate hike in early September resulting in a drop in market rates and pushing bond valuations higher.*

At its meeting on 5 September 2023, the RBA kept the cash target unchanged at 4.10%, noting that there was a credible path back to the inflation target with the cash rate staying at its present level. Recent information on inflation has been encouraging and the economy is expected to grow only slowly over the period ahead, which will help with further moderation of inflation.

In summarising Council's portfolio Prudential advises, "*Council's investment portfolio posted a marked-to-market return of 4.55%pa for the month versus the bank bill index benchmark return of 4.39%pa. Over the past 12 months, Council's portfolio has returned 3.26% versus the benchmark's 3.37%*

*Without marked-to-market influences, Council's investment portfolio yielded 4.59%pa for the month, up from 4.30%pa in July. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp growth fund.*

*During August, Council had a \$5m 12 month term deposit mature which had been paying 3.98%pa. Council took advantage of the high interest rate environment investing \$14m across three 12 month term deposits at an average rate of 5.40%pa*

*The NSW TCorpIM Medium Term Growth Fund returned a modest 0.32% (actual) for the month as the slump in share market returns offset good gains in fixed and floating rate bonds. The release of favourable inflation data at the end of the month helped give a boost to bond valuations within the fund*

*Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection."*

**Investment Portfolio Information**

**Table 1** Total cash and investments held by Council as at 31 August 2023

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			3.75%	12,639
	Commonwealth Bank	At Call			4.10%	41
	Commonwealth Bank	At Call			0.25%	56
1243	AMP Bank	At Call			2.10%	508
1472	AMP Bank	TD	735	14-Sep-23	0.75%	1,000
1483	Commonwealth Bank	TD	533	12-Oct-23	2.81%	4,000
1484	Suncorp Bank	TD	504	21-Sep-23	2.85%	4,000
1489	Westpac Bank	TD	365	27-Sep-23	4.66%	4,000
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
1495	Westpac Bank	TD	365	24-Jan-24	4.46%	5,000
1496	National Australia Bank	TD	363	29-Jan-24	4.62%	5,000
1475a	Westpac Bank	TD	306	12-Dec-23	4.70%	4,000
1497	Westpac Bank	TD	356	19-Mar-24	4.99%	3,000
1498	National Australia Bank	TD	370	15-May-24	4.74%	3,000
1499	National Australia Bank	TD	201	22-Jan-24	5.49%	5,000
1500	National Australia Bank	TD	232	22-Feb-24	5.51%	5,000
1501	National Australia Bank	TD	371	06-Aug-24	5.40%	5,000
1502	Commonwealth Bank	TD	364	06-Aug-24	5.55%	5,000
1503	Commonwealth Bank	TD	363	28-Aug-24	5.27%	4,000
1463	Treasury Corporation	Growth Fund				3,939
<b>TOTAL</b>						<b>80,183</b>

**Table 2** Level of funds held and the percentage invested with financial institutions

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Commonwealth Bank	AA-	40%	13,000	19.43%
Westpac Bank	AA-	40%	20,000	29.88%
National Australia Bank	AA-	40%	23,000	34.36%
Suncorp Bank	A+	40%	6,000	8.96%
AMP Bank	BBB	5%	1,000	1.49%
Treasury Corporation	Unrated	10%	3,939	5.88%
<b>TOTAL</b>			<b>66,939</b>	<b>100.00%</b>

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

**Investment in NSW Treasury Corporation (TCorp)**

TCorpIM Funds are unit trusts. Distributions are made annually and are automatically reinvested into the fund to buy additional units. As this investment is held for medium to long-term capital appreciation, gains or losses will only be realised on redemption of the investment. However due to accounting requirements any unrealised gains or losses will be processed between investments and the operating statement.

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The preliminary August 2023 unrealised return was a gain of \$12,534 or 0.32% (1.26% annualised). Rates of return fluctuate each month and possibly be negative from time to time with the medium-term investment horizon. The fund performance summary as at 31 August 2023 is shown below. The TCorp benchmark is CPI + 2.00% p.a. (over rolling 5 years).

**Table 3** NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	4.17	3.55	2.46	5.35	1.24	0.32
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.58	4.77	6.35	7.26	0.92	0.46
Return above benchmark p.a.	(0.41)	(1.22)	(3.89)	(1.91)	0.32	(0.14)

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

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	63,000	78.57%
Cash/At Call Deposits	Low	Low	13,244	16.52%
Capital Growth Fund	Medium	Medium	3,939	4.91%
<b>TOTAL</b>			<b>80,183</b>	<b>100.00%</b>

**Table 5** Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	4.65%	1.58%
BBSW Average Interest Rate (year to date) *	4.44%	1.65%
Actual Investment Interest Earned (for the current month)	\$265,311	\$91,682
Actual Investment Interest Earned (year to date) ^	\$504,145	\$152,411
Revised Budget Investment Interest (year to date)	\$230,020	\$280,020
Original Budget Investment Interest (annual)	\$1,380,122	\$380,122
Revised Budget Investment Interest (annual)	\$1,380,122	\$1,680,122
TCorp unrealised movement (year to date)	1.26%	1.98%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,085,190	\$73,415,666
Closing Balance as at 31 August	\$80,182,605	\$80,002,044

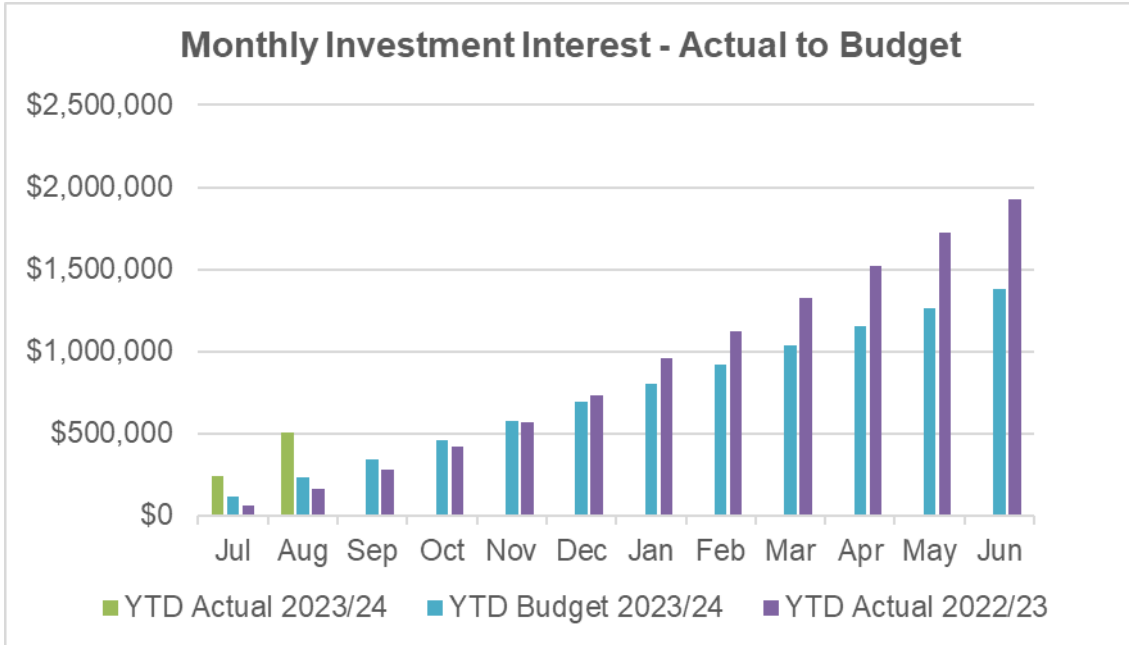
\* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ Excludes TCorp unrealised returns

# Excludes Section 355 Committee cash held



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



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**Table 6** Internal and external restrictions over cash and investments held

<b>Month End Totals \$'000</b>	<b>Aug 2023*</b>	<b>July 2023*</b>	<b>June 2023*</b>	<b>May 2023</b>	<b>April 2023</b>	<b>March 2023</b>
Developer contributions	28,432	28,432	28,432	29,473	28,479	28,095
Committed developer contributions	3,370	3,370	3,370	2,412	2,711	3,592
RMS contributions	182	182	182	182	182	182
Specific purpose unexpended grants	5,647	5,647	5,647	7,514	8,489	8,359
Domestic waste management	430	430	430	430	430	430
Stormwater management	1,504	926	926	1,038	922	923
<b>External Restrictions</b>	<b>39,565</b>	<b>38,987</b>	<b>38,987</b>	<b>41,049</b>	<b>41,213</b>	<b>41,581</b>
Plant and vehicle replacement	2,400	2,794	2,794	2,982	2,949	3,016
Employees leave entitlement	2,519	2,519	2,519	2,446	2,446	2,446
Carry over works	385	385	385	548	783	934
Bridge replacement	314	346	346	-	118	372
Insurance provisions	761	761	761	896	896	896
Miscellaneous and property	809	734	734	859	862	857
Grant Fund Leverage	82	82	82	90	90	90
Energy efficiency	95	95	95	98	94	89
Operations and programs	473	473	473	444	429	431
Property investment fund	3,227	3,112	3,112	3,256	3,041	3,056
Civil Works	20	95	95	730	748	716
Waste depot and rehabilitation	12,448	12,448	12,448	9,454	9,454	9,454
Committed projects (SRV)	717	214	214	642	747	889
Security deposits and bonds	4,155	4,144	4,144	4,077	4,060	4,085
Unexpended Loan Funds#	2,125	2,129	2,129			
<b>Internal Restrictions</b>	<b>30,529</b>	<b>30,331</b>	<b>30,331</b>	<b>26,522</b>	<b>26,717</b>	<b>27,331</b>
<b>Unrestricted</b>	<b>10,088</b>	<b>4,118</b>	<b>3,767</b>	<b>4,363</b>	<b>3,390</b>	<b>6,893</b>
<b>Total Cash &amp; Investments</b>	<b>80,182</b>	<b>73,436</b>	<b>73,085</b>	<b>71,934</b>	<b>71,320</b>	<b>75,805</b>

Unrestricted cash figure is low due to the restriction of funds over the year end period. The first-rate instalments due in August will see this improve into August and September.

\*The restricted funds shown above (for June, July and August) are provisional and are subject to change through the financial statement process. This will only be final once audited and published in the annual financial statements. Material changes will be advised to Council. The change in the Stormwater Management reserve is after the quarterly rates receipts.

#Out of the \$4.3m new loan received from TCorp, \$2m was applied to the Airport works, and the remaining is for footpath and drainage/floodplain works

**CONSULTATION**

Director Corporate and Community Services  
 Chief Financial Officer  
 Finance staff

## **STRATEGIC LINKS**

### **a. Delivery Program**

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan. This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance*" and more specifically links to strategic direction:

- 5.3.2: Our Council's processes are efficient and transparent;
- 5.3.3: Our Council is financially sustainable.

## **IMPLICATIONS**

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

Investments are held in accordance with Council's Investment Policy.

### **b. Financial Implications**

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are affected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

### **c. Legislative Implications**

This report meets Council's statutory obligations under the Act and Regulation.

### **d. Risk Implications**

Investment risks are detailed within this report.

### **e. Other Implications**

There are no environmental, community, consultative or other implications to this report.

## **CONCLUSION**

The report details investments held at month end and meets Council's reporting obligations.

## **ENCLOSURES**

There are no enclosures for this report.

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

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## **SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 8 August 2023 to 11 September 2023.

## **RECOMMENDATION**

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

## **ENCLOSURES**

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



Works and Infrastructure

Report No. WI29/2023

Works and Infrastructure



**SUBJECT:** *NAMING OF COUNCIL ASSETS POLICY*

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

### **SUMMARY**

This report seeks Council's endorsement to place the revised Naming of Council Assets Policy on public exhibition.

### **RECOMMENDATION**

- 1. That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions.**
- 2. If there are no significant public submissions received, that the Policy be automatically adopted at the end of the exhibition period.**

### **BACKGROUND**

A periodic review has been undertaken of the Naming of Council Assets Policy (the Policy). The Policy was last revised and adopted at the 11 December 2019 Council meeting (WI97/2019).

### **REPORT/PROPOSAL**

The Geographical Names Board of NSW (GNB) has the role of assigning names to places and natural features and their guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in a naming decision and minimising the duplication of names.

The GNB published an updated Place Naming Policy, in July 2019. Council's revised Policy has been reviewed and updated in line with the GNB's Place Naming Policy and guidelines for determination of place names.

The revised Policy (Enclosure 1) better aligns with the GNB Place Naming Policy and guidelines, to ensure that if a naming proposal proceeds, that the relevant information has been received, community engagement has occurred and Council has resolved to support the proposed naming.

The revised Policy and associated procedures provides the following clear direction and reference:

- Council may seek community feedback on the proposal using local newspapers, website, notices to residents in the area, notices to local progress associations and at local Council facilities; and
- A naming proposal should be supported by a Council resolution.

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It is noted that facilities within a Council asset (i.e. park, sportsground, community hall, cultural facility) may also be named in accordance with the revised Policy, but do not require the formal approval of the GNB. Naming of smaller assets (i.e. picnic shelters, amenities buildings, rooms, and park furniture) will continue to be approved by Council's Executive Leadership Team following consultation with key stakeholders.

**OPTIONS**

Nil

**CONSULTATION**

- NSW Geographical Names Board
- Community & Cultural Development team
- Governance team
- Open Space & Community Facilities team

**STRATEGIC LINKS**

**a. Delivery Program**

The Policy provides a clear and transparent process to engage with the community in Council's Operational Plan by meeting the following objectives:

A connected, safe & creative community

- Objective 1.1: Promoting social connections
- Objective 1.2: Strengthening Community Culture

Civic leadership and effective governance

- Objective 5.1: Fostering and supporting community leadership
- Objective 5.2: Encouraging more community participation in decision making
- Objective 5.3: Making Council more responsive to the community

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The adoption of the revised Policy will result in an amendment to Council's Policy Register.

**b. Financial Implications**

N/A

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**c. Legislative Implications**

The revised Policy meets the requirements of the *Geographical Names Act 1966*.

**d. Risk Implications**

The adoption of the revised Policy will provide a clear and transparent process on how Council will engage with the community to seek support or offer alternate suggestions to assign names to Council's assets.

**e. Environmental Implications**

Nil.

**f. Other Implications**

Nil

**CONCLUSION**

The revised Policy outlines the method by which Council will consider proposals to name a Council asset after an individual, group or organisation and provides a clear and transparent process and the role of Council in recommending place names to the GNB for gazettal.

**ENCLOSURES**

[1](#) Revised Draft Naming of Council Assets Policy

Works and Infrastructure

Report No. WI30/2023

Works and Infrastructure



**SUBJECT:** *2022/23 OUTDOOR POOL SEASON REVIEW*

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

### **SUMMARY**

The purpose of this report is to provide a review of the 2022/23 outdoor pool season at Branxton and Cessnock pools.

### **RECOMMENDATION**

**That Council notes the information in the report.**

### **BACKGROUND**

Council owns and operates two outdoor pools within the Cessnock Local Government Area at Branxton and Cessnock. Both facilities are seasonal pools opened between October and March each year and operated by Council.

Council also has Kurri Kurri Aquatic and Fitness Centre (KKAFC), operating year round and managed under a tender contract by Belgravia Health and Leisure Pty Ltd until June 2024, with additional term options.

*A separate report has been prepared for the management and operations of the Kurri Kurri Aquatic & Fitness Centre for 2022/23 and Belgravia Health & Leisure Pty Ltd's performance against the KPI's as per Council resolution (WI33/2019).*

This report provides a review of the 2022/23 outdoor pool season in relation to Branxton and Cessnock pools.

### **REPORT/PROPOSAL**

#### **2022/23 AQUATIC SEASON REVIEW**

The 2022/23 outdoor pool season saw warmer climatic conditions compared with recent seasons. The COVID-19 pandemic had little to no impact on the operations of the facilities for the first time since the 2019/20 season. The season was largely a success with recorded attendances returning to pre-pandemic levels, as well as the completion of the splash pad at Cessnock Pool in time for the official opening of the pool season on the October long weekend.

This review of the 2022/23 outdoor pool season addresses a range of management and operational aspects as follows:

1. Pool Facilities Renewal Program
2. Season Attendance & Financial Summary for Outdoor Pools
3. Community Celebrations and Free Family Entry Vouchers

**Works and Infrastructure**

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**1. Pool Facilities Renewal Program**

The intent of the 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 2022/23 Pool Facilities Renewal Program are identified in Table 1 below.

Table 1 – Pool Facilities Renewal Program Projects

<b>Facility</b>	<b>Project</b>
Branxton Pool	Kiosk bench reconfiguration
	Painting of pools
	Shade sail replacement
	Internal & external fence replacement
Cessnock Pool	Change room roof replacement
	Starting block replacement
	Concreting around splash pad plant room
	Splash Pad*

\* Splash Pad project is funded outside the Pool Facilities Renewal Program.

**2. Season Attendance & Financial Summary for Outdoor Pools**

A summary of the operations of the outdoor pools in 2022/23 compared with the 2021/22 season is provided in Table 2 below.

Table 2 – Season Attendance & Financial Summary for Outdoor Pools

<b>Facility</b>	<b>2021/22 Recorded Attendance</b>	<b>2022/23 Recorded Attendance</b>	<b>2021/22 Income</b>	<b>2022/23 Income</b>	<b>2021/22 Net Operational Cost*</b>	<b>2022/23 Net Operational Cost*</b>
Branxton Pool	14,491	22,514	\$72,326	\$114,881	\$532,035*	\$588,684*
Cessnock Pool	20,213	47,432	\$99,766	\$252,885	\$631,107*	\$897,942*
<b>Total</b>	<b>34,704</b>	<b>69,946</b>	<b>\$172,092</b>	<b>\$367,767</b>	<b>\$1,163,142*</b>	<b>\$1,486,627</b>

\* Figures exclude Pool Facilities Renewal Program expenditure.

Observations between the 2021/22 and 2022/23 data in Table 3 are outlined below:

- Recorded attendances have increased by 50% (or 35,242 additional attendances) on 2021/22 (34,704) following previous seasons attendances of 39,291 (2020/21), 58,428 (2019/20) and 68,193 (2018/19).
- Total income across the two outdoor pools increased by \$195,675 on the 2021/22 season, totaling \$367,767 in season 2022/23.
- Net operational costs increased by \$323,485. Contributing factors to the increased expenditure were wages, purchasing of products for sale in the kiosks, utilities and general planned and reactive maintenance of the facilities.

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The subsidy per recorded attendance for the 2022/23 financial year (excluding the Pool Facilities Renewal Program expenditure) has decreased at Branxton by \$11.81 per attendee and down at Cessnock by \$12.29 per attendee:

- Branxton Pool – \$26.14 per recorded attendance (\$37.95 in 21/22, \$30.95 in 20/21, \$21.10 in 19/20 and \$14.72 in 18/19)
- Cessnock Pool – \$18.93 per recorded attendance in 2022/23 (\$31.22 in 21/22, \$31.75 in 20/21, \$19.54 in 19/20 and \$10.23 in 18/19).

Social Media

A total of 23 Social media posts were uploaded to Council's Facebook Page across 2022/23 promoting the "Be pool Safe" campaign, October long weekend summer season launch (Cessnock Pool), Australia Day celebrations, splash pad, swimming carnival schedules and changes to operational hours of both pools at different times throughout the season. Across these posts, there were 619 likes/reactions, 269 comments and 249 shares helping Council get messages out via social media.

**3. Community Celebrations and Free Family Entry Vouchers**

Council, at its 17 August 2022 meeting resolved:

1. *That Council issue a free family pass entry voucher to all children completing the NSW Department of Education intensive Learn to Swim program at Cessnock, Branxton Pools and Kurri Kurri Aquatic Fitness Centre, at a potential lost revenue of \$14,515.*
2. *That Council undertake free entry and a community celebration take place at Cessnock Pool on Saturday 1 October 2022, Sunday 2 October 2022 and Monday 3 October 2022 to launch the opening of the splash pad at a cost of \$3,681.*
3. *That free entry and community celebrations take place for Australia Day (26 January 2023) at Cessnock Pool and Branxton Pool at a cost of \$3,726.*
4. *That Council notes the total potential loss of pool entry revenue and other costs from these activities is an estimated total \$23,150.*
5. *Funding to cover costs to be considered in the next Quarterly Budget Review Statement.*

Community Celebrations

The October long weekend community celebration saw the community come out in numbers to spend a day at Cessnock pool across the weekend and enjoy the splash pad, free BBQ and lawn games. A summary of the community celebration is contained in Table 3 below.

Australia Day also proved popular with the community. Again, free entry, BBQ and lawn games were popular at all of Council's aquatic facilities. A summary of recorded attendances is contained in Table 3.

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Free Family Entry Vouchers

Free Family Entry Vouchers were sent out to primary schools who attended Council's 3 aquatic facilities in Term 4, 2022 and completed the Department of Education Intensive Learn To Swim Program. A total of 713 vouchers were sent to 13 primary schools. It was hoped that students would return with their families and enjoy a day at one of Council's aquatic facilities and show the skills learned during the program to their families. A total of 307 (or 43%) family entry vouchers were redeemed across Council's 3 aquatic facilities.

**Table 3 - Community Celebrations and Free Family Entry Vouchers attendance and estimated dollar value of entry revenue.**

Facility	Community Celebration (Splash Pad)	Estimated value of lost pool entries	Australia Day	Estimated value of pool entries	Family Entry Vouchers (redeemed)	Estimated value of pool entries
Branxton Pool	n/a	n/a	539	\$2,695	5	\$75
Cessnock Pool	815	\$4,075	752	\$3,760	267	\$4,005
<b>Total</b>	<b>815</b>	<b>\$4,075</b>	<b>1,291</b>	<b>\$6,455</b>	<b>272</b>	<b>\$4,080</b>

The total estimated lost value of pool revenue across these three community events and programs at Council's outdoor pools was \$14,610.

**NOTE:** Kurri Kurri Aquatic & Fitness Centre Australia Day attendance was 335. A total of 35 Family Entry Vouchers were redeemed at Kurri Kurri Aquatic & Fitness Centre.

**OPTIONS**

Nil

**CONSULTATION**

**a. Delivery Program**

- 3.2 – Better utilisation of existing open space
  - 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**

Nil.

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

An annual review of policies and procedures is undertaken to ensure they are compliant with current government legislation, regulations and industry standards.

**b. Financial Implications**

Income across the two outdoor pools increased by \$195,675 on the 2021/22 season, however operational costs increased by \$323,485.

The subsidy to the community provided by Council is \$26.14 per recorded attendance at Branxton and \$18.93 per recorded attendance at Cessnock in the 2022/23 financial year.

**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) 2021*
- *Civil Liability Act 2002*
- *Public Health Act 2010*
- *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**

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**

Nil

**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.



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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***

The 2022/23 aquatic season saw a return to pre-pandemic attendances. This can be attributed to a dryer and warmer season and little to no impact due to COVID-19 pandemic.

***ENCLOSURES***

There are no enclosures for this report.

Works and Infrastructure

Report No. WI31/2023

Works and Infrastructure



**SUBJECT:** *2022/23 KURRI KURRI AQUATIC AND FITNESS CENTRE PERFORMANCE REVIEW*

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

### **SUMMARY**

The purpose of this report is to provide a review of the performance of Belgravia Health & Leisure Group Pty Ltd (Belgravia) against agreed Key Performance Indicators (KPI) for the management of the Kurri Kurri Aquatic & Fitness Centre (KKAFC) under tender T1819-13.

### **RECOMMENDATION**

**That Council notes the performance of Belgravia Health & Leisure Group Pty Ltd in respect to Year 4 of the contract for the management of the Kurri Kurri Aquatic & Fitness Centre.**

### **BACKGROUND**

Council owns three aquatic facilities within the Cessnock LGA:

- Branxton Pool;
- Cessnock Pool; and
- 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 and fitness centre, 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 tender 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 & Fitness Centre.***

This report provides a summary of the performance of Belgravia with regard to this resolution.

### **REPORT/PROPOSAL**

Post COVID-19 pandemic, KKAFC's reactivation strategies have resulted in a 53% increase in attendance and program participation with recorded attendances totaling 107,672 for the 2022/23 financial year. This increase is also reflected in the improved total operational income performance during 2022/23 (refer Enclosure 1).

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During November the annual Royal Life Saving Society of Australia Facility Supervision and Safety audits were conducted. KKAFC continued to achieve excellence, achieving a score of 92%. This score strongly reflects the commitment and priority Belgravia has to ensure they maintain the highest standards of safety for all guests and staff.

**KKAFC MANAGEMENT PERFORMANCE**

Monthly contract management meetings are held between Council and Belgravia, with KPI areas of assessment reviewed for:

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

These KPI's align with Belgravia's Business and Operational Plan for KKAFC and ensure compliance with the conditions of the tender contract, industry and regulatory requirements and standards.

Overall, Belgravia met or exceeded 4 of the 6 of the KPI's. The reduction of combined utilities was not met and the benchmark for mystery shopper experiences was also not achieved, achieving an average score of 65.8% in this area, below the KPI set of 80%.

Belgravia continues to offer promotions and adapt to the market and industry shortage of suitably qualified staff to ensure a sustainable operating model to ensure a continuation of services and detailed information on Belgravia's performance is contained within confidential Enclosure 1.

<b>Key Performance Indicator</b>	<b>Goal</b>	<b>KPI Met</b>
Attendances	Increased attendance by 2.5% compared with 2021/22.	Yes. Total combined attendances for 2022/23 was 107,672 compared with 70,116 in 2021/22.
Meetings with key stakeholders	<ul style="list-style-type: none"> <li>• A minimum of 2 meetings are held each year with respective user groups to agree on matters relating to the use of the Centre by the club/s.</li> <li>• Engage one new user group per financial year.</li> </ul>	Yes. <ul style="list-style-type: none"> <li>• Several member breakfasts held</li> <li>• 2 Community Network Forums for other service providers 23 to promote Belgravia's programs and increase options to external providers to utilise KKAFC.</li> <li>• LTS program implemented to children attending Little Zac's Academy Childcare Centre in Kurri Kurri.</li> </ul>

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Key Performance Indicator	Goal	KPI Met
Report progress against the Business Plan and Annual Operational Report	<ul style="list-style-type: none"> <li>Contract meetings are attended, reports are received on time and address the progress of targets against the Business Plan and Annual Operational Report</li> </ul>	Yes – monthly contract meetings were attended and reports received within timeframes.
Reduction of utility usage	<ul style="list-style-type: none"> <li>Reduced water usage</li> <li>3% reduction in electricity consumption</li> </ul>	No. <ul style="list-style-type: none"> <li>A decrease of 96 tonnes in greenhouse gas emissions was a positive result</li> <li>Total utility usage increased compared to 2021/22. This can be attributed to 58 day COVID-19 closure in 2021/22 where minimal utilities were used during shut downs.</li> </ul>
Environmental Sustainability	<ul style="list-style-type: none"> <li>Implement one additional environmental action initiative per quarter</li> </ul>	Yes <ul style="list-style-type: none"> <li>Removed all single use plastics in kiosk.</li> <li>Signage installed to encourage patrons to use showers for a maximum of 3 minutes.</li> <li>Installed signage in areas to promote minimising electricity usage by turning off non-essential lighting during the day.</li> <li>Moved to a more environmentally friendly cleaning chemical after chemical audit.</li> <li>Introduction of drink container recycling bins.</li> </ul>
Customer Experience	<ul style="list-style-type: none"> <li>Net Promoter Score (Ask Nicely Program) – &gt;45</li> </ul>	Yes – 12 month average Net Promoter score was 52.33%.
	<ul style="list-style-type: none"> <li>Mystery Shopper Result – &gt;80</li> </ul>	No – 12 month average mystery shopper score was 65.8%.

**OPTIONS**

N/A

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**CONSULTATION**

Open Space & Community Facilities staff  
Belgravia Health & Leisure Group Pty Ltd

**STRATEGIC LINKS**

**a. Delivery Program**

- 1.2 Strengthening community culture
  - 1.2.4 Provide and manage a range of community, sporting and aquatic activities.
- 3.2 – Better utilisation of existing open space
  - 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

2022/23 is year 4 of 5 under the initial contract period under tender T1819-13, with 2 additional 5 year terms forming part of the initial tender contract.

**c. Legislative Implications**

The following legislation effects the management and operation of the KKAFC.

- *Local Government Act 1993*
- *Local Government Regulation (General) 2021*
- *Civil Liability Act 2002*
- *Public Health Act 2010*
- *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

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**d. Risk Implications**

Continued compliance with the following industry documents will assist to 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
- NSW Guidelines for Public Swimming Pools and Spa Pools – draft 2022

Results of the annual Royal Life Saving Society of Australia Facility Safety Assessment was 92% which strongly reflects the commitment and priority Belgravia has to ensuring the facilities are maintained to the highest standards of safety for its members and staff.

**e. Environmental Implications**

Nil

**f. Other Implications**

Council officers are currently undertaking an aquatic services review incorporating Council's outdoor pools as well as KKAFC. The intent of the service review is to examine how we can deliver aquatic services that are valued by our community in the best possible way. Items being examined include the services we provide, why and how, what level of service should we provide in regards to aquatics and also how we can do it better.

With the 2023/2024 pool season being the final year of the initial five year contract with Belgravia Health & Leisure Group Pty Ltd, future alternate management options are being considered as part of the review.

**CONCLUSION**

The performance of Belgravia Health & Leisure Group Pty Ltd was reviewed and met or exceeded the majority of the agreed KPI's.

**ENCLOSURES**

- 1** KKAFC 2022/23 Annual 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.*

Works and Infrastructure

Report No. WI32/2023

Works and Infrastructure



**SUBJECT:** *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 21 AUGUST 2023*

**RESPONSIBLE OFFICER:** *Principal Engineer - Traffic and Transport - Warren Jeffery*

#### **RECOMMENDATION**

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council.

- **TC39/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory parking signage and line marking on Cumberland Street and Cooper Street, Cessnock in accordance with the Cumberland Street Cessnock \_ Signage & Line Marking Diagram.
- **TC40/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Charles Street, Abermain in accordance with the Charles Street Abermain \_ Signage & Line Marking Diagram
- **TC41/2023** - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on various roads within Wollombi, in accordance with the Various Roads Wollombi \_ Wollombi Wild Ride Traffic Control Plans.
- **TC42/2023** - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin \_ A Day on the Green TGS.
- **TC43/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises installation of regulatory controls on various roads within Huntlee, in accordance with Various Roads North Rothbury \_ Signage & Line Marking Diagram.
- **TC44/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Abbotsford Street and Balangara Way, Bellbird, in accordance with the Abbotsford Street Bellbird \_ Signage & Line Marking Diagram.
- **TC45/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of a pedestrian refuge, Bus Zone and associated signage and line marking on Millfield Road, Millfield in accordance with the Millfield Road Millfield \_ Signage & Line Marking Diagram.
- **TC46/2023** - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed installation of regulatory signage and line marking on Snape Street, Cessnock, in accordance with the Snape Street Cessnock \_ Signage & Line Marking Diagram.

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**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 21 AUGUST 2023**

**OPENING:** The meeting was opened at 9:30am

**PRESENT:** Councillor Hawkins (Chairperson)  
Sergeant Jon Cassidy – NSW Police  
Mr Mark Morrison – Transport for NSW

**IN ATTENDANCE:** Mr Nathan Goodbun – Engineering Officer, Traffic & Transport  
Ms Alison Shelton – Road Safety Officer  
Miss Claudia Heuston – Undergraduate Engineer, Infrastructure  
Miss Memory Eshiloni - Undergraduate Engineer, Infrastructure  
Ms Jules Bosco - Principal Development Engineer  
Ms Felicity Pankhurst – Senior Business Support Officer,  
Infrastructure

**APOLOGIES**

Nil

**CONFIRMATION OF MINUTES**

**NOTED** that the Minutes of the Cessnock Local Traffic Committee held on 19 June 2023, as circulated, were previously confirmed as a true and correct record.

**DISCLOSURES OF INTEREST**

Nil

**BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil



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## **LISTED MATTERS**

**SUBJECT:** **CUMBERLAND STREET, CESSNOCK  
REGULATORY PARKING CONTROLS**

**REPORT NO.:** **TC39/2023**

**REFERENCE:**

**MATTER:** During a scheduled inspection, Council staff identified absent signage surrounding the Cumberland Street/Cooper Street roundabout. A review of the existing signage identified several areas of non-compliance with the relevant Australian Standards.

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

- It was noted NO STOPPING signage on Cumberland Street, in place prior to the pathway construction was non-compliant, and was being updated to meet current standards; and
- It was confirmed that this item would be authorised under sub-delegation by the General Manager.

### **RECOMMENDATION**

**That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory parking signage and line marking on Cumberland Street and Cooper Street, Cessnock in accordance with the Cumberland Street Cessnock \_ Signage & Line Marking Diagram.**

**SUPPORT:** Unanimous

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Report No. WI32/2023

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**SUBJECT:** CHARLES STREET, ABERMAIN  
LINE MARKING

**REPORT NO.:** TC40/2023

**REFERENCE:** CRM 12715/2023

**MATTER:** Council has received a customer request regarding the appropriateness of the existing controls on approach to the rail underpass on Charles Street, Abermain. Approval is sought to upgrade the current signage to ensure compliance with the Australian Standard.

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

- Councillor Hawkins sought clarification on the customer question resulting in investigation. It was noted there were a number of complaints received, with all relating to sight distances at the underpass;
- It was noted that compliance with the relevant standard was not fully achieved due to the limited distance between the underpass and Cessnock Road, however the proposed signage meets the intent of the standard; and
- It was noted that the volume of pedestrian and cycle traffic on Charles Street is low.
- The TfNSW representative confirmed that speed limit signage on Charles Street should comply with the NSW Speed Zoning Standard. Any proposed amendments are to be referred to TfNSW for approval.

#### **RECOMMENDATION**

That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Charles Street, Abermain in accordance with the Charles Street Abermain \_ Signage & Line Marking Diagram

**SUPPORT:** Unanimous

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Report No. WI32/2023

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**SUBJECT:**           **VARIOUS ROADS, WOLLOMBI  
TEMPORARY REGULATION OF TRAFFIC  
WOLLOMBI WILD RIDE**

**REPORT NO.:**       **TC41/2023**

**REFERENCE:**       **45/2023/2/1**

**MATTER:**           Council has received an application for the temporary regulation of traffic for the Wollombi Wild Ride cycle race, and has assessed the application together with the associated Traffic Control Plans (TCP's).

Technical review of the event traffic guidance schemes is sought to allow approval for the temporary regulation of traffic for the event under Section 115 of the *Roads Act 1993*.

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

- It was confirmed that the event had taken place previously with no adverse impacts;
- It was clarified that approval for the holding of a race, from the Commissioner of Police under section 115 of the *Road Transport Act 2013* is currently in process.

#### **RECOMMENDATION**

**That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on various roads within Wollombi, in accordance with the Various Roads Wollombi \_ Wollombi Wild Ride Traffic Control Plans.**

**SUPPORT:** Unanimous

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Report No. WI32/2023

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**SUBJECT:**            **VARIOUS ROADS, POKOLBIN  
TEMPORARY REGULATION OF TRAFFIC  
A DAY ON THE GREEN**

**REPORT NO.:**        **TC42/2023**

**REFERENCE:**        **46 2023 7 1**

**MATTER**            Council has received an application for the temporary regulation of traffic in connection with an existing development approval for 'A Day on the Green', and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Guidance Schemes (TGS's).

Consent is sought under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Pokolbin in connection with this application.

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

- It was noted only 1 submission was received, which was unrelated to the event itself;
- It was noted that Hope Estate will be hosting an event on the same day, with bump out times approximately 45 minutes apart. Police presence will be allocated at the intersection of Broke Road and Wine Country Drive during egress;
- It was confirmed that the TfNSW representative would forward the event information internally to the TfNSW Events Team; and
- Any recommendation regarding the control of the intersection of McDonalds Road and Wine Country Drive will be conditioned by TfNSW as part of a Road Occupancy Licence.

#### **RECOMMENDATION**

**That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin \_ A Day on the Green TGS.**

**SUPPORT: Unanimous**

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Report No. WI32/2023

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**SUBJECT:** *VARIOUS ROADS, NORTH ROTHBURY  
REGULATORY PARKING & INTERSECTION CONTROLS*

**REPORT NO.:** *TC43/2023*

**REFERENCE:** *CRM 9558/2023*

**MATTER:** Approval is sought for installation of regulatory parking, line marking, and other controls, in association with the ongoing Huntlee development.

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

- It was noted that the approval will include:
  - Removal of R5-40 NO PARKING signage on Road MC04 and replacement with R5-400 NO STOPPING signs, as per TfNSW Technical Direction TDT 2011/01a Pedestrian Refuges, and TDT 2002/12b Stopping and Parking restrictions at intersections and crossings; and
  - Removal of R5-40 NO PARKING signage on Roads MC02 and MC03 and replacement with R5-400 NO STOPPING signs, as per TfNSW Technical Direction TDT 2002/12b Stopping and Parking restrictions at intersections and crossings.

#### **RECOMMENDATION**

**That Council note that the General Manager, under sub-delegation from Council, authorises installation of regulatory controls on various roads within Huntlee, in accordance with Various Roads North Rothbury \_ Signage & Line Marking Diagram.**

**SUPPORT: Unanimous**

Works and Infrastructure

Report No. WI32/2023

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**SUBJECT:** **ABBOTSFORD STREET, BELLBIRD  
REGULATORY SIGNAGE AND LINE MARKING**

**REPORT NO.:** **TC44/2023**

**REFERENCE:** **110/2018/650/6**

**MATTER:** Development consent (8/2018/650/1) has been provided for the construction of a residential development off Abbotsford Street, Bellbird. Included in the conditions of consent is the construction of an internal road network including a four-way intersection. Approval is sought for the regulatory signage and line marking associated with the development.

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

- It was noted that the approval will include:
  - Duplication of the R1-3 Roundabout GIVE WAY signs on all intersection approaches: and
  - The inclusion of appropriate warning signage on approach to all pedestrian refuges.

#### **RECOMMENDATION**

**That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Abbotsford Street and Balangara Way, Bellbird, in accordance with the Abbotsford Street Bellbird \_ Signage & Line Marking Diagram.**

**SUPPORT: Unanimous**

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**SUBJECT:** *MILLFIELD ROAD MILLFIELD  
PEDESTRIAN REFUGE*

**REPORT NO.:** *TC45/2023*

**REFERENCE:** *CPW-2022-001*

**MATTER:** Council is currently constructing a shared path between the Rosehill Estate and Crawfordville Park at Millfield, as identified in the adopted City-wide Infrastructure Contributions Plan 2020.

A component of this project is the installation of a pedestrian refuge on Millfield Road, near Rosehill Road.

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

- It was noted that this treatment will formalise an existing informal bus stop which operates for both school and regular routes; and
- It was noted that site constraints preclude positioning of the bus stop on the departure side of the pedestrian refuge (as typically preferred to avoid potential shielding any crossing pedestrians). This situation is acceptable given that the bus stop services only the Rose Hill Estate and that any demand on the opposite side of Millfield Road is serviced by bus stops closer to Millfield.

#### **RECOMMENDATION**

**That Council note that the General Manager, under sub-delegation from Council, authorises the installation of a pedestrian refuge, Bus Zone and associated signage and line marking on Millfield Road, Millfield in accordance with the Millfield Road Millfield \_ Signage & Line Marking Diagram.**

**SUPPORT: Unanimous**

Works and Infrastructure

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**SUBJECT:** **SNAPE STREET, CESSNOCK  
REGULATORY SIGNAGE AND LINE MARKING**

**REPORT NO.:** **TC46/2023**

**REFERENCE:** **110/2023/15/1**

**MATTER:** Development consent (8/2021/22142/3) has been provided for the construction of a McDonalds restaurant on Vincent Street, Cessnock. Included in the conditions of consent is the construction of a channelised right turn lane on Snape Street at the intersection of Charlton Street. Due to the proximity to traffic signals, approval must be provided by Transport for NSW.

As part of Councils review of the proposal, a technical review is sought to allow for an appropriate response to be provided to the developer and Transport for NSW.

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

- It was noted that the proposed treatments on Snape Street maintains access to McDonalds during the annual Australian Postie Bike Grand Prix event;
- Concerns were raised by the members regarding the removal of on-street parking and the Loading Zone on Snape Street, and the apparent lack of consultation with local businesses;
- All voting members raised concerns over submitted plans being approved by Council and TfNSW prior to review by the committee;
- It was noted that the matter was for Council notation only, and that TfNSW are the approval authority; and
- The possible relocation of the Loading Zone will likely be a matter for future consideration by the Committee.

#### **RECOMMENDATION**

**That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed installation of regulatory signage and line marking on Snape Street, Cessnock, in accordance with the Snape Street Cessnock \_ Signage & Line Marking Diagram.**

**SUPPORT:** Unanimous

### **CLOSURE**

*The Meeting Was Declared Closed at 11:05am*

#### **ENCLOSURES**

- [1⇒](#) Cumberland Street Cessnock \_ Signage & Line Marking Diagram
- [2⇒](#) Charles Street Abermain \_ Signage & Line Marking Diagram
- [3⇒](#) Various Roads North Rothbury \_ Signage & Line Marking Diagram
- [4⇒](#) Abbotsford Street Bellbird \_ Signage & Line Marking Diagram
- [5⇒](#) Millfield Road Millfield \_ Signage & Line Marking Diagram
- [6⇒](#) Snape Street Cessnock \_ Signage & Line Marking Diagram



Notices Of Motion

Report No. BN13/2023

General Manager's Unit



***NOTICES OF MOTION No. BN13/2023***

**SUBJECT:** ***INVESTIGATE SENSOR LIGHTING OPTIONS FOR LOCAL GOVERNMENT AREA***

**COUNCILLOR:** ***Rosa Grine***

***MOTION***

1. That Council requests the General Manager investigate sensor lighting options, including solar powered, to improve safety at Bridges Hill Park and other parks across the Local Government Area.
2. That Council investigate grant programs or funding opportunities to allow for these upgrades to be included into the delivery program.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 20 September 2023.

**RATIONALE**

The safety of our community is imperative in our parks and pathways across the Local Government Area and it is an issue that has been raised on many occasions from Council perspective and community consultation.

**SOURCE OF FUNDING:**

Grant funding that we can access to improve safety or access to already approved funding that is available for this project.

**DELIVERY PROGRAM:**

To be outlined by General Manager after all options for Sensor lighting have been explored.

Sgd: Rosa Grine

Date: 23 August 2023

***Director's Commentary***

Council has solar powered lighting installed in twelve parks and reserves across Cessnock LGA (including Bridges Hill). The solar lighting is either programmed to come on during night-time hours, or activated by movement through motion sensors.

**Notices Of Motion**

**Report No. BN13/2023**

**General Manager's Unit**



There is not an explicit program identified within Council's Delivery Program 2022-26 for the installation of new solar lighting in parks and reserves. Historically, lighting in parks and reserves has been funded through general project grants in which 'lighting' has been included as a specific project component, along with other new site infrastructure, or lighting has been installed to address instances of repeated vandalism, funded through Council's Parks Maintenance Program.

The installation of new lighting in parks and reserves is assessed on a case by case basis, and lighting solutions are site specific, with consideration given to:

- Australian Standards (AS/NZS 1158.3.1) which specifies the types and quantities of lighting that should be used,
- Crime Prevention through Environmental Design (CPTED) strategies and assessment methods,
- The recorded number of incidences of crime and antisocial behaviour,
- The types of crime and antisocial behaviour,
- Features and conditions of the site, and
- Existing use.

Effective lighting is a key method in achieving the CPTED principle of surveillance and can be used to reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended.

Grant funding opportunities for traditional security measures (e.g. lighting, fencing and CCTV) are extremely limited, with government instead focusing on crime prevention methods including place activation, graffiti management, and intervention programs. Community requests for lighting in parks and reserves are recorded, and if and when required can be used as supporting data when applying for grants. Council Officers will continue to investigate appropriate funding programs for the installation of lighting in parks and reserves, assess and respond to community requests for lighting, and (when appropriate) build 'lighting' into the project scope of grant applications seeking to upgrade our parks and reserves.

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN14/2023

General Manager's Unit



***NOTICES OF MOTION No. BN14/2023***

**SUBJECT:** *OLD BUTTAI ROAD PRIORITISATION*

**COUNCILLOR:** *Mitchell Hill*

***MOTION***

**That Council requests the traffic committee review the prioritisation of Old Buttai Road to focus on the primary route of travel to and from the Buttai Quarry, taking on board the feedback from the recent Buttai Quarry Community Consultative Committee meeting.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 20 September 2023.

**RATIONALE**

Old Buttai Road services the Buttai Quarry and a small number of rural properties in Buttai, to the east of Buchanan. The current road to and from the quarry is maintained by the quarry operator as part of their consent to operate and plans to fully seal the road have been laid out as part of a more recent condition under the consent for a resource recovery facility at the quarry site.

Due to the southern section of road towards the quarry being secondary in priority to the continuation of Old Buttai Road eastward, the intersection requires quarry traffic to give way as at a T-Intersection and this has subsequently imposed further requirements on any proposed upgrade to the intersection to ensure line of sight and safety. These requirements are likely to result in additional environmental impacts if the intersection is relocated and would perhaps not be necessary if the priority was given to the main route of traffic.

A recent meeting of the Buttai Quarry Community Consultative Committee was held where local residents discussed the road upgrade and priority of traffic. It was the consensus of the community that a request to reconsider priority of traffic flow on Old Buttai Road would benefit the works to seal and improve the road surface which in turn would reduce dust and noise to some degree. The few residents that live along the eastern section of Buttai Road are reported to primarily use Lings Road as their main entry and exit to their properties onto John Renshaw Drive.

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Reference Images:



**NOTE:** Yellow marks current priority, blue marks road towards quarry.

**SOURCE OF FUNDING:**

N/A

**DELIVERY PROGRAM:**

This motion aligns with the following Delivery Program 2022 – 2026 actions

A Connected, safe, and creative community:

- 1.3.5 – Improve the safety of the road network.

Accessible infrastructure, services, and facilities:

- 4.2.3 – Continue to improve support services and facilities to assist works delivery and service provision.

Sgd: Mitchell Hill

Date: 11 September 2023

**Directors Commentary:**

This issue has been investigated previously by Council Officers and from an approval perspective the change to the intersection treatment or prioritisation is subject to the Local Traffic Committee (LTC) approval process. What was found in the past, because of the speed zoning of the road there is no ability to construct a compliant bend without creating a significant safety issue and this is the reason TfNSW have objected to this in the past.

**Notices Of Motion**

**Report No. BN14/2023**

**General Manager's Unit**

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There are two solutions that involve property acquisition that have been communicated in the past but have yet to be progressed. The first involves the acquisition of the land on the acute (western) side of the intersection to create enough room for the bend to be upgraded to a safe level that aligns with the speed zone. The second is the acquisition of property to realign the road corridor so the connection point is further to the west and is then able to be constructed to manage the traffic safely.

Council Officers prioritise road safety in all LTC reports and have an understanding of the theoretical design guidelines that change from speed zone to speed zone, Council Officers have constant exposure to the design guidelines and understand that in order to get the support of TfNSW that proposed treatments must consider the guidelines and ultimately improve the level of safety.

The LTC process facilitates the consideration of individuals and groups to provide comment on each agenda item included in the process.

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN15/2023

General Manager's Unit



***NOTICES OF MOTION No. BN15/2023***

**SUBJECT:** *HEDDON GRETA ROAD REHABILITATION ADDITIONAL SCOPE*

**COUNCILLOR:** *Rosa Grine*

***MOTION***

That the General Manager bring a report to council outlining funding options to allow an expanded scope to RRL-2024-017 (*Road Rehabilitation Investigation and Design – Adams Street, Heddon Greta*) to include rehabilitation of Adams Street between Earp Street and Stanford Street as well as Young Street between Main Road and Adams Street. Consideration should also be given for the feasibility of introducing 45-degree front to kerb parking along the Young Street frontage for the commercial block of 48 Main Road Heddon Greta.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 20 September 2023.

**RATIONALE**

With the large increase in new housing and traffic movements in the Avery's Rise development, the upgrade for Main Road intersection was needed, resulting in the extremely drawn-out process of construction and road redirections. This resulted in Adams Street, Stanford Street, and Young Street being used as alternative routes to access Main Road. The condition of these roads has degraded and while there are planned rehabilitation works scheduled, they do not cover the full section of the roads affected.

Additionally, if council were to undertake works on Young Street, it would be beneficial to consider formalising parking on this street that has been servicing commercial business on the corner of Main Road and Young Street for more than 20 years.



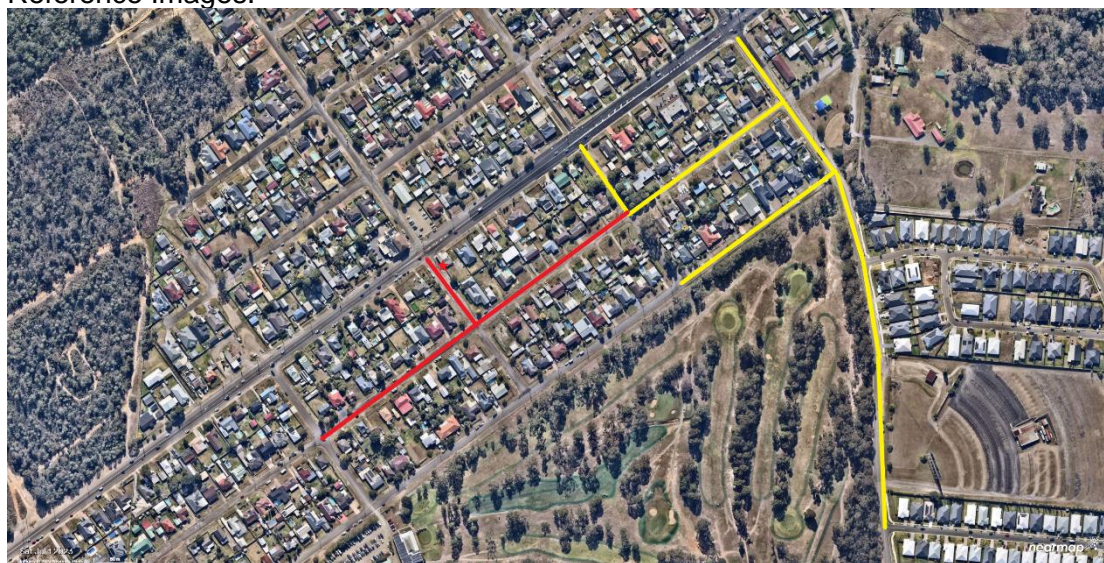
Notices Of Motion

Report No. BN15/2023

General Manager's Unit



Reference Images:



NOTE: Yellow marks currently planned works, red marks proposed additional scope.

**SOURCE OF FUNDING:**

To be determined in further report. Funding could be taken from alternative local projects (dependant on source of funding) that may need to subsequently be reprioritised to allow for a more complete scope for this project.

**DELIVERY PROGRAM:**

A Connected, safe, and creative community:

- 1.3.5 – Improve the safety of the road network.

Accessible infrastructure, services, and facilities:

- 4.2.2 – Deliver prioritised ground capital works and maintenance programs.

Sgd: Rosa Grine

Date: 11 September 2023

***Directors Commentary***

Following consultation with the Council Officer working on the Heddon Street project adjacent, there may be an opportunity to extend the scope to include the future year investigation and design project. At this point in time a firm answer is unable to provided as the risks associated with the current scope require the retention of a contingency amount to allow for any unforeseen discoveries in the investigation and design stage of that project.

In relation to funding, the works required by this project are unlikely to meet the criteria for a TfNSW grant as it is only a local road and as such is most likely have to be funded by Council. This can occur at any time and the potential consequence is that another project does not progress as the funding would be removed.

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**Report No. BN15/2023**

**General Manager's Unit**

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In relation to the parking an indicative measurement of the road corridor it is unlikely that the proposed parking will fit however this would need to be confirmed by a detailed topographic survey prior to some concept design work.

From a strategic perspective TfNSW have plans to implement signals on the Main Road and Young Street intersection which would mean upgrading Young Street at the intersection to accommodate additional turning lanes and then exclude parking for a nominated distance down Young Street.

The commercial business located on the corner of Main Road and Young Street appears to have space to provide off street parking for customers. The previous comment is a pure observation only and Council or Council Officers have not completed any investigation or planning as the property is private and any such work is the sole responsibility of the property owner.

***ENCLOSURES***

There are no enclosures for this report