



Vincent Street  
CESSNOCK

9 December 2016

## ORDINARY MEETING OF COUNCIL

WEDNESDAY, 14 DECEMBER 2016

### ENCLOSURES

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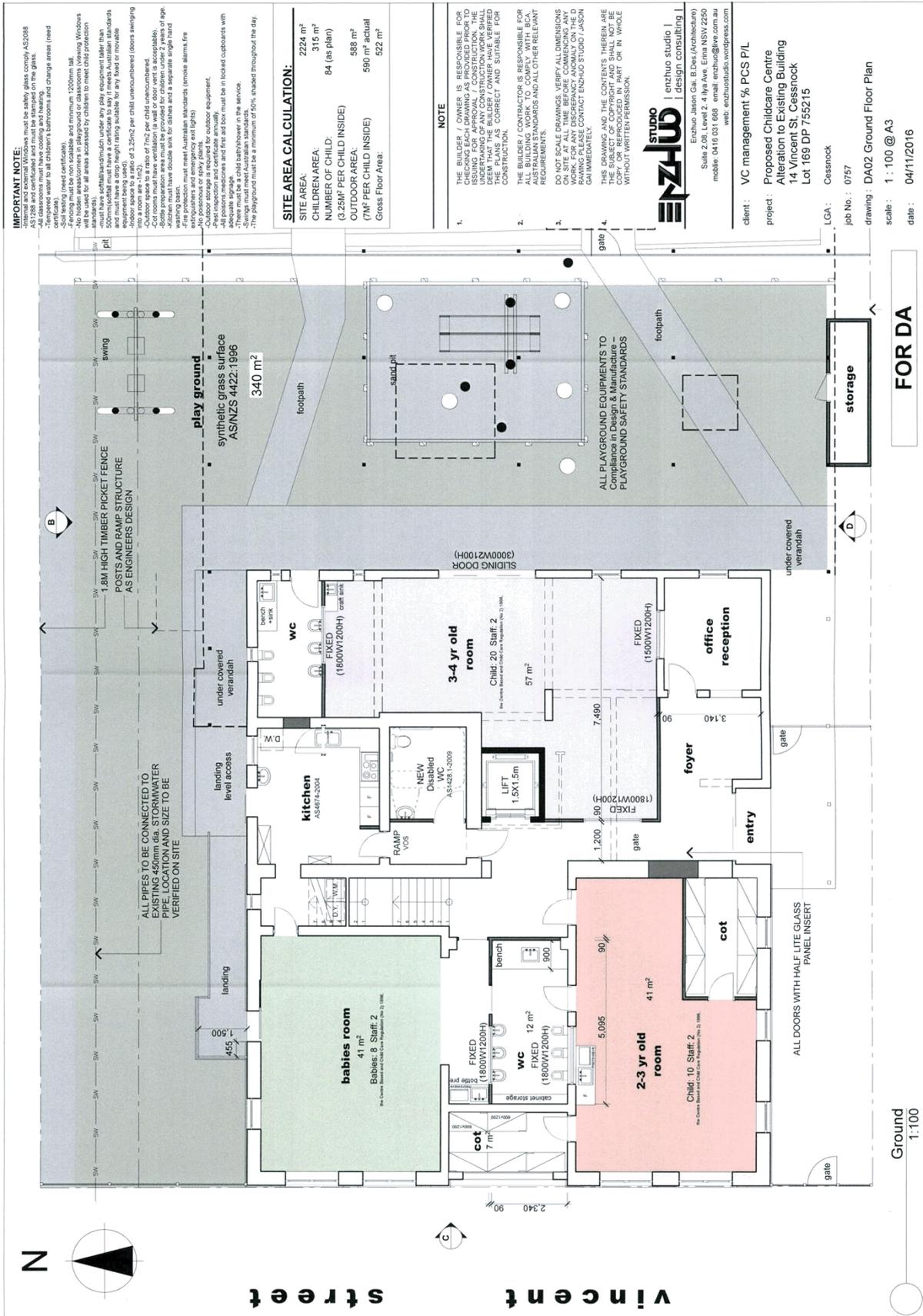
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14 & 14A Vincent Street and 3 Cumberland Street, Cessnock











14 & 14A Vincent Street and 3 Cumberland Street, Cessnock

Sarah Hyatt

From: Wendy Saywell <wendy@saywells.com.au>
Sent: Wednesday, 23 November 2016 10:20 AM
To: council
Subject: DA 8/2016/548/1

Submission regarding Development Application 8/2016/548/1 for property at 14 Vincent St Cessnock

I am writing as we are the tenant in the building next door to the property involved, at 12 Vincent St Cessnock.

If the proposed development is only to be accessed from Cumberland Street, both by vehicle and on foot, and if there will be no access at all to the proposed business from Vincent Street, our concerns will largely be allayed.

However if there is to be access, even by pedestrians, from Vincent Street, we are concerned that it will adversely impact our business in the following ways:

There will be increased traffic in Vincent Street due to parents dropping off / picking up their children from the property. Even if car access is from Cumberland St, there will still be people parking in Vincent St to walk through and this will increase the traffic at this end of Vincent St at those times. This will adversely impact our staff and clients arriving and departing our office at those times.

Additionally, we have a small car park at the rear of our building, which is accessed by a driveway from Vincent St, which runs along the side of the building at 14 Vincent St. If the child care customers are able to access that business from Vincent St it is highly likely that some of their customers will trespass on our parking spaces (either by intention ie "I'm only just stopping for a few minutes for pickup / drop off so it won't matter" or perhaps inadvertently). We pay rent for these spaces and ensure that they are always available to our clients. We have signage warning trespassers not to park there but in our experience customers of neighbouring businesses have caused us problems with trespassing eg Northumberland Network, Musitopia. Those businesses were unable to prevent their clients from trespassing and it would be unlikely the proposed childcare centre could prevent parents parking at our property. However if there were no pedestrian access from Vincent Street, then there would be no demand for parking at this end of Vincent St at those peak times.

Kind regards

Wendy Saywell CPA
General Manager

M : 0417 065 586
P : 02 4990 9766
E : wendy@saywells.com.au
PO Box 263, Cessnock NSW 2325
12 Vincent St, Cessnock NSW 2325

SAYWELLS

Chartered Accountants | Registered Tax Agent | Business Advisor

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Beware of tax scams. Never pay an alleged tax debt without first talking to us!



45 Ferguson Street, Cessnock

CPM: 19561/2016.

Notif Exp: 8/11/16.

Adm Hrd Due: 15/11/16.

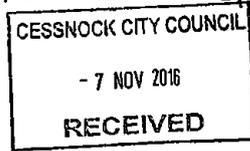
WT & SG Hirst

13 Anstey Str,

Cessnock 2325

N. S. W.

4/10/2016.

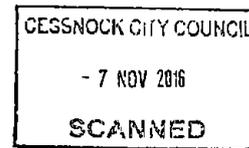


8/2016/624/1

Proposal: Construct Detached Dwelling Utilising Existing Relocated Building and Boundary Adjustment.

Property: LOT 22 Sec: A DP: 8991, LOT: 21 Sec: ADP 8991, 45 Ferguson Street Cessnock.

To General Manager, Cessnock City Council.



Dear Sir,

We are of the opinion that the proponent is not genuine in gaining consent for this proposal as it is just a ploy to gain time (up to 5 years) to do nothing. The house was moved without consent to its current position, about 1mtr off our rear boundary fence 18 mths ago onto property owned by the proponent. There has been little activity regarding the dwelling since.

The dwelling is in a raised position supported by steel girders and timber blocks and the proponent is continuing to stack firewood underneath. The unkempt condition of this block makes for a fire hazard with hot, windy weather upon us. We live in fear for fire damage to our property.

The proponent over the past 3-4 years has totally disregarded councils orders to clean up stock piled unusable rubbish from 45 Ferguson street plus it took 12 mths to remove 4x shipping containers which a D.A

45 Ferguson Street, Cessnock

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refusal was handed down by council.

Council has also directed these persons to relocate or demolish this dwelling from its current location without any response. Time has run out so thence the D.A. application.

Don't get us wrong, but we would more than ever like to see this dwelling moved as soon as possible to relieve our anxiety of sometime returning from a holiday to find our property in ashes because of their neglect.

If council does approve the D.A. would consent conditions be considered to move the dwelling in a short period of time as we feel this saga will go on indefinitely.

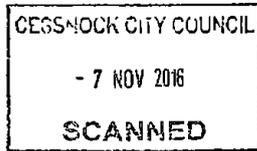
P.S. Could council instruct the proponent to clear overgrown undergrowth from the surrounds of the dwelling and clear rubbish from surrounds of 45 Ferguson from harbouring snakes, rats & mice etc.

Much Obligated  
William & Susan Hirst  
W.T. Hirst  
& Hirst

We have made no donations or gifts to any councillor or Council employee in past two years.

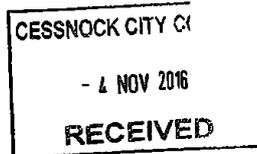
W.T. Hirst  
& Hirst

45 Ferguson Street, Cessnock



2. 11. 16

To The General Manager  
Cessnock City Council



Dear Sir,

re Development App: 8/2016/624/1  
Property lot 22 Sec. ADP: 8991  
Property lot 21 Sec: ADP 8992  
45. Ferguson Street Cessnock NSW 2325  
Applicant: Ms. F Donahé

We wish to forward our submission to the above development for the following reasons Our objections are:

- 1) Double Storey: - Building not in keeping with other properties in the area.
- 2) Back Deck: - Deck would look directly into our property
- 3) Flooding: - We are concerned that should a one in one hundred year flood occur that properties in the area could be effected, due to the building being situated so

45 Ferguson Street, Cessnock

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close to a water course.

We trust that consideration will be given to our submission and ask that our personal details be withheld from the general public.

Thank you

**129 Mitchell Avenue, Kurri Kurri**

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XX December 2016

NSW Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Contact : Janine McCarthy  
Our Ref: DOC2016/067269  
Your Ref: SSD 7520

Dear Ms Barnet

**State Significant Development 7520  
129 Mitchell Avenue (Lots 796 and 797 DP 39877), Kurri Kurri**

Thank you for the opportunity to provide comments in respect to the above State Significant Development (7520), for the purpose of constructing and operating a battery recycling facility at 129 Mitchell Avenue, Kurri Kurri.

The proposal, including the associated EIS, has been reviewed by Council officers and considered by Council at its meeting of 14 December 2016. The following comments and recommendations are endorsed and provided for your consideration:

**Comments**

Cessnock Council is supportive of development that does not harm the environment or the local community but contributes to the stimulation of the local economy, particularly where development generates employment opportunities. Subject to full assessment by the Department of Planning and Environment, Council is supportive of the concept and the economic benefits in particular that will generate employment and economic activity in the immediate Kurri Kurri district and the Cessnock Local Government Area.

**Recommendations**

Below is a list of recommendations that arise from aspects of the proposed development. These recommendations are provided for the Department's consideration. It is noted that, in the event the Application is approved, the recommendations could be imposed as conditions of consent:

*Air quality*

- Council recognises that the Air Quality Impact Assessment provided presents results of dispersion modelling conducted. These results indicate that the operation would be highly unlikely to result in exceedances of the relevant assessment criteria at surrounding sensitive receivers. Information on pollution control equipment has been provided. Ongoing monitoring of discharge points and other areas on site should be included as a requirement on the Environmental Protection Licence.

*Human Health*

- The Human Health Risk Assessment identified exposure to dust through site operations as a health impact with dermal contact, incidental ingestion and inhalation in indoor areas as the exposure pathways with particular focus on lead.

It is important that this report be reviewed by NSW Health and Safe Work NSW with regards to the health impact on workers, and that any recommendations from those government department be adopted.

*Contamination*

- The EIS provides a preliminary investigation and the recommendation of a construction environmental management plan in lieu of a detailed investigation. The project may warrant a detailed investigation to be conducted, including the sampling of groundwater. Depending on the results of the detailed investigation, remediation and validation may be required. In any case and noting the heavy industrial use, the site should be suitable for the intended use.

*Car parking*

- In accordance with *Chapter C1 Parking and Access of the Cessnock Development Control Plan 2010 (DCP)*, car parking is required at the following rates:

Land Use	Parking Requirement	Site Area / Employee	Parks Required
Industrial Premises (Building 5 Only)	1 space per 75 m2 of gross floor area, OR 1 space per 2 employees whichever is greater	4752m2 73 employees	63.36 spaces or 36.5 spaces
Office Premises (Building 3 Only)	1 space per 30m2 of gross floor area	216m2	7.2 spaces

From the table above, a total of 71 car parking spaces are required to be provided on site in conjunction with the proposed development. It is noted that the plans identify the provision of 46 car parking spaces. Therefore based on Council's car parking requirements we would recommend a further 25 car parking spaces be provided on site.

*Vehicular Access*

- The Hart Road and Government Road intersection is an existing intersection which was upgraded by line marking a CHR(s) type turning treatment and constructing a concrete median on the Hart Road leg of the intersection. Additional detail is required to show that a B double is able to turn onto Hart Road from Government Road without mounting the medium and entering the road shoulder.
- An assessment of the intersection into the development using Figure 4.9 of *"Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections"* indicates that a Basic Right and Basic Left turn treatment is required for the development.

129 Mitchell Avenue, Kurri Kurri

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- If the secondary access is to be used, the following should be required:
  - Details showing the location of the access on site.
  - A formal letter signed by all parties confirming the land owners consent to use their land for access.
  - A condition to be including requiring a suitable easement be created to formalise the access way.
  - The existing gravel access road and crossover to be required to be upgraded to a sealed two lane two way access road to Council standards.
- Transport routes to and from the proposed facility should be via the most direct route to the State Road network with a preference to the Hunter Expressway (M15 wherever possible) and minimise impacts on surrounding local road networks. Where local road networks are proposed, Council would like to discuss appropriate developer contributions arrangements to be applied to any approval to ensure local road networks servicing the development can be maintained and or upgraded where required.

*Stormwater*

- With the proposed embankment batters being steeper than the 1V:6H, suitable basin safety measures are to be provided such as fencing around the basin.
- The onsite detention basin has been positioned below the 1% AEP flood level. As a result, the site will not adequately attenuate the pre and post developed flows for the 1% AEP and potentially the 2% AEP flood events. The basin should be relocated to be outside the 1% AEP flood plain and to ensure the outlet pipe is above the 1% AEP flood level.

*Visual impact*

- The development includes buildings with elongated walls and roof lines that present significant building mass. The use of architectural features/articulation for the purpose of reducing building bulk should be considered in the context of the site, noting this is a heavy industrial zone.
- Rooftop plant or equipment should not be avoided on the buildings. Alternatively well designed screening should be used to reduce the visual impact of the development.

I trust these comments will assist the Department in its assessment of the proposal. Overall this is a development proposal which Council is supportive of in principle.

If you require any further information, do not hesitate to contact myself directly on 02 4993 4194 or Council's Development Services Manager, Janine McCarthy on 02 4993 4254, during business hours.

Yours faithfully

Martin Johnson  
Acting Director Planning and Environment



**Cessnock City Council – Staff Submission  
Standing Committee on the Environment and Energy  
Inquiry into Flying-fox Management in the Eastern States  
18 November 2016**

**Introduction to Cessnock City Council Local Government Area (LGA), NSW**

Cessnock City Council is a Local Government Authority based in Cessnock in the New South Wales Hunter Region. It is located approximately 120km north of Sydney and 40km west of Newcastle.

The Local Government Area (LGA) has a population of approximately 56,000 residents in an area of 1,984 km<sup>2</sup>. The LGA is characterised by urban centres of Cessnock, Kurri Kurri and smaller towns of Branxton, Greta, Wollombi, Millfield, Paxton and Ellalong. The area is supported by rural landscape, primary production and a significant viticultural industry known as Hunter Valley Wine Country, Australia’s oldest premier wine producing region. There are also large tracts of intact eucalypt forests, remnant vegetation and national parks. The resident population of the LGA is growing at approximately 1.5% per annum and is projected to increase to around 70,000 residents by 2036.



Figure 1 – Cessnock City Council – Location Map & Boundaries

This has placed the LGA in a difficult position where increasing population and urban peripheral development places pressure on the interface with natural bushland and habitats.

The LGA has two known flying-fox camps at East Cessnock and near Millfield, NSW to the south of Cessnock (See Figure 2 below).

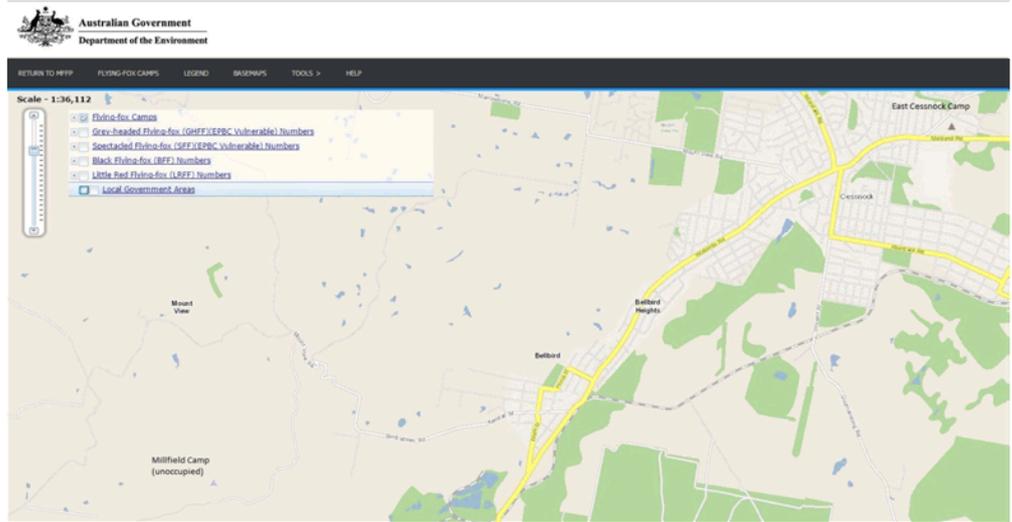


Figure 2 – Flying fox camp locations within Cessnock LGA

The most significant impact on adjoining residential areas is at East Cessnock. The flying-fox camp at East Cessnock is where the impacts of flying-foxes on adjacent residential areas are most significant. The Millfield camp is more isolated and has been unoccupied for a number of years.

In an attempt to address the problems arising from the East Cessnock flying-fox camp, several reports have been considered by the elected Council despite the fact the portion of the camp which impacted on Council’s own land is relatively small. A history of Council resolutions is attached in Appendix 1. It is clear that ongoing time and resources are needed by Council to continue to manage the issues arising from the camp and its immediate impact on adjoining residents, businesses, Crown Land, a local primary school and Council land.

Council’s submission will address the terms of reference and provide a short background to the East Cessnock flying-fox camp and the issue currently being addressed by Council.

**Background to the East Cessnock flying-fox camp**

A relatively small Grey-Headed Flying-Fox (GHFF) camp established itself in a parcel of Crown Land tucked in behind East Cessnock Primary School in 2011. Council, on behalf of the residents lobbied the NSW state government at the time to address the issues associated with the camp. Crown Land NSW, as land manager, were unable to fund the development of a Camp Management Plan and the matter remained unresolved at that time. The camp caused significant environmental damage to endangered flora, and impacted adversely on nearby residents primarily from a noise, excrement and odour perspective.

From January to May 2016, East Cessnock experienced an unprecedented urban flying-fox population concentration following an influx of approximately 65,000 flying-foxes (approximately equal numbers of Grey-Headed Flying-Foxes (GHFF) and Little Red Flying-

Foxes (LRFF)). The camp severely impacted upon adjacent residents due to the oppressive odour, large quantities of excrement peppering their neighbourhood and the constant 24/7 noise emitted from the camp. Concerns over the health risks associated with flying-foxes were also raised with Council and the primary school vegetable patch was unable to be used by school pupils. At that time, the massive expansion of the camp spilled over onto Council owned land nearby and as a result Council took the lead in management actions to address the problems.

Cessnock City Council is currently in the process of preparing a Camp Management Plan, which follows the requirements of the NSW Government's Guidelines published by the Office of Environment and Heritage. The Plan is discussed further through the submission.

### **Response to Terms of Reference**

Council staff have reviewed the Terms of Reference and provide the following comments and recommendations in response.

#### ***The circumstances and process by which flying-foxes are listed and delisted as threatened species at both the state and Australian levels***

#### **Comments**

The Grey-Headed Flying-Fox was included in the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) list of threatened species as Vulnerable on 4 December 2001.

Council understands that the purpose of listing the Grey-Headed Flying-Fox under the EPBC Act is to recognise that the long-term survival of the species is under threat, prevent its further decline, and assist community efforts toward the recovery of the species (Australian Department of Environment and Heritage 2003).

Council regularly receives comments from the community that there are very large numbers of flying-foxes and they do not understand their protection status under threatened species legislation. The process of listing species as "Threatened", "Vulnerable", "Endangered" or "Critically Endangered" and other terms such as "endangered ecological community" and "endangered population" are not widely understood by communities. It is certainly recommended that there needs to be more transparency in the listing process, with the evidence used to justify consideration for listing, clearly represented in easy to understand terms. Greater community engagement in these steps is critical to gaining community understanding and support in the process.

For example, the *Status and Trends of Australia's EPBC-Listed flying-foxes* as published by CSIRO in April 2015 confirmed the listing status of the Grey-Headed Flying-Fox, however this is buried within a complicated and academic publication which communities cannot understand or relate to.

#### **Recommendation**

*The communication of threatened species listing processes and the evidence used to justify them should be presented in clear and easy to understand terms to allow greater community engagement in the process.*

***The interaction between the state and Australian regulatory frameworks***

**Comments**

From a community perspective the regulatory frameworks only increase the complexity and confusion regarding the status of flying-foxes. While there is an understanding that the GHFF are threatened under both the EPBC Act and the Threatened Species Act 1995 (NSW), the intermixing of GHFF and LRFF in the East Cessnock Camp caused further confusion. Community members do not generally differentiate between species, and land owners are forced to address worst case scenario situations regardless of the protections afforded to the flying-fox occupants of a camp. The legislative frameworks do not adequately address the potential human impact of a threatened species and this makes managing them for conservation more difficult and complex.

Impacted communities are often not interested in the evidence, legislation and academic argument for protection, they simply want the disruption caused to their lives and perceived health risks eliminated.

Council accepts there is evidence for the legislated protection of threatened species, however, there needs to be a better integrated approach between state and Australian jurisdictions in how to approach and manage situations where communities are being adversely impacted. The impacts from flying-fox camps on people are not simple inconveniences. The impacts are significant to the quality of life of those affected. Impacts include damage to property, possessions, homes, vehicles, clothing and other impacts such as noise and odour, interference in the quiet enjoyment and amenity of one's backyard (especially during evenings). At East Cessnock, there have been several incidents where the Camp habitat has been set on fire in an effort to relocate or kill the flying-foxes (albeit unsuccessfully). This extreme and unlawful action places other people at serious risk yet is reflective of how some local people feel disempowered by the legislation and let down by governments – that flying-foxes have more rights than people.

There is little evidence or visible effort taken by government or others to research impact on the mental health and wellbeing of impacted communities, however there is a plethora of scientific evidence and legislation available to support and protect threatened species.

In NSW, the Flying-Fox Engage (currently being utilised by Cessnock City Council) tool is a good start to look at the management options to assist people and communities impacted. However there are no proactive or substantive legislative resources provided to those impacted people or communities to address the impacts on their lives. There is an issue that these tools are implemented and options considered only after there is a problem and people are already being impacted.

***Recommendation***

*That the Australian government explore more effective integration and simplification of the state and commonwealth legislation in relation to threatened species management and its impact on communities.*

*That the Australian and State governments provide greater assistance and support to the health and wellbeing of people and communities adversely impacted by threatened species such as Grey-Headed Flying-Foxes.*

The drafting of the National Recovery Plan for the Grey-Headed Flying-Fox in 2009 was a promising start to a strategic approach to integrating the regulatory frameworks for managing Grey-Headed Flying-Foxes across the eastern states. It is not known if the five year program defined within the document was given final approval, funded or enacted. If this had occurred the current situation may have been averted.

**Recommendation**

*That as a priority the Australian Government, in partnership with State governments, review, fund and implement a revised recovery plan for the Grey-Headed Flying Fox as a matter of priority.*

In December 2014 the Australian Government published a *Draft EPBC Act Policy Statement - Camp Guidelines for the Grey-Headed and Spectacled Flying-Fox*. From this document Cessnock City Council became aware of the listing of the East Cessnock Camp as one of National Importance. The current status of this document is unknown however it appears that the Australian Government is focussed on regulating the activities that may impact upon camps as their sole approach to managing the species. This appears to be contrary to the intention of the government when listing the species to “assist community efforts toward the recovery of the species”.

**Recommendation**

*That the Australian Government reassess its approach to ensure it takes a “proactive role in assisting community efforts towards the recovery of the species” with a view to a broader approach which addresses management actions beyond the immediate camp boundaries.*

**Strategic approaches to managing species at a regional scale**

**Comments**

Council has outlined earlier in the submission that the Draft Recovery Plan for the Grey-Headed Flying-Fox requires action from the Australian and State Governments. The recommendation provided earlier in the submission is also relevant to this term of reference and is re-included in that regard.

**Recommendation**

*That as a priority the Australian Government, in partnership with State governments, review, fund and implement a revised recovery plan for the Grey-Headed Flying-Fox as a matter of priority.*

In the case of East Cessnock Camp it has been clearly demonstrated that managing species at a sub-regional camp and regional scale requires the commitment from all stakeholders but more importantly a “whole of government” approach. This approach requires the cooperation and joint policy position of regulators and land managers. The NSW policy whereby the land manager is responsible for the Camp is problematic as illustrated in the East Cessnock case as there was a disconnect within the NSW Government resulting in a lack of response to community impacts from the camp.

The whole of Government approach requires NSW Government Departments (such as Health, Office of Environment and Heritage, Lands and National Parks and Wildlife) to work collaboratively with the Australian Government to deliver meaningful outcomes for affected communities while balancing conservation and community impact. The current situation of the State and Federal Government issuing a protection order over a species and then letting Local Government (in the majority of cases) manage the implications (with uncertain funding providing) needs to be addressed.

The collection storage and dissemination of camp information at a regional scale will assist communities and Local Government in understanding flying-fox movements within the region. Closer scrutiny on movements when camp management activities are being undertaken would assist the planning for camps. Anecdotally a decline in the population at Burdekin Park, Singleton NSW (of about 15,000 individuals) during the recent season saw a co-incidental equivalent spike in the numbers at East Cessnock.

To better prepare communities who host Nationally Important Flying-fox Camps (such as East Cessnock) monitoring of potential food sources and foraging habitat would assist in the forecast movement of flying-foxes into a region. This intelligence would need to cover the entire range of flying-foxes in Eastern Australia. With this information communities can be better prepared for influxes such as that experienced in 2016.

#### **Recommendation**

*That the Australian government take a leading role, along with the State governments, in the review of the draft recovery plan for the Grey-Headed Flying-Fox, to ensure outcomes from the review reflect a whole of government approach to effectively manage strategic and operational regional intelligence beyond local and State government boundaries.*

#### **Opportunities to streamline the regulation of flying-fox management**

##### **Comments**

Council's involvement in the regulation of flying-fox management includes:

- the assessment of significance in response to development applications lodged with Council under Part 4 of the NSW Environmental Planning and Assessment Act 1979;
- Reviews of Environmental Factors under Part 5 of the NSW Environmental Planning and Assessment Act (for Council's own works)
- reference and compliance with the NSW Threatened Species Act 1995 and National Parks and Wildlife Act 1974;
- potential licencing activating arising from a Camp Management Plan relating to flying-foxes on Council owned land; and
- advice to the community regarding to all of the above.

Council understands that in NSW the regulatory frameworks are under review with the Biodiversity Conservation Bill 2016 currently awaiting assent. This may in part assist to streamline issues, however by no means does this resolve duplication of legislation between the Australian and NSW legislation.

Council participated on a regional level through Hunter Councils, to prepare and submit a regional level response to the review of the NSW Biodiversity legislation. Simplification of the existing legislation was raised in that submission.

Issues do arise in both development assessment and threatened species management because there are state and federal requirements that must be considered on the same matters at a local level. In NSW there is confusion at times over potential for offences and which Act might apply. Harming a flying-fox for example whether intentionally or inadvertently could result in a breach of the NSW Threatened Species Act 1995 and could also be a breach of the Commonwealth EPBC Act. Offences in NSW could be dealt with by the EPBC Act, the NSW National Parks and Wildlife Act 1974, and/or the NSW Environmental Planning and Assessment Act 1979.

Assessment reports prepared by applicants for development consent, must consider both the state and federal legislation where necessary and this is then required to be assessed as part of the process by Council planners. The duplication of legislation adds time and complexity to the process unnecessarily which impacts adversely on assessment turnaround times often delaying applications for lengthy periods. The impact on applicants often places more risk on the viability of their proposal due to assessment delay.

The current legislative framework is a confusing, duplicative and complicated approach to threatened species management.

Council was of the understanding that a bilateral agreement or arrangement was to be formulated by the Australian and NSW state governments to streamline and minimise duplication in assessments. We understand that the purpose of such an agreement was to ensure that if assessments were undertaken which complied with the state criteria they would also be taken to comply with the federal criteria. Council has no information to suggest this has been achieved or progressed so resources should be directed by both levels of government to ensure this is streamlined as a matter of priority to ensure certainty to council, developers and the community as well as protection of the flying-foxes.

In terms of the current development of a Flying-Fox Camp Management Plan by Council, this has been assisted significantly by the publication of a Camp Management Plan Template by the NSW Office of Environment and Heritage. Dependent upon the management options determined by the plan the requirement for a single licence for certain activities would reduce the duplication of an application to both tiers of government. This is a positive process to be supported because it attempts to streamline the duplication of licencing for management actions and should also be encouraged by the Australian Government. This is already reflected in the recommendations provided within the submission.

**Recommendation**

*That the Australian and State Governments work together in a transparent manner, with opportunities for community engagement, to streamline regulation and avoid unnecessary duplication. Streamlining the legislation may include bilateral agreements between levels of government, legislative amendments or other arrangements.*

***The success or otherwise of management actions, such as dispersal of problematic flying-fox camps***

In 2013 a review of the past dispersal attempts was published by Eby & Roberts. This report provides valuable evidence to communities for the costs and successes (or lack thereof) of dispersal actions undertaken by various organisations across the eastern states. The review is only a summary so does not confirm or prove otherwise the direct correlation between dispersal activities and/or natural movements of flying-foxes at certain camps. Greater

monitoring and recording of management actions and their results would assist in future planning of management options.

As Council is currently developing a Camp Management Plan for the flying-foxes at East Cessnock, the full range of management actions, including dispersal are yet to be formally endorsed by the community or Council. However, Council would consider that dispersal should be considered as a valid option, where supported by available evidence. Current research by Eby and Roberts (2013) indicates dispersal attempts resulted in flying-foxes moving less than 600m from their original site. At East Cessnock, this means dispersal would be likely to impact on other residential areas. Dispersal options come with a high-risk that the problem will simply relocate to another community and this should be considered in further research.

#### **Recommendation**

*That the Australian and State Governments work together to carry out further research on dispersal management options for flying-foxes, and how this impacts on both affected communities and flying-foxes.*

#### **General Comments**

Flying-foxes are unique species and unlike other threatened fauna, their impacts on communities, through no fault of their own, are often highly offensive. This may require a different legislative and policy response by the Government. Council would be supportive of this approach.

Council staff have consulted with Hunter Councils and have reviewed their draft submission. Council staff are supportive of the Hunter Councils submission.

\* \* \*

#### **References:**

The CSIRO publication – Status and Trends of Australia's EPBC-listed Flying-foxes 2015.  
Eby and Roberts 2013, Review of past flying-fox dispersal actions between 1990-2013.  
Draft National Recovery Plan for the Grey-Headed Flying-fox 2009.  
NSW Office of Environment and Heritage Flying-fox Camp Management Policy 2015.  
NSW Office of Environment and Heritage Flying-fox Camp Management Plan Template 2016.  
Draft EPBC Act Policy Statement, Camp Management Guidelines for the Grey-Headed and Spectacled Flying-Fox 2014.  
EPBC Act Administrative Guidelines on Significance – Supplement for the Grey-Headed Flying-Fox, Department of Environment and Heritage 2003.

#### **Appendix 1:**

Council resolution of:  
A. 18 April 2012  
B. 6 June 2012  
C. 17 April 2013  
D. 4 September 2013  
E. 5 March 2015  
F. 1 July 2015  
G. 6 April 2016  
H. 6 July 2016  
I. 3 August 2016



**OFFICE OF THE MAYOR**

Attention: The Secretariat  
Standing Committee on the  
Environment and Energy  
PO Box 6021, Parliament House  
CANBERRA ACT 2600

Contact: Gareth Curtis  
Our Ref: DOC2016/062847  
Your Ref:

Dear Sir/Madam

**Inquiry into flying-fox management in the eastern states**

Thank you for the opportunity to make a submission to the *Standing Committee Inquiry into Flying-Fox Management in the Eastern States*.

At its Ordinary meeting held 16 November 2016, Cessnock City Council considered an urgency motion in relation to providing a submission to the Standing Committee on Environment and Energy Inquiry into Flying-Fox Management in the Eastern States and resolved the following :

1. *That Council notes that the very short time frame provided by the Commonwealth Government's Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States has prevented the opportunity for a full submission to be provided to the elected Council to consider before the Committee's submission period closes on 18 November 2016.*
2. *That Council notes that Council staff will make a submission, in consultation with Hunter Councils, to the Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States, and that prior to the staff submission being lodged, a copy of the submission be provided to Councillors for reference.*
3. *That Council make a brief submission to the Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States as follows:*
  - a) *The impact on local residents of the flying foxes at the East Cessnock Flying Fox Camp is significant and is worthy of further review by the Council before making a submission to the Inquiry;*
  - b) *That given the significant impact on residents at East Cessnock, it is considered more than reasonable for Council to request the Committee provide an extension of time to enable the elected Council to consider the matter and provide an endorsed and informed submission.*

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e council@cessnock.nsw.gov.au w www.cessnock.nsw.gov.au  
ABN 60 919 148 928

Page 2 of 2

4. *That Council send a representative(s) to the Standing Committee's Public Roundtable Hearing in Canberra on 24 November 2016 in an effort to contribute to this important national issue and ensure Cessnock City Council's concerns are heard.*

Council's resolutions are self-explanatory, however, in relation to resolution number 4 unfortunately, due to the short timeframe provided, which did not coincide with Council's meeting agenda deadlines, Council was unable to consider and endorse a fully informed submission before the close of Inquiry submission period. Council is aware that Council staff have provided a separate submission for your consideration and we request further time be provided for the elected Council to consider that submission and either endorse, add to or amend as required, so as to reflect the Council's formal position on the matter.

Council would appreciate your favourable consideration of this request. To discuss Council's request or if you require any further information, please do not hesitate to contact Council's Director Planning and Environment, Gareth Curtis on telephone 02 4993 4133.

Yours faithfully

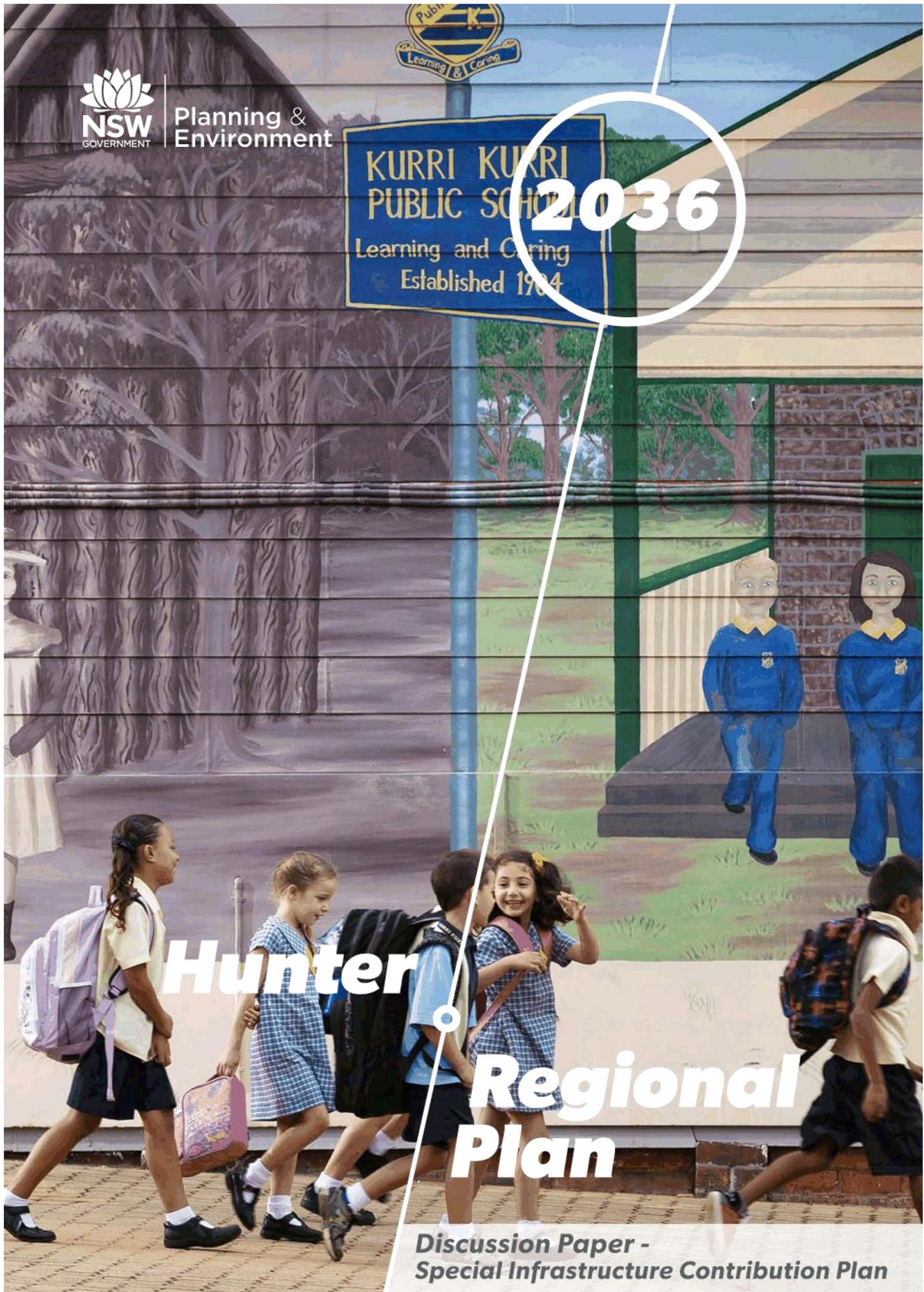


Bob Pynsent  
Mayor of the City of Cessnock



Stephen Glen  
General Manager

18 November 2016



Planning & Environment



# Hunter Regional Plan

Discussion Paper - Special Infrastructure Contribution Plan

*Discussion Paper - Hunter Region Special Infrastructure Contribution Plan*  
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Hunter Regional Plan 2036, PO Box 1226, Newcastle 2300

*Cover image: Mural school children, courtesy of Cessnock City Council*



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# 1. Introduction

The NSW Government has released the *Hunter Regional Plan 2036* to provide a blueprint for growth in this region for the next 20 years. As the State's leading regional economy, the prosperity of the Hunter is integral to the future prosperity of the State. The Regional Plan acknowledges that infrastructure investment across the Hunter will be essential to underpin this prosperity, and to deliver new jobs, housing, and services such as new schools, roads, health and emergency services.

The NSW Government will continue to make significant infrastructure investments in the Hunter. However, some new infrastructure will be required as a result of development activity associated with new land releases, subdivisions and new industrial and commercial facilities. The Government believes that development of this type should make a contribution towards the cost of this infrastructure.

For this reason, the Government has undertaken a detailed review of the existing draft *Special Infrastructure Contribution Plan* developed for the Hunter Urban Release Areas in 2011, and the infrastructure necessary to support the growth identified in the *Hunter Regional Plan 2036*. The *Environmental Planning and Assessment Act 1979* permits the establishment of infrastructure contribution plans to enable financial contributions to be made towards the cost of infrastructure, through the development

assessment process. These contributions are calculated according to the cost of infrastructure required to support new development. The outcome of this review will be the creation of a new Special Infrastructure Contribution Plan for the Hunter region.

The development of this Special Infrastructure Contribution Plan will be undertaken in close consultation with the community, local government and the development industry. The plan will identify the infrastructure that will be required to support growth as foreshadowed in the *Hunter Regional Plan 2036*, define a fair and appropriate financial contribution towards infrastructure from new development, and provide certainty to the development industry on the obligations arising from the development process. It will also significantly streamline and simplify the development assessment process by replacing the existing system whereby contributions are negotiated on a case-by-case basis.

The Department of Planning and Environment will undertake a program of consultation on this Discussion Paper until 16 December 2016. This will lead to the development of a draft Special Infrastructure Consultation Plan, to be released for formal public consultation in early 2017. It is proposed that a final Special Infrastructure Contribution Plan will be ready for consideration by the Minister by March 2017.

Timetable for Consultation				
October-December 2016	January 2017	February 2017	March 2017	
Pre-consultation with industry, local government on a Hunter Special Infrastructure Contribution Plan	Preparation of Draft Hunter Special Infrastructure Contribution Plan	Public consultation on Draft Hunter Special Infrastructure Contribution Plan	Minister makes a Determination and Direction in relation to the Hunter Special Infrastructure Contribution Plan	Commencement of Transition Period

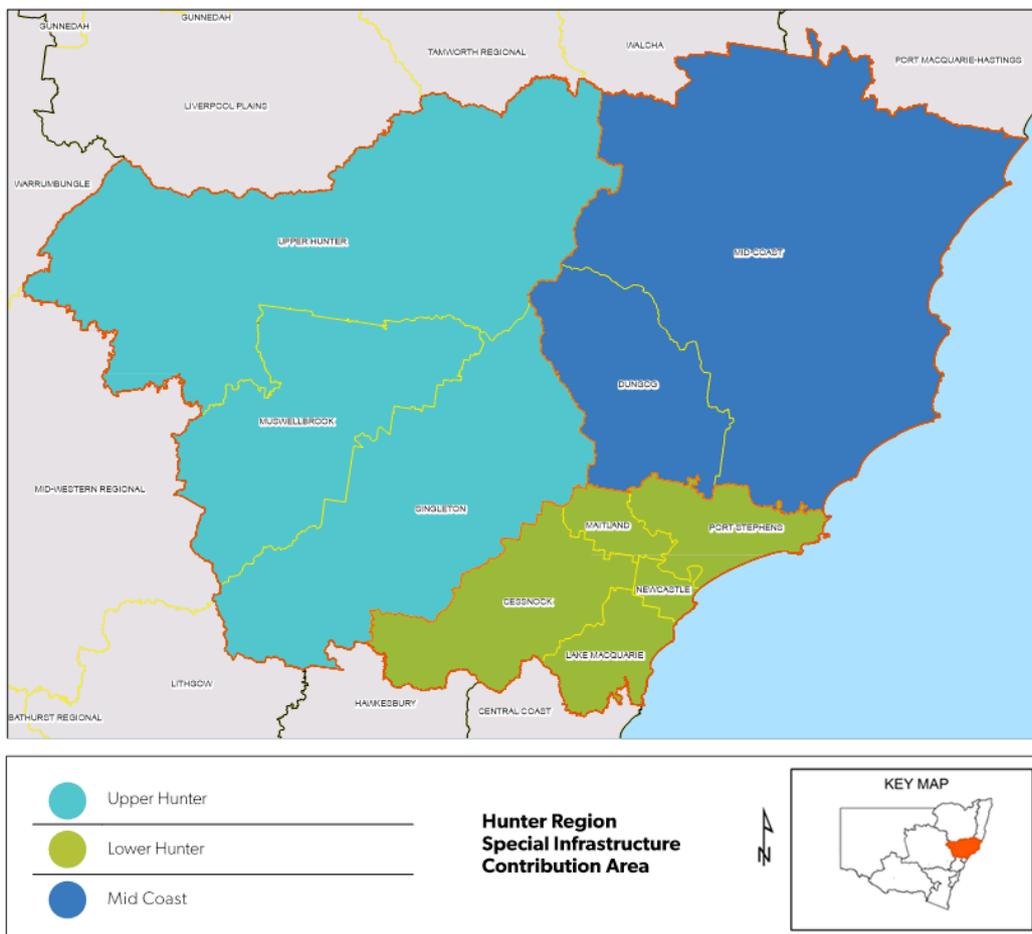
Hunter River, Newcastle



## 2. Special Infrastructure Contribution Plan Area

It is proposed that the Hunter Region Special Infrastructure Contribution Plan will apply to the Lower Hunter, Upper Hunter and Mid Coast, consistent with the *Hunter Regional Plan 2036*.

These areas align with infrastructure planning catchments and will improve coordination with local government planning areas. An overview of the proposed areas are outlined in Map 1 below.



Map 1: Proposed Hunter Region Special Infrastructure Contribution Area

Cardiff train station,  
Lake Macquarie



## **3. Potential Infrastructure**

During preparation of the *Hunter Regional Plan 2036*, State infrastructure delivery agencies identified the following categories of State infrastructure that should be considered in the development of a Special Infrastructure Contribution Plan:

- Emergency Services (e.g. Ambulance Stations, Fire Stations);
- Education facilities (e.g. schools);
- Health facilities (e.g. hospitals); and
- Transport (e.g. State roads, pathways and cycleways).

Appendix 1 contains a range of preliminary infrastructure requirements and related projects that may be included in a Hunter Region Special Infrastructure Contribution Plan for the categories shown above. Maps are also provided showing the location of projects.

The list is by no means exhaustive - it relates only to the infrastructure that may be considered in the development of a Special Infrastructure Contribution Plan under the *Environmental Planning and Assessment Act 1979*. The NSW Government, local government, infrastructure agencies and private sector infrastructure providers will continue to provide infrastructure through other infrastructure planning and delivery processes.



## 4. Sharing the Cost of Infrastructure

New development will help underpin the growth of business, industry and commerce in the Hunter. It will reduce the upward pressure on housing cost and support the growth of our communities. It is critical that an appropriate financial contribution be made towards the cost of this infrastructure but not at the expense of the feasibility of such projects.

The Department of Planning and Environment will work with the community, local government and the development industry over the coming months to strike the right balance. Some of the matters that the Department is consulting on include:

**a. Apportioning infrastructure costs**

- Development on land outside of urban release areas does not currently pay for infrastructure.
- Infrastructure costs could be shared across all development that generates a demand for infrastructure.
- Addressing the apportionment of infrastructure costs will result in a more equitable distribution of costs.

**b. Identifying the types of development suitable for contributions**

- Currently only residential and industrial development contribute towards the cost of infrastructure.
- A wider range of development types create a demand for infrastructure.
- Sharing costs relevant to the type of development will result in fairer contribution amounts.

**c. Identifying potential exemptions**

- A limited number of specific land uses are exempt from paying a special infrastructure contribution: schools, places of public worship, public hospitals.
- Exemptions for other uses that provide a public benefit may be appropriate.

**d. Identifying priority infrastructure for funding**

- Special Infrastructure Contributions currently partly fund State or regional roads and land required for social infrastructure and facilities such as schools, health care facilities, emergency services and justice purposes.

**e. Applying contributions**

- Currently the contribution rate is based on net developable area for an approved development.
- Consideration should be given to simplifying the current arrangements such that residential development is levied per lot; industrial development is levied per metre squared of gross floor area; and any other development is levied using an appropriate unit cost.
- Alternatively, development could be levied based on capital investment value.

## **5. Transitional Arrangements**

The Department of Planning and Environment recognises the impact that special infrastructure contributions can have on development assessment processes. As part of the current consultation, the Department of Planning and Environment will also work with key stakeholders

on appropriate transitional arrangements – from current requirements to a new Special Infrastructure Contribution framework. Some of the matters for consideration include:

- a. timing of commencement of a Hunter Special Infrastructure Contribution Plan;**
- b. application of the Hunter Special Infrastructure Contribution Plan to development that is under assessment by a council or relevant panel;**
- c. consideration of existing planning agreements, and planning agreements currently under negotiation; and**
- d. council processes for preparing for a Special Infrastructure Contribution Plan.**

## **6. Next Steps**

The Department of Planning and Environment will be running consultation sessions on the special infrastructure contributions framework until 16 December 2016, including sessions with councils and peak development industry bodies and the community.

For more information, refer to the Department's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



Appendix 1 – Schedules of Potential Infrastructure

<b>1</b>	<b>Table 1: Potential Future Ambulance Infrastructure</b>	
Lower Hunter		
AMB_01	Ambulance Station	
<b>TOTAL</b>		<b>\$350,000</b>

Refer Map 2: Existing and Potential Future Ambulance Infrastructure

<b>2</b>	<b>Table 2: Potential Future Education Infrastructure</b>	
<b>ID</b>	<b>Description</b>	
Lower Hunter		
ED_001	<b>New 1000 place Primary School</b>	
ED_002	<b>New 1000 place Primary School</b>	
ED_003	<b>New 1000 place Primary School</b>	
ED_004	<b>New 1000 place Primary School</b>	
ED_005	<b>Major High School Expansions</b>	
ED_006	<b>Major Primary School Expansions</b>	
ED_007	<b>New 1500 place High School</b>	
ED_008	<b>Major High School Expansions</b>	
ED_009	<b>Major Primary School Expansions</b>	
ED_010	<b>Major Primary School Expansions</b>	
ED_011	<b>Major Primary School Expansions</b>	
<b>TOTAL COST</b>	<b>\$33,320,000</b>	

Refer Map 3: Existing and Potential Future Education Infrastructure

3		<b>Table 3: Potential Future Fire Services Infrastructure</b>	
ID	Description		
<b>Upper Hunter</b>			
FS_06	Fire Station		
FS_07	Fire Station		
FS_08	Fire Station		
TOTAL COST		\$540,000	
<b>Lower Hunter</b>			
FS_01	Fire Station		
FS_02	Fire Station		
FS_03	Fire Station		
FS_04	Fire Station		
TOTAL COST		\$1,340,000	
<b>Mid Coast</b>			
FS_05	Fire Station		
TOTAL COST		\$180,000	

Refer Map 4: Existing and Potential Future Fire Services Infrastructure

<b>4</b>	<b>Table 4: Potential Future Health Infrastructure</b>	
ID	Description	
<b>Upper Hunter</b>		
H_09	Singleton District Hospital	
H_10	Muswellbrook District Hospital	
H_11	Wilson Memorial Hospital	
H_12	Scott Memorial Hospital	
TOTAL COST		\$8,910,000
<b>Lower Hunter</b>		
H_01	Belmont Hospital	
H_02	Charlestown Community Health	
H_03	Morisset Hospital	
H_04	Tomaree Community Hospital	
H_05	The Maitland Hospital	
H_06	Cessnock District Health Service	
H_07	Kurri Kurri District Hospital	
H_16	John Hunter Hospital	
H_17	Swansea/Belmont Community Health	
TOTAL COST		\$155,100,000

Refer Map 5: **Existing and Potential Future Health Infrastructure**

Mid-Coast	
H_08	Dungog Hospital
H_13	Manning Base Hospital
H_14	Gloucester Soldiers Memorial Hospital
H_15	Wingham Community Hospital
TOTAL COST	\$4,960,000

Refer Map 5: **Existing and Potential Future Health Infrastructure**

5		
<b>Table 5: Potential Future Transport Infrastructure</b>		
ID	Road Name	Description
<b>Upper Hunter</b>		
TR_001	Dolahenty Street	Construct a 300m cycleway along Dolahenty Street between Victoria Street and King Street, Muswellbrook
TR_002	Rutherford Road	Construct a 230m shared user path along Rutherford Road between Cassidy Avenue and Showground entrance, Muswellbrook
TR_003	John Street	Construct a 100m shared user path from John Street to Rose Point Park
TR_004	New England Highway	Construct Traffic Control Signals at the New England Highway/ Kingdon Street intersection
TR_005	New England Highway	SH9 New England Highway duplication - between Golden Highway and Singleton bypass
<b>TOTAL COST</b>		<b>\$11,740,000</b>
<b>Lower Hunter</b>		
TR_006	Jackson Street	Construct a 1,375m shared user path along Jackson Street connecting to Griffiths Road
TR_007		Construct a 170m shared user path to connect to the Stockton Bridge
TR_008	Maud Street	Construct an 865m shared user path at Maud Street
TR_009	Broadmeadow	Coonstruct a 200m shared user path connected to Broadmeadows sporting facilities.
TR_010	Bridges Road	Construct a shared user path along Bridges Road to Rydal Street
TR_011	University Drive	Construct a mid-block pedestrian signalised crossing at University Drive
TR_012	Pacific Highway	Construct pedestrian signalised crossing on Pacific Highway at the Hexham Bowling Club
TR_013	Griffiths Road	Construct a pedestrian signalised crossing on Griffiths Road
TR_014	Lexington Parade	Construct a raised pedestrian crossing on Lexington Parade at Kotara High School

Refer Map 6: **Existing and Potential Future Transport Infrastructure**

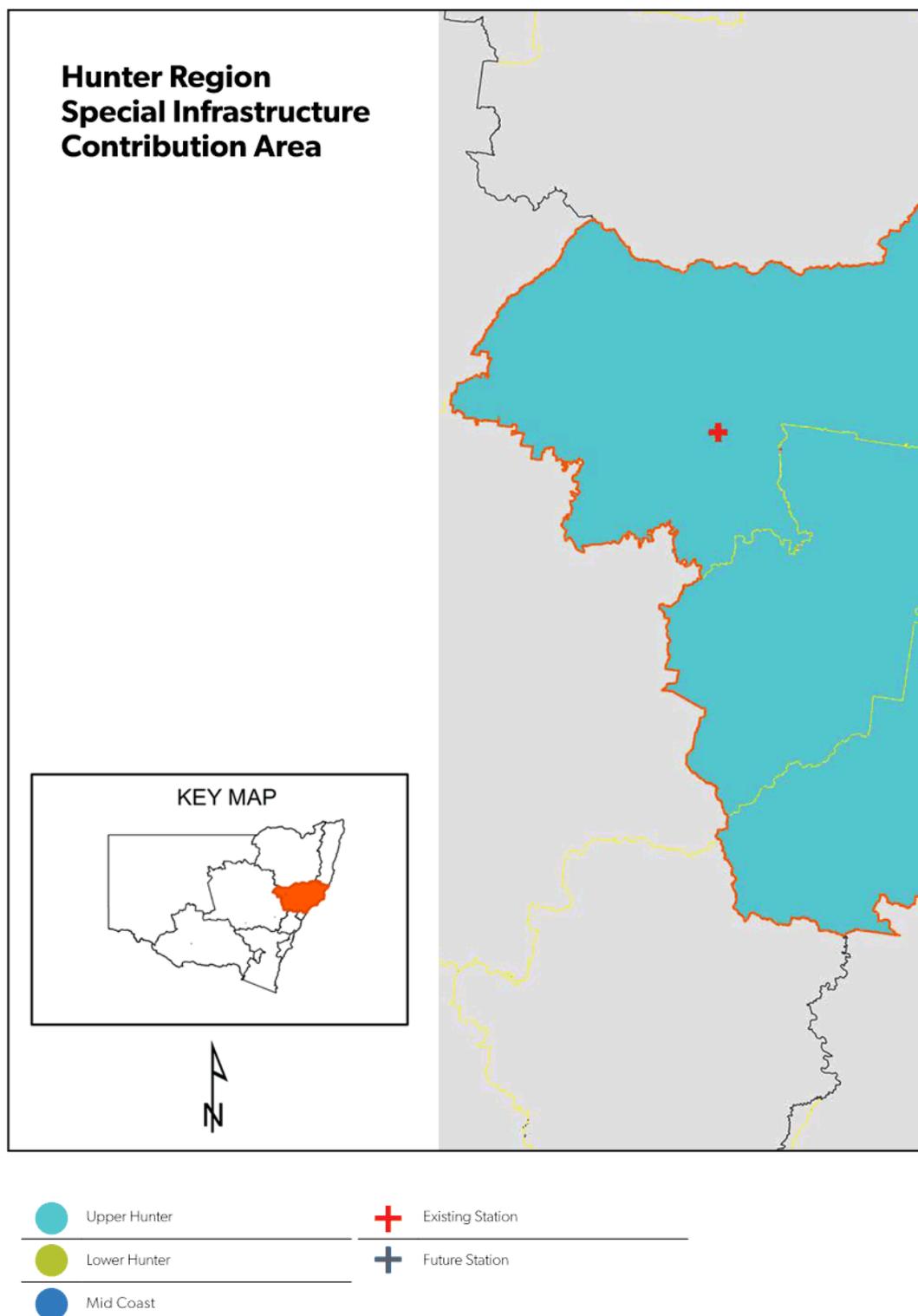
TR_015		Construct a 930m shared user path
TR_016	Alexandra Avenue	Construct a cycleway between Alexandra Avenue and Weblands Street, Rutherford
TR_017		Construct a 200m shared user path connecting to Broadmeadows Sporting facilities
TR_018		Newcastle Urban Renewal & Transport Program Newcastle Light Rail - Construction of 2.7 Kilometre light rail corridor through the city centre
TR_019	Nelson Bay Road	Nelson Bay Road - Fern Bay to Williamtown duplication
TR_020	New England Highway	SH9 New England Highway duplication - between Racecourse Road and Anambah Road, Rutherford
TR_021	Main Rd	Provide traffic signals, and realignment of intersection
TR_022	Macquarie St	Includes traffic signals at Fishery Point Road (strong recent development) and various minor capacity improvements through Morisset town centre
	Future Projects	Transport Projects currently in planning phase
TOTAL COST		\$319,120,000
<b>MidCoast</b>		
TR_024	Lake Street	Construct a 415m cycleway along Lake Street between Little Street and MacIntosh Street
TR_025	Dowling Street	Construct pedestrian signalised crossings at the Dowling Street/ Hooke Street intersection
TOTAL COST		\$540,000

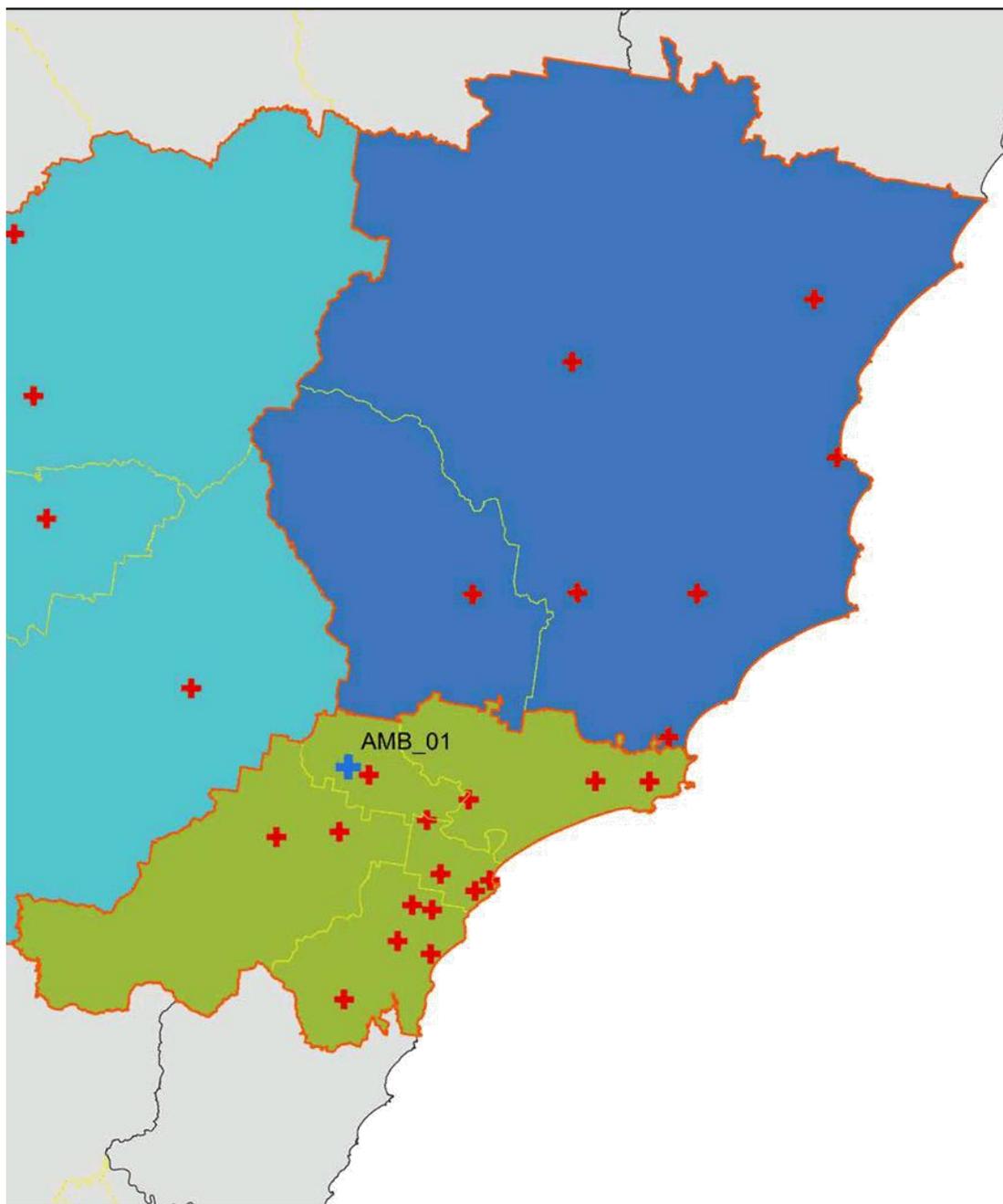
Refer Map 6: **Existing and Potential Future Transport Infrastructure**



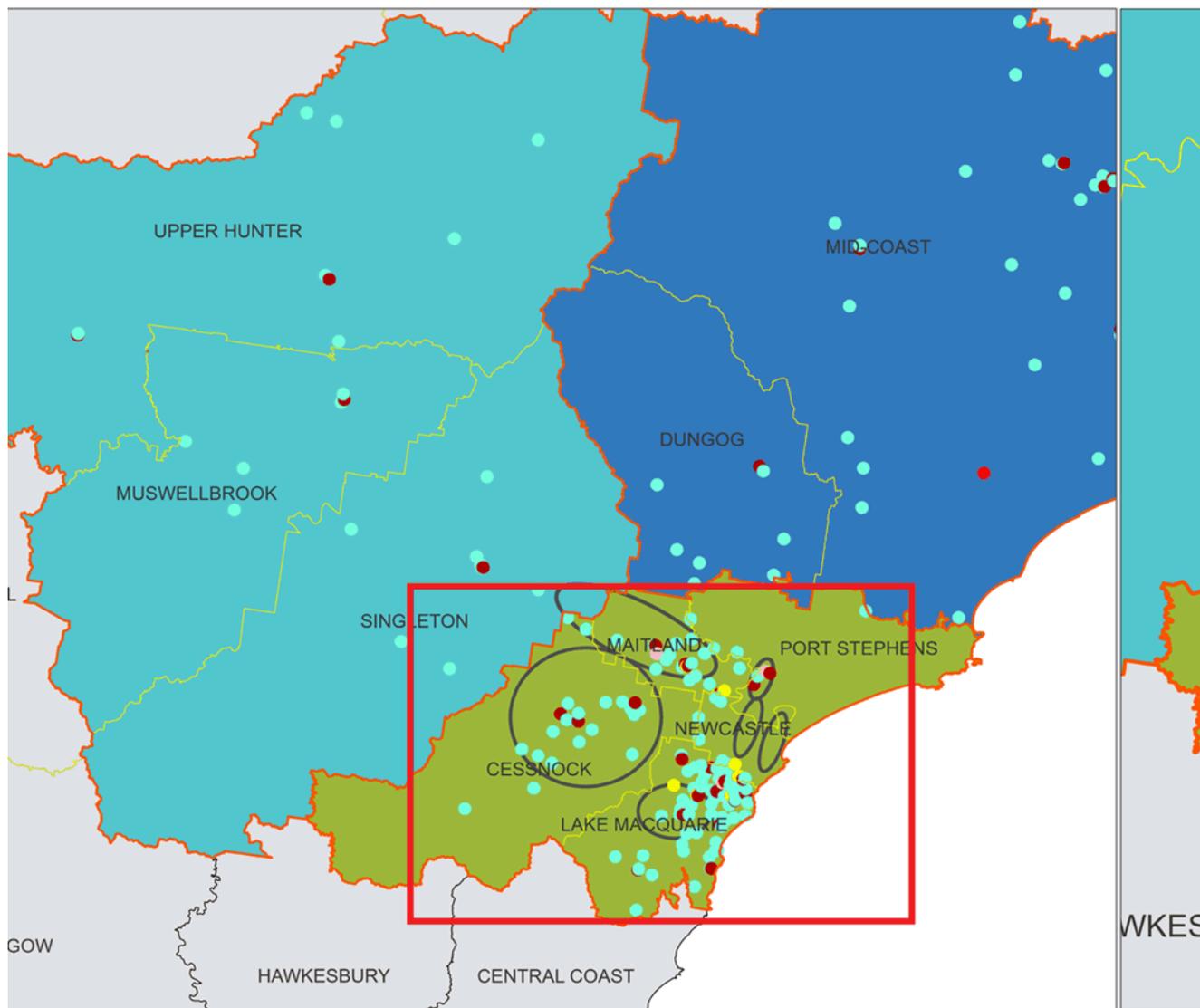


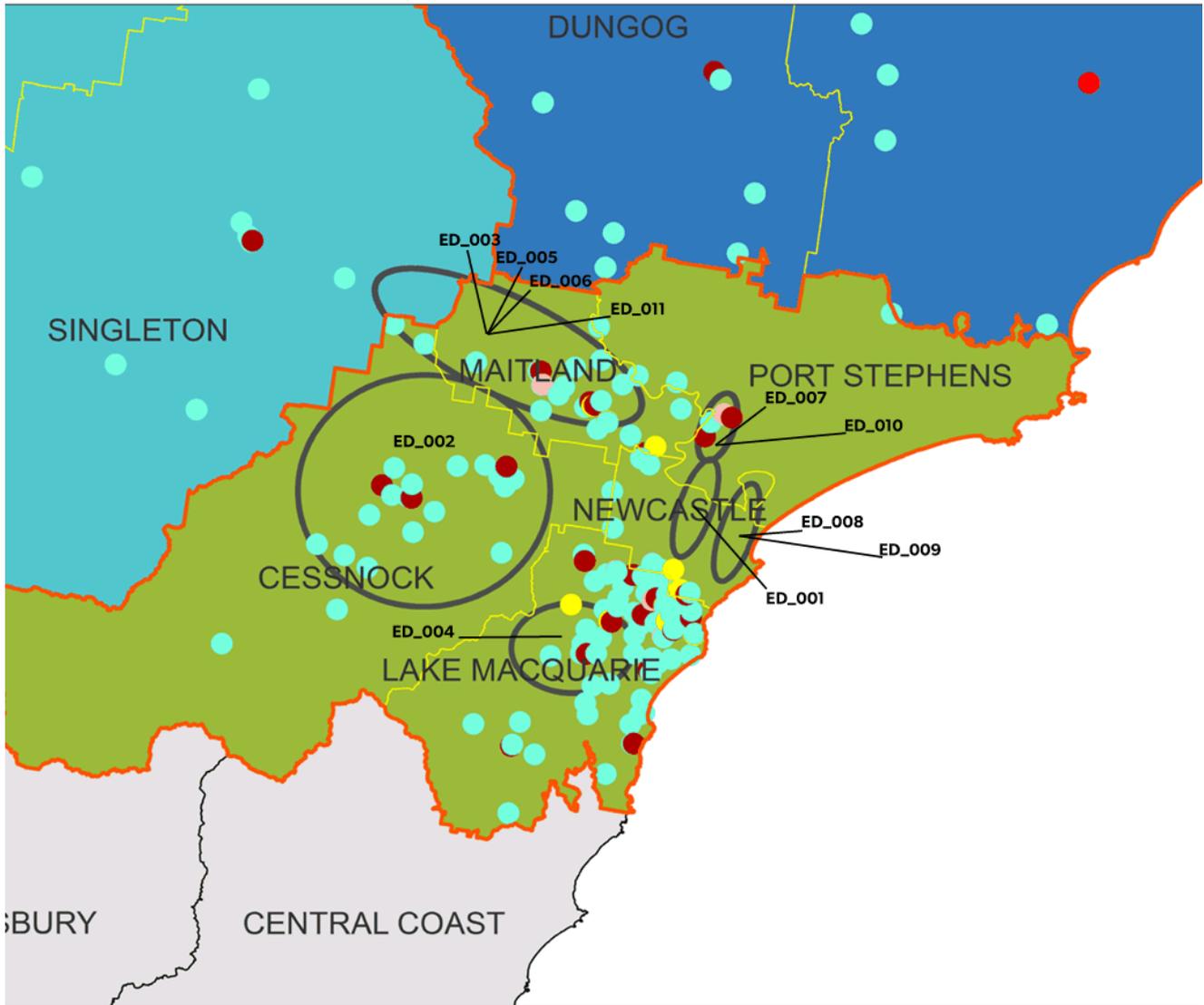
Map 2: Existing and Potential Future Ambulance Infrastructure



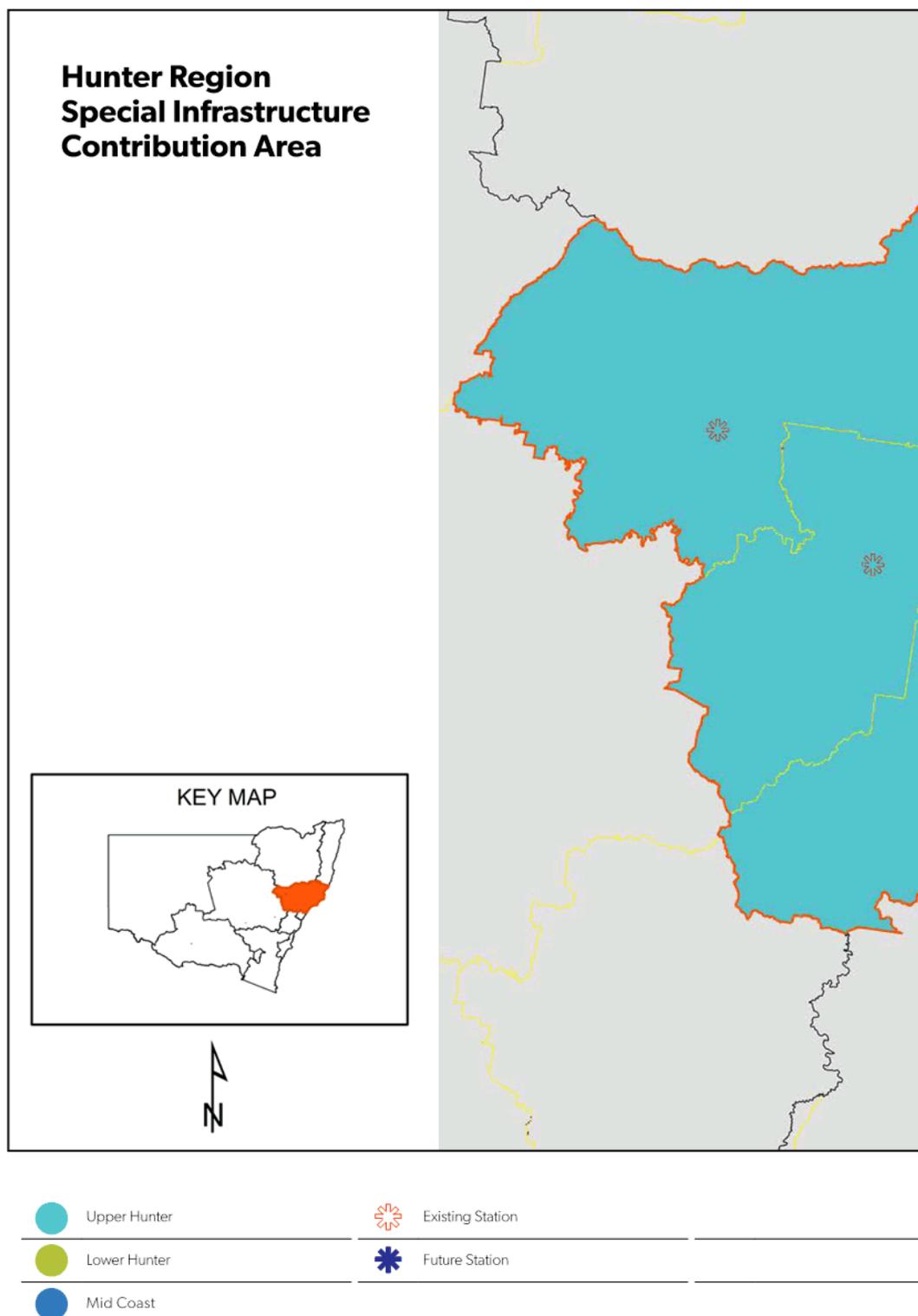


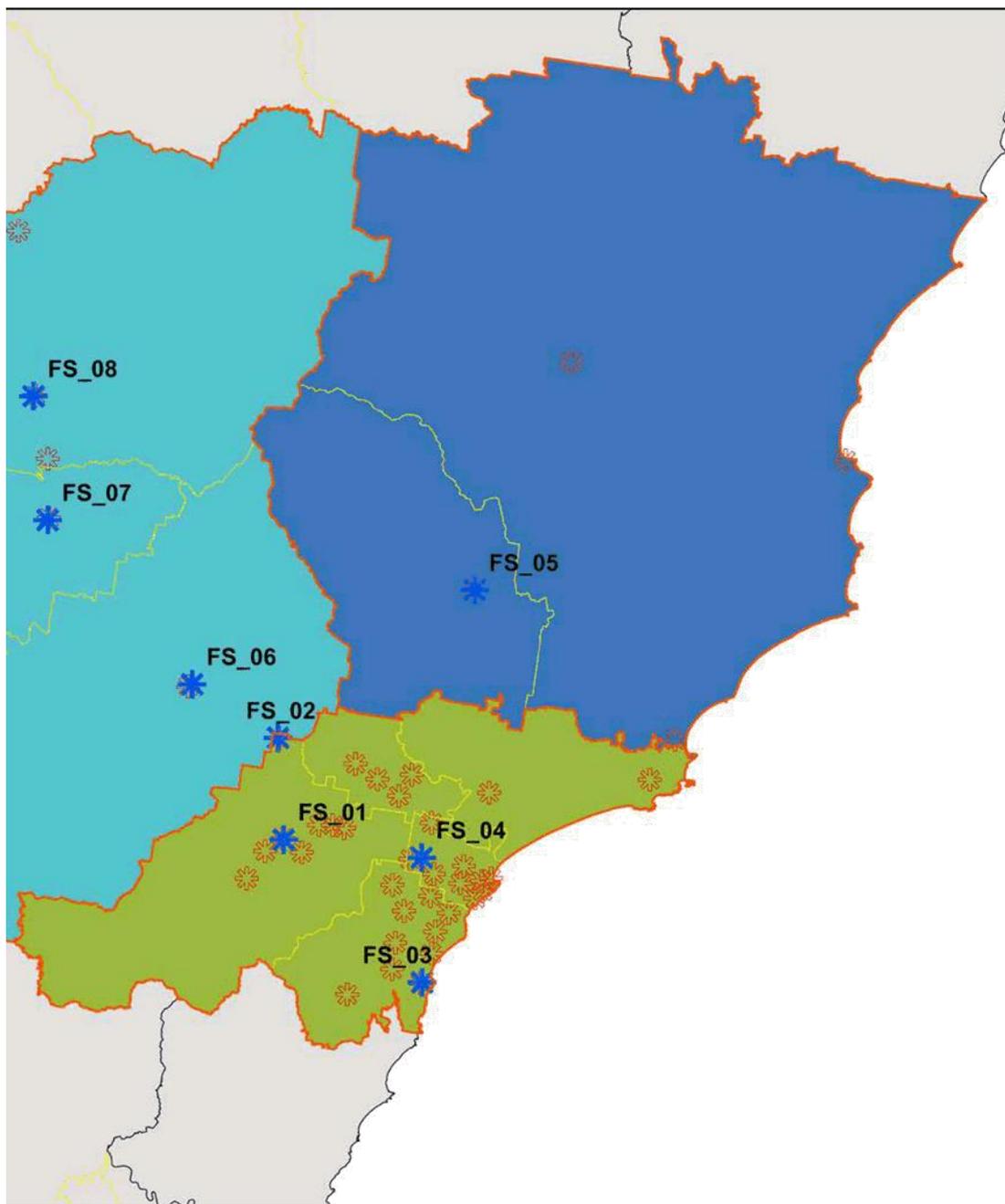
Map 3: Existing and Potential Future Education Infrastructure





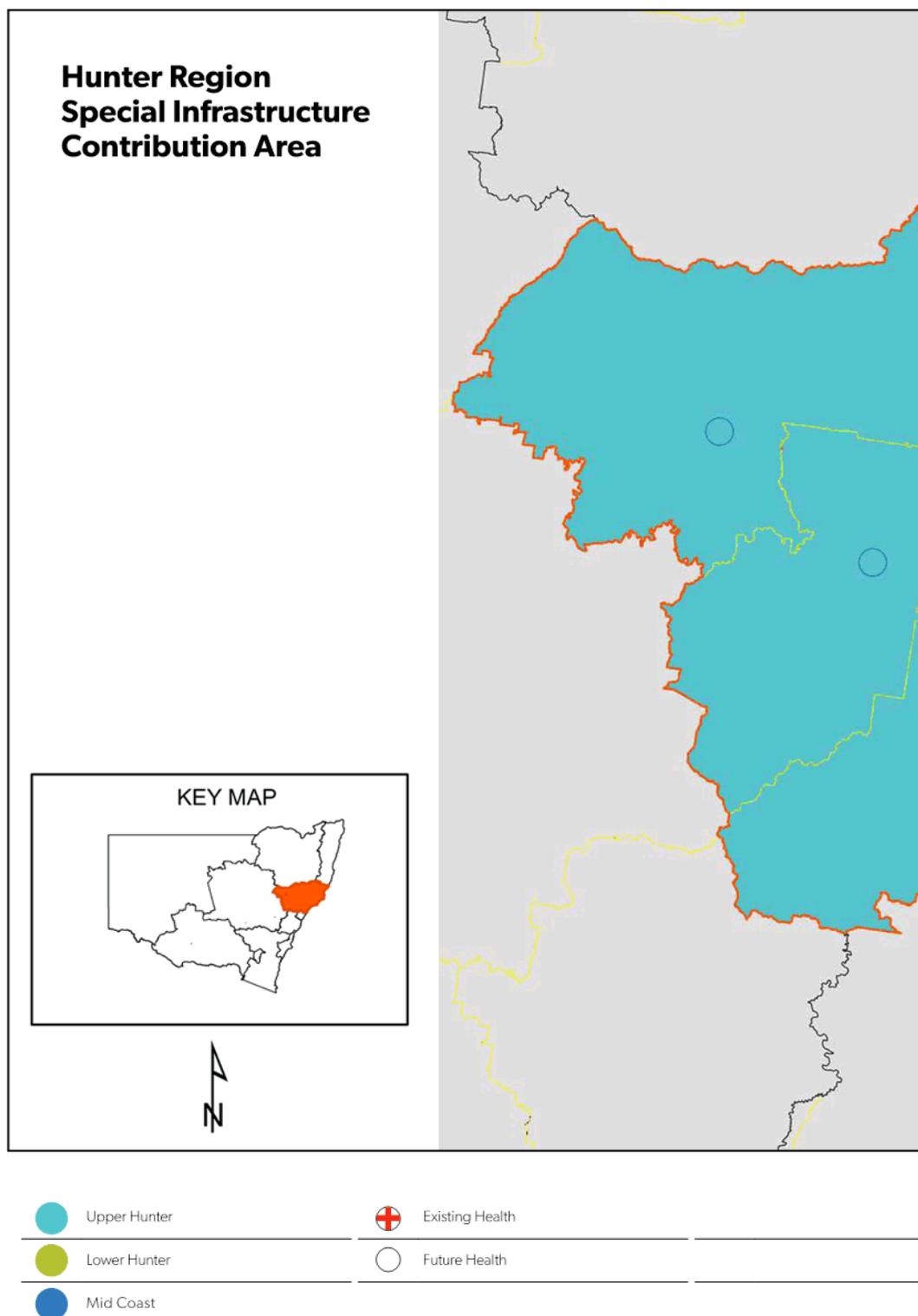
Map 4: – Existing and Potential Future Fire Services Infrastructure

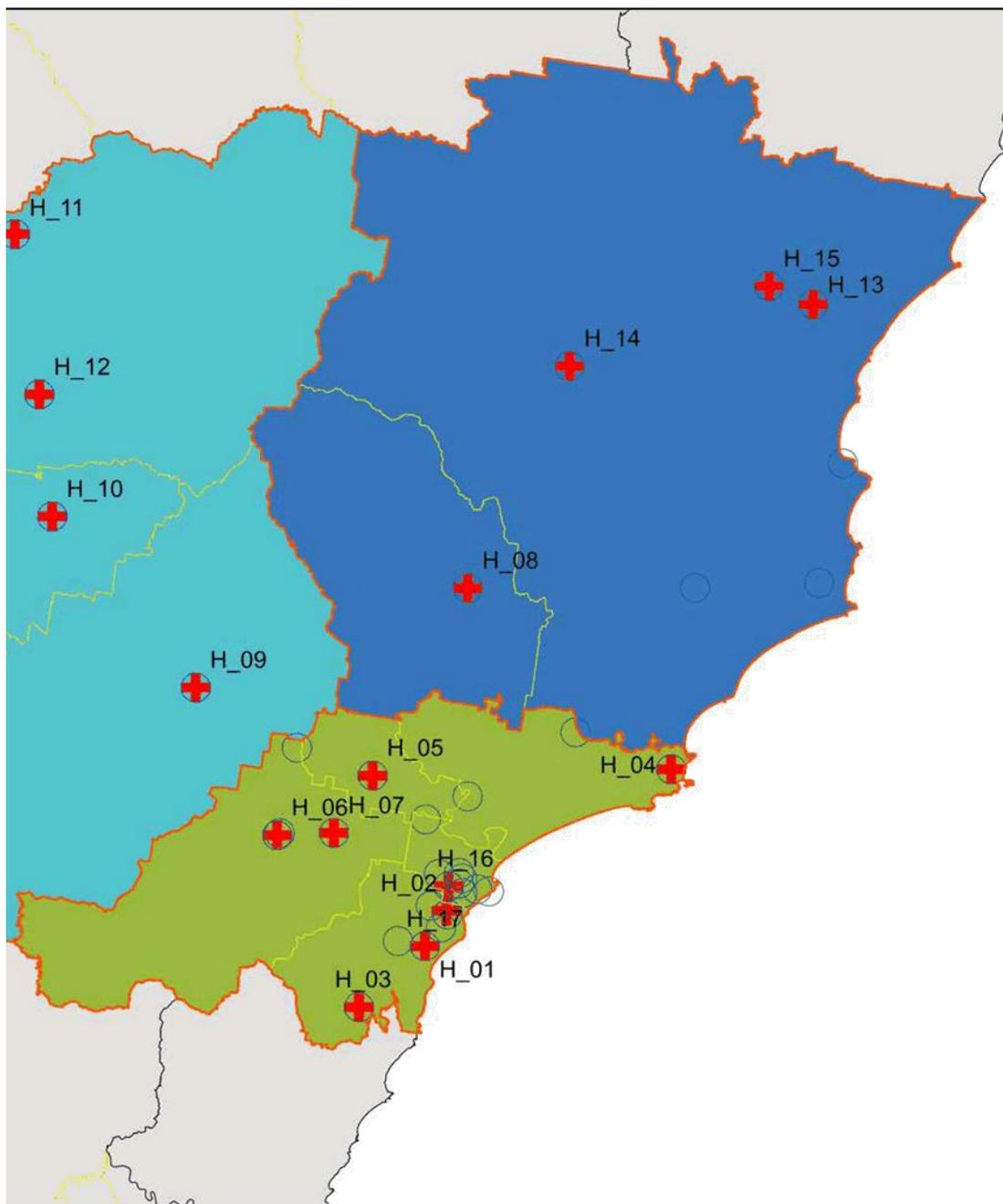




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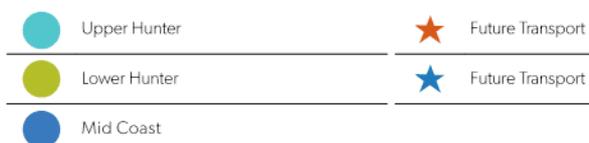
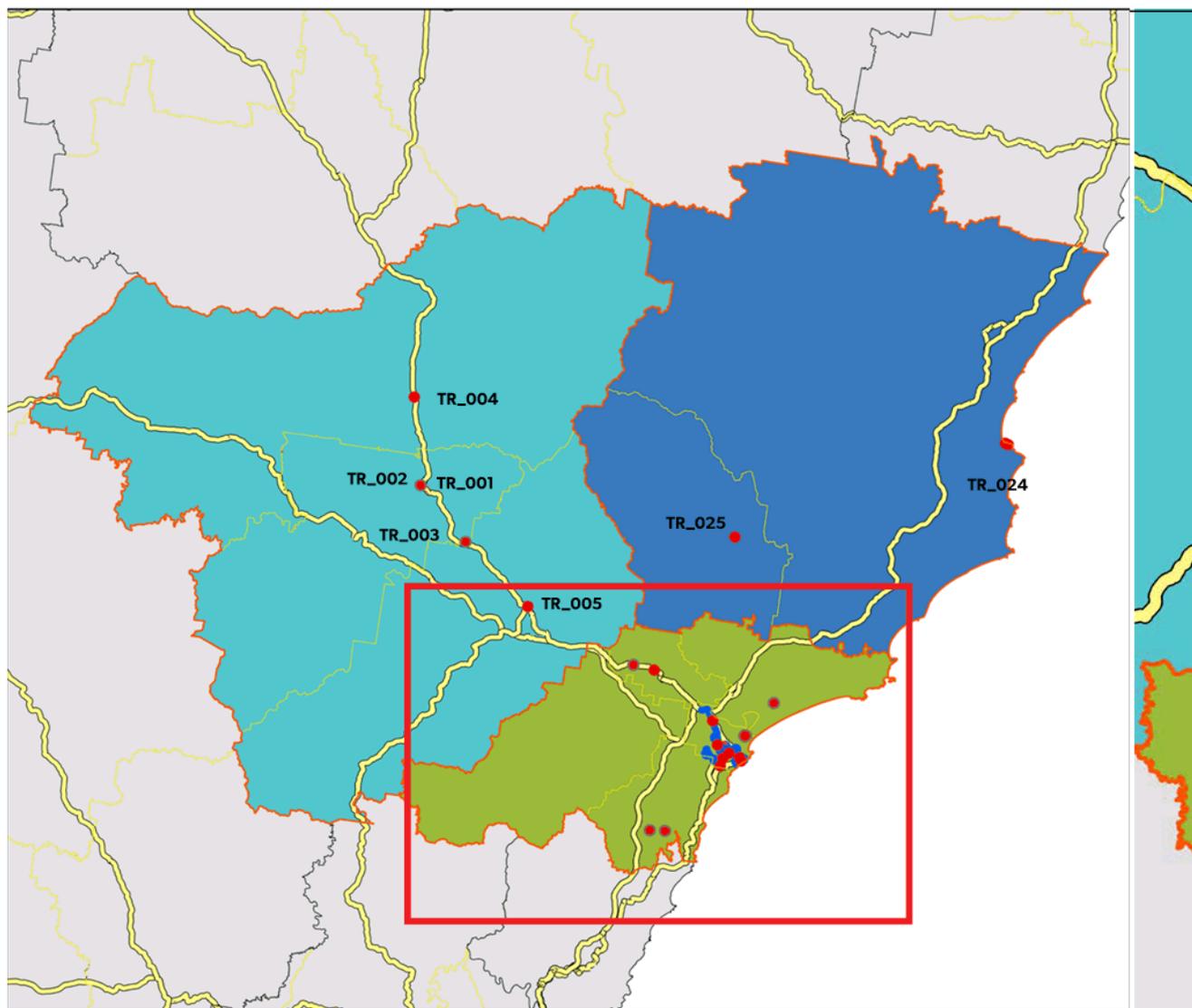
Map 5: Existing and Potential Future Health Infrastructure

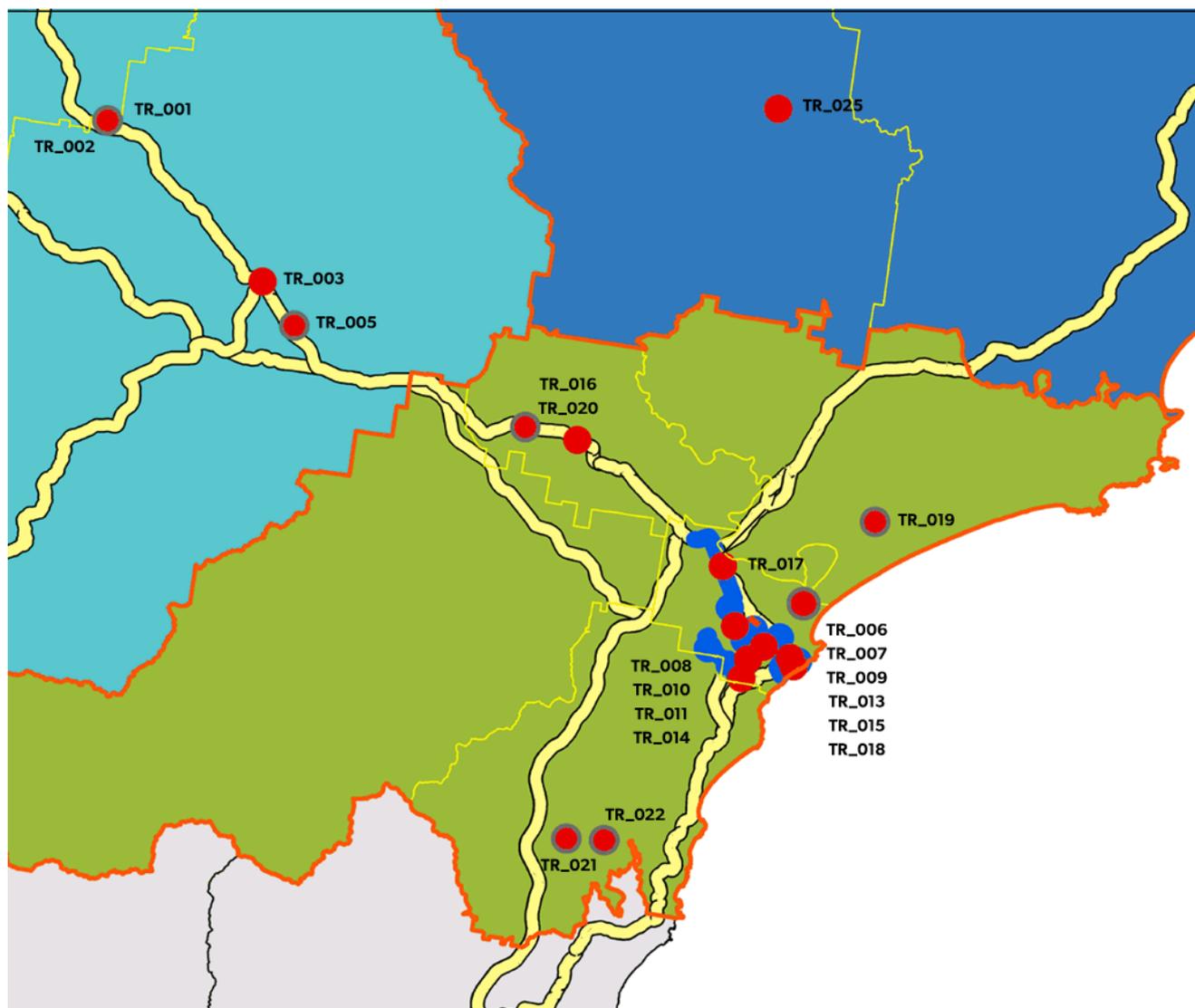




Map 6: Existing and Potential Future Transport Infrastructure

### Hunter Region Special Infrastructure Contribution Area











For more information about the Hunter Regional Plan 2036  
visit [planning.nsw.gov.au](http://planning.nsw.gov.au)

Enclosure 2

## **Cessnock City Council Submission Discussion Paper – Special Infrastructure Contribution Plan**

### Consultation

The Department of Planning and Environment's (DoPE's) recent change in approach to consultation is fully supported. The additional step of pre-consultation through the release of a discussion paper, prior to a formal exhibition process, should see the development of a more robust draft document.

In general, the Discussion Paper has very little information; however, it is acknowledged that it is not an actual Plan and it does provide an opportunity to present information prior to the actual plan being drafted.

### Governance, process and transparency

Improved governance and transparency around the management of public funds such as the Special Infrastructure Contribution (SIC) Plan is welcomed. The current process has not been clear in both the application of rates for individual developers or to where the money, once collected, is being spent. It is considered critical that the DoPE demonstrate a clear and transparent approach including a demonstrated nexus between the development required to pay the levy and the use of this funding. Essentially if the development will impact on the existing infrastructure demand then it is critical that the infrastructure be available to support the development in a timely manner. This should be the same nexus approach local government is required to comply with under the State legislation.

### Current application of the Special Infrastructure Contribution Plan

It is noted that recent application of the SIC levy has been inconsistently applied. There are specific examples of varying rates between individual development applications for essentially the same development in the same Urban Release Area. Council has sort clarification on this matter; however a clear explanation has not been forthcoming. Further, there has also been an instance where the SIC was applied to local infrastructure which was already identified in a Council initiated planning agreement for the area. This outcome raises two concerns. Firstly, it's now unclear how the monies will be applied once received. For example, will the DoPE provide the funding to the Council to be applied to the local infrastructure it was levied against or will it be allocated to State infrastructure? Secondly, has the State lost an opportunity to adequately collect contributions for infrastructure in this area, levying for local infrastructure when it appears to have been already addressed in an existing planning agreement?

### Funding Allocation

To improve transparency it would be beneficial to understand what, how and where the monies being collected will actually be expended. As with the application of development contributions administered by Council, funds collected should be spent in the same catchment. Therefore, it is considered that the SIC should be apportioned across the catchment, allowing flexible pooling of funds and not just to the benefit of an individual Urban Release Area. The Council strongly believes that it is important the funds collected in the Hunter Region should be spent in the Hunter Region.

### State infrastructure items

The Discussion Paper lists many projects; however, not all are or should be considered a State infrastructure item. It is critical that any monies collected by DoPE are not frittered away on small items such as pedestrian crossings. It is not this type of infrastructure which becomes the impediment to development progressing. It is the large scale infrastructure such as roads which genuinely impact on the viability, timing and delivery of Urban Release Areas.

Enclosure 2

Existing population

As with the application of development contributions under Section 94 of the Environmental Planning and Assessment Act, 1979, the existing population should not be levied under the SIC. It is new development which is generating the demand for additional infrastructure and the current community should not have this additional burden.

Development Assessment Process

The application of the SIC at the development application stage has resulted in significant delays in the development assessment process. Council has no influence over the length of time the DoPE takes to finalise the SIC. However the delays in processing development applications has major implications for Council's processing times which the DoPE then uses to judge Council's performance across the state. It is then considered that it would be more efficient to apply the levy at the rezoning stage which instantly removes the burden from processing timeframes. It is acknowledged that the timing of the payment may need to be further considered to support the viability/cash flow of projects; however, it would assist both Council and developers in the saving of significant assessment time.

Infrastructure in Cessnock

The infrastructure listed in the Discussion Paper is clearly incomplete when considered in the context of the directions set by the Hunter Regional Plan. For Cessnock LGA, there is a significant amount of infrastructure, particularly road network upgrades, required to facilitate identified new growth. As stated above the use of SIC funding should only be genuine State infrastructure or infrastructure requiring substantial upfront financial capital.

The following list has been developed utilising the Regional Plan, Cessnock City Wide Settlement Strategy and local strategies.

TRANSPORT INFRASTRUCTURE

Road network

Kurri Kurri to Maitland growth corridor including main road upgrades

- Testers Hollow upgrades providing flood free access between the Hunter Expressway and New England Highway
- Main Road upgrades
- Frame Drive Bridge duplication at Abermain
- Hart Road realignment and widening at Weston
- Weston Bridge replacement, realignment and widening on First Street

Cessnock road network connections

- Cessnock Road to Kurri Kurri Upgrade
- Inner Cessnock Commercial Area Bypass
- Northern Outer Cessnock Commercial area Bypass
- Southern Outer Cessnock Commercial Area Bypass
- Old Maitland Road Upgrade between Cessnock and New England Highway

Airport

- Runway extension to support tourism in the Hunter Valley Vineyards District

Rail

- Commuter link for Kurri Kurri and Cessnock

Enclosure 2

EMERGENCY SERVICES

Fire station - Cessnock

EDUCATION

Schools have been identified in the areas of need with the Department of Education.

## Cessnock City Council Councillor Expenses & Facilities Policy

<b>Policy Owner:</b>	Governance and Business Services Manager	
<b>Relevant Legislation:</b>	Local Government Act 1993 Local Government (General) Regulation 2005 Government Information (Public Access) Act 2009	
<b>Related Policy:</b>	Model Code of Conduct 2013 Code of Meeting Practice 2014 Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors 2009	
<b>Policy Adoption:</b>	21 October 2015 19 November 2014 20 November 2013 (PM126/2013-679)	
<b>Policy Reviewed/History:</b>	19 October 2016 16 September 2015 17 September 2014 18 September 2013 (PM91/2013 – 581) 21 November 2012 3 August 2011 (PM41/2011 – 1649) 20 October 2010 (PM80/2010 – 1221) 7 April 2010 (BN17/2010) 4 November 2009 (PM91/2009)	
<b>Next Review Date:</b>	<b>Policy Number:</b>	<b>Document Number:</b>
November 2018	C26.3	

### Purpose/Objective:

The Mayor and Councillors, in carrying out their civic responsibilities are required to attend a variety of functions in their capacity as a representative of Council, i.e. Council and Committee Meetings. They will also be expected to attend functions in a capacity where they may not directly represent Council but attendance is relevant to their effectiveness as a Councillor, i.e. Community Functions.

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable. The policy also ensures that the undertaking of civic duties does not financially disadvantage Councillors and enables participation by Councillors from different backgrounds.

The objectives of this policy are to:

- provide guidance to Councillors about the type and extent of expenses that can be claimed as they carry out their elected duties

- ensure that Councillors are able to effectively carry out their responsibilities as members of the Council without suffering financial hardships
- provide information about the provision of facilities that Council will provide for Councillors to carry out their elected duties

The policy will apply to the Mayor and Councillors of Cessnock City Council, current at the time of the policy.

## **PART 1 - INTRODUCTION**

### **1. Statement of Principles**

#### **1.1 Making and Adoption of the Policy**

Within one year of each ordinary election, Council will adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

Prior to adoption, community feedback will be sought on the draft policy for a period of at least 28 days. In adopting the policy, Council will consider any feedback received while the policy was exhibited. The policy will be adopted in an Open Council Meeting.

#### **1.2 Reporting requirements**

Section 428(2)(f) of the Local Government Act 1993 requires a Council to include in its Annual Report:

*The total amount of money expended during the year on Mayoral fees and Councillor fees, the Council's policy on the provision of facilities for use by Councillors and the payment of Councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition Section 428(2)(r) requires that Councils must report on any other information required by the regulations.

In December 2006, additional reporting requirement provisions were incorporated into the Local Government (General) Regulation 2005.

Clause 217 of the Regulation (Additional information for inclusion in Annual Reports) states in part:

*(1) For the purposes of Section 428(2)(r) of the Act, an Annual Report of a Council is to include the following information:*

*(a) details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations);*

*(a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:*

- (i) *the provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillors' homes (including equipment and line rental costs and internet access costs but not including call costs);*
- (ii) *telephone calls made by Councillors, including calls made from mobile telephones provided by the Council and from landline telephones and facsimile services installed in Councillors' homes;*
- (iii) *the attendance of Councillors at conferences and seminars;*
- (iv) *the training of Councillors and the provision of skill development for Councillors;*
- (v) *interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out - of - pocket travelling expenses;*
- (vi) *overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out - of - pocket travelling expenses;*
- (vii) *the expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director - General from time to time; and*
- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.*

In addition to the statutory Annual Reporting requirements, records will be maintained on the expenses incurred in accordance with this policy by the Mayor and Councillors.

### **1.3 Legislative Provisions**

Sections 252 - 254 of the Local Government Act 1993 relate to the making of this policy. Those sections state:

#### **1.4 Section 252 Payment of expenses and provision of facilities**

- (1) *Within the first 12 months of each term of a Council, the Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor*
- (3) *A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a policy under this section.*
- (4) *A Council may from time to time amend a policy under this section.*

(5) A policy under this section must comply with the provisions of this Act, the Regulations and any relevant guidelines issued under section 23A.

### **1.5 Section 253 Requirements before policy concerning expenses and facilities can be adopted or amended**

(1) A Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

(2) Before adopting or amending the policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

(3) Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.

(5) A Council must comply with this section when proposing to adopt a policy in accordance with section 252(1) even if the Council proposes to adopt a policy that is the same as its existing policy.

### **1.6 Section 254 Decision to be made in open meeting**

The Council or a Council Committee of which all the members are Councillors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

Section 6 of the Government Information (Public Access) Act 2009 provides for mandatory pro-active release of certain government information. Public access is to be provided free of charge via Council's website, and can also be made available in any other way.

Section 23A of the Local Government Act 1993 makes provision for the Director - General of the Division of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a Council of any of its functions. It also requires that a Council must take the relevant guidelines into consideration before exercising any of its functions.

### **1.7 Clause 403 of the Local Government (General) Regulation 2005 states:**

*A policy under section 252 of the Act must not include any provision enabling a Council:*

(a) *To pay any Councillor an allowance in the nature of a general expense allowance, or*

(b) *To make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.*

In the event of any inconsistency between the Policy and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

### **1.8 Other Government Policy Provisions**

Other policy provisions which have been considered in the making of this policy include:

- Office of Local Government Model Code of Conduct for Local Councils in NSW;

- Independent Commission against Corruption publication “*No Excuse for Misuse*”;
- Office of Local Government Guidelines for the Payment of Expenses and the Provisions of Facilities for Mayors and Councillors for Local Councils in NSW (2009); and
- Office of Local Government Circular No. 05/08, Legal Assistance for Councillors and Council Employees (2005),
- Office of Local Government Circulars No. 08-24, 06-64, 04-01, 02-34, 10-26, and 15-07 Misuse of Council Resources,
- Office of Local Government Circular No. 08/37, Council Decision Making Prior to Ordinary Elections.

### **1.9 Approval Arrangements for Claiming Expenses and Use of Facilities**

To prevent a potential conflict, no one person should be the sole decision maker for the approval of significant expenditures under this policy.

Approval for discretionary trips and attendances at conferences and the like should be, where possible, approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager.

If the Mayor requires approval it should be given jointly by the Deputy Mayor and the General Manager.

## **PART 2 – PAYMENT OF EXPENSES**

### **2.1 General Provisions**

#### **2.1.1 Payment of Expenses Generally**

Reimbursement of any expenses will only be made where a formal claim for reimbursement is lodged. Claim forms should be submitted to the General Manager within three (3) months after the expense was incurred or the relevant tax invoice received, or within one (1) month of the end of financial year. Extenuating circumstances may be considered by the General Manager for claims outside these timeframes. General expense allowances will not be paid.

##### *2.1.1.1 Allowances and Expenses*

Councillors are not expected to pay for expenses incurred in the discharge of their civic duties from their annual allowance. The facilities required to fulfil the role of Councillor, and associated expenses incurred, will be provided and paid (subject to the provisions of this policy) in addition to the annual allowance.

##### *Reimbursement and Reconciliation of Expenses*

Reimbursement of costs and expenses will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms.

Where receipts and tax invoices do not exist, a copy of the Councillor’s diary entry detailing the expenditure will be provided. Private information on tax invoices and logbook receipts (or a copy of same) may be deleted by black pen. Expenses and costs incurred will only be paid in accordance with this policy.

Expenses will be reimbursed in conjunction with the Councillor's monthly allowance.

#### *Payment in Advance*

Councillors may request payment in advance in anticipation of expenses to be incurred in attending seminars, conferences and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by this policy. Requests for advance payments should be made to the General Manager.

Councillors should fully reconcile all expenses against the cost of the advance payment within 14 days of the expense being incurred. No "allowance" type of payment will be payable in any circumstances.

#### 2.1.2 Establishment of Monetary Limits and Standards

Identifying and publishing monetary limits allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where Councillors incur costs that are unforeseen or considered unreasonable by other Councillors and the public.

Where practical and appropriate, this policy sets out the monetary limits for all the expense provisions available to Councillors and establishes the standards for the provision of facilities and equipment to be provided to Councillors.

#### 2.1.3 Spouse, Partner and Accompanying Persons Expenses

An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

There are limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions. In the following circumstances those costs will be reimbursed to the Councillor:

(a) Reimbursement of the reasonable costs of spouses, partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within the local government area. Examples include Australia Day ceremonies, citizenship ceremonies, civic receptions, charitable functions for charities formally supported by the Council, service club annual change over functions, awards nights and debutante balls where partners are generally invited and the Mayor or Councillor attends as a representative of Council.

(b) Reimbursement for the payment of expenses for the spouse, partner or accompanying person of the Mayor (or a Councillor when they are representing the Mayor) for attendance at an official function of Council or an official ceremonial duty while accompanying the Mayor outside the local government area but within the State. Examples include charitable functions to which the Mayor has been invited and award ceremonies and other functions to which the Mayor is invited to represent the Council.

(c) Reimbursement of expenses, limited to the cost of registration and the official conference dinner, of spouses, partners or accompanying persons associated with attendance at the Local Government NSW annual conferences. Travel expenses, any additional accommodation

expenses and the cost of accompanying person tours etc would be the personal responsibility of individual Councillors.

Councillors' spouse, partner or accompanying person may attend seminars, conferences or the like with Councillors (any event or function outside the Council area, including interstate and overseas), subject to any additional travel, accommodation, partner/accompanying person tours, sustenance costs, and the like being met by the individual Councillor concerned or his/her partner.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions (as permitted above), is confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

## **2.2 Specific Expenses for Mayors and Councillors**

### **2.2.1 Attendance at Seminars and Conferences**

1. Council will be responsible for the expenses of the Councillors attending conferences, seminars, training, meetings and official engagements and functions, where the Councillor has been authorised by the Council or the appropriate Committee, or is deputising for the Mayor.
2. Council will meet the direct costs associated with the conference, seminar, training course and the like. These costs may include registration fees, travel costs, accommodation, official lunches and dinners, and associated tours where they are relevant to the business and interest of Council.
3. Council will pay for all meals for Councillors attending approved conferences or seminars, where any of those meals are not provided as part of the conference or seminar fee. Council will also pay the reasonable cost of beverages accompanying a meal. In addition incidental expenses such as telephone calls, internet charges, faxes, taxi fares, parking fees, refreshments, laundry and dry cleaning fees will be reimbursed by Council. A maximum of \$150.00 per Councillor per day will be reimbursed for expenses claimed under this provision. Councillors must provide appropriate documentation to support their claim.
4. The maximum number of Councillors that may be authorised to attend a conference is three. However, this restriction on numbers will not apply to attendance by Councillors at the annual conference or a special conference of Local Government NSW.
5. A Councillor may attend a maximum of three conferences per year excluding the Local Government NSW annual conference.
6. The Mayor is excluded from the limitations of this clause insofar as it may inhibit the Mayor's attendance at such events as part of the proper role of the Mayor.
7. Requests for attending conferences shall be in writing outlining the benefits for Council. After returning from the conference, Councillors shall provide a written report to Council on the aspects of the conference relevant to Council business and/or local community. No written report is required for the annual conference of the Local Government NSW.

### **2.2.2 Training and Educational Expenses**

1. Council will meet expenses related to formal training or educational courses attended by Councillors when the course directly relates to the Councillor's civic duties. These expenses would support and encourage an active learning process and skills development for Councillors.

### 2.2.3 Arrangements

1. The General Manager's Office will make all necessary arrangements for the attendance or participation of Councillors (and, where applicable, accompanying persons) at a conference, seminar or training course.

### 2.2.4 Payment of Expenses by Delegates

1. Council will, where possible, pay expenses directly to the hotel, either by account or through a Corporate Credit Card, if possible.

2. Councillors should be aware that it may be necessary for them to pay unexpected expenses. In order to obtain reimbursement for such expenses a claim for reimbursement must be submitted to the General Manager on the appropriate form.

3. Once expenses of attending a conference/seminar/training course have been finalised, accounts will be forwarded to delegates for any expenses payable by them.

4. Such accounts are to be repaid in full within the Council's normal terms i.e. 30 days.

### 2.2.5 Conferences within the State

1. Councillors may attend local conferences and seminars with the approval of the General Manager and Mayor.

2. Approval to attend conferences, seminars, training, and education courses outside the local government area is subject to a written request to the General Manager outlining the details of the proposed training or education, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.

3. Details of conferences, seminars and external training sessions outside the local government area that Councillors have indicated interest will be reported to the next Council meeting by the General Manager for determination by Council. The report must clearly state the specific advantages which would accrue to Council and the community by attendance of a Councillor.

### 2.2.6 Conferences Interstate

1. Approval to attend conferences, seminars, training and education courses outside New South Wales (including the ACT) is subject to a written request to the General Manager, outlining the details of the proposed training or education, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.

2. Details of conferences, seminars and external training sessions outside New South Wales (including the ACT) that Councillors have indicated interest will be reported to the next Council meeting by the General Manager for determination by Council.

### 2.2.7 Overnight Accommodation

1. Where a conference, meeting or other Council authorised business necessitates overnight accommodation, Council will meet the reasonable costs for the Councillor.

2. Where a Councillor is accompanied by a spouse/partner, the sharing of accommodation is permitted, subject to Council not incurring any additional costs.

3. The standard of accommodation is to be a minimum of three (3) stars and is not to exceed four (4) stars except where a conference or seminar venue exceeds four (4) stars, or as determined by the General Manager.

4. Expenses are payable for the nights of the conference or seminar and the night before and after where necessary.

#### 2.2.8 Annual Limit

1. Each Councillor will have a minimum allocation of \$1,000 per year. However, the total amount available for Councillors attendance at conferences, seminars and training courses will be subject to annual budget limits.

#### 2.2.9 Concerts and Public Entertainment

1. Council will pay reasonable costs for tickets to events or functions for Councillors attendance that are directly related to the Councillor's civic functions and responsibilities.

#### 2.2.10 Local Travel Arrangements and Expenses

1. Council will reimburse Councillors for travel costs associated with attendance at Council and Committee meetings. In addition, travel costs will be reimbursed where Councillors are representing Council as a delegate of Council on a local government related organisation or at Council approved meetings with government officials, community or private sector officials where the meeting relates to civic duties.

2. Travel arrangements by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

3. Travel arrangements could include the use of a private vehicle and provision for the use of public transport, taxis, hire cars, travel using a Council vehicle and associated other costs such as parking and road tolls.

4. When a Council vehicle is allocated to a Councillor for use on Council business, only a Councillor, a staff member or a licensed driver authorised by the Councillor should operate the vehicle.

5. Where a Council vehicle is provided, Council will reimburse the Councillor for any incurred fuel, oil, parking fees or similar vehicle costs.

6. The driver of a vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

#### 2.2.11 Private Vehicle Expenses

1. Where a Councillor is required to utilise his/her own private vehicle in connection with approved Council business, he/she will be paid a rate per kilometre equivalent to the appropriate engine capacity rate of an employee's vehicle as contained in the Local Government (State) Award 2014. Claims for private vehicle usage are to be submitted to the General Manager within three (3) months after the expense was incurred or the relevant tax invoice received, or within one (1) month of the end of financial year. Extenuating circumstances may be considered by the General Manager for vehicular claims outside these timeframes.

i. Councillors are entitled to be paid the expenses for travelling to attend Council and Committee meetings, and for other inspections and official functions within the area as formally approved by the Mayor or Council. The amount payable will be based on the distance to and from the meeting etc by the shortest practicable route.

ii. When inspections have been approved by Council and arranged by staff, it would be reasonable for Councillors attending the inspections to meet at the Council Administration Building and travel by Council vehicles to and from such inspections wherever possible.

2. Travelling and/or other expenses are not payable where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or the Mayor.

3. Where a Councillor uses their private vehicle to attend an approved conference or seminar outside the Hunter region, the total claim for use of the vehicle must not exceed the cost of air travel at the specified class, plus the taxi fares to and from the airports.

If Councillors are required to use their own vehicles, they should advise their comprehensive insurance provider that the vehicle will be used on Council business.

#### 2.2.12 Travel outside the LGA including Interstate and International Travel

Prior approval of Council is required for interstate travel. The application for approval should include full details, including itinerary, costs and reasons for the travel.

Council will not approve international visits unless direct and tangible benefits can be established for the Council and the local community. A detailed proposal for overseas travel should be developed, including nomination of the Councillor(s) undertaking the trip, the purpose, expected benefits, duration and the approximate total cost.

##### 2.2.12.1 Domestic Travel

- a. Council will pay reasonable expenses for domestic travel related to the functions of Council.
- b. Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience. All travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport.
- c. Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs including the costs of other persons accompanying the Councillor.

##### 2.2.12.2 Class of Air Travel - Domestic

- a. Unless otherwise specified in a Resolution of Council, the class of air travel to be used by a Councillor is to be:
  - i. for continuous journeys of less than or equal to two hours duration, discounted economy class;
  - ii. for continuous journeys exceeding two hours, discounted business class; and
- iii. the Mayor, and other Councillors accompanying the Mayor, may travel discounted Business Class.
- b. A journey which is interrupted by an overnight stop-over is not a continuous journey.
- c. In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been available and followed at the same

class of travel as was actually used. A claim for expenses must not exceed the amount actually paid.

#### 2.2.12.3 *International Travel*

- a. Detailed proposals for overseas travel, including the benefits to Council, a list of associated costs and anticipated expenses must be included in the Council business papers and approved by a meeting of Council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis.
- b. Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs including the costs of other persons accompanying the Councillor. Tickets should be purchased in advance, where possible, to access discounted fares. Fully flexible fares should only be considered where there is a possibility of the journey not being undertaken at the scheduled time.
- c. Council will not allow the retrospective re-imbusement of overseas travel expenses unless prior authorisation of the travel has been obtained.

#### 2.2.12.4 *Class of Air Travel - International*

- a. Unless otherwise specified in a Resolution of Council, the class of international air travel to be used by a Councillor is to be discounted business class.
- b. In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

#### 2.2.12.5 *Train Travel*

- a. Train travel may be first class, including sleeping berths where necessary.

#### 2.2.12.6 *Transfers*

- a. Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed for approved travel.

#### 2.2.12.7 *Reports on Attendance*

- a. After returning from overseas, Councillors, or an accompanying member of Council staff, will provide a detailed written report to a Council meeting within 30 days on the aspects of the trip relevant to Council business and/or the local community.

#### 2.2.13 Telephone Costs and Expenses

1. One mobile smartphone (with 4 G technology or equivalent and GPS capability) will be provided to each Councillor, at Council's cost, for the use of Councillors to facilitate the conduct of Council business with constituents and Council officers.

Where Councillors have difficulty accessing mobile phone coverage they will be entitled to claim reimbursement of expenses for the use of their own home phone. This should only be by exception and any such reimbursement will only be to the monthly value of the Council issued smartphone.

#### 2.2.14 Internet

1. Councillors will be supplied with an ipad in accordance with Council's corporate data plan.
2. A Council supplied email address will be provided with access provided by webmail.

Where internet service is interrupted and the use of a private computer is required, a claim for reimbursement of such use will be limited to the value of Council's monthly corporate data plan.

5. Councillors are bound by the same internet usage policy as Council Staff.

#### 2.2.15 Care and other Related Expenses

1. Council will reimburse Councillors the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations. The provisions for these expenses are as follows:

(a) Childcare expenses for children up to and including the age of 16 years are payable when a Councillor attends:

- i. Council meetings, committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Mayor or Council;
- ii. meetings scheduled by Council or the Mayor;
- iii. meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
- iv. a meeting, function or other official role as a representative of the Mayor or Council; and
- v. functions where the payment of child care expenses has been approved by the General Manager.

(b) Expenses are paid to carers or childcare services up to one hour before and one hour after such functions set out above (based on advertised starting time).

(c) Carer expenses may consist of:

- i. occasional child care centre fees;
- ii. hourly fees;
- iii. agency booking fees (if claimed); and
- iv. reasonable travelling expenses (if claimed by the carer).

(d) A maximum amount of \$3,600 per year per Councillor will be paid in accordance with this provision.

2. Claims must be accompanied by an invoice or receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion. If an official invoice or receipt is unable to be obtained, an authorised statement of claim on the prescribed form is required.

#### 2.2.16 Insurance Expenses and Obligations

1. Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:

- (a) Councillor's and Officer's Insurance.
- (b) Public Liability insurance.
- (c) Professional Indemnity insurance (including as to legal costs).
- (d) Personal Accident insurance.
- (e) Travel insurance for approved interstate and overseas travel on Council business.

2. Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is lodged and accepted by Council's insurers, whether defended or not.

#### 2.2.17 Legal Expenses and Obligations

1. In accordance with clause 2.2.16(c), Council shall maintain appropriate Professional Indemnity Insurance to cover legal expenses incurred by a Councillor:

(a) Defending an action arising from the performance in good faith of a function under the Act.

(b) Defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act.

(c) In proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

2. Council shall, on request from a Councillor, make application to Council's insurer for reimbursement of legal expenses incurred by a Councillor in the actions listed in clause 1, only if the claim exceeds the deductible.

3. If an insurance claim is lodged and Council's insurer agrees to reimburse a Councillor's legal expenses, Council shall ensure that such reimbursement is directed to the Councillor. A Councillor may only accept reimbursement of actual legal costs incurred.

4. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

5. Council shall not meet any costs of any action (including in defamation) taken by a Councillor as plaintiff in any circumstances and shall not meet the costs of a Councillor seeking advice including in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

6. Council shall not meet any Councillor's costs of any Code of Conduct allegation, investigation, enquiry or censure.

#### 2.2.18 Giving a Gift or Benefit

1. In circumstances where it is appropriate for Councillors to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts and benefits should be of token value.

### 2.3 Superannuation Contributions

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

### 2.4 Tax and Other Deductions

1. The Council may deduct tax instalments and other deductions from Council allowances on a voluntary basis, where authorised in writing by the relevant Councillor or Mayor.

2. The deduction of such tax instalments from Council allowances does not jeopardise the non-employee status of the Councillor or Mayor.
3. No liability attaches to the Council merely from the act of deducting voluntary tax instalments for Fringe Benefits Tax, Superannuation Guarantee Contributions etc.
4. Amounts owing by a Councillor relating to fees or expenses for overpayments, reimbursements and/or accompanying partner's expenses may be deducted from amounts due to the Councillor under this policy.

## **PART 3 – PROVISION OF FACILITIES**

### **3.1 General Provisions**

#### **3.1.1 Use of Council Resources**

1. Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their public duties, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
2. Councillors must be scrupulous in their use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.
3. Councillors must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for the Councillor's own or any other person or body's private benefit or gain.
4. Councillors must not convert any property of the Council to their own use unless properly authorised.

#### **3.1.2 Provision of Facilities Generally**

1. Facilities, equipment and services are provided to Councillors to support them in undertaking their role as elected members of the Council. The specifications for such

facilities and services will be consistent with the standard of equipment provided to professional officers within Council.

2. For any Councillor with a disability, Council may resolve to provide reasonable additional facilities, in order to allow that Councillor to perform their civic duties.
3. All equipment and stationery provided under this policy is to be sourced by Council and not individual Councillors.
4. The Councillor will be responsible for the good care and proper use of Council equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.

#### **3.1.3 Private Use of Equipment and Facilities**

1. Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other loyalty schemes. However, Council acknowledges that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

2. Where more substantial private use does occur a payment may be made to cover the level of that private use (refer s252 (2) of the Local Government Act, 1993).
3. Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.
4. The interests of a Councillor in their re-election is considered to be a personal interest. Councillors may not claim reimbursement of travel expenses incurred on election matters.
5. Council letterhead, Council Crest and other information that could give the impression it is official Council material must not be used for election purposes.

### **3.2 Provision of Equipment and Facilities for Mayors and Councillors**

#### **3.2.1 Access to Council Offices**

1. Councillors will be provided with a security device that enables entry to Council's offices to gain access to the Councillors' Room, Council Chamber, Ante Room and public areas of Council's Administration building during normal business hours and for meetings. Councillors requiring access at other times must obtain authority from the General Manager.
2. The security device remains the property of Council and must be returned to Council upon the person ceasing to hold office.
3. Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) as provided in the Code of Conduct.
4. Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

#### **3.2.2 Car Parking**

1. Councillors will be provided with official Council identification to identify their private vehicle.
2. Councillors may use the designated "Councillor" car parking spaces within the executive parking area of the Council Administration Building.

#### **3.2.3 Shared office accommodation**

1. Councillors are entitled to the use of shared office accommodation within the Council Administration Building suitably equipped with office furniture, telephone, computer terminal, and shared photocopying/scanning equipment.
2. Tea and coffee making facilities are available in the kitchen opposite the Councillors Room.

#### **3.2.4 Use of interview rooms**

1. Councillors may access interview rooms within the Council Administration Building or other Council buildings from time to time to allow Councillors to meet with residents. Room bookings should be made through the General Manager's Office.

### 3.2.5 Administrative Services

1. Subject to arrangement with the General Manager, staff assistance will be provided as required for matters relating to Council business. Assistance may be in the form of secretarial support, delivery of materials from Council and catering for meetings.

### 3.2.6 Stationery

1. Council will provide, upon request, the following stationery to Councillors to be used only on Council business:

- Councillor letterhead stationery
- Lockable filing cabinet
- Writing Pads
- Envelopes
- With compliments slips
- Box Files
- Business Cards
- Writing Pens
- Diary
- Postage for associated mailing of official correspondence

2. Council will meet the Councillor's cost of posting correspondence in response to representations from residents and ratepayers of the City and other correspondence necessary for the purposes of the Councillor's civic office. In this regard, Councillors may use Council's normal in-house mailing facilities but any reasonable request for postage stamps will also be met up to a limit of **\$100** per annum.

3. The limitation on mail items does not apply to the Mayor.

### 3.2.7 Corporate Dress

1. Councillors will be provided with access to the Corporate Wardrobe under the same arrangements as Council staff, ie reimbursed of one third of the cost up to a maximum of \$250 per annum.

### 3.2.8 Insignia

1. Councillors will be provided badges and name plates appropriate to the position of Councillor.

### 3.2.9 Meals and Beverages

1. Food and beverages will be provided for Council and Committee meetings, Councillor briefings, and approved meetings or engagements, and official Council functions as approved by the Mayor and General Manager in accordance with clause 20.9 of Council's Code of Meeting Practice.

2. Councillors will be reimbursed reasonable out-of-pocket expenses incurred whilst entertaining visiting dignitaries on behalf of Council. The Mayor and General Manager must give prior approval to any such entertainment.

3. As part of normal protocol, on limited and appropriate occasions arising from an invitation of the Mayor or General Manager, the Council will meet the reasonable cost of any meals and

refreshments of the Mayor's/Councillor's partner at a Council arranged function within Council's boundaries such as Civic Receptions and the like where it is appropriate that a partner attend.

### 3.2.10 Information Technology Resources

Information technology resources are currently defined as computer equipment, including iPad computers and printers, including those connected to any Council network, internet, intranet, and mobile smartphones. Access to these facilities may be provided in Council's offices.

Some information technology resources may be provided in the Councillor's place of residence for use on Council business. Such resources will remain the property of the Council.

Computer services and equipment provided to Councillors are:

- iPads with specifications and configurations consistent with the standard of equipment provided to professional officers within Council, at a standard set by the General Manager.
- Paper shredder (in the Councillor's Office).

All Council business related service charges, usage costs and consumables for these Council resources will be paid by Council.

Councillors provided with an electronic device are required to subscribe to Council's "Internet Usage Policy".

## **Provision of Additional Equipment and Facilities for the Mayor**

In addition to those facilities provided to the Councillors, the Mayor, in carrying out the duties of that office, is entitled to receive the benefit of the following facilities, subject to conditions, without reduction of fees payable under Section 248 and/or Section 249 of the Act.

### 3.3.1 Mayoral Motor Vehicle

The Mayor will be provided a suitable and appropriate Mayoral vehicle (including fuel card) for civic and private use. The Mayor's vehicle will be maintained and replaced in accordance with other Council fleet management.

### 3.3.2 Car Parking

The Mayor will be assigned a designated "Mayor" car parking space within the executive parking area of the Council Administration Building.

### 3.3.3 Mayoral Credit Card

Council will provide the Mayor with a credit card facility for use in the conduct of the Civic Office of Mayor.

### 3.3.4 Office Facilities

Council will provide an appropriately furnished office suite within the Council Administration Building, available for exclusive use by the Mayor.

- (a) *Office refreshments* – will be provided in the Mayoral Office for entertainment purposes.
- (b) *Stationery* – Council letterhead, envelopes and stationery generally.

### 3.3.5 Secretarial Support

Council will provide secretarial and support services associated with the duties of the office of the Mayor.

### 3.3.6 Mayoral Robes and Chains

Mayoral robes and chains and other insignia of office will be provided to the Mayor to be worn at civic functions.

## **3.4 Information Technology Resources**

The Mayor may be provided with Council standard information technology resources with all Council business charges and usage costs being paid by Council.

### 3.4.1 Office Equipment

Provision of appropriate office equipment such as desktop computer, and Printer/photocopier/scanner.

### 3.4.2 Personal Digital Assistant (PDA)

Council will provide a personal digital assistant such as an iphone, with approved accessories for the use of the Mayor, including monthly service fees.

## **PART 4 – OTHER MATTERS**

### **4.1 Acquisition and Returning of Facilities and Equipment by Councillors**

The property provided to Councillors remains the property of Council. Councillors must return all the property on completion of the term of office, extended leave of absence or at the cessation of their civic duties.

Upon ceasing his or her role as a Councillor, the Councillor may request to purchase the item of equipment. The General Manager will consider each request, and if the equipment is for sale, the General Manager will determine an appropriate purchase price based on fair market value.

### **4.2 Dispute of non-payment of expenses**

1. If the determination is made that a Councillors' expense claim should not be paid under the provisions of this policy, the General Manager will explain the decision in writing.
2. Should the Councillor not agree with the decision made by the General Manager, it will be considered that a dispute exists.
3. In the event of a dispute, the parties in dispute will each prepare a report to be submitted by the General Manager to the next available open meeting of Council.
4. The dispute will then be determined by a resolution of Council having regard to the reports and the provisions of this policy.

### **4.3 Safety Equipment**

1. Council will provide each Councillor with protective apparel for on site inspections. Such apparel shall include:

- Hard hat
- Fluorescent safety vest
- Safety eyewear
- Safety footwear
- Sunscreen

2. Council will replace any worn item of protective apparel as needed.

### **4.4 Status of the Policy**

This policy will remain in force until 30 November 2018 unless it is reviewed beforehand by the Council in accordance with the provisions of section 253-254 of the Local Government Act 1993. The policy replaces the previous policy as adopted in 16 September 2015.

**APPOINTMENT OF COMMUNITY REPRESENTATIVES TO S355 COMMITTEES**

**BACKGROUND**

Section 355(b) of the Local Government Act 1993, allows Council to delegate certain functions. Under section 355(b) a committee is identified as an entity of Cessnock City Council and as such is subject to the same legislation, accountability and probity requirements as Council.

For many years Council has delegated these functions to a number of committees to manage recreation facilities, community halls and undertake various environmental initiatives under the Tidy Town movement.

**REPORT/PROPOSAL**

In accordance with Council’s electoral cycle, all previous Section 355 Committees were dissolved at the conclusion of the last Council term. All Committees must re-nominate and be adopted upon a new Council being elected.

Section 355(b) of the Local Government Act, 1993, allows Council to delegate certain functions to the committee. Under section 355(b) a Committee is identified as an entity of Cessnock City Council and as such is subject to the same legislation, accountability and probity requirements as Council. Council may, by resolution create, disband or amend any Committee constituted under Section 355 or appointed by it.

Section 355 Committees have been created and fall under the names of Community and Recreation Facility Management Committee’s or Tidy Towns Committees. The term of appointment for the Section 355 committee’s is until the next Local Government Election in September 2016. Each Section 355 Committee will be bound by the same legislation, policies, procedures, accountability and probity requirements as Council.

**1. Council Community and Recreation Facility Management Committees**

In accordance with the provisions of the Local Government Act 1993, Council placed advertisements in the local media that public meetings for Council’s Section 355 volunteer Committees would be held for the purposes of re-electing members to each of Council’s Section 355 volunteer Committees.

Council Officers have facilitated 17 public meetings for each of the Section 355 volunteer Committees. Table 1 recommends the community representatives to be appointed for the relevant Section 355 Committees. Each Committee has signed agreements in place outlining the roles and responsibilities of Council and the volunteers.

**Table1:** Volunteer Committees and nominations for appointment to Community Hall and Recreation Facility Management Committees.

<b>SECTION 355 COMMITTEE</b>	<b>NOMINATIONS</b>	<b>POSITION</b>
Abermain Plaza Hall	Warren Parsons	President/Chairperson
	Catherine Parsons	Secretary/Treasurer
	*Rita Davies	Committee Member
Abermain School of Arts	Warren Parsons	President/Chairperson
	Catherine Parsons	Secretary/Treasurer
	*Rose Parkes	Committee Member

Branxton Community Hall	Brian Thomas	Chairperson
	Helen Scott	Treasurer
	Anthony Ernst	Committee Member
	John McGoldrick	Committee Member
Ellalong Community Hall	*Delise Chisholm	Caretaker/Bookings Officer
Greta Arts and Sports Centre (Including Former Greta Courthouse and Greta Council Chambers)	Peter Hodges	Chairperson/Secretary
	Jacqueline Lowe	Treasurer
	*William Lewis	Committee Member
Kearsley Community Hall	Les Goldie	President/Chairperson
	Jane Goldie	Secretary
	Christine Gregory	Treasurer
	*Kim Burke	Committee Member
Kitchener Poppethead Heritage Park (Reserve Restoration Committee)	Ken Victor	Project Manager
	*Annette Rees	Secretary/Treasurer
	*Jean Victor	Committee Member
	*Andrew Baurae	Committee Member
	*Alison Davey	Committee Member
	*Paul Victor	Committee Member
Kurri Kurri Senior Citizens Hall	*Eric Woodhouse	Committee Member
	David Clark	President/Chairperson
	Alan Gray	Vice President
	Alex Horne	Secretary/Treasurer
	Merv Mahon	Auditor
	Norman Carr	Committee Member
	Frank Burgess	Committee Member
	Brian Witherspoon	Committee Member
	Ada Workman	Committee Member
Neta Cassidy	Committee Member	
Laguna Community Hall	Simone Smith	President/Chairperson
	Craig Howe	Secretary
	Peter Milgan	Treasurer
	John Donkers	Bookings Officer
	Chris Davey	Committee Member
	Denise Bush	Committee Member
	Allan Bush	Committee Member
Marthaville Arts & Cultural Centre	Shirley White	President
	Alison Davey	Secretary/Treasurer
	Julie Walker	Assistant Treasurer
	Leann Goodsir	Guildry Treasurer
	Jacqueline McMichael	Committee Member
Millfield Community Hall	Merv Pyne	Committee member
	George Davis	President/Chairperson
	Ken Craft	Vice President
	Lorraine Craft	Secretary
	Nola McGregor	Treasurer
	*John Marsh	Committee Member
Mulbring Tennis Club	*Pamela Marsh	Committee Member
	Janet Williams	President
	Janelle Mould	Secretary
	Michelle Gleeson	Treasurer
	Joan Avery	Committee Member
	Vera Andrews	Committee Member
	Maria Mould	Committee Member

North Cessnock Community Hall	Garry Payne	President
	Colleen Payne	Secretary/Treasurer
Pokolbin Community Hall	*John Drayton	President
	Graham Woodward	Secretary
	*Greg Drayton	Treasurer
	*Marilyn Lewis	Committee Member
	*Sally Matthews	Committee Member
Weston Civic Centre	Michael Haines	President
	Daniel Lambie	Vice President
	Pat Maybury	Secretary/Treasurer
	Phil Shaw	Publicity Officer
	Shane Jurd	Committee Member
	Fiona Mewere	Committee Member
	Justin Maybury	Committee Member
	Oliver Jurd	Committee Member
	Wayne Gibson	Committee Member
	Vaughan Smith	Committee Member
	James Critchley	Committee Member
Wollombi Community Hall	Jan Harrison	President/Secretary & Treasurer
	Keith Thomas	Committee Member

\*Nomination forms yet to be received by Council. These people will not be added to Councils volunteer register until their completed nomination form is received.

### **Bellbird Community Hall**

Bellbird Community Hall was managed by a Section 355 volunteer Committee until April 2011. Cessnock City Council officers have overseen the care, control and management of the hall since that time. Council has attempted to re-form this Committee, but have been unsuccessful to date. No community members attended the scheduled public meeting and at this time Council will continue the current management arrangement and will continue to liaise with the community and the hall user groups in an effort to re-form a Committee to oversee the care, control and management of this facility.

### **Management Agreements**

The community facility Section 355 Volunteer Committees will also sign a new Hall Management Agreement.

## **2. Tidy Towns Committees**

Since 1987, Cessnock City Council has enjoyed working partnerships with Tidy Town Committees in the Local Government Area. A national program of Keep Australia Beautiful, the 14 community Tidy Towns Committees of Cessnock Local Government Area have worked with Council to achieve a common goal of making our communities sustainable.

Over the last 2 years, Keep NSW Beautiful has evolved the Tidy Towns program into the Blue Star Sustainability Awards, with Cessnock LGA being in the regional sector. The Awards now include corporate and government entries with community groups, with all competing directly against each other in each category.

The adopted policy for the Cessnock Local Government Area Tidy Town Program states the Committees' vision as being "a community driven initiative that enhances local pride in our environment". Tidy Towns Committees form a strong social link in our communities following the philosophy that:

- A Tidy Town Committee is not a political movement. It is a community initiative designed to unite towns and villages to achieve better environments to live in;
- A Tidy Town Committee will involve a wide cross section of the community to participate in community and environmental improvement projects;
- A Tidy Town Committee will adopt the principle of 'doing what you can with what you've got' to achieve local objectives;
- A Tidy Town Committee is encouraged to enter the Keep NSW Beautiful Blue Star Sustainability Awards.

Eleven of the current Committees are committed to carrying on their activities and have submitted re-nomination forms for the next Council term containing details of their Executive Committee (summarised in the table following).

**Table 2:** Tidy Towns Committees Executive Members.

<b>Group</b>	<b>Position</b>	<b>Name</b>
Abermain-Neath Tidy Town	President	Warren Parsons
	Secretary & Treasurer	Catherine Parsons
	Publicity Officer	Dawn Edwards
Branxton Tidy Town	President & Treasurer	Melita Watson
	Secretary	Jo Boland
	Publicity Officer	Lisa Peel & Melita Watson
Bucketty Tidy Bush	Chairman & Secretary	Paul Budde
	Treasurer	Pam Sahn
Cessnock Tidy Town	President	Ken Victor
	Vice President	Eric Woodhouse
	Secretary/ Treasurer	Alison Davey
Greta Tidy Town	President	Denise Barwick
	Vice President	Waltraud Waeger
	Secretary/Treasurer	Peter Hodges
Ellalong Tidy Town	President & Treasurer	Roger Lewis
	Secretary	Mary Francis
	Vice President	Steve Kennett
Kearsley and District Tidy Town	President	Les Goldie
	Secretary	Jane Goldie
	Treasurer	Bill Ingall
Millfield Tidy Town	President	George Davis
	Vice President	Ken Craft
	Secretary	Lorriane Craft
	Treasurer	Nola McGregor
North Rothbury	Chairperson	Mike Low
	Secretary	Pat Ables
	Assistant Secretary	Charlotte Lewis
	Treasurer	Ian Talbot
	Publicity Officer	Bev Nugent
Paxton Tidy Towns	President	D Goldie
	Secretary/ Treasurer	Peter Hancock

Weston Heritage and Tidy Town	President	Michael Haines
	Vice President	Daniel Lambie
	Secretary/ Treasurer	Pat Maybury
	Publicity Officer	Phillip Shaw

Three of the current Committees are planning to fold and have submitted re-nomination forms for a fixed period to allow them to wrap up their activities and projects. Details of their Executive Committee (summarised in the table following).

Table 3: Sunset Tidy Towns Committees Executive Members.

Group	Position	Name
Bellbird Tidy Town - Sunset (2017)	President	Vicki Noble
	Secretary	Jane Parks
	Treasurer	Amanda Murray
Kurri Kurri Tidy Town - Sunset (2017)	President	Beth Masterman
	Secretary	Bill Way
	Treasurer	Pam Way
Wollombi Tidy Valley - Sunset (2018)	Chair/ Secretary	Bernice Brown
	Treasurer	Pat Evans

### **OPTIONS**

Council has a number of options for managing and operating its diverse range of community and recreational facilities and services. The proposed type of management framework is considered on a case by case scenario for each asset or service.

1. The recommended management method is the continuation of Section 355 volunteer Committees and there are currently 16 community facilities operated via these means, one (1) recreation facility and 14 Tidy Town committees who carry out various works on land and facilities owned by Council. Having a Section 355 Committee in place allows the local residents on the Committee's to manage and maintain Council assets to a high standard.

2. Council may decide not to adopt the proposed volunteer Committees, however this is not recommended as Council does not presently have the resources to administer bookings, clean facilities and undertake management and maintenance duties in an efficient or effective manner that the Section 355 Committees do.

### **CONSULTATION**

Consultation has occurred with the following key stakeholders:

- Director Works and Infrastructure;
- Recreation Services Manager;
- Environment & Waste Services Manager;
- Senior Property Officer;
- Insurance Officer;
- Recreation & Community Facilities Planner;
- Recreation & Community Liaison Officer;
- 90 members of Council's Section 355 volunteer committees;
- Advertisements in local media
- Recreation & Community Facilities Coordinator

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**STRATEGIC LINKS**

**a. Delivery Program**

Section 355 Committees are linked to Objective 5.1.1.1 of the Operational Plan to promote volunteering and mentoring to develop partnerships and community leadership.

**b. Other Plans**

Council's Recreation and Open Space Strategic Plan identifies Tidy Town Committees as partners to assist with the following:-

- Improving gardens in civic areas throughout the LGA
- Development and implementation of Masterplans
- Ensuring the broader community has an understanding and appreciation of the LGA's Natural Areas

**IMPLICATIONS**

**a. Policy and Procedural Implications**

This matter has no specific policy implications for Council.

**b. Financial Implications**

Under the proposed Section 355 Hall Management Agreement there is provision for the Section 355 Committee to recover costs (via hiring out the facility) to pay for some operational costs of the centre including water and electricity accounts, and minor maintenance (eg tap washers, light globes) as well as other consumables.

Council is responsible for all maintenance above and beyond minor maintenance, fire safety certification, backflow devices inspections and air conditioning maintenance contracts as well as major structural maintenance and repairs and capital works projects. Budgets to cover these types of maintenance (scheduled or otherwise) already exist.

Although the majority of fees and charges for the use of Council's Community and Recreation facilities are set as minimal cost recovery, funds raised and/or collected by the Section 355 volunteer Committees for the use of facilities in addition to Council budget allocations can be used to contribute to ongoing planned maintenance and capital works.

The decline of volunteer Committees will increase the need for additional Council resources for the care, control and management of community and recreation facilities in addition to maintenance, inspections and cleaning already being undertaken by Council officers.

**c. Legislative Implications**

Section 355(b) of the Local Government Act 1993, allows Council to delegate certain functions. Under section 355(b) a Committee is identified as an entity of Cessnock City Council and as such is subject to the same legislation, accountability and probity requirements as Council.

Council has given delegated authority under Section 355 of the Local Government Act 1993 to a number of Committees to advise and/or manage a variety of Council's community and recreation facilities.

**d. Risk Implications**

Council has measures in place to mitigate the risks associated with volunteering and the adoption of volunteer Committees under Section 355 of the Local Government Act 1993 provides the groups with coverage under Council's Insurance; however this coverage is not automatic, as groups must submit individual project proposals (including risk assessments) which are submitted to Statewide Mutual for approval before coverage is issued.

It is important to acknowledge that declining volunteer numbers coupled with increasing demands for accountability and responsiveness to community expectations has directly impacted on the amount of work volunteers are involved in. Volunteering has never had so many demands placed on it, while facing so many challenges.

In time, appointed members to the Section 355 volunteer Committees may resign or stand down from their positions and there is a risk that Council will again need to advertise vacant positions and/or take over the care, control and management of community facilities if a Committee dissolves or is unable to fulfil the required duties or roles.

Should this happen in the future for a community hall or any other Council facility currently being managed by a Section 355 volunteer Committee; Council will need to increase budgets and staff resources to conduct inspections before and after bookings, process applications for use, send correspondence and carry out regular cleaning and general maintenance that is currently undertaken by the Section 355 volunteer Committee's.

**e. Environmental Implications**

Committees work to improve the environment of the LGA.

**f. Other Implications**

Adoption of Section 355 Committees by Council allows the local community and/or identified user groups to take an active role in managing and operating local facilities and services. Committee members are volunteers from the local community and this framework has demonstrated the effective management and operation of Council's community and recreation facilities on behalf of Council for a many years.

**CONCLUSION**

Council has an obligation to effectively care, control and manage its community and recreation facilities. Council delegates this role to community representatives who play an important role in the care, control and management of Council's community and recreation facilities. Council officers will continue to encourage nominations to these Committees, particularly those not represented at present and provide support to these Committees as required in order for them to carry out their duties appropriately.

**INTERNAL**

<b>1</b>	<b>NAME:</b>	<b>Aboriginal and Torres Strait Islander Committee</b>
	<b>MEMBERSHIP:</b>	Three Councillors
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor Councillor
<b>2</b>	<b>NAME:</b>	<b>Dollar for Dollar Grants Committee</b>
	<b>MEMBERSHIP:</b>	The Mayor and two Councillors with two alternates
	<b>RECOMMENDATION:</b>	Council to nominate: Mayor Pynsent Councillor Councillor Councillor (alternate) Councillor (alternate)
<b>3</b>	<b>NAME:</b>	<b>Council Initiated Awards Committee</b>
	<b>MEMBERSHIP:</b>	Mayor and two Councillors
	<b>RECOMMENDATION:</b>	Mayor Pynsent Councillor Stapleford Councillor Burke (Appointed by Council on 16 November 2016)

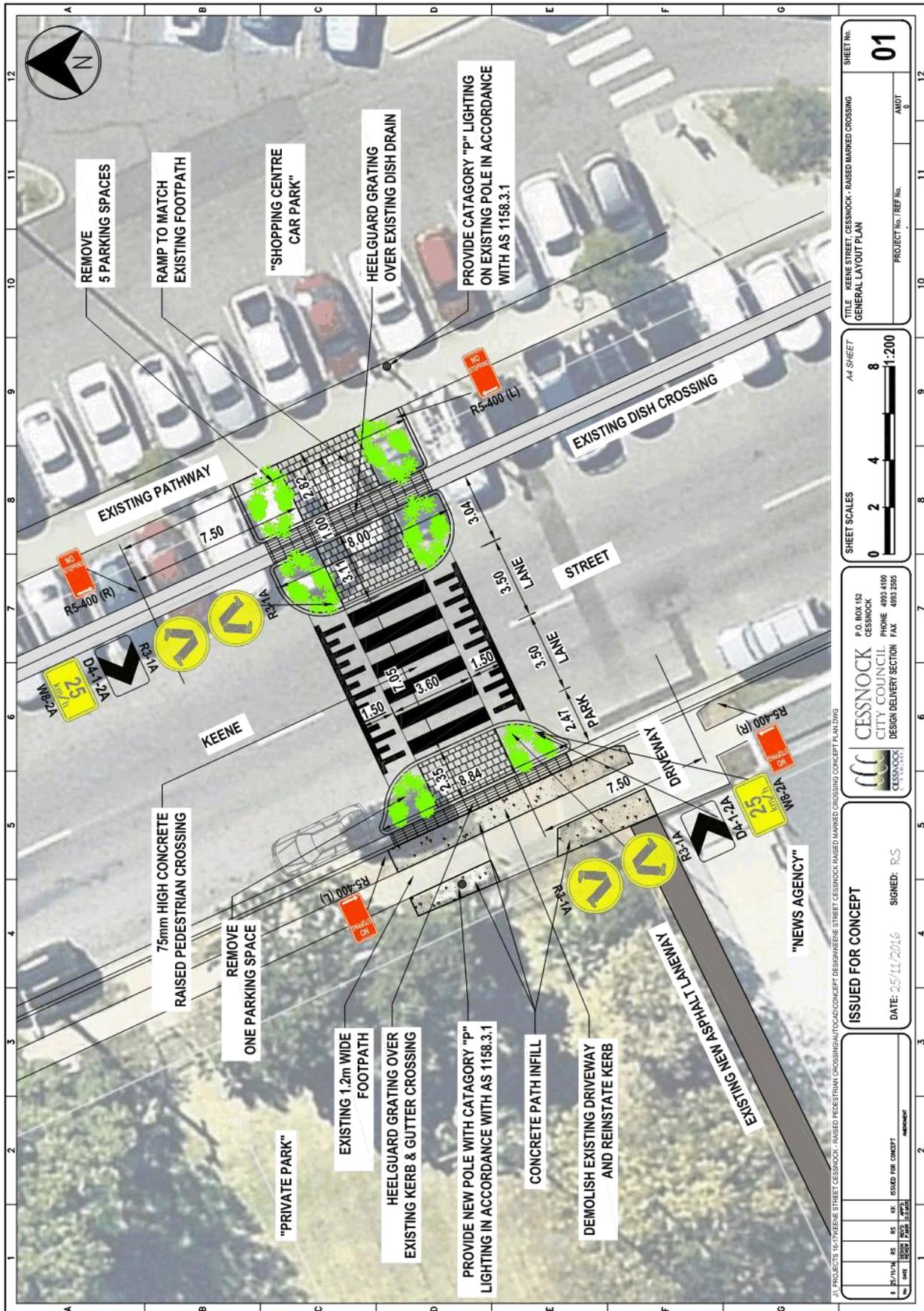
**STATUTORY**

<b>1</b>	<b>NAME:</b>	<b>Audit Risk and Improvement Committee</b>
	<b>MEMBERSHIP:</b>	Mayor and one Councillor
	<b>RECOMMENDATION:</b>	Mayor Pynsent Councillor Dunn (Appointed by Council on 5 October 2016)
<b>2</b>	<b>NAME:</b>	<b>Floodplain Management Committee</b>
	<b>MEMBERSHIP:</b>	The Mayor and two Councillors
	<b>RECOMMENDATION:</b>	Council to nominate: Mayor Pynsent Councillor Councillor
<b>3</b>	<b>NAME:</b>	<b>Traffic Committee</b>
	<b>MEMBERSHIP:</b>	One Councillor plus one alternate member
	<b>RECOMMENDATION:</b>	Councillor Councillor (alternate)
<b>4</b>	<b>NAME:</b>	<b>Organisational &amp; General Manager Review Committee</b>
	<b>MEMBERSHIP:</b>	To be determined
	<b>RECOMMENDATION:</b>	Council to nominate:

EXTERNAL

1	<b>NAME:</b>	<b>Austar Coal Mine Consultative Committee</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
2	<b>NAME:</b>	<b>Cessnock/Kurri Kurri Local Health Advisory Committee</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
3	<b>NAME:</b>	<b>Lower Hunter and Hunter bush fire Management</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
4	<b>NAME:</b>	<b>Public Libraries NSW (Central East Zone)</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
5	<b>NAME:</b>	<b>Hawkesbury/Nepean Local Government Advisory</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
6	<b>NAME:</b>	<b>Hunter Water Consultative Committee</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
7	<b>NAME:</b>	<b>Buttai Quarry Consultative Committee</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)

<b>8</b>	<b>NAME:</b>	<b>Blackhill Quarry Consultative Committee</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)
<b>9</b>	<b>NAME:</b>	<b>Cessnock Correctional Centre Consultative Committee</b>
	<b>MEMBERSHIP:</b>	Mayor
	<b>RECOMMENDATION:</b>	Membership defined as per Charter
<b>10</b>	<b>NAME:</b>	<b>Hunter Joint Organisation</b>
	<b>MEMBERSHIP:</b>	Mayor
	<b>RECOMMENDATION:</b>	Membership defined as per Charter
<b>11</b>	<b>NAME:</b>	<b>Hunter Valley Wine and Tourism Alliance</b>
	<b>MEMBERSHIP:</b>	Mayor, General Manager and one other (eg Councillor, member of community)
	<b>RECOMMENDATION:</b>	Council to nominate: Mayor Pynsent Councillor
<b>12</b>	<b>NAME:</b>	<b>Hunter Resource Recovery</b>
	<b>MEMBERSHIP:</b>	Mayor and General Manager
	<b>RECOMMENDATION:</b>	Membership defined as per Charter
<b>13</b>	<b>NAME:</b>	<b>Association of Mining Related Councils</b>
	<b>MEMBERSHIP:</b>	One Councillor and one alternate representative
	<b>RECOMMENDATION:</b>	Council to nominate: Councillor Councillor (alternate)



TITLE: KEENE STREET, CESSNOCK - RAISED MARKED CROSSING  
GENERAL LAYOUT PLAN  
PROJECT No. / REF No. \_\_\_\_\_  
SHEET No. **01**  
AMDT 0

A4 SHEET  
SHEET SCALES  
0 2 4 8  
1:200

CESSNOCK CITY COUNCIL  
DESIGN DELIVERY SECTION  
P.O. BOX 152  
CESSNOCK  
PHONE 4993 4100  
FAX 4992 2505

ISSUED FOR CONCEPT  
DATE: 25/11/2016  
SIGNED: RS

DESIGNED BY	RS	CHKD BY	RS
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**The Hon Catherine Cusack MLC**  
Parliamentary Secretary to the Premier

Reference: A1900291

24 November 2016

Councillor Bob Pynsent  
Mayor  
City of Cessnock  
bob.pynsent@cessnock.nsw.gov.au

Dear Councillor Pynsent

On behalf of the Premier I would like to acknowledge receipt of your correspondence seeking funding for the development of infrastructure in the Cessnock Local Government Area.

I have carefully considered the issues you have raised and appreciate the reasons that have prompted you to write.

The Minister for Local Government has portfolio responsibility for this issue and I have forwarded a copy of your correspondence for the Minister's information and consideration.

If you have any further enquiries about this matter please contact the Hon Paul Toole MP on (02) 8574 7000.

Thank you for taking the time to write to the Premier.

Yours sincerely

A handwritten signature in blue ink that reads 'Catherine Cusack'.

**HON CATHERINE CUSACK MLC**  
Parliamentary Secretary to the Premier



**OFFICE OF THE MAYOR**

The Hon. Mike Baird, MP  
Premier of NSW  
NSW Parliament  
6 Macquarie Street  
SYDNEY NSW 2000

Contact: Stephen Glen  
Our Ref: DOC2016/062325  
Your Ref:

Dear Premier Baird

**Infrastructure Funding – Establishment of Future Fund for Cessnock City Council**

Cessnock City Council at its meeting on 2 November 2016 considered a Notice of Motion regarding the establishment of a Future Fund for Council to address infrastructure needs of the local government area.

Council resolved to write to the NSW Government seeking a commitment, whereby \$20 million per year for 10 years would be allocated to Council to enable much needed infrastructure renewal to be undertaken.

This support is crucial to ensuring residents have access to the level of infrastructure they expect and deserve. The funding would boost our ability to upgrade and maintain our extensive local road network. It presents a unique opportunity to ensure better connectivity between local and state roads.

Increased financial support would also allow for upgrades to important community infrastructure. Council is committed to providing residents with the best facilities. This support would help achieve this goal and enable improvements to local parks, buildings and bridges.

Council considers that with the significant funding the NSW Government secured from the \$16 billion sale confirmation of the poles and wires network, that the State Government will recognise the efforts and contribution of the Cessnock Local Government area by committing the requested amount to Cessnock City Council.

Council is dedicated to delivering the Cessnock community with infrastructure which will see our region thrive into the future. The NSW Government has an opportunity to be involved in our growth. Council hopes you can see the far reaching benefits a Future Fund will have for our local government area and hope to gain your support in establishing such a fund. I have attached a copy of Council's resolution to support this request.

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e council@cessnock.nsw.gov.au w www.cessnock.nsw.gov.au  
ABN 60 919 148 928

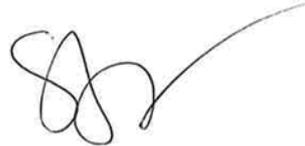
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If you require any further information, please do not hesitate to contact me on telephone 02 4993 4208.

Yours faithfully



Bob Pynsent  
Mayor of the City of Cessnock



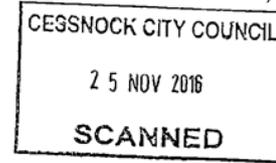
Stephen Glen  
General Manager

18 November 2016

cc: Hon. Gladys Berejiklian MP - Treasurer and Minister for Industrial Relations  
Mr Scot MacDonald, MLC - Parliamentary Secretary for the Hunter and Central Coast  
Mr Clayton Barr, MP – NSW State Member for the Electorate of Cessnock

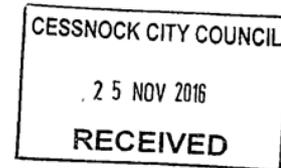


TREASURER



Ref: MC16-016953

Cr Bob Pynsent and Mr Stephen Glen  
Mayor and General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



Dear Councillor Pynsent and Mr Glen

Thank you for your correspondence of 1 September 2016 concerning Commonwealth Government funding for local government infrastructure projects. I sincerely apologise for the delay in responding to you.

I agree with you about the importance of infrastructure investment. The Commonwealth Government is investing over \$50 billion in land transport infrastructure between 2013-14 and 2019-20. This investment is improving safety and driving greater productivity in our transport networks by targeting congestion on key passenger and freight routes and by better connecting Australian products to domestic and international markets.

The Commonwealth Government is also providing support to local governments, including to Cessnock City Council, for infrastructure investment through programs such as Roads to Recovery, Financial Assistance Grants; Bridges Renewal and the Black Spot Programme. I understand that on 18 January 2016, Cessnock City Council was awarded over \$4 million towards replacing the Fosters and Frame Drive bridges under the second round of the Bridges Renewal program.

I recognise that regional councils like yours are under pressure to improve and maintain local infrastructure. During the 2016 Federal election, the Commonwealth Government announced the new Building Better Regions Fund (BBRF). The BBRF will support infrastructure and community initiatives in areas outside of major cities. Projects will be assessed in three categories depending on the size of the project. This will mean applications for smaller grants will not be competing with large projects for funding. Guidelines for the BBRF are currently being developed. You may wish to monitor the Department of Infrastructure and Regional Development's website for BBRF announcements.

Infrastructure spending is generally not well suited to short-term fiscal stimulus as projects often have long lead times. Responsible investment in the right infrastructure projects will, however, deliver greater productivity in our transport networks.

Australia's debt stands at around \$440 billion. Interest payments this year are estimated to be around \$16 billion. As you note, yields on Government bonds are currently at historical lows. But while it is cheap to borrow now, borrowing costs could rise and the money must always be paid back. It is critical that we arrest the growth in Australia's public debt.

Parliament House Canberra ACT 2600 Australia  
Telephone 61 2 6277 7340 | Facsimile 61 2 6273 3420

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To arrest growth in our debt we must restore the Budget to balance. The Government's fiscal strategy is to achieve Budget surpluses on average over the course of the economic cycle. In doing so, the Government also has an objective of stabilising and reducing net debt over time.

By reducing debt and strengthening the balance sheet, the Government will retain the flexibility to respond to economic shocks. It also reduces the amount of interest payments that need to be made in the future. This frees up public resources for other priorities, including reductions in taxation, which support economic growth, and helps ensure that the Government can continue to fund services that the community expects.

I trust this information will be of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Morrison', written in a cursive style.

The Hon Scott Morrison MP

20 / 11 / 2016