



Vincent Street
CESSNOCK

28 September 2017

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 4 OCTOBER 2017

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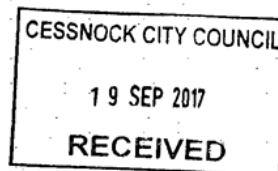
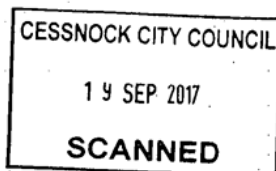
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AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

14 September 2017

Mayor Bob Pynsent
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



Dear Mayor Pynsent

How many top priority projects are in your pipeline?

If your community is like mine, you will have a list of projects you need help to fund.

The Australian Local Government Association (ALGA) is developing a register of potential community infrastructure projects around Australia to strengthen the case for a Commonwealth funding program to assist councils to undertake vital projects to meet community needs.

I am writing to ask for your help. To demonstrate the strong need for a partnership with the Commonwealth we want to ensure that the register contains at least 3 projects from every council in Australia – including yours.

The Local Government Community Infrastructure Program

Local Government is responsible for community infrastructure with a written down value of \$385 billion and an estimated replacement value of \$438 billion. The 2015 State of the Assets Report concluded that 11% of this infrastructure is in poor or very poor condition despite the sector's intensive focus in recent years on strategic asset management.

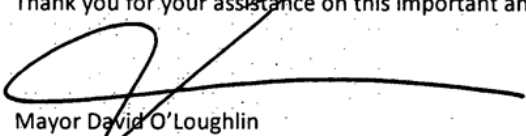
ALGA is calling for local government community infrastructure funding at the level of \$300 million per annum for four years.

ALGA modelling shows the potential additional GDP generated by this proposal is \$1.4 billion and it would create 14,900 new jobs.

I urge you to register your project ideas by completing the form on the ALGA website at www.alga.asn.au. Photographs supporting each project idea would be highly appreciated as they clearly illustrate what is needed and help us tell your story more effectively. Please also include any commentary or notes regarding the importance of the project and why it is significant for your community. You may also wish to comment on why you have given this project priority.

If you have any questions or would like any further information, please contact the ALGA Secretariat on 02 6122 9400.

Thank you for your assistance on this important and much needed initiative.


Mayor David O'Loughlin
President

Black Hill Road, Black Hill

Government Notices

MINING ACT 1992

ORDER

I, Anthony Roberts, MP, Minister for Industry, Resources and Energy, pursuant to clause 13 of the *Mining Regulation 2010*, do by this my Order, declare that the removal of coal as part of quarrying operations from the area known as Black Hill Quarry is not prospecting or mining for the purposes of the *Mining Act 1992*. Woodbury's Haulage and Earthmoving (ACN 093 278 892), must pay a royalty to the Minister in respect of any coal removed as a consequence of carrying out the quarrying operations. The area of Black Hill Quarry is described in Development Consent No 10515 of 1995 Modification granted by Cessnock City Council.

Dated this 22nd day of June 2016.

ANTHONY ROBERTS, MP
Minister for Industry, Resources and Energy

Black Hill Road, Black Hill



The Hon Anthony Roberts MP
Minister for Industry, Resources and Energy

BN15/9192

22 JUN 2016

Mr Mark Woodbury
Director
Woodbury's Haulage and Earthmoving Pty Ltd
PO Box 2185
GREEN HILLS NSW 2323

Dear Mr Woodbury

I am pleased to advise that I have recently recommended that an order be gazetted under *Clause 13 of the Mining Regulations*, to declare that the removal of coal as part of your quarrying operations from the area known as Black Hill Quarry, is not to be considered prospecting or mining for the purposes of the *Mining Act 1992*.

Please note that this order will not be effective until it is gazetted. The NSW Department of Industry - Division of Resources & Energy will send the order documentation to you shortly.

The NSW Government recognises the importance of quarrying operations, both in protecting employment and the production of quarry materials for various construction projects across our state.

I extend my best wishes to you for a successful quarrying operation.

Yours sincerely

Anthony Roberts MP
Minister for Industry, Resources and Energy

Black Hill Road, Black Hill



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PO Box 2185, Green Hills NSW 2323
www.woodburys.com.au
ABN 57 093 278 892

The General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attention: Mr Richard Forbes

Delivered by email:
Richard.Forbes@cessnock.nsw.gov.au

Dear Sir

Subject: *Development Application No. 5/1994/80115/2 - Section 96(AA) Application Proposing to
Modify NSW Land and Environment Court Order No. 10515 of 1995 – Set floor level at
Waratah Sandstone*

A Section 96(AA) application is sort to clarify and enable the modification of the above mentioned consent as follows:

- Clarify the floor level of the quarry to be set at the top of the Waratah Sandstone.

This letter is intended to supplement the application and address matters raised during consultation with Council.

It is proposed that condition 49 be amended to refer to the updated Environmental Management Plan dated **30 March 2017**, copy enclosed.

1. BACKGROUND

The West Borehole Seam lies immediately beneath the quarry floor and has been previously mined with the exception of remnant pillars of coal. The remnant coal overlays the Waratah Sandstone, being an identifiable, sound geological structure. Woodbury's through their quarry operations have significantly reduced the overburden above the remnant coal and identified safety issues relating to quarrying over the remnant coal and environmental issues relating to leaving the coal in the ground.

To address these concerns Woodbury's have liaised with the Minister of Resources and Energy and his Department and obtained consent to remove of the remnant coal to ensure a more stable long term quarry floor that is not undermined and subject to collapse, and also enables the beneficial utilisation of a natural resource that would otherwise be wasted if it remained insitu.

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Black Hill Road, Black Hill

WHE WOODBURY'S HAULAGE & EARTHMOVING

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The removal of the coal does not require any additional quarrying equipment to be used or will it result in an increase in production from the quarry. As such the activity is not considered likely to result in any increase in noise, dust or water from the quarry to neighbouring properties. The long term landform will remain substantially consistent with the original approval having vegetation planted out along benches and batters with open grasslands on the quarry floor.

2. LEGISLATIVE CONSIDERATIONS

Mining Act and Regulations

Section 11A of the *Mining Act 1992* provides for the Minister to make declaration that a specified activity is not prospecting or mining for the purposes of the Act. On 22 June last year a gazettal was made by the Minister under clause 13 of the *Mining Regulation 2010* (now 2016) that removal of coal as part of quarrying activities at Black Hill quarry "is not prospecting or mining for the purposes of the *Mining Act 1992*".

It should be noted that the application for the Section 11A and that which was gazetted was directed and intended at the removal of the West Borehole Seam within the area of the quarry. The order was made on the basis of improving the long term stability of the area and for the existing quarrying activities.

As the removal of the coal is no longer considered mining, the requirements to obtain a mining lease no longer apply. It is likewise noted that the definition in the *Mining Act 1992* of "mining" (or a mine as a verb) is "to extract material from land for the purpose of recovering minerals from the material so extracted or to rehabilitate land (other than a derelict mine site) from which material has been extracted, but does not include any activity declared not to be mining by a regulation under section 11A or by an order made under such a regulation." As demonstrated by the definition the removal of coal from the area of the Black Hill Quarry is not defined as "mining".

Likewise the quarry cannot be considered a "mine" as the definition for mine is "any place, pit, shaft, drive, level or other excavation, drift, gutter, lead, vein, lode, reef or salt-pan (whether occurring naturally or artificially created) in, on or by means of which, any mining operation is carried on".

Environmental Planning & Assessment Act 1979 and Regulations

Section 96AA provides for the modification of a consent granted by the Land & Environment Court (LEC). Subject to the provisions of Section 96AA Council (acting as the consent authority) may modify the development consent.

Mine or Mining is not specifically defined under the *Environmental Planning & Assessment Act 1979* (EP&A Act) or the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs). In this instance, it is likely to rely on that established within the *Mining Act 1992* (consistent with various other legislation).

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Schedule 3 of the EP&A Regs sets out the requirements for designated development. Under this schedule the following activities were evaluated against the proposed activity:

- **Coal Mines / Coal Works.** As noted above, the removal of coal from the site does not imply the site is a mine given the definition provided under the *Mining Act 1992*. As such the definitions of area or tonnage for coal mines is not applicable to the proposed amendment.
- **Extractive industries.** The proposed removal of the West Borehole Seam is not precluded by the definition for Extractive Industry designated development and as such remains consistent with the original approval as an extractive industry.
- **Mines.** Does not apply to the development as it applies to those activities that process or handle minerals (being minerals within the meaning of the *Mining Act 1992* other than coal or limestone). While this activity does result in the removal of a mineral under the *Mining Act 1992*, it specifically excludes coal. It is also noted that the definition used is consistent with the *Mining Act 1992*, i.e. mining is for the purpose of recovering a mineral.

Is it substantially the same activity?

Section 96AA of the EP&A Act requires that the consent authority (Council) must be satisfied that the development as modified is substantially the same as that which was originally approved. In this case the proposed changes relate to the continued removal of quarry material which is intermingled with remanent coal from the base of the quarry and identifying the Waratah Sandstone, being an identifiable, sound geological structure as the quarry floor. There are no appreciable changes proposed or will result from the activity to:

- The maximum extraction rate. It is noted that the LEC consented to extraction rates of up to 55 laden truck movements per day. In recent years the quarry has averaged about one quarter of this amount with the highest yearly extraction of approximately 195,000 tpa in 2007 – 2008.
- The approved lateral extraction area. Noting the floor of the quarry will be identified as the Waratah Sandstone, being an identifiable, sound geological structure.
- The final land use of the area. Noting the EIS described grasses and grazing on the quarry floor and trees on benches. It should be noted that the removal of the coal will result in a more stable floor with the removal of any potential for collapse of the surface and exposure of workings as can presently occur on the site.
- The visibility of the quarry from surrounding areas.
- Equipment or processes used in the quarry. Noting the resulting noise or dust levels will also remain unchanged.
- Truck movements per day. The original consent allows up to 55 laden truck movements per day. Current and anticipated movements are well below this level.

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- The Environmental Management Plan (EMP) or Rehabilitation Plan. The EMP requires no modification and the Rehabilitation Plan require only minor amendment to cross sectional figures and the associated geotechnical report on stability which identify the quarry floor as the Waratah Sandstone, being an identifiable, sound geological structure.
- Environmental Monitoring. Monitoring will be ongoing and described in Annual Reports as well as annual returns to the EPA in relation to the existing Environmental Protection Licence.
- Hours of operation.
- Section 94 contributions. The LEC imposed relevant contributions pursuant to Section 94 of the EP&A Act. These contributions have been indexed annually since the approval was granted.

The proposed modification to remove the West Borehole Seam clearly meets the definition of "substantially the same development" and clarifies the quarry floor as the Waratah Sandstone, being an identifiable, sound geological structure.

State Environmental Planning Policy (State and Regional Development) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011* refers definitions to the *Standard Instrument (Local Environmental Plans) Order 2006*, where mining is defined as "mining means mining carried out under the *Mining Act 1992*". On this basis the proposed amendment to remove the West Borehole Seam, as articulated above, is not classified as mining for the purposes of the *State Environmental Planning Policy (State and Regional Development) 2011*. As such this SEPP does not apply to the proposed amendment.

3. CONCLUSION

As demonstrated above the proposed clarification of the quarry floor being the Waratah Sandstone, being an identifiable, sound geological structure will not substantially change the development as originally approved (and modified), nor will it trigger any separate designation under the EP&A Act 1979.

If you require further information, please do not hesitate to contact me.

Woodbury's Haulage and Earthmoving Pty Ltd
Mark Woodbury – Director

Enclosures:
11A declaration;
11A application;
Environmental Management Plan dated 20/0/2017

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[Date]

Director, Housing Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Contact: Martin Johnson
Our Ref: DOC2017/065135
Your Ref:

Dear Sir/Madam

Submission - Cessnock City Council - Short-Term Holiday Letting Options Paper

Thank you for the opportunity to provide comment on the Options Paper for Short-Term Holiday Letting (STHL) in NSW. Cessnock City Council welcomes the release of the Options Paper to assist in developing a uniform regulatory approach to STHL in NSW.

Council acknowledges that STHL contributes significantly to the national economy and that excessive regulation could put the industry at risk. However, a level of government intervention is considered necessary to manage the impacts of STHL and bring about a consistent and equitable regulatory framework.

Local Issues

There are approximately 300 known tourist accommodation land uses occurring in the Cessnock Local Government Area (LGA). Well over half of these land uses occur in the Cessnock wine region. Tourism associated with the wine region is a significant component of the regional and local economy and a delicate balance exists between these tourist land uses and viticulture. Further tourism development in the wine region needs to be carefully managed to preserve the qualities of the region that underpin tourism demand. Cessnock City Council is currently reviewing the permissibility of land uses in the wine region, including tourist accommodation land uses, through a Joint Planning Proposal with Singleton Council.

Council presently requires the submission of a development application for STHL and has taken the view that the use constitutes a change in building classification under the Building Code of Australia (BCA). In most cases, the change in building classification is class 1a to 1b. The change in classification triggers specific requirements relating to fire safety, public health, amenity and disabled access.

Current resourcing arrangements do not permit Council to actively search for unapproved STHL operating within the LGA. Council responds to unapproved STHL when complaints are received in relation to them. If it is determined that the use is in breach of legislation, appropriate enforcement action is taken.

Although there has been very little research or evidence gathered about the overall impact of STHL on the community at Cessnock, STHL is a recognised issue in the LGA and complaints heard from the community about the impacts of STHL are real and serious.

Comments on the Options Paper

Land Use and Definition

Council supports the inclusion of a consistent definition for short-term letting in the Standard Instrument LEP. The new definition should consider what constitutes 'short-term' accommodation and differentiate between short-term 'holiday letting' and short-term 'rental accommodation'.

Amenity impacts are likely to be greater in instances where dwellings are occupied by different groups for short periods of time (holiday letting/party houses), as opposed to being occupied by a single group for less than 90 days (short-term rental accommodation). Occupying a dwelling over 90 days could be leased as a tenancy under the *Residential Tenancies Act 2010*.

Mandatory Registration

Council supports mandatory registration of STHL. Knowing where STHL is located would assist Council in carrying out necessary compliance action when problems arise. Registration would also assist in collecting information to assess the impacts of STHL on the wider community.

Registration to a NSW government body, such as NSW Fair Trading, would ensure management of STHL are funded through a 'user pays' system. This could also include a requirement to abide by a mandatory code of conduct or guideline for other issues such as noise, parking, waste management, fire safety, insurance and public health.

Code of Conduct

The Holiday Rental Industry Association (HRIA) has developed a 'Holiday and Short Term Rental Code of Conduct'. The Code sets out a self-regulatory approach for STHL. A State structured code of conduct or guideline is supported by Council to the extent that it sets out minimum operating standards and requirements for all STHLs.

Regulation of STHL through the planning system

The Options Paper explores a variety of regulatory options to manage the impacts of STHL. The options range from self-regulation and exempt development to development consent.

Council understands that the challenge for State Government is identifying an appropriate level of regulatory intervention to manage the impacts of STHL without excessive regulation that could put the industry at risk. To achieve this, Council supports a scaled approach to managing the impacts of STHL.

The Options Paper identifies that most STHL operate without incident and do not require Government regulatory intervention. Council shares this view and recommends that 'low impact' forms of STHL be managed through the exempt development framework. It is recommended that the threshold for 'low impact' STHL would be determined in consideration of:

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- a maximum number of operating days per year
- a maximum number of beds or bedrooms
- compliance with a State structured code of conduct or guideline
- mandatory registration
- business identification sign with owner's contact details
- bushfire and flood evacuation plans, if the dwelling is located on land so designated

While self-regulation through a code of conduct and mandatory registration is considered suitable for 'low impact' forms of STHL, self-regulation will not be appropriate for all forms of STHL. Given the potential for significant social impacts of STHL, any proposed regulatory framework should consider a 'worst-case scenario'.

Where a STHL was to operate beyond the exempt development standards, or if it occurred in a more sensitive location, such as strata units or nominated strategic land, then it would be reasonable for the use to require development consent. Likewise, development consent would also be reasonable in instances where Council can demonstrate that there has been systematic and ongoing breaches of the code of conduct, development standards, or noise complaints.

Compliance with the Building Code of Australia

The Options Paper identifies that STHL can constitute a change in building classification under the Building Code of Australia (BCA). A change in building classification has a range of implications for fire safety, health, amenity and disabled access. A change of classification also triggers a requirement for development consent.

The Parliamentary Inquiry on Short Term Holiday Letting found that, '*subject to appropriate definitions and conditions, short-term letting should be regarded as a residential use and as such, should not trigger any Building Code of Australia requirements.*'

While the finding of the Parliamentary Inquiry is generally supported by Council, it is considered that there is merit in requiring STHL to comply with the requirements of a class 1b building (as a minimum) through another means, such as a mandatory registration process. Requiring compliance recognises the higher risk to occupants of STHL and assists in ensuring a 'level playing field' with other forms of tourist accommodation, such as bed and breakfast accommodation.

Enforcement

Additional enforcement options, including financial penalties, should be considered to manage STHL in instances where Council can demonstrate that there has been systematic and ongoing breaches of the code of conduct or development standards.

If you require any further information, please do not hesitate to contact me on telephone 02 4993 4229.

Yours faithfully

Martin Johnson
Acting Director Planning and Environment

**DISCLOSURE OF INTEREST RETURNS FOR COUNCILLORS
AS AT 30 September 2017
FOR PERIOD 1 July 2016 – 30 June 2017**

Councillors

Name	Position during return period	Section 449 Returned
Bob Pynsent	Mayor	18 August 2017
Allan Stapleford	Deputy Mayor	29 August 2017
Ian Olsen	Councillor	17 August 2017
Rod Doherty	Councillor	2 August 2017
Paul Dunn	Councillor	11 August 2017
Mark Lyons	Councillor	17 August 2017
Jay Suvaal	Councillor	20 September 2017
Di Fitzgibbon	Councillor	28 August 2017
John Fagg	Councillor	26 July 2017
Melanie Dagg	Councillor	30 August 2017
Anne Sander	Councillor	6 September 2017
Darrin Gray	Councillor	30 August 2017
Anthony Burke	Councillor	17 August 2017

**DISCLOSURE OF INTEREST RETURNS FOR DESIGNATED PERSONS
AS AT 30 September 2017
FOR PERIOD 1 July 2016 – 30 June 2017**

Name	Position @30/06/2017	Section 449 Returned
Abigail Bagnall	Senior Environmental Health Officer (Job Share)	20 September 2017
Adrienne Luck	Building Surveyor	16 August 2017
Amber Brosi	Environmental Health Officer	30 August 2017
Andrew Graham	Ranger	23 August 2017
Bo Moshage	Coordinator Strategic Land Use Planning	25 July 2017
Brodie Sheehy	Left Council 26 July 2017	
Charlette Newall	Asset Engineering Officer	21 August 2017
Claire Rozema	Environmental Health Officer	16 August 2017
Colin Davis	Health & Building Manager	26 July 2017
Darren Layt	Senior Building Surveyor	31 July 2017
Darrylen Allan	Human Resources Manager	11 September 2017
Gareth Curtis	Director Planning and Environment	23 August 2017
Geoff Bent	Works and Operations Manager	30 July 2017
Grant Hamilton	Building Services Team Leader	15 August 2017
Greg Mitchell	Plant Superintendent	16 August 2017
Holly Taylor	Senior Planning Assessment Officer	23 August 2017
Iain Rush	Strategic Land Use Planner	26 July 2017
Ian Lyall	Internal Auditor	22 August 2017
Jane Holdsworth	Economic Development Manager	15 August 2017
Janine McCarthy	Development Services Manager	26 July 2017
Jason Robbs	Regional Illegal Dumping Investigator	26 July 2017
Jessica Locock	Environmental Health Officer	17 August 2017
John Oliver	Chief Financial Officer	27 July 2017
John Peebles	Senior Environmental Health Officer	8 August 2017
Julia Ryl	Planning Assessment Officer	16 August 2017
Justin Fitzpatrick-Barr	Director Works & Infrastructure	5 September 2017
Karen Pont	Senior Ranger	16 August 2017
Katherine Mason	Environmental Health Officer	27 July 2017
Katrina Kerr	Design Delivery Manager	22 September 2017
Kelly McGowan	Operations Accountant	25 July 2017
Keren Brown	Senior Strategic Land Use Planner	11 August 2017
Kerry Porter	Senior Planning Assessment Officer	16 August 2017
Kristen Wells	Senior Planning Assessment Officer	16 August 2017
Kurt Livens	Ranger Team Leader	3 August 2017

Kyera O'Dell	Trainee Environmental Health Officer	16 August 2017
Lezette Garry	Senior Building Surveyor	28 August 2017
Lindsay Clarke	Purchasing & Stores Coordinator	7 August 2017
Lyndall Smith	Ranger	28 August 2017
Madaline Smith	Planning Assessment Officer	28 July 2017
Martin Johnson	Strategic Planning Manager	11 September 2017
Megan Harbrow	Development compliance Officer	26 July 2017
Megan Savill	Environmental Health Team Leader	4 September 2017
Melissa Norris	Development Compliance Officer	16 August 2017
Michael Alexander	Environmental & Waste Services Manager	11 August 2017
Michelle Lindsay	Sustainability Officer	15 August 2017
Michelle Speek	Senior Environmental Health Officer (Job Share)	31 July 2017
Michelle Watson	Asset Engineering Officer	15 August 2017
Natalie Drage	Principal Community Planner and Acting Community and Cultural Engagement Manager	26 July 2017
Nathan Eveleigh	Recreation & Community Facilities Coordinator	7 August 2017
Nicole Benson	Recreation Services Manager	15 August 2017
Paul Burton	Strategic Recreation and Facilities Planner	26 July 2017
Paul Grosbernd	Management Accountant	26 July 2017
Peter Giannopoulos	Team Leader Development Services	26 July 2017
Raymond McCarthy	Ranger	27 July 2017
Renae Leayr	Procurement and Contract Manager	25 July 2017
Rhiannon Parr (Stevens)	Economic Development Officer	25 July 2017
Richard Forbes	Team Leader Development Services	22 August 2017
Robert Maginnity	Director Corporate and Community Services	25 July 2017
Rod Sandell	Duty Planner	23 August 2017
Roslyn Ashton	Business Services Support Manager	21 September 2017
Sarah Marks	Senior Building Surveyor	27 July 2017
Scott Christie	Strategic Land Use Planner	25 July 2017
Simon Brown	Building Surveyor	8 August 2017
Stephen Glen	General Manager	28 July 2017
Steve Hepple	Information Technology Manager	25 July 2017
Sue Brinkworth	Senior Property Officer	25 July 2017
Tracey Le Brun	Senior Planning Assessment Officer	8 August 2017
Tricia Donnelly	Sustainability Officer	26 July 2017
Trish Beatty	Senior Building Fire Safety Officer	4 August 2017
Wonona Fuzzard	Principal Strategic Land Use Planner	28 July 2017

NOMINATION PAPER FOR POSITION OF DEPUTY MAYOR

We, the undersigned Councillors, do hereby propose for nomination:

.....

as a candidate for the Office of Deputy Mayor at the election to be held on / /

Name

Signature

Date

.....

FORM OF CONSENT

I, the above named
 (full name of person proposed for nomination)

hereby consent to my being proposed for nomination

.....
 (signature of person proposed for nomination)

Please note: A nomination must be made in writing by two (2) or more Councillors and is not valid unless the nominee has indicated consent to the nomination in writing.

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7

SCHEDULE 7 – Election of Mayor by Councillors

(Clause 394)

Part 1 - Preliminary

1. Returning officer

The general manager (or a person appointed by the General Manager) is the returning officer.

2. Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3. Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

"ballot" has its normal meaning of secret ballot.

"open voting" means voting by a show of hands or similar means.

Part 2 - Ordinary ballot or open voting

4. Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5. Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6. Count-2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7. Count-3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 - Preferential ballot**8. Application of Part**

This Part applies if the election proceeds by preferential ballot.

9. Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10. Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

- (4) In this clause,
"absolute majority" , in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11. Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 - General

12. Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13. Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

Breakup of Contractor Costs

	2017	2016	2015	2014	2013
	\$	\$	\$	\$	\$
Roads - Maintenance	1,899,624	2,586,295	2,672,233	3,525,518	4,051,262
Bridges - Maintenance	54,406	78,105	111,941	97,733	60,822
Buildings - Maintenance / Services	394,591	480,468	408,335	592,664	423,594
Drainage	-	13	18,404	51,356	182,947
Parks Gardens & Cemeteries	218,725	131,194	100,620	198,916	139,847
Kerbside Recycling Collection	1,011,781	707,938	703,435	628,487	1,264,359
Kerbside Organics Collection	187,947	-	-	-	-
Organics Processing Contract	218,915	-	-	-	-
Human Resources	20,120	19,996	12,000	12,000	12,075
Town Planning	435,464	509,840	650,173	555,210	658,056
Floodplain Management (Studies)	180,318	74,954	84,375	365,995	122,007
Administrative Services (Temporary Staffing)	-	-	22,848	215,034	177,532
Computer Services	25,491	26,549	25,250	23,022	22,517
	4,647,382	4,615,352	4,809,614	6,265,935	7,115,018

Notes

- 1 Includes general maintenance, lift maintenance, air conditioning, electrical, security, fire systems, pest control, bus shelters, community halls, public toilets and vandalism.
- 2 Relates to Millview Estate Millfield - sewerage system installation. Not a council asset.
- 3 Employee Assistance Program (EAP).
- 4 Includes development engineering contract.

SD2017 017

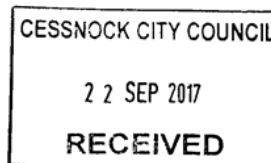


Gladys Berejiklian MP
Premier of New South Wales

Ref: A2247016

18 SEP 2017

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



Dear Mr Glen,

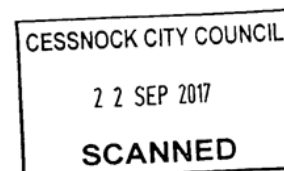
Thank you for your correspondence of 30 August 2017, regarding policing resources. I have noted the issues raised by council.

Community safety is a priority for this Government. I have asked my colleague The Hon Troy Grant MP, Minister for Police, to respond to the detailed issues raised and I have forwarded a copy of your letter for his consideration.

Thank you again for taking the time to write to bring this matter to my attention.

Yours faithfully,

Gladys Berejiklian
Premier



CC: The Hon Troy Grant MP, Minister for Emergency Services, Minister for Police

017/012224 - 27/09/2017

Clayton Barr, MP

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref: CB2-CessnockCityCouncil-Pol170906-1105

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

CESSNOCK CITY COUNCIL

27 SEP 2017

RECEIVED

6 September 2017

CESSNOCK CITY COUNCIL

27 SEP 2017

SCANNED

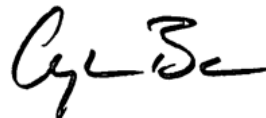

Dear Mr Glen

Thank you for Council's recent correspondence, regarding policing resources in the Cessnock Local Government Area as well as advising of a number of resolutions passed at Council's meeting on 16 August 2017.

Accordingly, representations have been made on behalf of Council to the Minister for Police, the Hon Troy Grant, MP.

I shall contact you again once I have received a response to my representations.

Yours sincerely



CLAYTON BARR, MP

State Member for the
Electorate of Cessnock
Shadow Minister for Finance,
Services and Property



PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

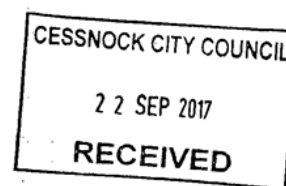
118 Vincent Street (PO Box 242)
Cessnock NSW 2325
P (02) 4991 1466 | 1300 550 114
F (02) 4991 1103
E cessnock@parliament.nsw.gov.au

SD2017/011993 - 22/09/2017



14 September 2017

Cessnock City Council
Stephen Glen
General Manager
PO Box 152
CESSNOCK NSW 2325



Our Ref: D/2017/723724
Your Ref: DOC2017/059098

Dear Sir,

Re: Appreciation and Recognition of Policing Efforts in the Local Community

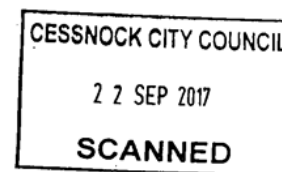
Receipt is acknowledged of your letter dated 28 August 2017 in which you express your appreciation for the efforts and assistance given in policing and promoting community safety within the Cessnock Council local government area.

It is pleasing to receive letters of this nature, which demonstrate the dedication and commitment of Police within this Command.

Thank you for taking the time to express your appreciation.

Yours sincerely,

CR Jackson
Superintendent
Local Area Commander



CENTRAL HUNTER COMMAND

Maitland

3 Caroline Place, Maitland 2320

Telephone 02 49340 308 Facsimile 02 49340 325 ENet 70308 EFax 70325 TTY 9211 3776 (Hearing/Speech impaired)
ABN 43 408 613 180

