



12 November 2024

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 20 November 2024 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER – Reverend Nicole Baldwin**
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE , OR ATTENDANCE BY AUDIO-VISUAL LINK**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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- (5) **DISCLOSURES OF INTEREST**
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- (6) **PETITIONS**
- (7) **PUBLIC ADDRESS**

The following people have been invited to address the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Jennifer Hayes	Independent Chair - Audit risk and Improvement Committee	For	GMU10/2024 - Audit, Risk and Improvement Committee Annual Report 2023-2024	54	3 mins
Alex Hardy	Representatives of NSW Audit Office	For	CC68/2024 – Annual Financial Statements for the Year Ended 30 June 2024	102	3 mins

- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO**

(9)	NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION	
	NI4/2024	Notice of Intention to Deal with Matters in Confidential Session - Report WI26/2024 - Tender (EOI T2024-21) Wollombi Road Upgrade Project – Construction Stage 1..... 48
(10)	MAYORAL MINUTES	
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	‡ GMU10/2024	Audit, Risk and Improvement Committee Annual Report 2023-2024 54
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	PE23/2024	Development Application No. 8/2024/144/1 proposing a Phased Development: Phase 1 - Two (2) Lot Subdivision and Demolition Phase 2 - Dual Occupancy Phase 3 - Strata Subdivision of Dual Occupancy 37 Railway Street Kurri Kurri 63
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	PE25/2024	Planning Proposal 18 2024 1 1 - Huntlee Local Water Centre 2 - Post Exhibition 77
	PE26/2024	Planning Proposal 18 2024 6 1 - Reclassification of part Lot 312 DP 566724 Old Maitland Road Cessnock..... 84
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(15)	WORKS AND INFRASTRUCTURE	
	WI25/2024	Revocation of Interim Kerb and Gutter requirements (WI72/2018)..... 117

(16) COUNCILLORS' REPORTS

(17) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 20 NOV 2024

Report W126/2024 - Tender (EOI T2024-21) Wollombi Road Upgrade Project – Construction Stage 1

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Code of Conduct

Council adopted its current Code of Conduct on 23 October 2024. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

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



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**MINUTES OF EXTRAORDINARY COUNCIL MEETING OF THE CESSNOCK CITY
COUNCIL HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 OCTOBER 2024,
COMMENCING AT 6.30PM**

PRESENT: His Worship the Mayor, Councillor D Watton (in the Chair) and Councillors Dixon, Grine, Harrington, Hill, Jurd, King, Lea, Madden, Mason, Palmowski, Pascoe and Suvaal.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Chief Finance Officer
Communications & Engagement Manager
Digital Media Officer
Help Desk Support Officer
Council Services Team Leader

Acknowledgement of traditional Land Owners presented by Uncle Richard Edwards

The Prayer was presented by Councillor Mark Mason

The Mayor gave an Opening Statement

**APOLOGIES/LEAVE OF ABSENCE /
ATTENDANCE BY AV
LINK:**

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. PPD11/2024

SUBJECT: DISCLOSURES OF INTEREST

NIL

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC63/2024

SUBJECT: ELECTION OF DEPUTY MAYOR - 2024/2025

MOTION **Moved:** Councillor Madden **Seconded:** Councillor Lea
1
RESOLVED

That Council vote on the recommendation in seriatim.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Madden
2
RESOLVED

2. **That Council elect a Deputy Mayor for a term of office of 12 months and set the annual fee applicable to the term of the appointment at \$1,200.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
3
RESOLVED

3. **That Council elect a Deputy Mayor by Open Voting.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

The General Manager advised the meeting that 2 nominations had been received those being Councillors Hill and Jurd.

Voting was conducted between Councillors Hill and Jurd and by way of a show of hands.

The result of the vote is as follows:

For Councillor Hill – Councillors Grine, Hill, Lea, Madden, Palmowski, Pascoe and Suvaal

For Councillor Jurd – Councillors Dixon, Harrington Jurd, King, Mason and Mayor Watton

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Suvaal

4

RESOLVED

4. **That Council note the declaration of the Returning Officer that Councillor Mitchell Hill is elected as Deputy Mayor for the term of office 17 October 2024 to the day prior to the Ordinary Council meeting in September 2025.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC64/2024

SUBJECT: 2024 LOCAL GOVERNMENT ELECTION - CASUAL VACANCY IN CIVIC OFFICE - COUNTBACK OPTION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
5
RESOLVED

That pursuant to Section 291A(1)(b) of the Local Government Act 1993 (the Act) Cessnock City Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commission of the Council decision within 7 days of the decision.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

AMENDMENT Moved: Councillor Jurd **Seconded:** Councillor King

That the dollar figure within Part C – General Limitations regarding tenders of the General Manager’s Instrument of Delegation be changed from \$2 million to \$1.5 million.

FOR	AGAINST
Councillor Dixon	Councillor Grine
Councillor Jurd	Councillor Harrington
Councillor King	Councillor Hill
	Councillor Lea
	Councillor Madden
	Councillor Mason
	Councillor Palmowski
	Councillor Pascoe
	Councillor Suvaal
	Councillor Watton
Total (3)	Total (10)

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

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

MOTION Moved: Councillor Hill **Seconded:** Councillor Suvaal

6

RESOLVED

1. That Council delegates the functions, powers and duties in accordance with the Instrument of Delegation to the Mayor attached to this report as Enclosure 1.
2. That Council delegates the functions, powers and duties of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:
 - a) at the request of the Mayor; or
 - b) if the Mayor is prevented by illness, absence or otherwise from exercising these functions; or
 - c) if there is a casual vacancy in the office of Mayor.
3. That Council delegates the functions, powers, duties, authorities and appointments in accordance with the Instrument of Delegation to the General Manager attached to this report as Enclosure 2.
4. That Council authorises the Director Planning & Environment, Director Works & Infrastructure, or Director Corporate and Community Services to act in the capacity of General Manager in the absence of the General Manager during periods of leave, as nominated by the General Manager in each instance.

FOR

Councillor Grine
Councillor Harrington
Councillor Hill
Councillor Lea
Councillor Madden
Councillor Mason
Councillor Palmowski
Councillor Pascoe
Councillor Suvaal
Councillor Watton

Total (10)**AGAINST**

Councillor Dixon
Councillor Jurd
Councillor King

Total (3)***CARRIED***

CORPORATE AND COMMUNITY NO. CC66/2024

SUBJECT: APPOINTMENT OF REPRESENTATIVES TO EXTERNAL COMMITTEES

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

1. That Council recognises the contribution of current and former Councillors who represented Council on external committees.
2. That Council seeks nominations for, and appoints Councillor members and alternates to the following external committees for the current Council term:
 - a) Councillor Jay Suvaal as Council's representative to the Austar Coal Mine Community Consultative Committee and Councillor Quintin King as the alternate.
 - b) Councillor Chris Madden as Council's representative to the Blackhill Quarry Consultative Committee and Councillor Mitchell Hill as the alternate
 - c) Councillor Mitchell Hill as Council's representative to the Buttai Quarry Consultative Committee and Councillor Chris Madden as the alternate.
 - d) Councillor Mark Mason as Council's representative to the Hunter Water Customer and Community Advisory Group and Councillor Sophie Palmowski as the alternate.
 - e) Councillor Mitchell Lea as Council's representative to the Lower Hunter and Hunter Bushfire Management Committee and Councillor Sophie Palmowski as the alternate.
 - f) Councillor Sophie Palmowski as Council's representative to the Lower Hunter Zone District Liaison Committee and Councillor Mitchell Lea as the alternate.
 - g) Councillor Tracey Harrington as Council's representative to the Public Libraries NSW (Central East Zone) Committee and Councillor Sarah Pascoe as the alternate.
 - h) Councillor Mitchell Hill as Council's representative along with the Mayor, and Councillors Jay Suvaal, Jessica Jurd, Mark Mason and Tracey Harrington as alternate representatives to the Sydney District and Regional Planning Panels - Hunter and Central Coast Regional Planning Panel.
3. That Council authorises the General Manager to appoint staff to any external committees that have vacancies following the election of Councillors.

AMENDMENT *Moved:* Councillor Jurd *Seconded:* Councillor King

That Councillor Quintin King as Council’s representative to the Austar Coal Mine Community Consultative Committee and Councillor Jay Suvaal as the alternate.

FOR	AGAINST
Councillor Dixon	Councillor Grine
Councillor Harrington	Councillor Hill
Councillor Jurd	Councillor Lea
Councillor King	Councillor Madden
Councillor Watton	Councillor Mason
	Councillor Palmowski
	Councillor Pascoe
	Councillor Suvaal
Total (5)	Total (8)

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

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

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

7

RESOLVED

1. **That Council recognises the contribution of current and former Councillors who represented Council on external committees.**

2. **That Council seeks nominations for, and appoints Councillor members and alternates to the following external committees for the current Council term:**
 - a) **Councillor Jay Suvaal as Council’s representative to the Austar Coal Mine Community Consultative Committee and Councillor Quintin King as the alternate.**

 - b) **Councillor Chris Madden as Council’s representative to the Blackhill Quarry Consultative Committee and Councillor Mitchell Hill as the alternate**

 - c) **Councillor Mitchell Hill as Council’s representative to the Buttai Quarry Consultative Committee and Councillor Chris Madden as the alternate.**

 - d) **Councillor Mark Mason as Council’s representative to the Hunter Water Customer and Community Advisory Group and Councillor Sophie Palmowski as the alternate.**

 - e) **Councillor Mitchell Lea as Council’s representative to the Lower Hunter and Hunter Bushfire Management Committee and Councillor Sophie Palmowski as the alternate.**

 - f) **Councillor Sophie Palmowski as Council’s representative to the Lower Hunter Zone District Liaison Committee and Councillor Mitchell Lea as the alternate.**

- g) Councillor Tracey Harrington as Council’s representative to the Public Libraries NSW (Central East Zone) Committee and Councillor Sarah Pascoe as the alternate.
 - h) Councillor Mitchell Hill as Council’s representative along with the Mayor, and Councillors Jay Suvaal, Jessica Jurd, Mark Mason and Tracey Harrington as alternate representatives to the Sydney District and Regional Planning Panels - Hunter and Central Coast Regional Planning Panel.
3. That Council authorises the General Manager to appoint staff to any external committees that have vacancies following the election of Councillors.
4. That the delegate and/or alternate delegate for committees provide the official minutes or a Council report back to Council.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC67/2024

SUBJECT: COUNCILS INTERNAL COMMITTEE STRUCTURE AND APPOINTMENT OF REPRESENTATIVES

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

8

RESOLVED

1. That Council established the following Committees and adopts their respective governing Charters in Enclosure 1:
 - a) Aboriginal and Torres Strait Islander Advisory Committee.
 - b) Council Initiated Awards Committee,
 - c) Floodplain Risk Management Committee,
 - d) Grants Advisory Committee,
 - e) Local Traffic Committee, and
 - f) Organisational and General Manager's Performance Review Panel.
2. That Council notes the statutory Audit, Risk and Improvement Committee and its governing Charter in Enclosure 1.
3. That Council appoints Councillors to the following committees/panels:

Committee	Councillor member/s	Alternate member/s
Aboriginal and Torres Strait Islander Advisory Committee	<i>Councillor Mitchell Hill Councillor Sophie Palmowski Councillor Chris Madden</i>	<i>Councillor Mitchell Lea</i>
Audit, Risk and Improvement Committee	<i>Mark Mason who is a non-voting member and cannot be the Mayor</i>	
Council Initiated Awards Committee	<i>Mayor Daniel Watton (Chair) Councillor Tracey Harrington Councillor Rosa Grine</i>	<i>Councillor Sarah Pascoe Councillor Jay Suvaal</i>
Floodplain Risk Management Committee	<i>Mayor Daniel Watton (Chair) Councillor Mitchell Lea</i>	<i>Councillor Susanne Dixon</i>
Grants Advisory Committee	<i>Mayor Daniel Watton (Chair) Councillor Sarah Pascoe Councillor Susanne Dixon</i>	<i>Councillor Tracey Harrington Councillor Jessica Jurd</i>
Local Traffic Committee	<i>Councillor Jessica Jurd</i>	<i>Councillor Quintin King</i>
General Manager's Organisational and General Managers' Performance Review Panel	<i>Councillor Rosa Grine</i>	<i>Councillor Sarah Pascoe</i>

4. That Council delegates the care, control and management of Council's community and recreation facilities, other Council owned and controlled land, to relevant Section 355 Committees.

5. That Council authorises the management of the Section 355 Committees to be in accordance with any practices and procedures adopted by the General Manager.
6. That Council authorises the General Manager to execute documents confirming the delegated functions with each of the appointed community representatives for each of the respective Section 355 Committees in accordance with any practices and procedures.
7. That Council establishes the following Section 355 Committees:
 - a) Abermain Plaza Hall,
 - b) Abermain School of Arts
 - c) Branxton Community Hall,
 - d) Crawfordville Community Hall,
 - e) Ellalong Community Hall,
 - f) Former Greta Council Chambers,
 - g) Former Great Courthouse
 - h) Greta Arts and Sports Community Hall,
 - i) Kearsley Community Hall,
 - j) Kurri Kurri Senior Citizens Hall,
 - k) Laguna Community Hall,
 - l) Marthaville Arts and Cultural Centre,
 - m) Mulbring Park Tennis Court,
 - n) North Cessnock Community Hall,
 - o) Pokolbin Community Hall,
 - p) Weston Civic Centre, and
 - q) Wollombi Community Hall.
8. That Council recognises the contribution of current and former Councillors and community representatives on Council committees.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC68/2024

SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2025

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
9
RESOLVED

That Council adopts the schedule of Ordinary Meetings of Council for 2025:

19 February 2025	19 March 2025	16 April 2025
21 May 2025	18 June 2025	16 July 2025
20 August 2025	17 September 2025	15 October 2025
19 November 2025	10 December 2025	

FOR

Councillor Grine
Councillor Harrington
Councillor Hill
Councillor Jurd
Councillor King
Councillor Lea
Councillor Palmowski
Councillor Pascoe
Councillor Suvaal
Councillor Watton
Total (10)

AGAINST

Councillor Dixon
Councillor Madden
Councillor Mason

Total (3)

CARRIED

CORPORATE AND COMMUNITY NO. CC69/2024

SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - DELEGATES AND VOTING DELEGATES

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea

10

RESOLED

1. That Council determines the delegates to attend the Local Government NSW Annual Conference 2024 as Mayor Watton and Councillors Hill, Suvaal and Palmowski.
2. That Council determines the voting delegates for the Local Government NSW Annual Conference 2024 as Mayor Watton and Councillors Hill, Suvaal and Palmowski.
3. That Council determines Councillor Chris Madden to be an alternate delegate in the event that any Councillor is unable to attend the conference.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.23.pm

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 23 OCTOBER 2024, COMMENCING
AT 6.30PM**

PRESENT: His Worship the Mayor, Councillor D Watton (in the Chair) and Councillors Dixon, Grine, Harrington, Hill, Jurd, King, Lea, Madden (via AV Link), Mason, Palmowski, Pascoe and Suvaal.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Chief Financial Officer
Strategic Planning Manager
Economic Development and Tourism Manager
Communications & Engagement Manager
Principal Community Engagement Officer
Help Desk Support Officer
Council Services Team Leader

**ATTENDANCE BY
AV LINK:**

MOTION **Moved:** Councillor Suvaal
Seconded: Councillor Palmowski

18

RESOLVED that Council permit Councillor Madden to attend the 23 October 2024 Ordinary Council Meeting by audio-visual link due to work commitments.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION *Moved:* Councillor Jurd
 Seconded: Councillor King

19

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 21 August 2024, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI8/2024

SUBJECT: DISCLOSURES OF INTEREST

‡ CC60/2024 - Investment Report - July 2024, ‡ CC61/2024 - Investment Report - August 2024 and ‡ CC62/2024 - Investment Report - September 2024 – Councillor Mason declared a Non Pecuniary Interest – Less than Significant Conflict for the reason that he is employed by one of the financial institutions whom Council invests with. Councillor Mason chose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he does not personally manage the account for Council at his place of work.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

Nil

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

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
20
RESOLVED

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

OFFICERS REPORTS

‡ GMU8/2024	Christmas Closure 2024	26
CC57/2024	Revised Councillor Training and Development Policy	51
‡ CC59/2024	Annual Disclosure of Interest in Written Returns.....	57
‡ CC60/2024	Investment Report - July 2024	60
‡ CC61/2024	Investment Report - August 2024	66
‡ CC62/2024	Investment Report - September 2024	73
‡ CC63/2024	Resolutions Tracking Report.....	80
WI24/2024	Minutes of the Local Traffic Committee Meeting held 16 September 2024.....	83

Council adopt the recommendations as printed in the business papers for those items.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM7/2024

SUBJECT: LGA BULKY WASTE SERVICE

MOTION **Moved:** Councillor Watton

That Council investigate neighboring LGA's bulky waste service implementation, and return to brief Councillors on the experience, cost, and outcome - and how that may translate to Cessnock LGA if we were to decide on such a service by early 2025.

AMENDMENT **Moved:** Councillor Hill **Seconded:** Councillor Grine
21
RESOLVED

That Council note the ongoing review into the Cessnock Waste Management Strategy and note our support for investigating all possible options for bulky waste to be included in future waste services.

PROCEDURAL MOTION **Moved:** Councillor Grine
22 **Seconded:** Councillor Hill
RESOLVED

That the motion be put.

FOR	AGAINST
Councillor Dixon	Councillor Harrington
Councillor Grine	Councillor King
Councillor Hill	Councillor Mason
Councillor Jurd	Councillor Watton
Councillor Lea	
Councillor Madden	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Total (9)	Total (4)

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

AMENDMENT Moved: Councillor Hill

Seconded: Councillor Grine

That Council note the ongoing review into the Cessnock Waste Management Strategy and note our support for investigating all possible options for bulky waste to be included in future waste services.

FOR

Councillor Grine
Councillor Hill
Councillor Lea
Councillor Madden
Councillor Palmowski
Councillor Pascoe
Councillor Suvaal
Total (7)

AGAINST

Councillor Dixon
Councillor Harrington
Councillor Jurd
Councillor King
Councillor Mason
Councillor Watton
Total (6)

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

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

MOTION Moved: Councillor Hill

Seconded: Councillor Grine

23

RESOLVED

That Council note the ongoing review into the Cessnock Waste Management Strategy and note our support for investigating all possible options for bulky waste to be included in future waste services.

FOR

Councillor Grine
Councillor Hill
Councillor Lea
Councillor Madden
Councillor Palmowski
Councillor Pascoe
Councillor Suvaal
Total (7)

AGAINST

Councillor Dixon
Councillor Harrington
Councillor Jurd
Councillor King
Councillor Mason
Councillor Watton
Total (6)

CARRIED

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU8/2024

SUBJECT: CHRISTMAS CLOSURE 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea

24

RESOLVED

1. That Council notes its offices, including Libraries will close from 12 noon Tuesday, 24 December 2024 and reopen on Monday, 6 January 2025.
2. That Council notes that the Performance Arts Culture Cessnock will close from 12 noon Tuesday, 24 December 2024 and re-open on Thursday, 2 January 2025.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE18/2024

SUBJECT: DRAFT WASTE MANAGEMENT DEVELOPMENT CONTROL PLAN

MOTION

Moved: Councillor Hill

Seconded: Councillor Jurd

25

RESOLVED

1. That Council place the draft Waste Management DCP and draft Cessnock DCP Dictionary amendments for waste on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following the public exhibition period if unresolved objections are received or significant amendment to the draft Waste Management DCP are made post exhibition. Where there are no unresolved objections nor significant amendments proposed post exhibition, the draft Waste Management DCP be adopted by Council pursuant to the Environmental Planning and Assessment Regulation.
3. That if Council receive 20% or more of submissions opposing the Draft Waste Management DCP during the public exhibition period the matter be referred back to Council for a briefing to assess the feedback and determine any necessary changes.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE19/2024

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM
2024/2025 ROUND 1 APPLICATIONS**

MOTION **Moved:** Councillor King **Seconded:** Councillor Suvaal
26
RESOLVED

That Council endorses the following funding bids to attract events under Round 1 of the 2024/2025 Visitor Economy Grants and Sponsorship Program:

- 1. 'Site Unseen' Feature Film Sponsorship of \$10,000,**
- 2. 2024 Australian Society of Travel Writer Conference Sponsorship of \$7,500,**
- 3. 2025 Festival of Golf Sponsorship of \$10,000, and**
- 4. 2025 Wollombi Taste Festival Sponsorship of \$5,000.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC52/2024

**SUBJECT: MINUTES OF ORGANISATIONAL AND GENERAL MANAGERS
REVIEW COMMITTEE MEETING HELD 5 AUGUST 2024**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Harrington
27
RESOLVED

That the Minutes of the Organisational and General Manager's Performance Review Committee of 5 August 2024 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Dixon	Councillor Jurd
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC53/2024

SUBJECT: PUBLIC EXHIBITION - REVISED COUNCILLOR EXPENSES AND FACILITIES POLICY

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Hill
28

RESOLVED

1. That Council place the revised Councillor Expenses and Facilities Policy 2024 on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Councillor Expenses and Facilities Policy the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the Councillor Expenses and Facilities Policy 2022 from the date the revised Councillor Expenses and Facilities Policy 2024 is adopted.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC54/2024

SUBJECT: CODE OF CONDUCT AND PROCEDURES

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Harrington
29
RESOLVED

That Council adopts the revised Code of Conduct and Procedures for the Administration of the Code of Conduct 2024 and rescinds the Code of Conduct and Procedures for the Administration of the Code of Conduct 2022.

FOR	AGAINST
Councillor Dixon	Councillor Jurd
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC55/2024

SUBJECT: PUBLIC EXHIBITION - REVISED CODE OF MEETING PRACTICE 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
30
RESOLVED

1. That Council place the revised Code of Meeting Practice on public exhibition for a period of 28 calendar days with the following changes to the draft policy:
 - a) Section 3.1 That ordinary meetings will commence at 6:30pm.
 - b) Section 18 That meeting conclusion time should be no later than 10pm.
 - c) Section 10.22 That a Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time.
 - d) Section 3.8 Paper copies of reports shall still be provided to Councillors that require them.
2. That Council adopts the revised Code of Meeting Practice the day after the public submission period of 42 days concludes, if no unresolved submissions are received.
3. That Council rescinds the Code of Meeting Practice 2022 from the date the revised Code of Meeting Practice 2024 is adopted.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC56/2024

SUBJECT: REVISED COUNCILLOR AND STAFF INTERACTION POLICY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Palmowski
31
RESOLVED

1. That Council adopts the revised Councillor and Staff Interaction Policy 2024.
2. That Council rescinds the Councillor and Staff Interaction Policy 2022.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC57/2024

SUBJECT: REVISED COUNCILLOR TRAINING AND DEVELOPMENT POLICY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea

32

RESOLVED

1. That Council adopts the revised Councillor Training and Development Policy 2024.
2. That Council rescinds the Councillor Training and Development Policy 2023.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC58/2024

SUBJECT: LAND ACQUISITION - SOUTH CESSNOCK BUND WALL

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Hill

33

RESOLVED

1. That Council authorise purchase of land owned by White Energy Company Limited by voluntary agreement, the land being a portion of Lot 1 DP 1145540 as identified in the report and required for the South Cessnock Flood Mitigation Scheme Bund Wall project;
2. That Council delegates authority to the General Manager to purchase the land at the assessed market value for the sum of \$235,000 and compensate the landowner for reasonably incurred valuation and legal costs on presentation of paid invoices;
3. That Council delegates authority to the General Manager to execute all relevant documentation to affect the transaction; and
4. On transfer of ownership, Council resolves to classify the land as operational land.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC59/2024

SUBJECT: ANNUAL DISCLOSURE OF INTEREST IN WRITTEN RETURNS

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
34
RESOLVED

That Council notes the tabling of the annual disclosures of interests in written returns the period of 1 July 2023 – 30 June 2024 by the General Manager, in accordance with Council’s Code of Conduct.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC60/2024

SUBJECT: INVESTMENT REPORT - JULY 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
35
RESOLVED

That Council receives the Investment Report for July 2024 and notes that:

- **Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council’s month end cash and investments balance was \$73,193,745.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC61/2024

SUBJECT: INVESTMENT REPORT - AUGUST 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
36
RESOLVED

That Council receives the Investment Report for August 2024 and notes that:

- **Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council’s month end cash and investments balance was \$78,651,658.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC62/2024

SUBJECT: INVESTMENT REPORT - SEPTEMBER 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
37
RESOLVED

That Council receives the Investment Report for September 2024 and notes that:

- **Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council’s month end cash and investments balance was \$78,234,715.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC63/2024

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
38
RESOLVED

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

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI23/2024

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 19 AUGUST 2024

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor King
39
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 19 August 2024 be adopted as a resolution of the Ordinary Council.

- **TC23/2024 – That Council authorises the temporary regulation of traffic on Cessnock Street Kitchener for the Our Bushland Festival in accordance with the Cessnock Street Kitchener _ Our Bushland Festival 2024 Traffic Guidance Schemes.**
- **That Council note the General Manager or the General Managers sub-delegate authorised the following Local Traffic Committee reports in accordance with Division 2 of Part 8 of the Roads Act 1993:**
 - **TC24/2024**
 - **TC25/2024**
 - **TC26/2024**
 - **TC27/2024**
 - **TC28/2024**
 - **TC29/2024**
 - **TC30/2024**
 - **TC31/2024**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI24/2024

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 16 SEPTEMBER 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
40
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 July 2024 be adopted as a resolution of the Ordinary Council.

- **TC32/2024 - That Council authorises the temporary regulation of traffic for the Summer Salt & Red Hot Summer concert events on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin - Summer Salt & Red Hot Summer Concert Event Traffic Guidance Scheme.**
- **TC33/2024 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin - A Day on the Green Traffic Guidance Scheme.**
- **That Council note the General Manager or the General Managers sub-delegate authorised the following Local Traffic Committee reports in accordance with Division 2 of Part 8 of the Roads Act 1993:**
 - **TC34/2024**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN9/2024

SUBJECT: WOLLOMBI ROAD COMMITTEE

The Notice of Motion was withdrawn.

COUNCILLOR REPORTS

Mayor

Postie Bike Grand Prix

The Mayor advised that the Postie Bike Grand Prix will be held this weekend and encourage anyone that is interested to go along. The opening ceremony will be held on Saturday with the big race to be conducted on Sunday which starts at the Cessnock TAFE ground.

Councillor Hill

Community Meeting – Pokolbin Mountains Road

Councillor Hill advised of a meeting he attended with other Councillors at the Pokolbin Community Hall with the Community Group for the Pokolbin Mountains Road and the impacts on that road from the planned Hunter Transmission Project. It was his second meeting with the community and it was interesting, especially for the new Councillors to get an idea of the impacts of what's in the grand scheme of things a small amount of people affected by a really massive project. Councillor Hill advised that he will try and get copies of minutes going forward to present to Council.

The Meeting Was Declared Closed at 7.46pm

CONFIRMED AND SIGNED at the meeting held on 20 November 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI9/2024

Corporate and Community Services



SUBJECT: DISCLOSURES OF INTEREST

RESPONSIBLE OFFICER: Chief Finance Officer

RECOMMENDATION

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

SUMMARY

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

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

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

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

ENCLOSURES

There are no enclosures for this report.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI4/2024

Corporate and Community Services



SUBJECT: *NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION - REPORT WI26/2024 - TENDER (EOI T2024-21) WOLLOMBI ROAD UPGRADE PROJECT – CONSTRUCTION STAGE 1*

RESPONSIBLE OFFICER: *Chief Finance Officer*

RECOMMENDATION

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

- Report WI26/2024 – Tender (EOI T2024-21) Wollombi Road Upgrade Project – Construction Stage 1 as the report deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU8/2024

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Chief Finance Officer*

RECOMMENDATION

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

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit

Report No. GMU9/2024

General Manager's Unit



SUBJECT: *CHILD SAFE POLICY*

RESPONSIBLE OFFICER: *People and Culture Manager
Senior Business Partner*

SUMMARY

This report provides information for the purpose of seeking approval and endorsement from Council on the draft Child Safe Policy.

RECOMMENDATION

That Council endorse and adopt the draft Child Safe Policy.

BACKGROUND

The Royal Commission into Institutional Response to Child Sexual Abuse found that abuse was often unreported for many years and many instances remain undetected. This is often due to a lack of knowledge and ignorance about abuse within institutions. From 2012 to 2017 the Royal Commission gained an understanding of child sexual abuse in institutional contexts. The Royal Commission heard the stories of 8000 survivors, aged between 7 – 93 years old, with cases spanning over the past 90 years. Based on their findings, the Royal Commission recommended that organisations like Council's work towards becoming Child Safe Organisations and developed 10 Child Safe Standards to assist with this process.

In 2021 the Children's Guardian Amendment (Child Safe Scheme) Bill 2021 was introduced into NSW Parliament and from 1 February 2022 it was legislated that certain child-related organisations, including local councils must implement the Child Safe Standards.

In March 2023 Council undertook a Child Safe Self-Assessment and Action Report with the Office of the Children's Guardian which assessed Council's progress towards embedding the Child Safe Standards into practice. The Self-Assessment placed Council in the "Emerging" category for our mandatory implementation of the Child Safe Standards. Council formed an internal working group coordinated by Natalie Drage, Community and Cultural Development Manager to progress our work within the Child Safe Scheme and ensure Council was complying with the legislative requirements.

The working group determined the first key requirement for implementing the Child Safe Standards was to develop a Child Safe Policy. Through the development of the policy, the working group determined a need to create internal facing documents to accompany the policy. A Child Safe Behavioural Standards and Child Safe Action Plan were developed to accompany the policy.

These three documents underpin the implementation of the Child Safe Standards for our Council. They set out clear expectations for Council representatives when working with children and young people, outline how we will work towards creating a child safe culture and ensure we meet our child safe responsibilities under the Child Safe Scheme.

General Manager's Unit

Report No. GMU9/2024

General Manager's Unit



REPORT/PROPOSAL

The Child Safe Policy outlines how Council will meet its commitment and obligations to create and maintain a Child Safe Organisation while ensuring we are compliant with NSW child safety legislation. The Policy provides a framework for how our organisation can be responsive to children and young people's needs, how our workforce can interact appropriately with them and how we respond to ensure their safety is maintained in the highest regard. This policy applies to all employees, volunteers, work experience students, contractors, agency staff, committee members and Councillors of Cessnock City Council.

OPTIONS

N/A

CONSULTATION

Consultation has occurred throughout the creation of these documents with the internal Child Safe Working Group which includes members from People and Culture, Community and Culture Development, Governance and Open Spaces. Council has also consulted with various NSW Councils including City of Sydney, Inner West, Cumberland City and Central Coast Council as well as the Office of the Children's Guardian.

Consultation has occurred internally with Council's Consultative Committee, Management Team and Executive has endorsed the draft Child Safe Policy to be presented to Council for adoption and Child Safe Behavioural Standards.

STRATEGIC LINKS

a. Delivery Program

Objective 5.3 Ensuring Council is accountable and responsive to the community.

b. Other Plans

The Child Safe Behavioural Standards were created on the recommendation of the Office of the Children's Guardian and works alongside the Child Safe Policy. This document establishes a common understanding of the behavioural standards expected of all Council representatives when working with children and young people and clearly outlines behaviours that are acceptable and those that are unacceptable. The Child Safe Behavioural Standards is considered to be our Code of Conduct for Child Safety as the model Code of Conduct does not currently include this information.

The Child Safe Action Plan is a living document and outlines how Council will continue to work towards becoming a Child Safe Organisation well into the future. Implementation of this plan will be ongoing, however specific actions contained within the document will have target dates.

General Manager's Unit

Report No. GMU9/2024

General Manager's Unit



IMPLICATIONS

a. Policy and Procedural Implications

The Complaints Handling Policy, Records Management Policy, Privacy Management Plan and the Talent Acquisition Protocol will require review to ensure they reflect Council's responsibilities under the Child Safe Scheme as well as reflect our commitment to Child Safety.

b. Financial Implications

Nil

c. Legislative Implications

The Child Safe Policy supports Council's compliance with the following legislation:

- *Advocate for Children and Young People Act 2014*
- *Child Protection (Offenders Prohibition Orders) Act 2004*
- *Child Protection (Offenders Registration) Act 2000*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015*
- *Children and Young Persons (Care and Protection) Regulation 2012*
- *Children's Guardian Act 2019*
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*

d. Risk Implications

There is significant risk to Council if we do not implement the Child Safe Scheme. From 1 February 2023, Part 9A of the Children's Guardian Act 2019 came into effect, which allows the Children's Guardian to take action to ensure organisations comply with the Child Safe Standards. This means where organisations do not comply with the Child Safe Standards, the Children's Guardian can:

- Issue a compliance notice to the organisation, or
- Accept an enforceable undertaking from the organisation.

In addition to the legislative requirements, Council's mission is to provide excellent local government services to our community; adopting and implementing the Child Safe Policy and relevant documents demonstrates our commitment to child safety by providing Council representatives with the ability to better prevent and respond to child abuse.

e. Environmental Implications

Nil

General Manager's Unit

Report No. GMU9/2024

General Manager's Unit



f. Other Implications

Nil

CONCLUSION

The care and safety of children and young people is a responsibility shared by families, government and communities working in partnership and in accordance with child safety legislation. By endorsing and supporting the Child Safe Policy, Council is meeting their obligations and demonstrating commitment to creating and maintaining a Child Safe Organisation by ensuring the health, safety, welfare and wellbeing of the children and young people who reside in our community and access Council services.

ENCLOSURES

[1](#) Draft Child Safe Policy

General Manager's Unit
Report No. GMU10/2024
General Manager's Unit



SUBJECT: *AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2023-2024*

RESPONSIBLE OFFICER: *Internal Auditor*

SUMMARY

This report provides information to Council on the Audit, Risk and Improvement Committee's activities during the period from 1 July 2023 to 30 June 2024.

RECOMMENDATION

That Council receives and notes the Audit, Risk and Improvement Committee Annual Report for the period from 1 July 2023 to 30 June 2024.

BACKGROUND

The Audit, Risk and Improvement Committee (ARIC) Charter requires the Chair to report annually to Council. This report covers the period from 1 July 2023 to 30 June 2024.

REPORT/PROPOSAL

The ARIC for Cessnock City Council is established in accordance with the *Local Government Act (NSW) 1993* and the *Local Government (General) Regulation 2021*. It is an independent advisory committee and forms part of the mandatory governance mechanisms for local councils which continuously reviews and provides independent advice to the council on how it is functioning and managing risk.

The scope and responsibilities of the Committee are outlined in its Charter which is adopted by Council and reviewed annually. The Charter was reviewed in February 2024 and updated to align with the legislated requirement of the Risk Management and Internal Audit Guidelines published by the Office of Local Government (NSW) November 2023 effective from 1 July 2024. The new ARIC Charter was adopted by Council 19 June 2024.

The scope of the Committee's work, as outlined in its Charter includes:

- compliance;
- risk management;
- fraud control;
- financial management;
- governance;
- implementation of the strategic plan, delivery program and strategies;
- service reviews;
- collection of performance measurement data by the Council; and
- internal audit.

The Annual Report consolidates the work of internal audit and risk over the past 12 months and includes key areas over which the Committee had oversight.

General Manager's Unit

Report No. GMU10/2024

General Manager's Unit



The Committee is committed to supporting an internal audit function that operates as an independent, objective assurance and consulting activity designed to add value and improve Council's operations. The following are the highlights for 2023/24:

- Reviewed reports from six internal audits;
- Monitoring of audit action implementation from both internal and external audits;
- Received and endorsed the Quarterly Budget Review Statements for September 2023, December 2023 and March 2024;
- Received updates on risk management activities relating to return-to-work audit, work, health and safety, insurance renewals and claims, natural disaster events and the enterprise risk management framework;
- Received and reviewed Governance reports on:
 - Ethical Behaviour Framework
 - Code of conduct
 - Gifts & benefits
 - Disclosures of interests & other matters in written returns
 - Conflicts of interest
 - Secondary employment
 - Delegations
 - Legislative Compliance
 - Privacy Management Plan
 - IT & Cyber Security
 - Credit Card Management
 - Accounting position papers
 - Finance policies
- Received and reviewed the following external audit reports:
 - Draft Financial Statements for the FY 2022-23 before the external audit, and recommended Council to formally refer for the external audit.
 - Audited Financial Statements for the FY 2022-23.
 - Engagement Closing Report and the Conduct of the Audit Report.
 - Interim Management Letter and the Final Management Letter with the issues raised by the external auditor and the management responses to the issues raised.
 - Annual Client Engagement Plan prepared by the external auditor for FY 2023-24 audit.

Representatives from the New South Wales Audit Office attended the Committee meetings with regard to the external audit process.

OPTIONS

Nil

CONSULTATION

- Audit, Risk and Improvement Committee Chair
- Governance Team

STRATEGIC LINKS

a. Delivery Program

The Audit, Risk and Improvement Committee is a crucial part of the organisation's governance framework. This supports the Community's desired outcome of: "*Civic Leadership and Effective Governance.*"

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

This Annual Report meets the requirements of the Audit Risk and Improvement Committee Charter to report annually to the Council

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The Audit, Risk and Improvement Committee Charter requires the Independent Chair to report annually to the Council. This report covers the activities of the Committee for the period 1 July 2023 to 30 June 2024.

ENCLOSURES

- [1](#) Audit, Risk and Improvement Committee - Annual Report 2023-2024
- [2](#) Strategic Workplan 2024 - 2028 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

Planning and Environment

Report No. PE22/2024

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION NO. 8/2024/178/1
PROPOSING A PHASED DEVELOPMENT:
PHASE 1 - TWO (2) LOT SUBDIVISION
PHASE 2 - DUAL OCCUPANCY
PHASE 3 - STRATA SUBDIVISION OF DUAL OCCUPANCY*

65 RAWSON STREET, ABERDARE

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer
Acting Development Services Manager*

APPLICATION NUMBER:	8/2024/178/1
PROPOSAL:	Phased Development Comprising: Phase 1 – Two (2) Lot Subdivision Phase 2 – Dual Occupancy (attached) Phase 3 – Strata Subdivision of Dual Occupancy
PROPERTY DESCRIPTION:	Lot 3, Section 38, DP 758002
PROPERTY ADDRESS:	65 Rawson Street, ABERDARE
ZONE:	R2 Low Density Residential
OWNER:	Messers C J Chapman & D J Rothe
APPLICANT:	Mr C Chapman c/o Parker Scanlon

RECOMMENDATION

1. That:
 - (i) Development Application No. 8/2024/178/1 proposing development in three (3) phases: Phase 1 consisting of a two (2) lot subdivision, Phase 2 consisting of a dual occupancy (attached), and Phase 3 consisting of the strata title subdivision of the dual occupancy, at 65 Rawson Street Aberdare be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.
 - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:



- **The proposal is a permitted land use in the R2 Low Density Residential zone under the *Cessnock Local Environmental Plan 2011*;**
 - **The proposal is consistent with the objectives of the R2 Low Density Residential zone under the *Cessnock Local Environmental Plan 2011*;**
 - ***The proposal is consistent with the relevant State Environmental Planning Policies;***
 - ***The proposal is generally compliant with the relevant provisions under the Cessnock Development Control Plan 2010, with any variation considered to be justified;***
 - ***The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;***
 - ***The proposal will not result in any adverse social or economic impacts;***
 - ***The site is considered suitable for the proposed development; and***
 - ***The development proposal is considered to be in the public interest.***
- (iii) **The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979***

REASON FOR REPORT

Development Application No. 8/2024/178/1 is being referred to Council for determination as a variation greater than 10% is proposed to the minimum lot size requirement under Clause 4.1 (Minimum subdivision lot size) of the *Cessnock Local Environmental Plan (CLEP) 2011*.

The minimum lot size map identifies a lot size of 450m² is required for the subject site. The subdivision proposed in Phase 1 will result in a lot having an area of 339.5m² which represents a variation of 24.6% from the minimum lot size.

The Department of Planning, Housing and Infrastructure's (former Department of Planning and Environment) Guide to Varying Development Standards (2023), specifies that where the variation to a development standard is greater than 10% the elected Council is the determining authority.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2024/178/1 seeking approval for a phased development at 65 Rawson Street Aberdare comprising:

Phase 1: Two (2) lot subdivision to create proposed Lot 31 having an area of 339.5m² and proposed Lot 32 having an area of 600.01m² (excluding the access handle). Proposed Lot 31 will retain the existing dwelling.

Phase 2: Dual occupancy (attached) to be constructed on proposed Lot 32.

Phase 3: Strata Title subdivision of the constructed dual occupancy.

An assessment of the application has been undertaken against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021*, relevant Environmental Planning Instruments and Council policies.

The application proposes a variation to Clause 4.1 of the *CLEP 2011* which prescribes a minimum subdivision lot size of 450m² for the subject site. Phase 1 of the development proposes a two (2) lot subdivision. Proposed Lot 31 will have an area of 339.5m² which represents a 24.6% variation. In this instance, the variation to the development standard is considered acceptable and suitably justified.

The development is consistent with the objectives of the R2 Low Density Residential zone and supports Cessnock Council in meeting the NSW Government's target for the Cessnock Council local government area to achieve 3,900 new completed homes by 2029 to align with the National Housing Accord.

The housing targets have been identified to help address the housing shortage and prioritise more diverse and well-located homes in areas with existing infrastructure capacity, such as transport open spaces, schools, hospitals and community facilities. The development is proposed in an appropriate residential zone and a suitable location.

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

ASSESSMENT

Clause 4.1 Minimum Lot Size Requirement CLEP 2011

Clause 4.1 of the CLEP 2011 prescribes a minimum lot size of 450m² over the subject site. Proposed Lot 31 to be created in Phase 1, will have an area of 339.5m² which represents a 24.6% variation to the development standard.

Clause 4.6 Exemptions to development standards of the CLEP 2011 allows for the assessment of an application which does not specifically meet the development standard. The objectives of this clause are to provide an appropriate degree of flexibility in applying certain development standards to particular development to achieve better outcomes for, and from, development by allowing flexibility in particular circumstances.

Planning and Environment

Report No. PE22/2024

Planning and Environment



The consent authority must be satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant has submitted the following justification to support the variation:

- *There are also other similar residential developments at No.40 Northcote Street Aberdare, No.156 Rawson Street Kurri Kurri and No.172 Hopetoun Street Kurri Kurri within the wider locality. Hence, Council have set a precedent for similar types of residential development in the neighbourhood, ultimately resulting in similar lot sizes to what is proposed in the subject Development Application.*

The bulk and scale, residential density and subdivision layout in these approved developments is comparable to the subject proposal and thus the proposed development is consistent with the existing and future character of the locality.

- *Pursuant to minimum lot size objectives under Clause 4.1(b), the development proposal reflects the outcomes of the adopted settlement strategy for Cessnock. Cessnock City Council adopted their Housing Strategy in 2021 which identified a housing growth of 9,250 households by 2036. Council therefore has identified that infill developments, such as this proposal, be considered as there are fewer costs associated with the provision of infrastructure, they are closer to public transport options and located close by existing retail and commercial services and community services such as education facilities and also child care centres.*

The subject site is a prime example of a large sized lot in an established area with ageing housing stock, which can be developed to support additional residential density with minimal environmental impacts and maintaining existing amenity in the neighbourhood.

- *The undersized lot, being proposed Lot 31, will continue to provide the existing dwelling with suitable curtilage around it through the provision of landscaped areas and private open space at the rear.*
- *There will be no change to its existing carparking arrangements with the existing 5.9m x 3.3m carport being retained, along with its concrete strip driveway providing access from Rawson Street. The existing dwelling will have ample private open space within its southern rear yard with an area of approximately 130m² being retained. This private open space also adjoins the proposed 5.3m wide driveway in front of the proposed dual occupancy, therefore no overshadowing will occur onto Lot 31 by the dual occupancy on proposed Lot 32 due to the adequate separation distance. The private open space in the rear yard is directly accessible from the living areas of the existing dwelling, as shown in the attached Floor Plan of the Existing Dwelling, refer to Attachment 6 in the response to Council RFI.*

Furthermore, the proposal will create a battle-axe allotment, being proposed Lot 32, that meets the minimum lot size for battleaxe allotments in this zone and meets the minimum lot size under Clause 4.10 of CLEP 2011 to support future dual occupancy development.

Planning and Environment

Report No. PE22/2024

Planning and Environment



- *The proposal does not hinder the residential setting or uses of the site, nor is the natural environment impacted by the subdivision. The proposal respects the general lot layout configuration of the locality. Moreover, the amenity and character of surrounding development, including the existing dwelling house, will not be impacted by the proposed subdivision.*
- *Due to the existing residential setting and land-use context surrounding the proposal, the subdivision, particularly being low-impact in nature, will result in no additional impacts for the site or adjoining development. The proposed development is an orderly and economic use of the land and in doing so, does not compromise the objects of Section 1.3(a) and (c) of the EP&A Act 1979.*

An assessment of the applicant's submission has been undertaken against the criteria in Clause 4.6 and relevant planning principles established by the Land and Environment Court.

Assessing Officer comments:

Notwithstanding the variation to the minimum lot size, the application demonstrates proposed Lot 31 is suitable for its intended purpose which is to accommodate a dwelling house. Given the undersized allotment will retain the existing dwelling, the established streetscape will be maintained. The existing dwelling maintains privacy, achieves solar access to living areas, accommodates adequate private open space and provides on-site carparking. It is therefore considered that the subdivision is consistent with the objectives of the minimum lot size development standard.

For the reasons outlined in the applicant's written request, the development is compatible with the objectives of the minimum lot size standard in that there is adequate area within the undersized lot to accommodate the existing dwelling house with adequate amenity and area for private open space, car parking and solar access.

The subject allotment is not impacted by environmental constraints such as bushfire or biodiversity and the proposed dual occupancy (attached) is not located with the flood planning area. It is therefore highly suitable for infill residential development.

For the reasons outlined in the applicant's written request, the development is compatible with the objectives of the minimum lot size standard. The applicant's request has adequately demonstrated that compliance with the minimum lot size development standard is unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify contravening the development standard.

CONCLUSION

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

The variation to the development standard being the minimum lot size requirement under Clause 4.1 of the CLEP 2011 is considered reasonable and suitably justified in this instance.

The proposal does not result in any significant adverse impacts to the surrounding natural or built environment and the site is suitable for the proposed development.

Planning and Environment

Report No. PE22/2024

Planning and Environment



The proposed development supports Cessnock Council in meeting the NSW Government's housing target for the Cessnock Council local government area

Based on the outcomes of this assessment, the application is recommended for approval subject to the conditions contained in Attachment 1.

ENCLOSURES

- 1 ➡ Attachment 1 - Draft Condition
- 2 ➡ Attachment 2 - Development Plans
- 3 ➡ Attachment 3 - Assessment Report

Planning and Environment

Report No. PE23/2024

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION NO. 8/2024/144/1
PROPOSING A PHASED DEVELOPMENT:
PHASE 1 - TWO (2) LOT SUBDIVISION AND DEMOLITION
PHASE 2 - DUAL OCCUPANCY
PHASE 3 - STRATA SUBDIVISION OF DUAL OCCUPANCY*

37 RAILWAY STREET KURRI KURRI

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer
Acting Development Services Manager*

APPLICATION NUMBER:	8/2024/144/1
PROPOSAL:	Phased Development Comprising: Phase 1 – Two (2) Lot Subdivision and Demolition Phase 2 – Dual Occupancy (attached) Phase 3 – Strata Subdivision of Dual Occupancy
PROPERTY DESCRIPTION:	Lot 12, Section 52, DP 758590
PROPERTY ADDRESS:	37 Railway Street KURRI KURRI
ZONE:	R2 Low Density Residential
OWNER:	Mr F & Mrs N Portolesi
APPLICANT:	ELK Designs Newcastle Pty Ltd

RECOMMENDATION

1. That:
 - (i) Development Application No. 8/2024/144/1 proposing development in three (3) phases: Phase 1 consisting of a two (2) lot subdivision and demolition of outbuilding, Phase 2 consisting of a dual occupancy (attached), and Phase 3 consisting of the strata title subdivision of the dual occupancy, at 37 Railway Street Kurri Kurri be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.
 - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:



- **The proposal is a permitted land use in the R2 Low Density Residential zone under the *Cessnock Local Environmental Plan 2011*;**
 - **The proposal is consistent with the objectives of the R2 Low Density Residential zone under the *Cessnock Local Environmental Plan 2011*;**
 - ***The proposal is consistent with the relevant State Environmental Planning Policies;***
 - ***The proposal is generally compliant with the relevant provisions under the Cessnock Development Control Plan 2010, with the variations considered to be justified;***
 - ***The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;***
 - ***The proposal will not result in any adverse social or economic impacts;***
 - ***The site is considered suitable for the proposed development; and***
 - ***The development proposal is considered to be in the public interest.***
- (iii) **The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979***

REASON FOR REPORT

Development Application No. 8/2024/144/1 is being referred to Council for determination as a variation greater than 10% is proposed to the minimum lot size requirement under Clause 4.1 (Minimum subdivision lot size) of the *Cessnock Local Environmental Plan (CLEP) 2011*.

The minimum lot size map identifies a lot size of 450m² is required for the subject site. The subdivision proposed in Phase 1 will result in a lot having an area of 391.1m² which represents a variation of 13.1% from the minimum lot size.

The Department of Planning, Housing and Infrastructure's (former Department of Planning and Environment) Guide to Varying Development Standards (2023), specifies that where the variation to a development standard is greater than 10% the elected Council is the determining authority.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2024/144/1 seeking approval for a phased development at 37 Railway Street Kurri Kurri comprising:

- Phase 1: Two (2) lot subdivision to create proposed Lot 1 having an area of 391.1m² and proposed Lot 2 having an area of 600.03m² (excluding the access handle). Proposed Lot 1 will retain the existing dwelling and the existing outbuilding (shed) to be demolished.
- Phase 2: Dual occupancy (attached) to be constructed on proposed Lot 2.
- Phase 3: Strata Title subdivision of the constructed dual occupancy.

An assessment of the application has been undertaken against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021*, relevant Environmental Planning Instruments and Council policies.

The application proposes a variation to Clause 4.1 of the *CLEP 2011* which prescribes a minimum subdivision lot size of 450m² for the subject site. Phase 1 of the development proposes a two (2) lot subdivision. Proposed Lot 1 will have an area of 391.1m² which represents a 13.1% variation. In this instance, the variation to the development standard is considered acceptable and suitably justified.

The development is consistent with the objectives of the R2 Low Density Residential zone and supports Cessnock Council in meeting the NSW Government's target for the Cessnock Council local government area to achieve 3,900 new completed homes by 2029 to align with the National Housing Accord.

The housing targets have been identified to help address the housing shortage and prioritise more diverse and well-located homes in areas with existing infrastructure capacity, such as transport open spaces, schools, hospitals and community facilities. The development is proposed in an appropriate residential zone and a suitable location.

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

ASSESSMENT

Clause 4.1 Minimum Lot Size Requirement CLEP 2011

Clause 4.1 of the CLEP 2011 prescribes a minimum lot size of 450m² over the subject site. Proposed Lot 1 to be created in Phase 1, will have an area of 391.1m² which represents a 13.1% variation to the development standard.

Clause 4.6 Exemptions to development standards of the CLEP 2011 allows for the assessment of an application which does not specifically meet the development standard. The objectives of this clause are to provide an appropriate degree of flexibility in applying certain development standards to particular development to achieve better outcomes for, and from, development by allowing flexibility in particular circumstances.

The consent authority must be satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant has submitted the following justification to support the variation:

- *The objectives of the zone are predominantly concerned with fulfilling the housing needs of the community by facilitating a variety of housing types in a low density setting. The development typology and allotment size are contemplated by the zone (with dual occupancy development and single dwelling house developments being recognised as permissible forms of development). Similarly, Clause 4.1C recognises 300m² as a suitable lot size within the zone. The density is therefore contemplated by the Instrument.*
- *The proposed non-compliant lot size does not in any way constrain the function and use of the existing dwelling house. It does, however, allow for a dual-occupancy development to occur on the proposed rear allotment. In this manner, the proposed non-compliant subdivision does not reduce the housing stock in the locality, rather it helps increase housing variety through the introduction of a dual occupancy. It enables efficient infill development to occur without increased demand for infrastructure.*
- *The adequacy of the undersize lot can be considered in view of its levels of compliance with Council's DCP in terms of the single dwelling use typology. The following gives consideration of the relevant key DCP controls for single dwelling houses:*

Streetscape - The proposal does not seek to meaningfully alter the streetscape presentation of the allotment.

Private Open Space - The existing dwelling retains a compliant 70m² area of private open space for the existing three-bedroom dwelling. This area will receive good solar access through the day from its Northern aspect.

Side & Rear Setback - The proposed subdivision results in altered side and rear setbacks for the existing dwelling. They remain compliant with DCP provisions though.

Solar Access - The solar access of the existing dwelling will not be constrained by the proposed subdivision. The dual occupancy development on the rear allotment to the North, is formed in a manner that does not cause unreasonable shadow impacts due to appropriate spatial separation. DA900 and DA901 display appropriate levels of solar access.

Privacy - The existing privacy arrangement between the existing and proposed dwellings will be maintained by boundary fencing to proposed new boundaries.

Parking - A new driveway and crossover is included with this overall application and the subdivision requires application of an easement for access. The existing dwelling is afforded two parking spaces to the western side of the dwelling. In this manner, the proposal allows for compliance parking and access.

Planning and Environment

Report No. PE23/2024

Planning and Environment



Given the compliant outcomes displayed by the single dwelling house upon the undersized lot, we submit that the subdivision design is well considered, conservative and entirely appropriate. The numeric discrepancy with the development standard does not result in environmental concerns or for the allotment to appear distinct or unique within its streetscape context. In this manner, consistency to the surrounding context would appear appropriate.

An assessment of the applicant's submission has been undertaken against the criteria in Clause 4.6 and relevant planning principles established by the Land and Environment Court.

Assessing Officer Comments:

Notwithstanding the variation to the minimum lot size, the application demonstrates proposed Lot 1 is suitable for its intended purpose which is to accommodate a dwelling house. Given the undersized allotment will retain the existing dwelling, the established streetscape will be maintained. The existing dwelling maintains privacy, achieves solar access to living areas, accommodates adequate private open space and provides on-site carparking. It is therefore considered that the subdivision is consistent with the objectives of the minimum lot size development standard.

The subject allotment is not impacted by environmental constraints such as bushfire, flooding or biodiversity. It is therefore highly suitable for infill residential development.

For the reasons outlined in the applicant's written request, the development is compatible with the objectives of the minimum lot size standard. The applicant's request has adequately demonstrated that compliance with the minimum lot size development standard is unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify contravening the development standard.

CONCLUSION

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

The variation to the development standard being the minimum lot size requirement under Clause 4.1 of the CLEP 2011 is considered reasonable and suitably justified in this instance.

The proposal does not result in any significant adverse impacts to the surrounding natural or built environment and the site is suitable for the proposed development.

The proposed development supports Cessnock Council in meeting the NSW Government's housing target for the Cessnock Council local government area

Based on the outcomes of this assessment, the application is recommended for approval subject to the conditions contained in Attachment 1.

Planning and Environment

Report No. PE23/2024

Planning and Environment



ENCLOSURES

- 1 [↔](#) Attachment 1 - Draft Conditions
- 2 [↔](#) Attachment 2 - Development Plans
- 3 [↔](#) Attachment 3 - Assessment Report

Planning and Environment

Report No. PE24/2024

Planning and Environment



SUBJECT: *PLANNING PROPOSAL 18 2022 6 1 - RECLASSIFICATION AND REZONING OF COUNCIL LAND - POST EXHIBITION*

RESPONSIBLE OFFICER: *Strategic Planner
Strategic Planning Manager*

SUMMARY

The purpose of this report is to advise Council of the outcome of the public exhibition for Planning Proposal 18/2022/6/1 - Reclassification and Rezoning of Land at Bellbird and Abermain and seek Council’s endorsement to finalise the Planning Proposal.

There are two sites included in the Planning Proposal. Site one is to rezone and reclassify a thin strip of Council owned Land at Carmichael Park Bellbird, adjacent to the Bellbird Park Bowling Club. The proposal will reclassify the site from Community to Operational Land and rezone the site from RE1 Public Recreation to RE2 Private Recreation.

Site two is part of the Harle Street Playground in Abermain. The Planning Proposal seeks to rezone 94 Harle Street Abermain from R2 Low Density Residential to RE1 Public Recreation to reflect the use of the site as a local park.

APPLICATION NUMBER:	18/2022/6/1
PROPOSAL:	Reclassification and Rezoning of Council Land
PROPERTY DESCRIPTION:	<ul style="list-style-type: none"> • Part of Lot 3 DP 624793 - Carmichael Park, Bellbird • Lot 11 Section B DP 4748 - 94 Harle Street, Abermain
PROPONENT:	Cessnock City Council

RECOMMENDATION

1. That Council note the outcomes of community consultation for Planning Proposal 18/2022/6/1 - Reclassification and Rezoning of Land at Bellbird and Abermain.
2. That Council forwards the Planning Proposal for Reclassification and Rezoning of Council Land to the Minister for Planning and Public Spaces with a recommendation that the plan be made pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
3. That Council remove the Public Reserve Status from Part of Lot 3 DP 624793.

BACKGROUND

Both sites are identified for review within the Cessnock Recreation and Open Space Strategic Plan and the Carmichael Park Master Plan. This Planning Proposal helps achieve the strategic directions identified for each site.

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Site 1 (Figure 1) was identified for reclassification and rezoning in preparation of the Carmichael Park Masterplan where consultation and meetings were held directly with Bellbird Park Bowling Club (PBPC).

At the Ordinary Council meeting held 17 February 2021, Council resolved to reclassify a portion of Carmichael Park from Community to Operational. This furthers the actions of the Carmichael Park Masterplan that includes works in regards to the Bellbird Park Bowling Club (BPBC). Council resolved:

1. *That Council authorises the General Manager to undertake the process to reclassify the three metre strip of land along the southern boundary of the Bellbird Park Bowling Club from Community to Operational.*
2. *That Council agrees to sell the subject parcel of land once reclassified to Bellbird Park Bowling Club at the nominal cost of one dollar (\$1.00) provided the Bellbird Park Bowling Club fund associated costs for the land transfer.*
3. *That Council authorises the General Manager to execute documents related to the reclassification and transfer of land between Cessnock City Council and the Bellbird Park Bowling Club.*

Site 2 (Figure 2) was identified by Open Space and Recreation as an anomaly while applying for funding as part of the upgrades that occurred to the park in 2024. The Recreation and Open Space Strategic Plan identifies the strategic direction of the site to continue to be used as a local park.

At the Ordinary Council meeting on 19 April 2023 Council resolved:

1. *That Council resolves to reclassify Lots 9, 10 and 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land pursuant to Section 33 of the Local Government Act, 1993.*
2. *That Council requests a Gateway determination for a Planning Proposal from the NSW Department of Planning and Environment pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979 to*
 - a. *rezone part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from RE1 Public Recreation to RE2 Private Recreation;*
 - b. *reclassify part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from Community Land to Operational land; and*
 - c. *rezone Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from R2 Low Density Residential to RE1 Public Recreation.*
3. *That Council requests authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority to make the Local Environmental Plan.*
4. *That Council undertakes consultation with public authorities and the community as determined by the Gateway Determination.*

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Planning and Environment



5. *That Council undertake the necessary Public Hearing and public notification requirements for the proposed reclassifications of Council owned land, pursuant to the provisions of Sections 29 and 34 of the Local Government Act, 1993.*
6. *That Council receives a report back on the outcomes of the community consultation and findings of the Public Hearing and any submissions received in response to the notification of the reclassifications.*

REPORT/PROPOSAL

The Planning Proposal includes two sites:

Site 1: 32 Spark Street Bellbird

The Planning Proposal intends to rezone and reclassify a thin strip of Council owned Land at Carmichael Park, Bellbird, adjacent to the Bellbird Park Bowling Club (BPBC). The proposal will reclassify the site from Community to Operational Land and rezone the site from RE1 Public Recreation to RE2 Private Recreation.

Access to the BPBC by Carmichael Park users has historically caused concern, with the club previously citing safety issues and continual damage to the club maintained carpark. Access to the club's rear loading dock and parts of the rear of their building have also been constrained by the need to cross Council land to access this space.

The Carmichael Park Masterplan and discussions with the BPBC determined that BPBC require a three metre strip of land along the southern boundary (adjacent to the main football field) to maintain access historically utilised using Council land (Figure 1). The area of the land is approximately 270 square metres and Council is seeking to sell this land (identified in the Carmichael Park Masterplan) to the club for a nominal cost of \$1.00.

Currently the subject land is classified as Community land and will require reclassification to Operational use. Community land is unable to be sold by Council. Once the land is re-classified to operational it will allow Council to sell the site to BPBC.

The site is currently zoned RE1 Public Recreation and will be rezoned to RE2 Private Recreation to align with the proposed private use of the site once it has been reclassified.

The land on the northern end of the club site (their entryway) is an extension of Hetton Street and will remain in place. This land is owned by Council but will be used by the club for access.



Figure 1 - Site 1 Proposed Land Zoning Carmichael Park

Site 2: 94 Harle Street Abermain, Harle Street Playground.

Site 2 (**Figure 2**) comprises an area of approximately 2450m² and is known as Harle Street playground. The site includes embellishments in the form of play equipment.

The Planning Proposal seeks to rezone the site (as outlined red in **Figure 2**) from R2 Low Density Residential Zone to RE1 Public Recreation Zone, this will reflect the current and ongoing use of the site as a park. This is consistent with the remainder of the Harle Street Playground that is zoned RE1 Public Recreation.

This is an administrative amendment to correct a mapping anomaly. This will allow the correct zone to be applied to a portion of Harle Street playground that is, and continues to be used, as public open space, as identified in the Cessnock Recreation and Open Space Strategic Plan.

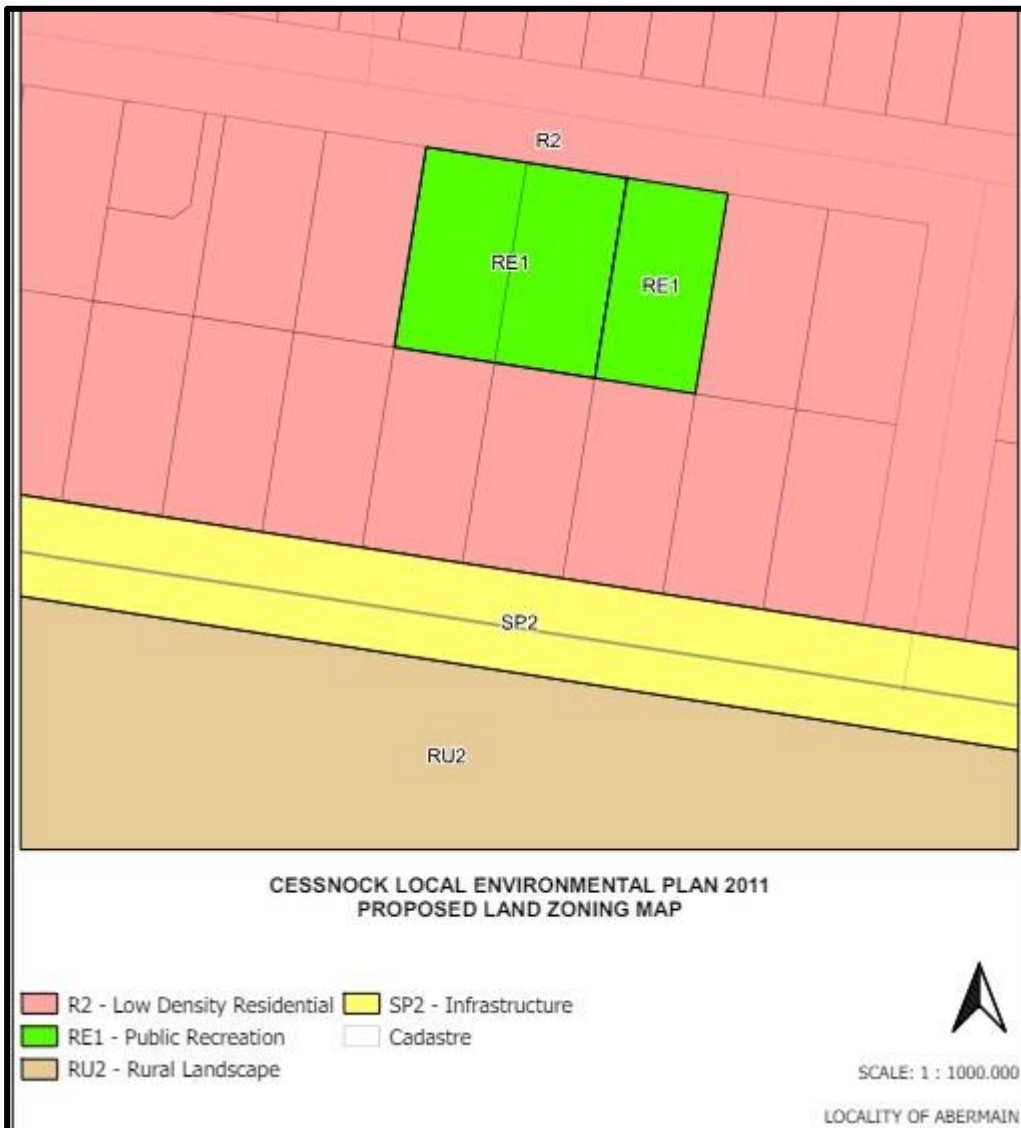


Figure 2 - Site 2 Proposed Land Zoning Harle Street Playground

CONSULTATION

Formal public consultation regarding the Planning Proposal was carried out in accordance with Gateway determination and Council's Community Participation Plan (CPP). Community Consultation was conducted from 22 July 2024 to 20 August 2024.

Stakeholder feedback was received from Rural Fire Service and Mine Subsidence who had no objections to the proposal.

A letter box drop was sent to residents in the vicinity of BPBC, a Have Your Say Webpage was developed and the Planning Proposal was included in the Cessnock City Council Have Your Say Newsletter.

The *Local Government Act 1993* requires a public hearing to be held in relation to the reclassification of Council owned land. The public hearing was held on 24 September 2024

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from 5:30pm in Council's Community Meeting room. Notice was given on Council's website more than 21 days prior to the public meeting being held. No community members attended and no submissions were received in relation to either site. The independent public hearing report can be viewed in **Enclosure 3**. There was also no submissions to the public exhibition of the planning proposal.

STRATEGIC LINKS

a. Delivery Program

The proposal is relevant to the Cessnock Community Strategic Plan 2036 Objective 1.2: Strengthening community culture: 1.2.4 - We have multi-purpose sporting and recreation facilities that meet the needs of a growing population.

b. Other Plans

In relation to Site 1, this furthers the actions of the Carmichael Park Masterplan with regards to the BPBC.

In relation to Site 2, this is consistent with the Cessnock Recreation and Open Space Strategic Plan.

IMPLICATIONS

a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.



PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN FOR RECLASSIFICATION



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b. Financial Implications

Subject to the proposal being finalised it is the intention to sell site 1 to the BPBC. A survey will be required to create the boundary adjustments to the title of the club and the adjoining Council land. The club has agreed to fund all costs for the creation of the survey plan, and registration of the new titles in lieu of paying for the land.

Council has obtained a quote for survey costs and registration of \$6,240 GST included. Council resolved to sell the site to BPBC for the nominal cost of \$1.

c. Legislative Implications

The planning proposal was undertaken in accordance with the *Environmental Planning and Assessment Act, 1979*, and *Local Government Act 1993*, in addition to the Department of Planning Housing and Industry Local Environmental Plan Making Guideline and Council's Community Participation Plan.

d. Risk Implications

The proposed amendments to Site 1, Carmichael Park, will separate vehicle movements to and from Bellbird Park Bowling Club from users of Carmichael Park, improving the safety of users at both facilities.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The proposal has been progressed in accordance with relevant legislation and Council's strategic planning framework, including government agency and public consultation. No submissions were received and there were no attendees at the public hearing. Therefore, it is recommended Council forward the Planning Proposal to DPHI with a recommendation to make the local environmental plan.

ENCLOSURES

- 1 ➡ Planning Proposal _ Reclassification and Rezoning Council Land _ Bellbird and Abermain
- 2 ➡ Independent Report for Public Hearing
- 3 ➡ Carmichael Park Master Plan

Planning and Environment

Report No. PE25/2024

Planning and Environment



SUBJECT: *PLANNING PROPOSAL 18 2024 1 1 - HUNTLEE LOCAL WATER CENTRE 2 - POST EXHIBITION*

RESPONSIBLE OFFICER: *Strategic Planner
Strategic Planning Manager*

SUMMARY

The purpose of this report is to advise of the outcome of the public exhibition of Planning Proposal 18/2024/1/1 Huntlee Local Water Centre 2 and seek Council's endorsement to finalise the Planning Proposal.

The Planning Proposal is to rezone land within 1823 Wine Country Drive, North Rothbury, part Lot 695 DP1263808 from R1 General Residential and MU1 Mixed Use to SP2 Infrastructure – Sewerage System.

APPLICATION NUMBER:	18/2024/1/1
PROPOSAL:	Huntlee Local Water Centre 2
PROPERTY DESCRIPTION:	1823 Wine Country Drive, North Rothbury, part Lot 695 DP1263808
PROPONENT:	Huntlee Pty Ltd

RECOMMENDATION

1. That Council note the outcomes of community consultation for Planning Proposal 18/2024/1/1 - Huntlee Local Water Centre 2
2. That Council forwards the Planning Proposal for Huntlee Local Water Centre 2 to the Minister for Planning and Public Spaces with a recommendation that the plan be made pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

BACKGROUND

In accordance with Clause 5.1 of Cessnock City Council's Planning Proposal Policy, the planning proposal was forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination.

Huntlee is made up of Huntlee - Stage 1 Development and Huntlee New Town Stage 2. These two stages make up 'Huntlee', which is a state significant development that is approved by the Department of Planning, Housing and Infrastructure.

REPORT/PROPOSAL

The objective of the Planning Proposal is to amend the Cessnock LEP 2011 to rezone approximately 7,800m² of land zoned R1 General Residential and MU1 Mixed Use to SP2 Infrastructure – Sewerage System to establish a local water centre (LWC) (also known as a wastewater treatment plant). The LWC will provide essential future services to support the subdivision associated with the Stage 1 Project Approval for the Huntlee New Town development.

The intended outcomes of the Planning Proposal are:

- To provide for the delivery of an essential utility for the wider Huntlee New Town development;
- To increase the efficiency and integration of land utilisation; and
- To reduce the burden on existing wastewater infrastructure that supports the established Huntlee New Town areas.

The site is located within Lot 695 DP1263808, addressed 1823 Wine Country Drive, North Rothbury within the Huntlee New Town. The site is positioned approximately 1.3km from the intersection between Wine Country Drive and the Hunter Expressway.

Under Modification 21 to the Huntlee - Stage 1 Development the site is categorised as an 'infrastructure, community and education' lot. The site has Commercial/Mixed Use Lots to the east and south, bushland zoned RU2 Rural Landscape on the north and residential lots to the west.

The operation of the additional Local Water Centre will be undertaken by Altogether Group, and will mimic the scale and operational impacts of the existing Local Water Centre.



Figure 1: The subject site.

CONSULTATION

Formal public consultation regarding the Planning Proposal was carried out in accordance with the Gateway Determination and Council's Community Participation Plan (CPP). Community Consultation was conducted from 15 August 2024 to 12 September 2024.

One submission was received during public exhibition. The submission raised concerns related to biodiversity (the full submission and response is in **Enclosure 2**). The broader Huntlee New Town development including the subject site, is certified under Clause 34A(4) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, with a Biodiversity Exemption Certificate granted by the Office of Environment and Heritage. As biodiversity has been addressed as part of a separate approval additional offset requirements cannot be considered as part of this planning proposal. The Ecological Assessment (**Enclosure 3**) provides additional details on the offsetting agreement.

Stakeholder feedback was received from Rural Fire Service, Environmental Planning Authority (EPA), Biodiversity, Conservation and Science and Subsidence Advisory who had minimal comments on the proposal.

EPA raised the potential issue of odour. EPA commented that the LWC has the potential to cause a land use conflict due to odour impacts. See part of their response below:

"Given the proximity of future residents, in some weather conditions or during operational failures, nearby residents could experience odour from this future Sewage Treatment Plant. The number of days that this will occur each year, or if at all, as well as the level of any impact is difficult to quantify. Council should consider using development controls in land-use planning instruments such as local environmental plans and development control plans to promote compatibility between such industrial land uses and nearby residential zoned land."

The odour assessment report prepared by the applicant found 'slightly adverse' impacts at the future sensitive receptors within 100 m of the Odour Control Unit Stack. The wind directions blowing towards the future residences (i.e., those blowing from between northeast and south) occur between 6% and 12% of the time, therefore there is a low likelihood that these receptors would experience frequent odour impacts from the Site. The future commercial receptors would potentially experience more frequent odour impacts, as the prevailing wind direction are winds from the west-northwest, which occur approximately 20% of the time. Figure 2 demonstrates the potential odour impacts.

Whilst odour from the Project Site may occasionally be detected up to a distance of approximately 100 m downwind of the site, it is unlikely that they would be for a duration or magnitude that significant nuisance impacts would be experienced. The existing LWC 1 has not received odour complaints. Altogether Group's approach is consistent with the mitigation strategy listed in the *Technical framework: assessment and management of odour from stationary sources in NSW* (DEC, 2006) for "Managing odour at the source" through selecting "design options to collect and manage the diffuse odour emissions consistent with best management practice".

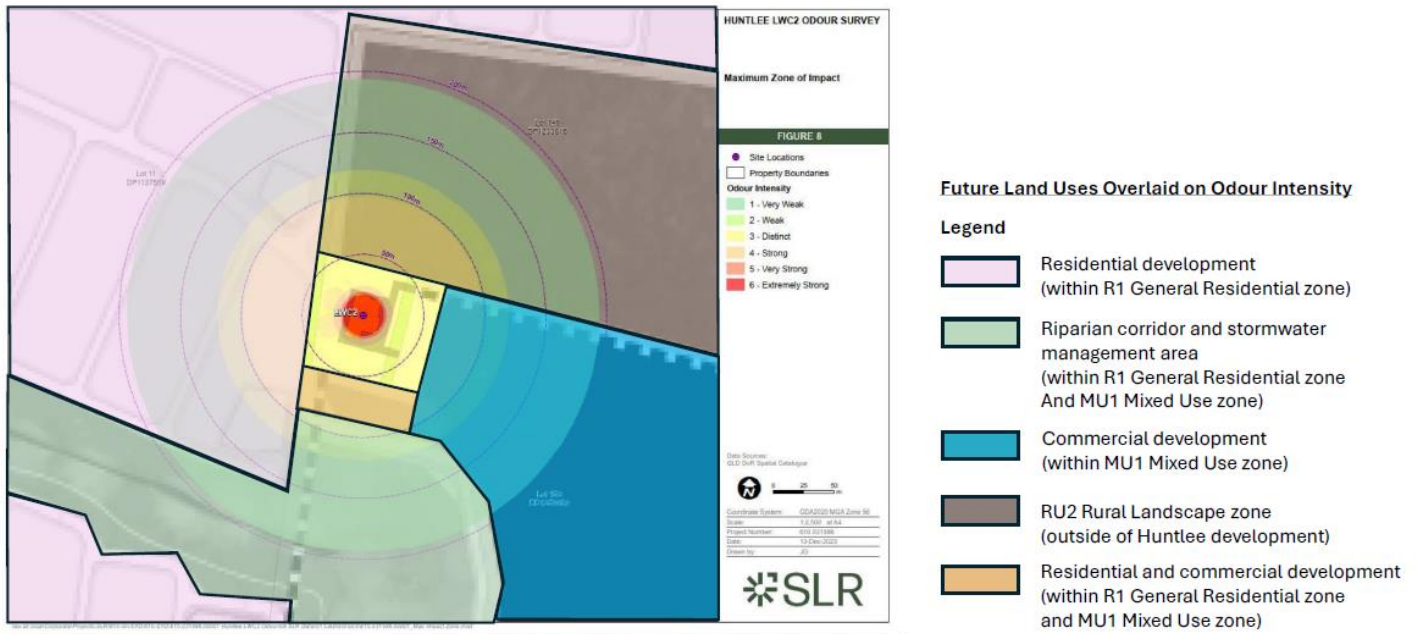


Figure 2: Future Land Uses Overlaid with Odour Intensity.

To reduce the impacts of odour on residential properties the LWC 2 is proposed near the town centre. The site has Commercial/Mixed Use Lots to the east and south, bushland zoned RU2 Rural Landscape on the north and residential lots separated by a road to the west. The location within the commercial/mixed use lots of the town centre is the most suitable place for a LWC within the Huntlee Stage 1 and Stage 2 Concept Plan, as it has low proximity to sensitive land uses such as residential development. This ideal location can help mitigate the risk of odour impacts by reduced proximity to sensitive land uses.

The design of the LWC can also help to mitigate the odour impacts of the LWC. This shall include a similar odour control system to the existing sewage treatment plant which utilises a two-stage treatment process to remove odourous compounds from airborne emissions. A distinctive feature of the proposed LWC is that it is fully enclosed in a low-scale, single level building within an open space setting.

STRATEGIC LINKS

a. Delivery Program

The planning proposal supports the goals of the Community Strategic Plan:

- 2.1.3 We have adequate industrial and employment lands and thriving commercial precincts
- 3.3.1 We divert more of our waste for recycling or re-processing
- 3.3.2 We promote waste avoidance

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b. Other Plans

The Planning Proposal responds to the relevant priorities of the Hunter Regional Plan 2041 as it facilitates a coordinated delivery of essential water infrastructure to service the overall Huntlee New Town. Planning Priority 1: Create housing diversity and sequenced development and Objective 7: Reach net zero and increase resilience and sustainable infrastructure.

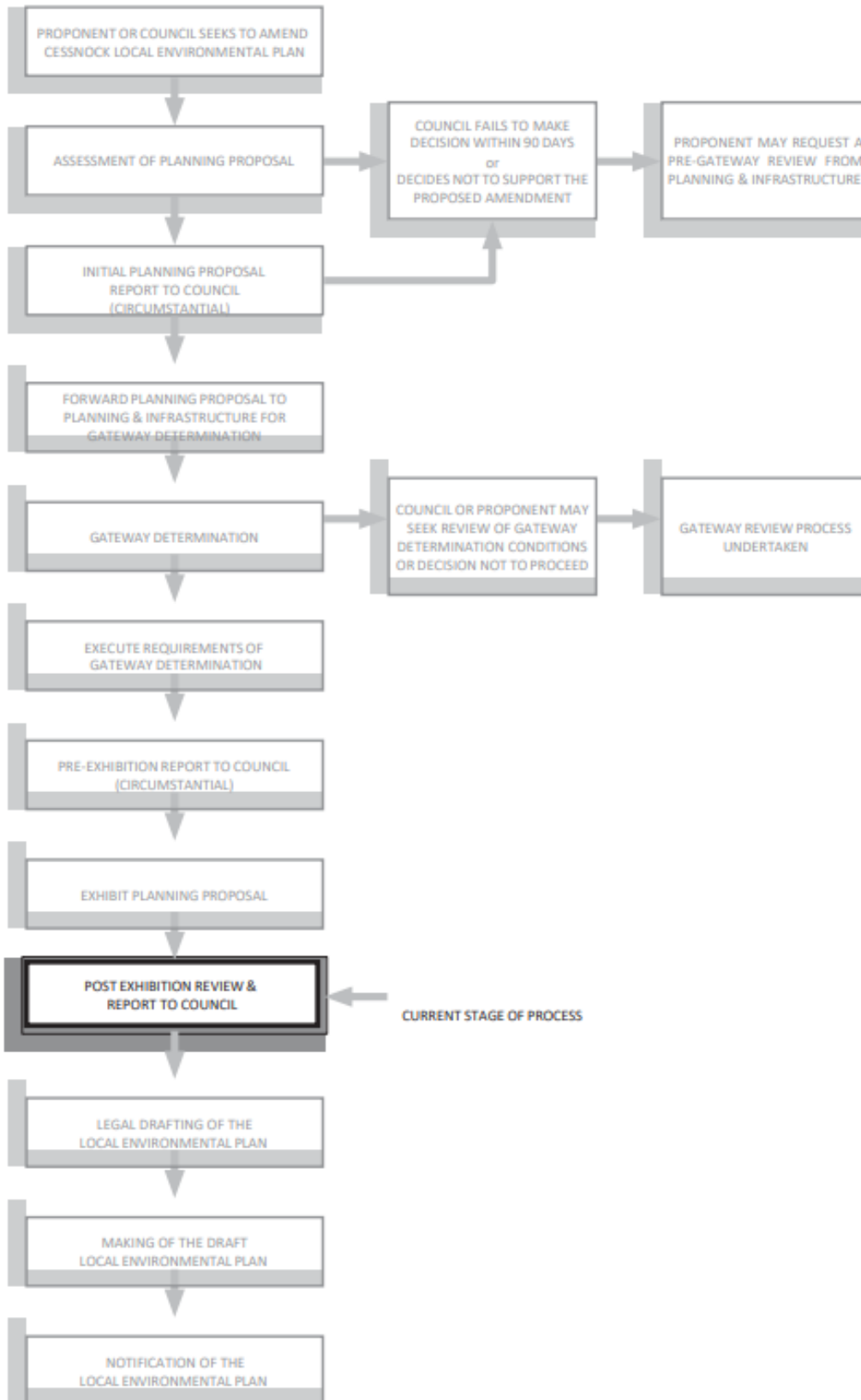
IMPLICATIONS

a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.



PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The applicant has been charged fees for the proposal in accordance with Councils Fees and Charges Schedule.

c. Legislative Implications

The planning proposal was undertaken in accordance with the *Environmental Planning and Assessment Act, 1979*, and *Local Government Act 1993*, in addition to the DPHI Local Environmental Plan Making Guideline and Council's Community Participation Plan.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Huntlee LWC 2 is essential to the growth of the Huntlee New Town development. The site is well located within the new town, with low impact on surrounding sites. One submission was received as part of the public exhibition. It is recommended Council forward the Planning Proposal to DPHI with a request to make the local environmental plan.

ENCLOSURES

- [1](#) ⇨ Planning Proposal
- [2](#) ⇨ Response to Submission
- [3](#) ⇨ Ecological Assessment (Modification 21)

Planning and Environment

Report No. PE26/2024

Planning and Environment



SUBJECT: *PLANNING PROPOSAL 18 2024 6 1 - RECLASSIFICATION OF PART LOT 312 DP 566724 OLD MAITLAND ROAD CESSNOCK*

RESPONSIBLE OFFICER: *Strategic Planner
Strategic Planning Manager*

SUMMARY

The purpose of this report is to provide an overview of the proposed amendments contained in the attached Reclassification Planning Proposal to amend *Cessnock Local Environmental Plan 2011* (the 'CLEP 2011'). This report is seeking Council endorsement for the reclassification of part Lot 312 DP 566724 and to forward the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination.

APPLICATION NUMBER:	18/2024/6/1
PROPOSAL:	Reclassification of Council Land
PROPERTY DESCRIPTION:	Part of Lot 312 DP 566724
PROPONENT:	Cessnock City Council

RECOMMENDATION

1. That Council resolves to reclassify part Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational Land pursuant to Section 30 of the *Local Government Act, 1993*;
2. That Council requests a Gateway determination for a Planning Proposal from the NSW Department of Planning, Housing and Infrastructure pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* to Reclassify part of Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational land;
3. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan;
4. That Council undertakes consultation with public authorities and the community as determined by the Gateway Determination;
5. That Council undertake the necessary Public Hearing and public notification requirements for the proposed reclassification of Council owned land, pursuant to the provisions of Sections 29 and 34 of the *Local Government Act, 1993, and*;
6. That Council receives a report back on the outcomes of the community consultation and findings of the Public Hearing and any submissions received in response to the notification of the reclassifications.

BACKGROUND

The Planning Proposal (**Enclosure 1**) seeks the reclassification of part of Lot 312 DP 566724 (the subject land) from Community to Operational land under the provisions of the *Environmental Planning and Assessment Act 1979*.

Land Specialists Estates NSW PTY LTD (Land Specialists) intends to undertake residential subdivision on the adjoining land to the north and requires secondary access from Alkira Avenue, through the subject land. Council has entered into a Deed of Agreement with Land Specialists, agreeing to undertake all steps necessary in order to make the land available for purchase by Land Specialists.

At the Executive Leadership Team Meeting held 14th July 2023, it was resolved that the subject land be reclassified, subject to Council authorization (which this report is now seeking).

Under the *Local Government Act 1993*, all public land is classified as either “community” or “operational”. Councils have no power to sell, exchange or otherwise dispose of Community land. As such, any land council wishes to dispose of must first be classified as Operational.

REPORT/PROPOSAL

The Planning Proposal seeks the reclassification of part of Lot 312 DP 566724 (the subject land – see Figure 1) from Community to Operational land under the provisions of the *Environmental Planning and Assessment Act 1979*.

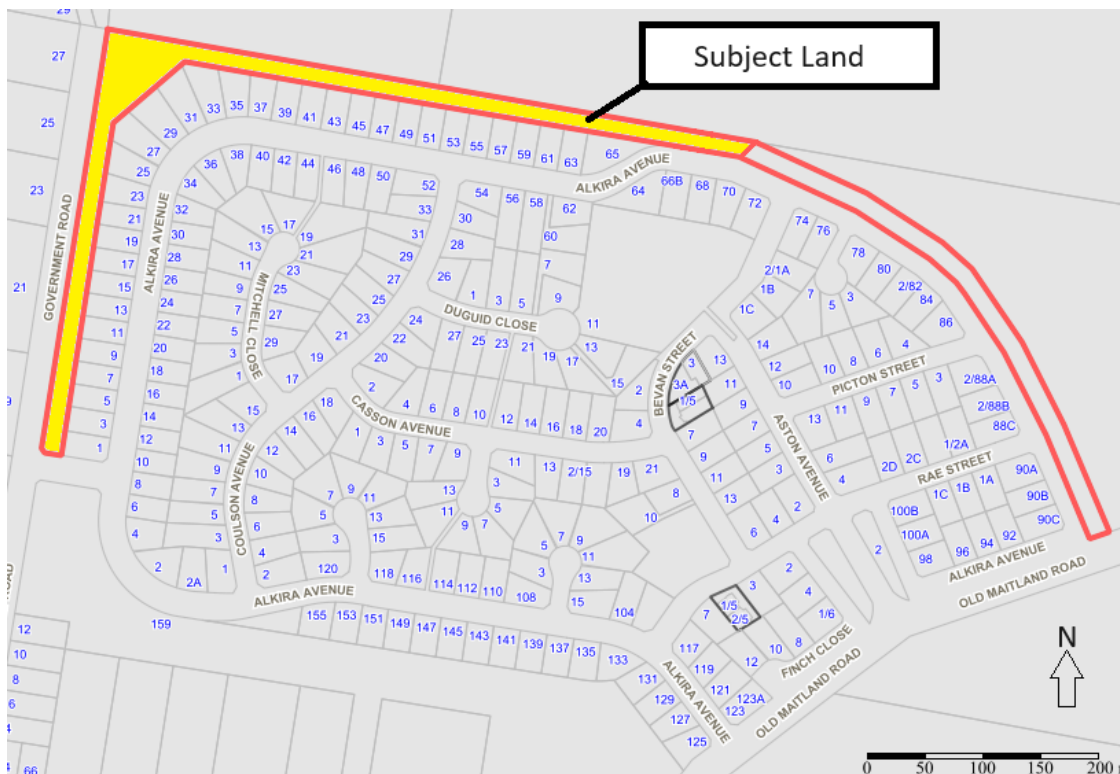


Figure 1: The subject land – Approximately 1.2-hectare portion of LOT: 312 DP: 566724, Old Maitland Road, Cessnock.

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Planning and Environment



The subject land has been identified as surplus by the asset owner, Council's Open Space and Community Facilities Section and has no known purpose.

CONSULTATION

Formal public consultation regarding the Planning Proposal will be carried out in accordance with a Department of Planning, Housing and Infrastructure (DPHI) Gateway determination and Council's Community Participation Plan (CPP), should Council resolve to endorse the recommendations of this report.

Additionally, Council must also publicly exhibit the proposed reclassification and provide a period of 28 days in which submissions may be made.

Separately, a Public Hearing will also be conducted by an independent third party in relation to the reclassification of Community Land.

STRATEGIC LINKS

a. Delivery Program

By facilitating the sale of unused land that presents a maintenance burden for Council, the proposed reclassification supports Cessnock Community Strategic Plan 2036 Objective 5.1 Fostering and supporting community leadership: 5.3.3 Our Council is financially sustainable.

b. Other Plans

This is consistent with the Cessnock Recreation and Open Space Strategic Plan as the subject land is not identified as having a community purpose.

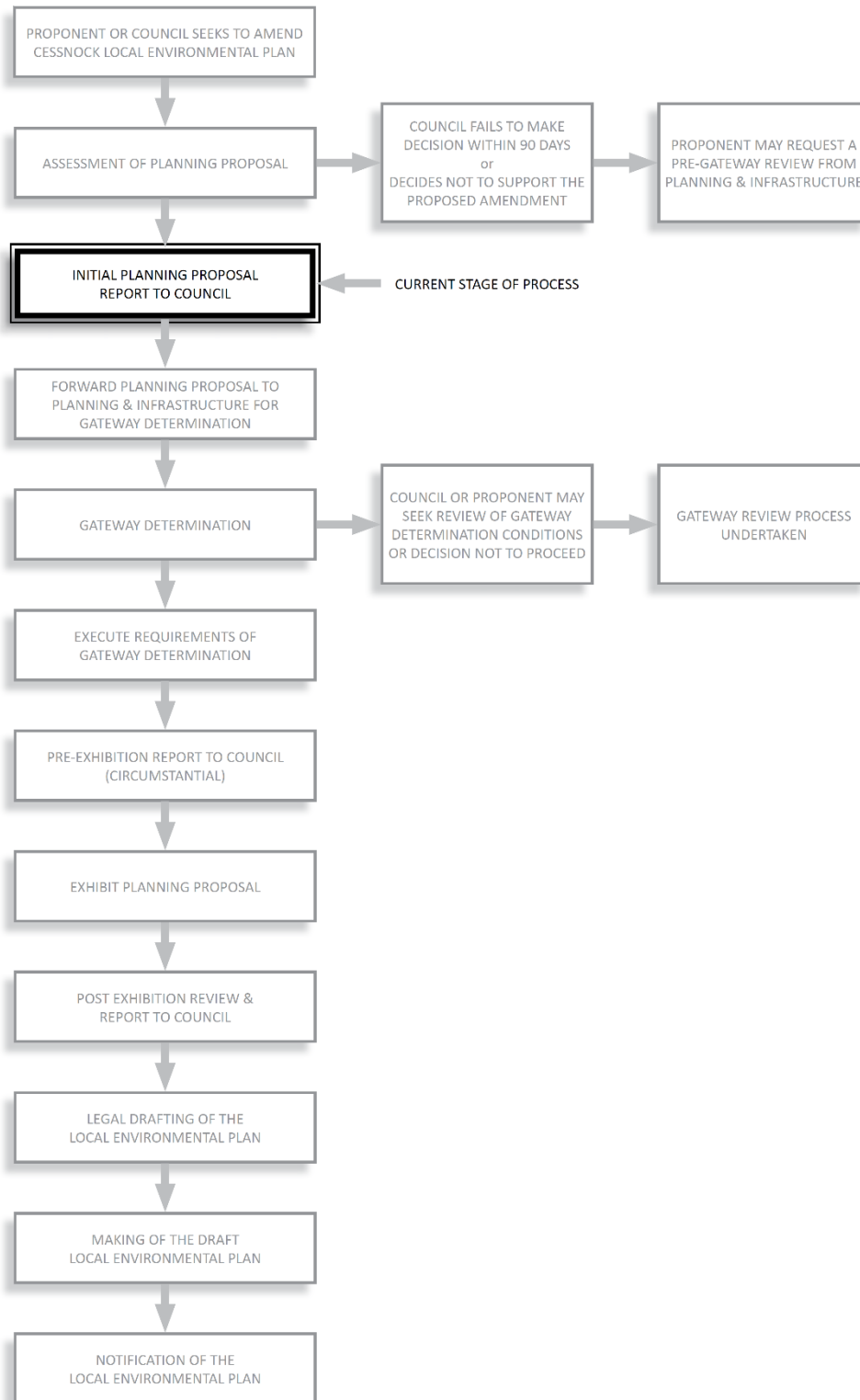
IMPLICATIONS

a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.



PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN





b. Financial Implications

The costs associated with preparing the Planning Proposal to reclassify the subject land will be covered by fees to be paid by Land Specialists Estates PTY LTD, in accordance with Council's adopted fees and charges. Following the proposed reclassification, the subject land portion is proposed to be sold at market value to Land Specialists Estates Pty Ltd. Funds will be credited to Council's Property Investment Fund reserve and allocated in accordance with the adopted Council policies. The proposed reclassification will facilitate the sale of land that has been identified as surplus to Council needs and has no known community purpose. This will reduce the maintenance burden on Council and assists the continued and improved use of recreation facilities that are important to the local community.

c. Legislative Implications

The planning proposal will be undertaken in accordance with the *Environmental Planning and Assessment Act, 1979*, and *Local Government Act 1993*, in addition to the DPHI's Local Environmental Plan Making Guideline (August 2023) and Council's CPP.

Reclassification of public land is also carried out in accordance with the NSW government Practice Note *PN 16-001 Classification and reclassification of public land through a local environmental plan*.

d. Risk Implications

Nil

e. Environmental Implications

The subject land contains a small area mapped as Biodiversity Values Map under the Biodiversity Conservation Act 2016. Therefore, any future development would require a biodiversity development assessment report, but would likely be undertaken as a streamlined assessment in accordance with the Biodiversity Assessment Method.

f. Other Implications

Nil

CONCLUSION

The proposed reclassification will facilitate the sale of land that has been identified as surplus to Council needs and has no known community purpose.

It is recommended that Council requests a Gateway determination for the Planning Proposal from the DPHI and undertake those actions specified by the *Local Government Act, 1993* in relation to reclassification of public land.

ENCLOSURES

[1](#) Draft Planning Proposal _ Old Maitland Road Reclassification

Corporate and Community

Report No. CC64/2024

Corporate and Community Services



SUBJECT: ***NORTH ROTHBURY AND BRANXTON LOCALITY CHANGE***
RESPONSIBLE OFFICER: ***GIS Coordinator***

SUMMARY

The purpose of this report is to gain endorsement from Council for a proposed locality boundary change, located in the commercial Huntlee precinct, prior it being lodged with the Geographical Names Board of NSW (GNB) for approval.

RECOMMENDATION

- 1. That Council endorse the proposed locality boundary change of Branxton and North Rothbury as illustrated on 'Enclosure 1'.**
- 2. That Council submits an application to the Geographical Names Board of NSW requesting the locality boundary change of Branxton and North Rothbury located in the commercial precinct at Huntlee.**

BACKGROUND

Council is proposing a locality boundary change in the Huntlee commercial precinct to reduce confusion between it and the existing Branxton commercial precinct. Both these commercial sites share the locality name of Branxton. Changing the locality boundary of the Huntlee commercial precinct to North Rothbury will provide a clear distinction between these two separate commercial areas.

As 'Enclosure 1' map illustrates, this proposed locality boundary change will extend North Rothbury in a northerly direction resulting in part of the Hunter Expressway and the existing rail corridor forming the new locality boundary of Branxton and North Rothbury.

Council has consulted with the Geographical Names Board of NSW (GNB), who agreed that modifying the locality boundary of Branxton and North Rothbury would reduce future confusion for the community, businesses and emergency services.

REPORT/PROPOSAL

This proposed locality change will reduce future confusion between the existing Branxton commercial precinct and the commercial precinct within the Huntlee development site with both these areas currently sharing the locality name of Branxton.

As 'Enclosure 1' map illustrates, this proposed locality change will extend North Rothbury in a northerly direction resulting in part of the Hunter Expressway and the existing rail corridor forming the new proposed locality boundary of Branxton and North Rothbury.

Currently, 20 owners/occupiers will be impacted by this proposed locality change. The number of impacted properties will continue to grow as new businesses become established within the Huntlee commercial precinct.

Corporate and Community

Report No. CC64/2024

Corporate and Community Services



All impacted owners/occupiers were advised of this proposed locality change via correspondence dated 19 July 2024 and again on the 2 August 2024 seeking feedback by 2 September 2024. Council did not receive feedback from impacted owners/occupiers relating to the proposed changes. Due to the lack of feedback GNB have advised that a Council resolution is required before processing the change.

Following the required Council resolution, the GNB can either approve to advertise, defer or reject the proposed locality change. If approved to advertise is chosen the GNB will seek public comment and the public will be provided 1 month to comment. If no objections are received, the proposed locality change will be recommended for approval. If objections are received, GNB requires Council to comment on the issues. The GNB then reports to the Minister who will provide the final approval.

OPTIONS

N/A

CONSULTATION

Internal

Land Information Systems Officer
Information Technology Manager
Director Corporate and Community Services

External

Senior Statutory Officer, Geographical Names Board
Place Names Manager, Geographical Names Board
LWP Property (Huntlee)
Impacted land and business owners within the proposed locality change area

STRATEGIC LINKS

a. Delivery Program

5.2.1 Continue implementation of projects from the Communication and Engagement Strategy
5.2.1.b Undertake engagement with stakeholders, residents, community members/groups and businesses regarding Council projects, programs, strategies and services.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

Corporate and Community

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Corporate and Community Services



c. Legislative Implications

Under s.2 and s.5 of the Geographical Names Act 1966, the GNB have responsibility for assigning names to address localities, determining their extent and publishing their details in the Gazette of Place Names.

d. Risk Implications

If the Huntlee commercial precinct were to remain as Branxton, this may cause future confusion for businesses, service delivery providers and emergency services.

e. Environmental Implications

N/A

f. Other Implications

If GNB approve this proposed locality change, the identified 20 owners/occupiers will be impacted as the locality name included on their property and postal address will require changing from Branxton to North Rothbury.

CONCLUSION

This report proposes to adjust the North Rothbury locality boundary in a northerly direction resulting in part of the Hunter Expressway and the existing rail corridor forming the new locality boundary of Branxton and North Rothbury.

The proposed locality change will impact the Huntlee commercial precinct as their property and postal address will need changing from Branxton to North Rothbury. This proposed locality change complies with the NSW Address Policy and User Manual and will require prior endorsement from Council before being considered by the GNB.

ENCLOSURES

- [1](#) ➡ Aerial Location _ Proposed North Rothbury and Branxton Locality Amendment
- [2](#) ➡ Councillor Memo _ Proposed North Rothbury and Branxton Locality Amendment

SUBJECT: *QUARTERLY BUDGET REVIEW STATEMENT - QUARTER 1, 30 SEPTEMBER 2024*

RESPONSIBLE OFFICER: *Finance Business Partner
Chief Finance Officer*

SUMMARY

The purpose of this report is to present the Quarterly Budget Review Statement (QBRS) for the 1st quarter September 2024 for Council's consideration and approval.

RECOMMENDATION

1. That Council receives the September 2024 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council approves proposed changes to the 2024-25 operating and capital budgets as presented in the Quarterly Business Report September 2024.

BACKGROUND

Clause 203 of the *Local Government (General) Regulation 2021* requires the QBRS to be prepared and submitted to Council. A separate report to Council contains information in regard to Council's Delivery Program and reporting under Integrated Planning and Reporting requirements.

The Quarterly Business Report for September 2024 is presented to Council for consideration and contains all necessary Quarterly Budget Review Statements.

REPORT

The budget review process involved responsible budget managers reviewing income and expenditure patterns and, after consultation with finance staff, proposing any required changes. Changes may have been from unforeseen circumstances or elements beyond the control of Council, additional funding opportunities, or from Council resolutions.

General Budget Commentary

The QBRS Q1 September 2024 is provided to Council at **Enclosure 1** and shows a projected operating surplus of \$38.6m for the year ending 30 June 2025, or a forecast net operating deficit of \$29.1m excluding capital grants and contributions income.

The QBRS also shows a revised capital works program forecasting changes that increase the current program by \$3.5m, from \$85.8m to \$89.3m.

September YTD spend on the capital works program is \$18.4m with the largest spend on natural disaster grant funded projects and road renewal projects.

Corporate and Community

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Corporate and Community Services



For details on all proposed budget changes refer to the notes in the QBRS attachment.

Key Performance Indicators

Council's QBRS forecasts that four out of six key performance indicators will exceed Office of Local Government benchmarks. Due to the net operating position forecasting a deficit, the Operating Performance Ratio is no longer meeting the benchmark to break even. Additionally increasing grant income, particularly for ongoing natural disaster works is placing the Own Source Operating Revenue below the benchmark. A listing of the key performance indicators (ratios) is included in the QBRS suite of reports.

Responsible Accounting Officer Statement

Section 203 (2) of the *Local Government (General) Regulation 2021* requires that the budget review statement include, or be accompanied by, a report from the Responsible Accounting Officer. This report is required to indicate whether the Responsible Accounting Officer (RAO) believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and, if that position is unsatisfactory, recommendations for remedial action.

The RAO statements is:

It is my opinion that the Quarterly Budget Review Statement for Cessnock City Council for the quarter ended 30 September 2024 indicates that Council's projected financial position at 30 June 2025 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure and remains in line with Council's financial strategy. As noted previously the ongoing increase in capital works, dedicated assets and increasing maintenance requirements will continue to place a pressure on financial sustainability primarily through depreciation, maintenance costs and brought forward losses on disposal of assets. This can be sustained in the short term but with substantial construction projects underway there will be required adjustments to budgets in the future through sourcing ongoing additional income or a reduction in expenditure via a decrease in service levels.

CONSULTATION

The following staff provided input into the preparation of this report and its enclosures:

- General Manager
- Directors
- Managers
- Senior finance staff

STRATEGIC LINKS

a. Delivery Program

This report is a crucial part of the organisation's governance framework – providing feedback on the progress against the budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The QBRS is presented in accordance with the adopted budget strategy. The detailed review of all operational and capital budgets is a continuous process.

c. Legislative Implications

Clause 203 of the *Local Government (General) Regulation 2021* requires the Responsible Accounting Officer to prepare and submit to Council a QBRS that shows revised estimates of income and expenditure for the year.

d. Risk Implications

The following are some of the risks that may impact achievement of the projected full year operating statement deficit:

- Losses on disposal of asset values as a result of assets being upgraded or renewed prior to the end of their effective lives;
- Unrealised losses associated with the managed fund held with TCorp;
- Increased operational employee costs due to lower capitalisation of labour; and
- Increased costs associated with materials including electricity and fuel.

e. Other Implications

N/A

CONCLUSION

The Quarterly Budget Review Statement for September 2024 is submitted for approval.

ENCLOSURES

- [1](#) Quarterly Budget Review Statements 30 September 2024

SUBJECT: *SEPTEMBER 2024 REVIEW OF THE 2022-26 DELIVERY PROGRAM*

RESPONSIBLE OFFICER: *Principal Integrated Planning & Reporting Officer
Chief Finance Officer*

SUMMARY

The purpose of this report is for Council to note the Quarterly update on the progress against Council's 2022-26 Delivery Program and the Operational Plan 2024-25 (incorporated into the 2022-26 Delivery Program).

RECOMMENDATION

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 30 September 2024.
2. That Council approves changes to the Operational Plan actions and targets as outlined in the report.

BACKGROUND

Section 404(5) of the requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports to be provided at least every six months.

The Quarterly Budget Review Statement required under clause 203 of the *Local Government (General) Regulation 2021*, provides financial information in regards to estimates of income and expenditure and is separately reported to Council.

Council adopted the 2022-26 Delivery Program and incorporated Operational Plan 2024-25 in June 2024. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

At the end of each quarter a report is prepared to assess Council's progress against 2022-26 Delivery Program actions and the Capital Works Program.

REPORT/PROPOSAL

The 2024-25 Operational Plan is a one-year plan and was developed to implement the adopted actions from the 2022-26 Delivery Program.

Some of the highlights for the September quarter are provided below:

- Community consultation is well underway in the development of the next Disability Inclusion Action Plan (2025-2029).

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- A grant application was submitted through the Federal Government's Growing Regions Program (Round 2) for amenities upgrades at Weston Bears Park. The proposed project includes the construction of new amenities buildings, refurbishment of the existing grandstand and supporting infrastructure including carparking and landscaping.
- A new public amenity building has been constructed at Clifleigh Meadows District Park.
- A consultant has been engaged to prepare concept plans for Kitchener Poppethead Park, Orange Street Oval and Ellalong Park. Site surveys have also been completed to inform the concept plans.
- A consultant has been engaged to prepare a condition assessment for Cessnock and Branxton Pools.
- Bridge replacement: Watagan Creek #3 Laguna has now been completed.
- Kitchener: Quorrobolong Road from Stanford Street north to CH2830 has now been completed.
- Renewal plan for Sawyers Gully Road has progressed to construction phase.

2022-26 Delivery Program Objectives

At the conclusion of the First Quarter, 5 (4.2%) of the 119 Actions from the 2024-25 Plan) were Completed with 108 (90.76%) currently In Progress. The 'In Progress' Actions will continue to be monitored and reported as part of the quarterly review process. There were no Actions at Risk, Not Progressing and Deferred. However, 6 (5.04%) are Not Due to Start at the time of reporting.



Table 1 shows the overall status of actions at 30 September 2024.

Table 1

	A connected, safe, and creative community	A sustainable and prosperous economy	A sustainable and healthy environment	Accessible infrastructure, services and facilities	Civic leadership and effective governance	Total	%
Not Due to Start	0	1	2	0	3	6	5.04%
In Progress	31	10	32	9	26	108	90.76%
Not Progressing	0	0	0	0	0	0	0
Complete	1	3	1	0	0	5	4.2%
Deferred	0	0	0	0	0	0	0
At Risk	0	0	0	0	0	0	0
Total	32	13	34	9	26	119	100%

Details of the projects have been included in *Enclosure 1*.

2023-24 Delivery Program Capital Works

At 30 September 2024, 21 of the 122 projects from the 2024-25 Capital Works Program were Completed, 2 were Not Progressing, 91 were In Progress, 3 were Deferred and 34 projects are Not Due to Start. Table 2 shows a summary the overall status of projects at 31 March 2024.

Table 2

Program	Not Due to Start	In Progress	Complete	Not Progressing	Deferred	Total
Cemeteries	3	1	1	0	0	5
Buildings	2	4	3	0	0	9
Recreation & Community Facilities	5	18	6	0	0	29
Libraries	0	1	0	0	0	1
Aquatic Facilities	0	1	0	0	0	1
Project Management	0	2	0	0	0	2
Kurri Kurri Town Centre Program	0	1	0	0	0	1
Drainage	4	7	2	0	0	13
Floodplain Management	0	4	0	0	0	4
Waste Management	2	1	1	1	2	7
Infrastructure Management	0	2	0	0	0	2
Traffic & Transport	6	16	2	0	0	24
Roads	4	22	2	1	0	0
Civil Works	1	4	1	0	0	6
Bridges	3	1	3	0	0	7
Airport	0	0	0	0	1	1
Fleet Management	1	1	0	0	0	2
Depot Management	3	2	0	0	0	5
Network & Systems	-	-	-	-	-	-
Asset Planning	0	1	0	0	0	1
Open Space and Community Facilities Management	0	1	0	0	0	1
Depot Management	0	1	0	0	0	1
Total	34	91	21	2	3	122

Detailed information on the Capital Works Program is also included in **Enclosure 1**.

OPTIONS

N/A

CONSULTATION

The General Manager, Directors, Managers and Coordinators provided the information for this report and its enclosures.

STRATEGIC LINKS

a. Delivery Program

This report is part of the organisation's governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community's desired outcome of: *“Civic Leadership and Effective Governance.”*

b. Other Plans

Nil



IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The quarterly budget review forecasts are reported separately to Council.

c. Legislative Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

d. Risk Implications

Nil

e. Other Implications

Nil

CONCLUSION

The review of the 2022-26 Delivery Program against the Operational Plan 2023-24, for the Quarter ended 30 September 2024, is submitted for Council's consideration.

ENCLOSURES

- [1](#) 2024-25 Operational Plan_Quarter 1 report

SUBJECT: *ANNUAL REPORT 2023-24
STATE OF THE CITY REPORT*

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

The purpose of this report is to present the *Cessnock City Council Annual Report 2023-24* in accordance with Section 428(1) of the *Local Government Act 1993* which requires Council to prepare an Annual Report within five months of the end of the financial year.

RECOMMENDATION

1. That Council receives and notes the Annual Report 2023-24 and the State of City report for the past term of council.
2. That Council notes the link to the reports will be forwarded to the Minister for Local Government as required by Section 428 of the *Local Government Act 1993*.

BACKGROUND

The contents of the Annual Report are specified in Sections 428 and 428A of the *Local Government Act 1993* and in clauses 132 and 217(1) of the *Local Government (General) Regulation 2021*.

In addition, there are a number of other requirements in associated legislation that are required to be incorporated in the Annual Report, including *Privacy and Personal Information Protection Act 1998*, *Government Information (Public Access) Act 2009* and matters relating to planning agreements.

REPORT/PROPOSAL

It is a requirement of the *Local Government Act 1993* that within five months after the end of each financial year, a council must prepare a report (its annual report) for that year.

Council's Annual Report has been prepared in accordance with the statutory requirements. The Annual Report printed in the year of an ordinary council election, as this one is, contains the State of the City Report that assesses Council's progress against the Community Strategic Plan adopted in June 2021.

A copy of the Annual Report and State of the City Report will be posted on Council's website and the link forwarded to the Minister prior to the 30 November deadline, as required by the *Local Government Act 1993*.

OPTIONS

This report is for noting and therefore there are no other options.

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Corporate and Community Services



CONSULTATION

Information in the report is sourced from the quarterly reports on the Delivery Program and staff from across the organisation provided information for inclusion in the Annual Report. The Executive, managers and staff provided feedback and reviewed on the draft the Annual Report.

STRATEGIC LINKS

a. Delivery Program

The annual report is part of Council's governance framework contributing towards the community's desired outcome of: *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Under the provisions of Division 2 of Part 3 (Financial Management) of the *Local Government Act 1993*, Council's audited financial reports and the auditor's reports for the year 2023-24 is incorporated into the report and linked on Council's website.

c. Legislative Implications

The preparation of the Annual Report is a statutory requirement under Section 428 of the *Local Government Act 1993*.

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The Annual Report for 2023-24 and the State of the City report will be submitted to the Minister for Local Government as required by the *Local Government Act 1993* and is published for the community's information.

ENCLOSURES

- 1 ➡ Annual Report
- 2 ➡ State of the City Report

SUBJECT: *ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024*

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

The purpose of this report is to present the audited financial statements for the year ended 30 June 2024 to Council and the public in accordance with Section 419 of the *Local Government Act 1993*.

RECOMMENDATION

That the Annual Financial Statements, incorporating the Auditor's Reports for the year ended 30 June 2024, be received and the information be noted.

BACKGROUND

Section 413(1) of the *Local Government Act 1993* requires Council to prepare General Purpose Financial Reports for the financial year ending 30 June. Following audit, the Annual Financial Statements for 2023-24 are required to be presented to Council and the community.

REPORT

Following audit finalisation, the financial statements are now presented to the Council and the community for information. The Annual Financial Statements 2023-24 including Audit Reports are included as an enclosure and are available on Council's website.

The draft Financial Statements were presented to the Audit, Risk and Improvement Committee on 21 August 2024 and Council resolved on 21 August 2024 (Report No. CC49/2024) to formally refer the statements for audit. The Statement by Councillors and Management was signed in accordance with that resolution by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.

Following audit, the Annual Financial Statements for 2023-24, the Engagement Closing Report and Report on the Conduct of the Audit are presented to the Council for information. The Statements were lodged with the Office of Local Government on 31 October 2024 which is the required deadline.

The Audit Office of NSW has issued an unqualified audit opinion with respect to the year ended 30 June 2024 as evidence provided by Council on the value of Rural Fire Service assets which are not recognised in the accounts, has been accepted as immaterial by the Audit Office. The full Auditor's Report are contained within the financial statements.

The statements include adjustments for Prior Period Errors relating to potential Waste Rehabilitation related to old landfill sites and found assets dedicated in previous years to Council. Changes relating to these entries can be found in the note F3-1.

Corporate and Community

Report No. CC68/2024

Corporate and Community Services



As per previous Statements, Council continues the practice of recognising Rural Fire Service land and buildings which are owned by Council but not recognising Rural Fire Service plant and equipment within Council's financial accounts. As reported and accepted by Council in report CC58/2002 on 20 July 2022, this is as in Council's opinion the criteria for recognition of the RFS assets per the AASB Accounting Standards is not met. Council's opinion remains that it does not have control of Rural Fire Service plant and equipment, a position that is wide spread across the local government sector.

Audit, Improvement and Risk Committee

The Annual Financial Statements and Audit Reports were presented for final review to the Audit, Improvement and Risk Committee at its meeting on 24 October 2024. Following review and discussion with management and the external auditors regarding the statements and changes since the draft version, the Committee made the following recommendation:

That the Audit and Risk Committee receives and endorses the audited Annual Financial Statements for the year ended 30 June 2024 for presentation to Council and the public at the Ordinary Council Meeting of 20 November 2024.

Financial Report Requirements

The financial statements set out the financial performance, financial position and cash flows of Council at each year ending 30 June. The financial statements are supported by detailed notes to the financial statements.

Council is required under Section 413(1) of the *Local Government Act 1993* to prepare financial reports each year and refer them for audit. The financial reports must include a general purpose financial report, any other matter prescribed by the regulations and a statement in the approved form by the Council as to its opinion on the general purpose financial reports. These financial reports are also required to be lodged with the Office of Local Government by 31 October 2024.

The Statement by Councillors and Management was authorised by a resolution of Council on 21 August 2024 and was signed in accordance with that resolution by the then Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.

Financial Report Summary

The financial statements report the financial activities of the council for the period 1 July 2023 to 30 June 2024.

The Income Statement shows income and expenditure for the council incurred over the financial year. The Income Statement reports:

- Net Operating surplus of \$88.9m (LY: \$34.0m)
- Net Operating deficit before capital income (\$15.6m), (LY:(\$23.1m))
- Total Comprehensive Surplus \$3.5m (LY: \$114.6m)

Corporate and Community

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Corporate and Community Services



The large amount of capital income in terms of grants and dedicated assets, that exceeded \$104m, continues to place stress on expenditure items and will continue to do so in the future. Income for capital impacts materials and services expenses, depreciation expenses and net loss from disposal of assets. Depreciation and net loss from the disposal of assets had a total cost of \$33.2m this year (LY: \$30.6m) and is the major driver leading to a net operating deficit before capital income.

Pleasingly council maintains a good cash position and only used \$2.2m in cash over the period ending the year with a cash balance of \$83.3m. Over the same period council spent \$71.5m on Infrastructure, Property, Plant and Equipment. (LY: \$57.5m)

Restrictions on cash and investments are divided into externally restricted assets where the funds are restricted in their use by externally imposed requirements, and internally restricted assets where the funds are restricted in their use by resolution or policy of Council. Full disclosure of the restricted assets held and balances are shown in Note C1-3 of the financial statements.

Current assets recorded at \$101.4m at 30 June 2024, increasing from \$92.5m in 2022-23.

Infrastructure, property, plant and equipment increased to \$1,295.1m in 2023-24 from \$1,280.2m as a result of investment into Council's infrastructure and the indexation of assets, refer Note C1-8.

Liabilities also increased on prior year to \$84.6m from \$64.3m predominantly as a result of a prepaid capital grant that will reduce as the works are completed as well as an increase to the provision for landfill remediation.

Net total assets have increased during the year to \$1,311.9m from \$1,308.4m.

Full disclosure of the Statement of Financial Position is shown in Notes C1 to D1 of the financial statements.

TCorp Performance Measures

Performance Measure	2023-24	2022-23	Benchmark	2023-24 Result
Operating Performance Ratio	-5.94%	-11.75%	>0.00%	X
Own Source Operating Revenue Ratio	40.21%	50.98%	>60.00%	X
Unrestricted Current Ratio	2.03x	2.98x	>1.50x	✓
Debt Service Cover Ratio	11.82x	5.65x	>2.00x	✓
Rates and Annual Charges Outstanding Percentage	7.28%	6.11%	<10.00%	✓
Cash Expense Cover Ratio	12.11 mths	10.49 mths	>3.00 mths	✓

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Corporate and Community Services



There are two ratios not meeting the Office of Local Government benchmarks. Own Source Operating Ratio is primarily due to the recognition of large amount of dedicated assets from developers and continued prepayment of the Financial Assistance and other grants.

The Operating Performance Ratio is below the benchmark due to the deficit after capital income. Capital income levels remain high in terms of dedicated assets, capital grants and developer contributions.

Public Notice

A summary of Council's financial statements has been published on Council's website giving notice that the financial statements and auditor reports will be presented to the Ordinary Council Meeting to be held 20 November 2024. This is in accordance with Office of Local Government Circular 20-12/17 April 2020 / A696830 which removed the requirement to publish in newspapers. The financial statements will be made available for public inspection on Council's website and at Council's offices. Written submissions on the financial statements may be lodged up until 5.00pm 28 November 2024.

Council continues to produce an explanatory document called "Making Sense of the Financial Statements" that will be published on Council's website. This provides the public a plain English summary of matters which have impacted the financial results.

CONSULTATION

Executive Leadership Team
Senior Finance Staff
Asset Management Staff
Audit and Risk Committee
The Audit Office of NSW

IMPLICATIONS

Policy / Procedural / Financial / Legislative / Risk Implications

Council's General Purpose Financial Reports have been prepared in accordance with Section 413 of the *Local Government Act 1993*.

This report supports meeting Council's statutory obligations in accordance with provisions of *Local Government Act 1993* for the presentation of the financial statements and auditors reports to Council (Section 419), the public notice of the presentation (Section 418) and time for preparation and submission of audited financial statements (Section 416).

The Annual Financial Statements for the year ended 30 June 2024 including auditor reports were lodged with the Office of Local Government on 31 October 2024.

OPTIONS

N/A

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Corporate and Community Services



CONCLUSION

Following audit, Council's Annual Financial Statements for 2023-24 are required to be lodged with the Office of Local Government and presented to Council and the community.

ENCLOSURES

- 1**  Financial Statements for the year ended 30 June 2024
- 2**  Making Sense of the Financial Statements

Corporate and Community

Report No. CC69/2024

Corporate and Community Services



SUBJECT: *LOCAL GOVERNMENT REMUNERATION TRIBUNAL 2025 ANNUAL REVIEW*

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

The Local Government Remuneration Tribunal has advised councils it is commencing its annual review process.

RECOMMENDATION

That Council notes that the Local Government Remuneration Tribunal has commenced the review for the 2025 annual determination of Councillor fees and Council categorization, and that the current categorization of Council as a Regional Centre is considered appropriate.

BACKGROUND

The Local Government Remuneration Tribunal (the Tribunal) has commenced its review for the 2025 annual determination of Councillor fees.

As outlined in section 241 of the *Local Government Act 1993* (the Act), the Tribunal is required to make an annual determination on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2025.

As part of the review process, the Tribunal is examining whether any councils warrant a recategorisation, due to a Council changing category based on the criteria outlined in Appendix 1 of the 2024 Determination, which is available on the Tribunal's [website](#).

REPORT/PROPOSAL

Council's Category

Cessnock City Council is currently categorised as 'Regional Centre'. Based on the criteria, this category remains appropriate. Councils that are categorised as 'Regional Centre' will typically have a minimum residential population of 40,000. To satisfy this criteria, non-resident working population can be included.

The estimated resident population in the Cessnock local government area for 2023 is 67,591. More information about the Cessnock City Council Community Profile is available online at: <https://profile.id.com.au/cessnock>.

Other features of a 'Regional Centre' may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum

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- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major
- events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of 'Regional Centre' are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

OPTIONS

Option 1 – Council adopt the recommendation. **This is the recommended option** as Council's current category is appropriate.

Option 2 – Council resolves to make a submission. A report would need to be provided to the December Ordinary Council Meeting for endorsement, prior to being submitted to the Tribunal, with reasoning based upon the criteria for any proposed change.

CONSULTATION

General Manager
Director Corporate and Community Services

STRATEGIC LINKS

a. Delivery Program

N/A

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

There is no cost in making a submission. Councillor fees are included in Council's annual budget.

c. Legislative Implications

Councils are not required to make a submission. There are no legislative implications to making a submission.

d. Risk Implications

There is no risk in Council not making a submission because the current category is appropriate for Council.

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e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The Local Government Remuneration Tribunal has commenced its annual review process in relation to determining Councillor fees and Council categories. The current categorisation for Council is considered appropriate based upon the criteria.

ENCLOSURES

There are no enclosures for this report

SUBJECT: *INVESTMENT REPORT - OCTOBER 2024*

RESPONSIBLE OFFICER: *Finance Coordinator*

SUMMARY

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

RECOMMENDATION

That Council receives the Investment Report for October 2024 and notes that:

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$64,563,557.**

BACKGROUND

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

REPORT

Statement by the Responsible Accounting Officer

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

General Investment Commentary

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

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of October 2024 are exceeding the budget.

Council has engaged Prudential Investment Services Corp for investment advice. In summarising Council's portfolio, Prudential advises:

- Council's investment portfolio posted a marked-to-market return of 5.35% pa for the month versus the bank bill index benchmark return of 4.45% pa. Over the past 12 months, Council's portfolio has returned 5.39% versus the benchmark's 4.41%. Council's investment portfolio posted a marked-to-market return of 4.25% pa for the

Corporate and Community

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Corporate and Community Services



month versus the bank bill index benchmark return of 4.50% pa. Over the past 12 months, Council's portfolio has returned 5.40% versus the benchmark's 4.45%.

- The rise in domestic and overseas bond yields and modest falls in shares impacted the performance of the TCorp Medium Term Growth Fund. The fund returned -0.62% actual for the month.
- Without marked-to-market influences, Council's investment portfolio yielded 5.10% pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp growth fund.
- During October, Council had total maturities of \$8m between two term deposits with terms of 1 and 12 months that had been yielding an average of 5.00%pa. No new investments were made during the month.
- Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 31 October 2024

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			4.00%	3,614
	Commonwealth Bank	At Call			4.35%	2,441
	Commonwealth Bank	At Call			4.00%	725
1243	AMP Bank	At Call			3.30%	550
1509	National Bank	TD	365	21-Jan-25	5.16%	5,000
1510	Westpac Bank	TD	365	23-Jan-25	5.20%	5,000
1512	Suncorp Bank	TD	274	03-Dec-24	5.12%	3,000
1513	Suncorp Bank	TD	274	05-Mar-25	5.21%	5,000
1514	Bank of Queensland	TD	181	03-Dec-24	5.20%	5,000
1515	AMP Bank	TD	301	03-Jun-25	5.20%	2,500
1516	National Bank	TD	253	16-Apr-25	5.07%	5,000
1517	National Bank	TD	283	16-May-25	5.07%	2,500
1518	National Bank	TD	125	31-Dec-24	4.95%	3,500
1519	AMP Bank	TD	302	26-Jun-25	5.02%	2,500
1521	Suncorp Bank	TD	273	03-Jun-25	5.01%	4,000
1522	Suncorp Bank	TD	182	25-Mar-25	5.09%	4,000
1523	National Bank	TD	363	23-Sep-25	4.90%	4,000
1524	National Bank	TD	88	23-Dec-24	4.98%	2,000
1463	Treasury Corporation	Growth Fund				4,233
TOTAL						64,564



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

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Westpac Bank	AA-	40%	5,000	8.74%
National Australia Bank	AA-	40%	22,000	38.43%
Suncorp Bank	AA-	40%	16,000	27.95%
AMP Bank	BBB+	10%	5,000	8.74%
Bank of Queensland	A-	20%	5,000	8.74%
Treasury Corporation	Unrated	10%	4,233	7.40%
TOTAL			57,233	100.00%

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

Investment in NSW Treasury Corporation (TCorp)

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

The final October 2024 unrealised return was a loss of \$17,128.49 or -0.40% (2.31% annualised). Rates of return fluctuate monthly and can be negative from time to time with the medium-term investment horizon. The fund performance summary for October 2024 is not yet available at the time of this report. The fund performance summary as at 30 September 2024(performance summary for October 2024 is not released yet) is shown below. The TCorp benchmark is CPI + 2.00% p.a. (over rolling 5 years).

Table 3 NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	4.24	3.94	2.36	9.26	2.68	0.67
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.72	5.08	6.99	5.63	1.34	0.45
Return above benchmark p.a.	(0.48)	(1.14)	(4.63)	3.63	1.34	0.22



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

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	53,000	82.09%
Cash/At Call Deposits	Low	Low	7,330	11.35%
Capital Growth Fund	Medium	Medium	4,233	6.56%
TOTAL			64,564	100.00%

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

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	5.22%	4.25%
BBSW Average Interest Rate (year to date) *	4.50%	4.27%
Actual Investment Interest Earned (for the current month)	\$266,682	\$292,573
Actual Investment Interest Earned (year to date) ^	\$1,155,507	\$1,076,109
Original Budget Investment Interest (year to date)	\$833,333	\$460,040
Original Budget Investment Interest (annual)	\$2,500,000	\$1,380,122
Revised Budget Investment Interest (annual)	\$2,500,000	\$1,680,122
TCorp unrealised movement (year to date)	2.31%	-0.83%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$83,084,775	\$73,085,190
Closing Balance as at 31 October	\$64,563,557	\$87,465,585

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

^ Excludes TCorp unrealised returns

Excludes Section 355 Committee cash held

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

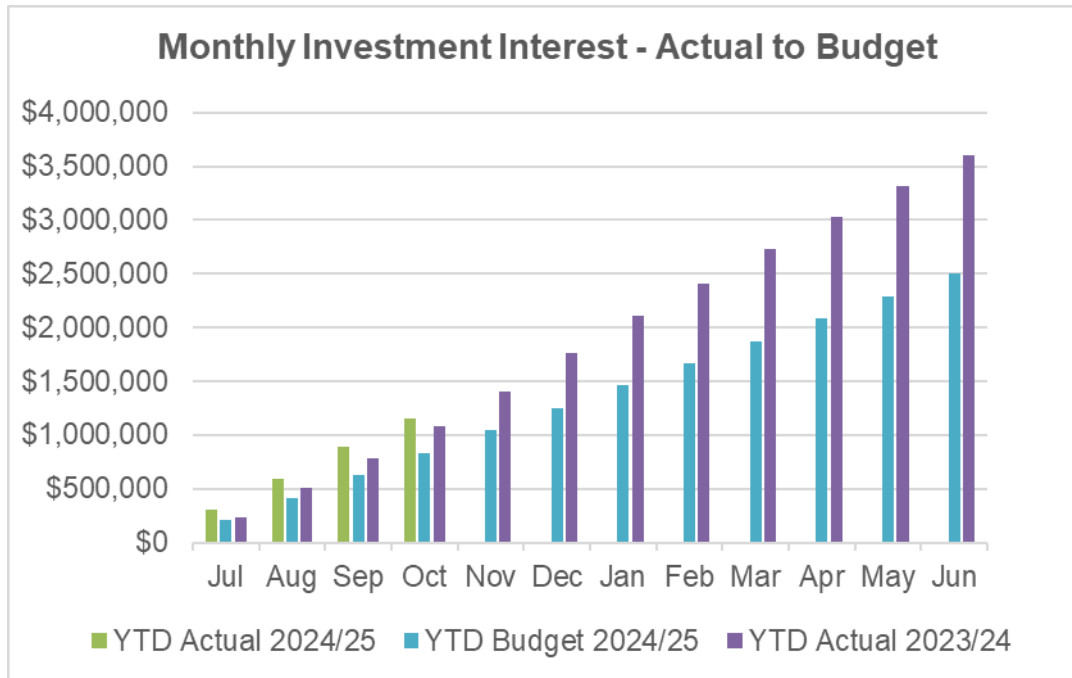


Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	Oct 2024	Sep 2024	Aug 2024	Jul 2024	Jun 2024	May 2024
External Restrictions	53,278	59,096	57,624	57,230	61,297	59,898
Internal Restrictions	12,130	18,015	16,619	15,360	18,527	17,667
Total Restrictions	65,408	77,111	74,243	72,590	79,824	77,565
TfNSW Claims to be received**	(1,353)	-	-	-	(269)	(2,200)
Unrestricted	509	1,124	4,409	603	3,282	765
Total Cash & Investments	64,564	78,235	78,652	73,193	83,106	76,130

** TfNSW Works are completed and paid by Council in advance, with Transport paying after each month. This artificially lowers the unrestricted cash balance of Council. Until the works are complete, the investment report will provide amounts owing from Transport to show a true unrestricted cash balance.

CONSULTATION

- Director Corporate and Community Services
- Chief Financial Officer
- Finance staff

Corporate and Community

Report No. CC70/2024

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

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

5.3.2: Our Council's processes are efficient and transparent;

5.3.3: Our Council is financially sustainable.

IMPLICATIONS

a. Policy and Procedural Implications

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

b. Financial Implications

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

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

c. Legislative Implications

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

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

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

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

Corporate and Community
Report No. CC71/2024
Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*
RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 16 October 2024 to 12 November 2024.

RECOMMENDATION

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

ENCLOSURES

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

Works and Infrastructure

Report No. WI25/2024

Works and Infrastructure



SUBJECT: *REVOCAION OF INTERIM KERB AND GUTTER REQUIREMENTS (WI72/2018)*

RESPONSIBLE OFFICER: *Program Coordinator
Asset Planning Manager*

SUMMARY

To revoke the Interim Kerb and Gutter Requirements that were first adopted on 1 October 2014 and then updated via report WI7/2018 in 2018 as the information within is now covered in the Roadside Drainage Strategy 2019.

RECOMMENDATION

That Council revokes the Interim Kerb and Gutter Requirements (WI72/2018).

BACKGROUND

At the 1 October 2014 meeting Council resolved:

1. *That Council adopts the following interim requirements for the conditioning of kerb and gutter on development applications:*
 - *For dual occupancy, granny flats and 2 lot residential subdivisions, a condition of consent requiring the construction of kerb and gutter, will only apply in circumstances where kerb and gutter exists immediately adjacent the subject site;*
 - *For residential subdivision of 3 lots or more, and multi-dwelling development and any other form of residential development (with the exception of single dwellings), a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances; and*
 - *For all commercial and industrial development, a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances.*
2. *That a further report on the Draft LGA Kerb and Gutter Strategy document be provided to Council, including funding options available under S94A of the EP&A Act 1979 and other funding options within Councils forward budgets.*

This was updated on 19 September 2018 (report WI72/2018) when Council resolved to include:

In areas where swale drains are functioning as part of an overall drainage system, a more suitable solution is the use of an edge beam to formalise the road edge, preventing moisture from causing damage to the road pavement, and allowing the swale drain to continue to operate.

In 2019 The Roadside Drainage Strategy was adopted which now accounts for and eliminates the need for the interim requirements.

Works and Infrastructure

Report No. WI25/2024

Works and Infrastructure



REPORT/PROPOSAL

Item 2 of the report “That a further report on the Draft LGA Kerb and Gutter Strategy document be provided to Council, including funding options available under S94A of the Environmental Planning & Assessment Act 1979 (EP&A Act) and other funding options within Councils forward budgets” was completed in 2019 with Exhibition occurring in September 2019 and adoption occurring in December 2019, refer to report WI91/2019.

The Roadside Drainage Strategy 2019 has included the dot points from item 1 and amendment in Appendix 1. This has resulted in the interim requirements being obsolete and requiring revocation by Council.

OPTIONS

It is recommended that Council revoke the interim kerb and gutter requirements noting that all stipulations have been accounted for in the Roadside Drainage Strategy adopted in 2019.

CONSULTATION

Principal Development Engineer
Stormwater and Flood Mitigation Coordinator
Asset Planning Coordinator
Asset Planning Manager

STRATEGIC LINKS

a. Delivery Program

N/A

b. Other Plans

Roadside Drainage Strategy 2019

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

Works and Infrastructure

Report No. WI25/2024

Works and Infrastructure



e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

As the Roadside Drainage Strategy has absorbed the interim kerb and gutter requirements, it is no longer feasible to maintain the kerb and gutter resolution. As such it is recommended that Council revoke the interim kerb and gutter requirements (WI72/2018).

ENCLOSURES

- 1 [⇒](#) Roadside Drainage Strategy 2019