



9 July 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, 17 July 2024 at 6:30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER - to be conducted by Pastor Wayne Kembrey of Cessnock City Church**
- (3) **RECEIPT OF APOLOGIES**
 Leave of absence has been granted to:
 Councillor Paul Dunn - 1 July 2024 to 28 July 2024 Inclusive
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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- (7) **PUBLIC ADDRESS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO**
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(15) COUNCILLORS' REPORTS

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Code of Conduct

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

Generally, the Code outlines the following issues:

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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 JUNE 2024, COMMENCING AT
6:30PM**

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

IN ATTENDANCE: Acting General Manager (Director Corporate and Community Services)
Director Planning and Environment
Acting Director Corporate and Community Services (Chief Financial Officer)
Director Works and Infrastructure
Acting Development Services Manager (Principal Development Manager)
Senior Infrastructure Contributions Planner
Communications & Engagement Manager
Media and Communications Officer
Help Desk Support Officer
Senior Governance Officer

Council Prayer:

The Council Prayer was conducted by Pastor Courtney Watton of Kingdom Community Church Weston.

MINUTES:

MOTION

Moved: Councillor Hill
Seconded: Councillor Sander

764
RESOLVED

that the Minutes of the Ordinary Meeting of Council held on 15 May 2024, as circulated, be taken as read and confirmed as a correct record.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI5/2024

SUBJECT: DISCLOSURES OF INTEREST

Nil

PETITIONS

Councillor Watton tabled a petition in relation to the Wollombi Road Project. The petition included 2,670 signatures collected from five business along Wollombi Road.

The Petition stated 'While we recognise that the traffic congestion on Wollombi Road needs to be addressed, the idea to increase the road to four lanes will significantly disadvantage residents, business and their guest customers. We propose that any works to upgrade Wollombi Road undertaken by Council to please retain street parking where possible.'

ADDRESS BY INVITED SPEAKERS

Nil

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
765

RESOLVED

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

OFFICERS REPORTS

| | | |
|-------------|-----------------------------------------------------------------------------|-----------------|
| GMU6/2024 | Internal Audit Charter..... | 6 |
| ‡ CC35/2024 | Investment Report - May 2024..... | 77 |
| CC36/2024 | Investment Policy | 84 |
| CC37/2024 | Financial Management Policies | 86 |
| WI16/2024 | Tender T2024-20 Flood Recovery Multi Site Pavement Stabilisation Works..... | 2 (Supp Agenda) |

Council adopt the recommendations as printed for those items.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Nil

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU5/2024

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU4/2024

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 8 MAY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
766
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 8 May 2024 be adopted as a resolution of the Ordinary Council.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU5/2024

SUBJECT: AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

MOTION Moved: Councillor Dunn **Seconded:** Councillor Burke
767
RESOLVED

That Council adopts the Audit, Risk and Improvement Committee Charter.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU6/2024

SUBJECT: INTERNAL AUDIT CHARTER

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
768
RESOLVED

That Council adopts the Internal Audit Charter.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE9/2024

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2023/642/1 PROPOSING MULTI-DWELLING HOUSING COMPRISING TWO (2) SINGLE STOREY RESIDENTIAL UNITS AND SIX (6) TWO STOREY RESIDENTIAL UNITS FOLLOWED BY AN EIGHT (8) LOT STRATA TITLE SUBDIVISION

16A STEPHEN STREET, CESSNOCK

MOTION
769
RESOLVED

Moved: Councillor Hill

Seconded: Councillor Sander

PART A

1. That:

- (i) Development Application No. 8/2023/642/1 proposing multi-dwelling housing development comprising the construction of two (2) single storey residential units and six (6) double storey residential units followed by an eight (8) lot strata title subdivision at LOT: 7 SEC: A DP: 5015, 16A Stephen Street, Cessnock 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 proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011 (CLEP)*,
 - The proposal is a permitted land use in the R3 Medium Density Residential zone under the *Cessnock Local Environmental Plan 2011*,
 - The proposal is consistent with the relevant provisions contained within the relevant State Environmental Planning Policies,
 - The proposed development is, subject to the recommended conditions, consistent with the objectives of the *Cessnock Development Control Plan 2010 (DCP)*,
 - The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the natural and built environments,

- The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the social and economic locality,
- The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest.

(iii) In considering community views, the following is relevant:

- The design of the development was amended following concerns raised,
- The development proposed will have an acceptable impact on the amenity of the area,
- The proposed development will provide additional housing stock within the locality, and
- Any issues raised in submission/s have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed on the determination. Council has given due consideration to community views when making the decision to determine the application.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

2. That Council notifies in writing the persons who made a submission with regard to the proposed development, of Council's decision.

3. **Condition 10 - Windows - First Floor**

- Request the following change to the Conditions of Consent referenced in Recommendation 1(i) and reported in the Enclosure 3 to this report (at page 139 of the Enclosures) with the following change to Condition 10:
 - Any first floor bedroom window that is directly facing a neighbouring property is to be constructed with a minimum sill height of 1500mm above the finished floor level. Such a window is to be limited to opening no more than 25% of the that portion of the window that is not fixed and is to be constructed of obscure glass.
 - The plans submitted in association with the CC application are to demonstrate compliance with these requirements.

4. **New Condition:**

- The plans submitted with the construction certificate application are to show the boundary fences to be no less than 2 metres high.

PART B

1. That a report be provided to Council on the current review of car parking size being undertaken by Standards Australia. It is understood Standards Australia is consulting with industry on a potential to increase the size of parking bays across Australia to accommodate the trend of larger vehicles on Australian roads.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE10/2024

**SUBJECT: PROPOSED AMENDMENT OF DEVELOPMENT CONTROL PLAN
CHAPTER E20 REGROWTH KURRI KURRI**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
770

RESOLVED

1. That Council place draft chapter E20 Regrowth Kurri Kurri of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.
2. That subject to no unresolvable submissions, Council adopt Chapter E20 Regrowth Kurri Kurri of the Cessnock Development Control Plan 2010.

Councillor Moores left the meeting, the time being 7.03pm

| FOR | AGAINST |
|--------------------|-------------------|
| Councillor Jackson | Councillor Watton |
| Councillor Dunn | Councillor Jurd |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Suvaal | |
| Total (9) | Total (2) |

CARRIED

PLANNING AND ENVIRONMENT NO. PE11/2024

**SUBJECT: OUTCOMES OF EXHIBITION OF 174 - 178 LANG STREET KURRI
KURRI DRAFT PLANNING AGREEMENT**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
771

RESOLVED

1. That Council notes the public submissions received during the exhibition period of the draft PA and road closure.
2. That Council delegate authority to the General Manager to execute the draft PA and any necessary documentation in relation to the road closure.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (11) | Total (0) |

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE12/2024

SUBJECT: HENRY KENDALL ENTRANCE DRAFT PLANNING AGREEMENT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hawkins

1. That Council publicly notify the draft Henry Kendall Entrance Planning Agreement for a minimum period of 28 days.
2. That Council delegate authority to the General Manager to execute the draft PA unless unresolved written objections relating to the draft PA are received during the notification period.

Councillor Moores returned to the meeting, the time being 7.07pm.

PROCEDURAL MOTION

Moved: Councillor Jurd **Seconded:** Councillor Watton

That Report PE12/2024 be deferred for further clarification.

| FOR | AGAINST |
|-------------------|--------------------|
| Councillor Watton | Councillor Jackson |
| Councillor Jurd | Councillor Moores |
| | Councillor Dunn |
| | Councillor Burke |
| | Councillor Grine |
| | Councillor Sander |
| | Councillor Hill |
| | Councillor Hawkins |
| | Councillor Paynter |
| | Councillor Suvaal |
| Total (2) | Total (10) |

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

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hawkins
772
RESOLVED

1. That Council publicly notify the draft Henry Kendall Entrance Planning Agreement for a minimum period of 28 days.
2. That Council delegate authority to the General Manager to execute the draft PA unless unresolved written objections relating to the draft PA are received during the notification period.

| FOR | AGAINST |
|--------------------|-------------------|
| Councillor Jackson | Councillor Watton |
| Councillor Moores | Councillor Jurd |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Suvaal | |
| Total (10) | Total (2) |

CARRIED

PLANNING AND ENVIRONMENT NO. PE13/2024

**SUBJECT: CESSNOCK CITY WIDE INFRASTRUCTURE CONTRIBUTION PLAN
2020 - REVIEW AND OPTIONS PAPER**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
773
RESOLVED

That Council endorse:

1. **The refined Works Schedule for residential development; and**
2. **Option 1D of the Local Infrastructure Contributions Plan Options Paper, as the basis for the preparation of a new infrastructure contributions framework for residential development in the Cessnock LGA, generally involving:**
 - **An amendment to Council’s existing s.7.12 Levy Contribution Plan to include the tourist related infrastructure projects, proposed to be transferred from the existing City Wide Infrastructure Contributions Plan Works Schedule;**
 - **The preparation of a new s.7.11 Infrastructure Contribution Plan for residential development in the major urban release areas of Cessnock; and**
 - **The preparation of a new 2% s.7.12 contributions plan, for residential development in the existing urban areas of Cessnock.**
3. **Council notes that a revised Local Infrastructure Contributions Plan or Plans will be drafted on the principles of Recommendation 1 and 2 above, and be reported to Council prior to any such Plan or Plans being placed on Public Exhibition.**

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | Councillor Jurd |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Suvaal | |
| Total (11) | Total (1) |

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC33/2024

**SUBJECT: ADOPTION OF THE OPERATIONAL PLAN 2024-2025
INCORPORATING THE BUDGET, REVENUE POLICY AND FEES &
CHARGES.**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
774
RESOLVED

That Council having considered submissions received from the community following public exhibition of the draft documents adopts the:

- **Operational Plan 2024-2025, including the budget and Revenue Policy, and**
- **Fees and Charges for 2024-2025.**

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC34/2024

SUBJECT: MAKING THE RATE 2024-25

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
775
RESOLVED

That Council make the following rates and charges for the year commencing 1 July 2024 to 30 June 2025:

1. Ordinary Rates

The following Ordinary Rates now be made for the year commencing 1 July 2024.

| Category | Sub Category | Ad-valorem Amount Cents in \$ | Base Amount \$ | Base Yield % of Total Rate |
|-------------|----------------|----------------------------------|-------------------|----------------------------------|
| Residential | | 0.243271 | 430.00 | 31.34% |
| Residential | Rural | 0.181764 | 430.00 | 18.81% |
| Farmland | | 0.143026 | 430.00 | 14.40% |
| Farmland | Mixed Use | 0.379112 | 535.00 | 6.15% |
| Farmland | Business Rural | 0.372754 | 535.00 | 8.47% |
| Business | | 1.122966 | 535.00 | 11.24% |
| Mining | | 4.503185 | 1,500.00 | 0.47% |

2. Waste Charges

Council do hereby prescribe and order under Section 496 of the *Local Government Act 1993* for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2024.

Domestic Waste Management Service Charge

| | |
|------------------------------------------------------------------|----------|
| Domestic Waste Management Availability Charge ¹ | \$84.00 |
| Domestic Waste Management Service Charge ² | \$707.00 |
| Additional Domestic Waste Management Service Charge ³ | \$707.00 |
| Additional Domestic Waste Management Service Charge – Recycling | \$93.00 |
| Additional Domestic Waste Management Service Charge – Organics | \$93.00 |

1. Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week, one fortnightly collection of recyclable material and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the *Local Government Act 1993*, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2024.

Waste Management Service Charge

| | |
|---------------------------------------------------------|----------|
| Commercial Waste Management Service Charge ¹ | \$862.00 |
| Additional Waste Management Service Charge ² | \$862.00 |
| Additional Waste Management Service Charge - Recycling | \$93.00 |
| Additional Waste Management Service Charge - Organics | \$93.00 |

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Each premise is also entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

3. Stormwater Management Services Charges

Council do hereby prescribe and order under Section 496A of the *Local Government Act 1993*, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2024.

| | |
|-----------------------------------------------------------|--------------------------------------------------------------------------|
| Stormwater Management Service Charge - Residential | \$25.00 |
| Stormwater Management Service Charge - Residential Strata | \$12.50 |
| Stormwater Management Service Charge - Business | \$25.00 per 350m ² (or part thereof) to a maximum \$500 |

4. Interest on Overdue rates and Charges

Council do hereby determine and order, in accordance with Section 566 of the *Local Government Act 1993*, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at:

- Ten and a half per cent (10.5%) per annum, simple interest, calculated daily for the period 1 July 2024 to 30 June 2025.

5. Hunter Local Land Services

Council, in accordance with Clauses 36 and 40, Part 4, of the *Local Land Services Regulation 2014*, prescribes that the rate for the year commencing 1 July 2024 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2024 to 30 June 2025 inclusive being 0.00629 cents per dollar of rateable land value.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal
Total (10)

AGAINST

Councillor Watton
Councillor Jurd

Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC35/2024

SUBJECT: INVESTMENT REPORT - MAY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
776
RESOLVED

That Council receives the Investment Report for May 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 \$76,130,378.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC36/2024

SUBJECT: INVESTMENT POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
777
RESOLVED

That the Council approves the updated Investment Policy.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC37/2024

SUBJECT: FINANCIAL MANAGEMENT POLICIES

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
778
RESOLVED

That Council adopts the updated:

- Council Rebate Contribution on Pensioner Rates Policy,
- Financial Hardship Policy, and
- Debt Collection Policy.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC38/2024

SUBJECT: CORRUPTION PREVENTION POLICY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
779

RESOLVED

1. That Council adopts the Corruption Prevention Policy (2024).
2. That Council rescinds the Fraud Control and Corruption Prevention Policy (2020).

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC39/2024

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
780
RESOLVED

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

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI13/2024

**SUBJECT: INTERSECTION OF COOPER AND CHARLTON STREETS - INTERIM
REMEDATION**

PROCEDURAL MOTION

Moved: Councillor Dunn
781

Seconded: Councillor Paynter

RESOLVED

That the report be deferred for a Councillor briefing prior to the next Ordinary Council meeting.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI14/2024

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 20 MAY 2024.

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Hill
782

RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 20 May 2024 be adopted as a resolution of the Ordinary Council.

- **TC12/2024 – That Council authorises the temporary regulation of traffic for the Winery Run Hunter Valley 2024 on Lovedale Road, Wilderness Road, and Talga Road, Lovedale in accordance with Various Roads Lovedale _ Winery Run Hunter Valley Traffic Control Plan’s.**
- **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:**
 - **TC13/2024, and**
 - **TC14/2024.**

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI16/2024

SUBJECT: TENDER T2024-20 FLOOD RECOVERY MULTI SITE PAVEMENT STABILISATION WORKS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
783

RESOLVED

1. **That Council accepts the tender from Stabilised Pavement of Australia Pty Ltd for the estimated sum of \$2,844,377 (GST inclusive) for Tender T2024-20 Multi Site Pavement Stabilisation Works.**

2. **That Council utilises unspent grant funding from this Tender submission schedule of rates to expand the length of roads repaired.**

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN6/2024

SUBJECT: BIN COLLECTION

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Grine
784

RESOLVED

1. That Council bring forward the review/update of the Waste and Resources Recovery Strategy 2020–2025 and that the updated Strategy be endorsed by the elected Council prior to the implementation of the State Government Mandated FOGO Scheme, expected in 2025.
2. That Council prioritise the review of options for standard collections in Part 3.4 of Section 6 Action Plan of the Strategy and report back to Council on the benefits and costs.
3. That existing collection services remain unchanged until the newly elected Council endorse the updated Waste and Resources Strategy and State Government mandated FOGO services are potentially introduced in 2025.

Councillor Jurd left the meeting, the time being 7.39pm

Councillor Jurd returned to the meeting, the time being 7.41pm

| FOR | AGAINST |
|--------------------|-------------------|
| Councillor Jackson | Councillor Watton |
| Councillor Moores | Councillor Jurd |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Suvaal | |
| Total (10) | Total (2) |

CARRIED

BUSINESS WITH NOTICE NO. BN7/2024

SUBJECT: POLICE

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Jurd
785
RESOLVED

1. That Council request a meeting with NSW Police, local MP's, relevant council officers and other key stakeholders where appropriate, in order to discuss potential strategies regarding the need for an increase in police presence across our LGA.
2. That Council write to the NSW Minister for Police Yasmin Catley MP advocating for an additional police presence throughout the Cessnock LGA, including any necessary operational staff level increases, to support our growing community.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN8/2024

SUBJECT: REPURPOSING OF GRETA COURT HOUSE

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Paynter
786

RESOLVED

1. That Council recognises the important role food banks play in our local community, especially during recent times of high cost of living increases.
2. That Council encourages anyone who wants to utilise Council facilities for a food bank, whether on a temporary or on-going basis, to reach out to Council and start a conversation.
3. That Council encourages anyone in our community in need of food bank assistance and support to utilise our Council website to contact service providers for assistance.

| FOR | AGAINST |
|--------------------|------------------|
| Councillor Jackson | |
| Councillor Moores | |
| Councillor Dunn | |
| Councillor Burke | |
| Councillor Grine | |
| Councillor Sander | |
| Councillor Hill | |
| Councillor Hawkins | |
| Councillor Paynter | |
| Councillor Watton | |
| Councillor Jurd | |
| Councillor Suvaal | |
| Total (12) | Total (0) |

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

Councillor Jurd – Tabled a Report in relation to her attendance to the Local Road Congress

During the Local Road Congress, all speakers provided insights into their respective roles and emphasised the importance of collaboration between government bodies to gain attention from local councils. Keynotes were delivered to assist councillors, with an opportunity for feedback at the conclusion of the event. The discussion also touched upon the potential benefits of utilising AI technology, particularly in relation to long-term data analysis.

One significant issue addressed was the substantial backlog of road maintenance, amounting to 1.9 billion dollars. The government’s practice of shifting costs from the state and federal levels has put a financial strain on local councils. It was stressed that improved funding is essential for a more prosperous future, including provisions for disaster recovery as outlined in the NSW Reconstruction Act.

Highlighting the important of local roads, it was revealed that 80% of roads are under the responsibility of councils, with a staggering 1300% increase in damage caused by natural disasters. The high cost of living in Sydney has led to an exodus of people from the city, risking a decline in future generations. Therefore, the focus should be on building better communities and housing infrastructure, prioritizing essential roads over motorways.

While there were discussions about attributing blame to the previous government, a clear solution was not evident. Concerns were raised regarding the disproportionate allocation of funds, with a significant emphasis on investments in Sydney whilst neglecting regional areas. As a result, attention waned when one of the Ministers primarily focused on Sydney-related matters.

During the speech by Hon Jenny Aitchison MP, the importance of regular maintenance for regional roads was emphasised. However, specific plans for addressing this issue were not presented. Furthermore, the need to “build back better” in response to extreme weather events was highlighted as a crucial objective.

The Meeting Was Declared Closed at 7.58pm

CONFIRMED AND SIGNED at the meeting held on 17 July 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI6/2024

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION

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

SUMMARY

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

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

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

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

ENCLOSURES

There are no enclosures for this report.

Mayoral Minute

Report No. MM5/2024

General Manager's Unit



MAYORAL MINUTE No. MM5/2024

SUBJECT: DOMESTIC AND FAMILY VIOLENCE AND HOMELESSNESS

RECOMMENDATION

- 1. That Council communicates to the Hunter Domestic Violence consortium, our willingness to participate in a round table discussion to address the prevention of Domestic and Family Violence, and to identify the support services required for those who work in the Domestic and Family Violence sector to eradicate this growing social issue;**
- 2. That Council consider the development of a Domestic and Family Violence Prevention strategy;**
- 3. That Council consider the development of a process to fast-track Development Application's relating to affordable housing;**
- 4. That Council engage a service provider to conduct training for community facing staff in the matters of responding to homelessness and Domestic and Family Violence disclosures.**

REPORT/PROPOSAL

On Friday 21 June 2024 I had a meeting with representatives from Cessnock Family Support Service and the Regional Collaborations Coordinator of the Hunter Domestic Violence Consortium. Also in attendance were Council staff to provide operational information.

The meeting was to bring greater awareness to Council of the current horrific statistics for our region in relation to Domestic and Family Violence. Attached is a table from the NSW Bureau of Crime Statistics, which provides data up to March 2024 in relation to this issue. The trend over the last twenty-four months sees an increase of 42.6% in the offence of domestic violence related assault, and an increase of 62.1% in the offence of breach of an apprehended violence order. It is important to note that this is only what is reported, no doubt the instance of Domestic and Family Violence being experienced across our community is greater than the statistics show, with this issue recognised to experience a large degree of under-reporting. I think we all agree these statistics are concerning for our community.

During the meeting we discussed the lack of refuge housing and permanent locations for essential services, such as Carrie's Place, within our Local Government Area. We also discussed affordable housing in order to free up spaces in crisis/short-term housing, as well as a need for organisations, including Council, to work together to tackle this community issue.

Lastly, we spoke about the lack of services and facilities for people experiencing homelessness, such as access to safe toilets and basic living requirements like as facilities to wash clothing across the Local Government Area.

Mayoral Minute

Report No. MM5/2024

General Manager's Unit



I believe it would be of benefit for a roundtable discussion to occur, where Council, local political representatives, service providers and people with lived experience can come together to discuss realistic and impactful actions to address this crisis. This will help to address the issue of Domestic and Family Violence on a broad scale, where we can pool resources to achieve solid outcomes, and this needs to happen as a matter of urgency.

Moving forward it may be beneficial for Council to have a Domestic and Family Violence Strategy that details how we can contribute to tackling this growing concern across our region.

Our Community Strategic Plan offers a clear direction to ensure our community has access to diverse and affordable housing. By establishing a process to fast-track development applications which target affordable housing proposals, this would support the initiatives of the community service providers in the Domestic and Family Violence sector who are presently, and always, stretched beyond their capacity.

Further discussion was had around the potential to conduct training for staff who are community facing, in order for them to feel more confident in their ability to engage with people who are experiencing homelessness, and additionally how to respond to any disclosures made to them in the course of their work. For instance, this could benefit staff like our Rangers, Library Customer Service Officers, Parks Team members, our staff who clean community amenities, anyone who deals directly with our community members. This is something which may be able to be provided in-house by organisations such as Carrie's Place.

I strongly feel the above measures should be discussed amongst us as elected officials, and feed down to our operational teams.

ENCLOSURES

[1](#) NSW Recorded Crime Statistics April 2019 to March 2024

Motions of Urgency

Report No. MOU6/2024

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

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. GMU7/2024
General Manager's Unit



SUBJECT: *CESSNOCK CITY COUNCIL UNION PICNIC DAY*
RESPONSIBLE OFFICER: *People and Culture Manager - Michelle Honeyman*

SUMMARY

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

RECOMMENDATION

That Councils notes the Union Picnic Day is to be held on Friday, 1 November 2024.

BACKGROUND

The Cessnock City Council Picnic Association has written to the General Manager requesting that approval be granted for the Annual Cessnock City Council Union Picnic Day to be held on Friday, 1 November 2024.

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

REPORT

Clause 22B of the *Local Government (State) Award 2023* (the Award) states the following in regards to Union Picnic Day:

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

The General Manager has approved Friday, 1 November 2024 as the Union Picnic Day in accordance with the Award and has encouraged the Association to hold an event this year.

General Manager's Unit

Report No. GMU7/2024

General Manager's Unit



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

Council will notify members of the Community of the closure by way of notices in local print media, on Council's website and all Council's social media outlets. In addition, notices are to be posted across various public facing Council managed facilities to advise of the closure.

STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The budget for the salaries costs of the staff leave associated with the Union Picnic Day is factored into the Delivery Program and 2024-25 Operational Plan.

c. Legislative Implications

Local Government (State) Award 2023

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

Council is advised of the date of the 2024 Union Picnic Day.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE15/2024

Planning and Environment



SUBJECT: *OUTCOMES OF EXHIBITION OF REMOVAL OF CLAUSE 7.11B PLANNING PROPOSAL*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

SUMMARY

| | |
|-----------------------------|----------------------------------------------------------|
| Application Number | 18/2023/8/1 |
| Proposal | Removal of Clause 7.11B from 49C Aberdare Road, Aberdare |
| Property Description | Lot 32 DP 1288606 |
| Property Address | 49C Aberdare Road, Aberdare |
| Zone (Current) | E1 Local Centre |
| Owner | Wills Hill Holding Pty Ltd |
| Proponent | Insite Planning Services Pty Ltd |

The purpose of this report is to advise Council of the outcome of the public exhibition for the draft Planning Proposal to remove Clause 7.11B from 49C Aberdare Road, Aberdare and seek Council’s endorsement for the finalisation of this amendment to Cessnock LEP 2011.

RECOMMENDATION

1. That Council endorses the Planning Proposal as an amendment to the Cessnock Local Environmental Plan 2011.
2. That Council request the Department of Planning, Housing and Infrastructure make the amendment to the Cessnock Local Environmental Plan 2011.
3. That the Council notify those persons who made submissions of Council’s decision.

BACKGROUND

The Planning Proposal (the Proposal) (**Enclosure 1**) relates to land at 49C Aberdare Road, Aberdare, being Lot 32 DP 1288606 (Figure 1). The site has an area of approximately 1,780 m². The site currently contains an abandoned and overgrown bowling green from the former Cessnock City Bowling Club facility that occupied this and the adjoining property, 49B Aberdare Road. The Proposal has been submitted by Insite Planning Services Pty Ltd on behalf of Wills Hill Holdings Pty Ltd.

A Planning Proposal was lodged with Council in mid-2015 to rezone the site from the previous RE2 Private Recreation zone to the B1 Neighbourhood Centre zoning. Due to the response from stakeholders and the community at the time, Clause 7.11B was added to CLEP 2011 to limit the floor area of any food and drink premises to 150m². The amendment was gazetted on the 22 June 2018 as amendment no. 26 to the CLEP.

Clause 7.11B is currently as follows:

7.11B Food and drink premises at Aberdare Road, Aberdare

(1) This clause applies to Lot 3, Sec 50, DP 758002, being land at 49B Aberdare Road, Aberdare.

(2) Development consent must not be granted for development for the purposes of food and drink premises on the land to which this clause applies unless the consent authority is satisfied that the gross floor area of each of the individual food and drink premises on that land will not exceed 150 square metres.

Lot 3, Sec 50, DP 758002 has now been subdivided into two lots, 49B and 49C Aberdare Road, Aberdare. A Development Application (DA) which includes a service station, mechanical wash and three retail premises has been approved (but not yet constructed) for 49B Aberdare Road, Aberdare.

Clause 7.11B does not limit the number of food and drink premises being located on the site, it limits the size of the premises. Given 49C is approximately 1,780 m² it is possible that multiple food and drink premises could currently be approved on the site if they are each below 150m².



Figure 1. Subject site outlined in red



Figure 2. Subject site outlined in red.

REPORT/PROPOSAL

The Proposal seeks to remove Clause 7.11B of Cessnock Local Environment Plan 2011 (CLEP) from 49C Aberdare Road, Aberdare. Clause 7.11B restricts the size of any food and drink premises on the site to 150 square meters.

The outcome of the Planning Proposal will be an amendment to Clause 7.11B of the CLEP 2011 so that it only applies to 49B Aberdare Road, Aberdare being Lot 31 DP 1288606, and not Lot 32.

Removing the clause means that a food and drink premises with a GFA greater than 150m² could be developed on 49C Aberdare Road, subject to Council approval. The maximum GFA of 150 square metres for a food and drink premises would still apply to 49B Aberdare Road. If the Clause is removed the proponent has indicated the intent is to lodge a Development Application with Council for a food and drink premises on 49C Aberdare Road with a floor area between 250m² and 290m².

Council has conducted community Consultation with surrounding residents and stakeholders. A summary of the exhibition process is discussed under the consultation section of the Report and a response to all submission received is in **Enclosure 2**.

OPTIONS

N/A

CONSULTATION

The Planning Proposal was publicly exhibited in accordance with the Gateway determination and Council's Community Participation Plan. The proposal was on exhibition between 13 May and 17 June 2024. Exhibition included a social media post, written notification to the residents on Aberdare Road between Brandis Street and Curry Street, emails to key stakeholders and an exhibition page on Council's website with the option of contacting the project officer. Printed copies of the exhibition material were also available at the Cessnock Council administration building and Cessnock and Kurri Kurri Libraries.

The Planning Proposal was also referred to internal and external stakeholders. External stakeholders who were notified include Cessnock Public School and their P&C, Cessnock High School and their P&C, Cessnock Tennis Club, The Kiosk, Cessnock Hornets Soccer Club, Piranha's Cricket Club, Cessnock Youth Centre and Outreach Service, Cessnock Little Athletics, Goodstart Early Learning Centre on Aberdare Road, Cessnock Business Chamber, Mindaribba Local Aboriginal Land Council and the Landowner of 49B Aberdare Rd, Aberdare. No response was received from these stakeholders.

External Government stakeholders notified of the proposal include Transport for NSW and Subsidence Advisory who had no objections and advised that a Traffic Impact Assessment would be required at the DA stage, their comments have been included in the Planning Proposal.

Eleven submissions were received from the public, no submissions were received from community groups. Key issues raised in the submission include proximity to the school and Turner Park sporting fields, traffic and noise. A response to each of these issues is in **Enclosure 2**. Two of the submission were in support and wanted to see development occur on the site. No changes to the Planning Proposal were made as a result of the community consultation.

Internal consultation was undertaken with Economic Development and Tourism, Open Space and Community Facilities and Community and Cultural Development. It was also referred at the pre-planning proposal stage to Environmental Health, Infrastructure Contributions, Open Space and Community Facilities, Traffic and Transport, Development Services and Community and Cultural Development. Issues raised internally included conflicting land uses and traffic concerns, these issues can be addressed at the DA stage.

STRATEGIC LINKS

a. Delivery Program

The Cessnock Community Strategic Plan 2036 (CSP) identifies the community's priorities and expectations for the future and ways to achieve these goals. The proposal is consistent with the following objectives:

- 2.1.2 We have a diversity of businesses and industries across the local government area
- 2.1.3 We have adequate industrial and employment lands and thriving commercial precincts
- 2.2.2 We have a diverse range of local employment opportunities.



b. Other Plans

Hunter Regional Plan 2041

The Planning Proposal is consistent with the following directions and/or actions of the Hunter Regional Plan 2041:

- Objective 3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive, and vibrant communities.

Greater Newcastle Metropolitan Plan

The Planning Proposal is consistent with the following strategies and/or actions of the Greater Newcastle Metropolitan Plan:

- Strategy 8: Support the role of smaller centres in providing food
- Strategy 9: Provide jobs closer to people's homes

Cessnock Local Strategic Planning Statement

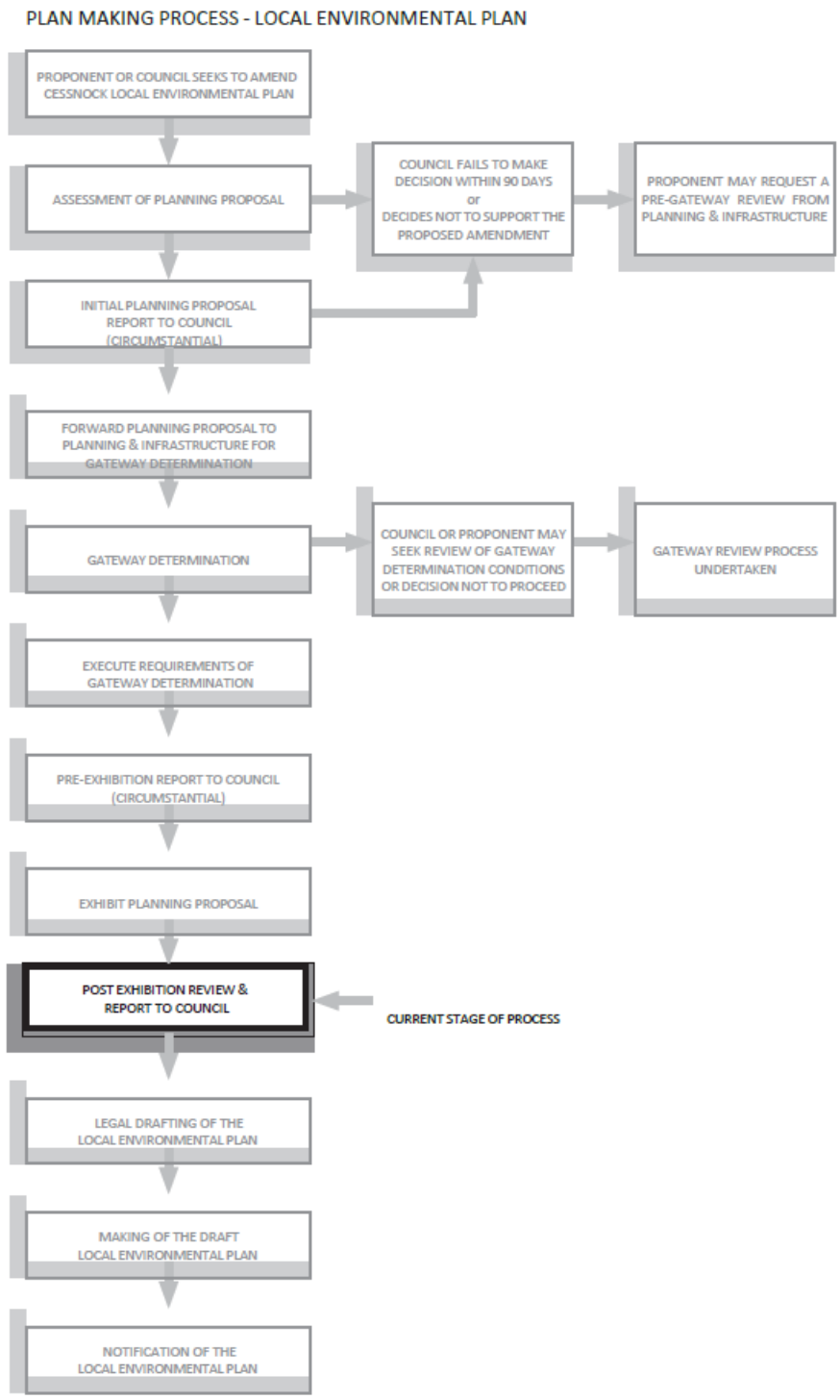
The proposal is consistent with the following Planning Priorities:

- Planning Priority 1: Our urban areas are compact.
- Planning Priority 5: Infrastructure and services meet the needs of our community and are appropriately funded.
- Planning Priority 7: Urban development is encouraged in areas with existing infrastructure
- Planning Priority 11: Our City has a defined hierarchy of commercial centres.
- Planning Priority 20: Our community adapts to climate change and builds climate resilience.

IMPLICATIONS

a. Policy and Procedural Implications

The Planning Proposal has been processed in accordance with the Cessnock City Council Planning Proposal Policy. The Planning Proposal is at the following stage in the process:



b. Financial Implications

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

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Planning and Environment



c. Legislative Implications

The Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Department of Planning Housing and Infrastructure's Guide to Preparing a Planning Proposal.

d. Risk Implications

Nil.

e. Environmental Implications

Nil.

f. Other Implications

A Social Impact Assessment (SIA) was completed for the proposal. The SIA was publicly available as a supporting document during the public exhibition. The SIA is attached as **Enclosure 3**.

CONCLUSION

This report and the associated planning proposal relate to the Removal of Clause 7.11B from Cessnock Local Environment Plan 2011 (CLEP) from 49C Aberdare Road, Aberdare. After considering the content of the submissions and strategic merit of the Planning Proposal it is recommended that Council endorse the planning proposal as an amendment to the CLEP 2011.

ENCLOSURES

- 1 ➡ Planning Proposal Removal of Clause 7.11B 49C Aberdare Road, Aberdare
- 2 ➡ Response to Submissions Removal of Clause 7.11B 49C Aberdare Road, Aberdare
- 3 ➡ Social Impact Assessment Removal of Clause 7.11B 49C Aberdare Road, Aberdare

Corporate and Community

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Corporate and Community Services



SUBJECT: *CLASSIFICATION OF LAND - LOT 650 DP1275497, ABBOTSFORD STREET BELLBIRD*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to classify land recently dedicated to Council for a drainage reserve as operational land in accordance with the *Local Government Act 1993* (the Act).

RECOMMENDATION

That Council classify Lot 650 DP1275497 0 Abbotsford Street Bellbird, primarily used as a drainage reserve, as operational land.

BACKGROUND

On 30 April 2024 a private developer registered a plan of subdivision of lot 300 DP127832 for a residential development in Bellbird (refer **Enclosure 1**). As part of the development plan and approval, the new Detailed Plan dedicated 2.783 hectares of land to Council as a drainage reserve (refer **Enclosure 2**).

Sections 31(2) and 31(2A) of the Act require acquired land to be classified as community or operational land by resolution of Council. The Act requires land newly acquired by councils to be classified within three months. If no resolution is passed within three months of acquisition, the land defaults to a community land classification.

REPORT/PROPOSAL

Land classification is a statutory requirement for councils. The classification of land as operational or community should reflect the purpose for which the land is held. An operational classification does not preclude the land being used for other purposes, nor does classification as operational land automatically ' earmark ' the land for future disposal.

Use of the subject land has been determined as primarily for council operational purposes and is consistent with other lands dedicated to council for this purpose. In accordance with s34 of the Act, a resolution of Council is required to formally classify the land for operational use.

Council gave the mandatory 28-day public notice of a proposal to classify public land on 9 June 2024. Twenty-five (25) submissions were received offering opinions of the proposed classification and suggestions for future use of the land.

Summary and consideration of community consultation submissions

Eighteen submissions were concerned about loss of accessible open space with five of these responses also raising impact on native bird habitat. Six of the eighteen concerned about loss of accessible open space were also concerned about the proposed classification impacting ability to run off stormwater from their properties.

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Of the remaining submissions, one raised that the proposed classification makes it possible for 'the private developer to change the intent of the land for which houses were previously built' and another resident simply expressed their view the land should be community land. Three participants misconstrued the intent as a proposed reclassification from community to operational land and expressed belief that the purpose is to allow the land to be sold and developed.

Many of the submissions received are considered a misconception that the classification will restrict any passive recreational use. While special circumstances apply to the Works Depot and Waste Management Facility and other similar council operations, there are many situations where public access and use of facilities located on operational land is not restricted.

In terms of concerns about impact of the proposed classification on residential drainage capacity, Council accepted dedication of this land primarily for the purpose of facilitating drainage. Many of the submissions appear to be premised on concerns that, rather than to assign a classification consistent with the primary intended use of the land, it is being classified as operational land solely to permit future sale to private developers. This is not the case.

OPTIONS

Adopt the recommendation or not adopt the recommendation to classify the land as operational. Adoption is the preferred option.

CONSULTATION

On 9 June 2024, Council gave 28 days mandatory public notice of the proposal to classify public land in accordance with the Act seeking community engagement and feedback.

Key steps included:

- Creation of an exhibition page on the Together Cessnock Platform, providing a detailed description of the project, timelines, and frequently asked questions to give the community a clear understanding of the project's background;
- The project was listed on the public notices section of the Council website, included in the engagement June email newsletter and also posted on social media platforms to maximise visibility and encourage community participation; and
- On completion of the exhibition period, Council responds to all participants and prepares a report on visibility and impact of the exhibition, ensuring transparency and accountability in the consultation process.

Council Officers consulted:

- Infrastructure Manager
- Stormwater Engineer Asset Planning
- Open Space & Community Facilities Manager
- Recreation Planning Coordinator
- Vegetation & Civic Spaces Coordinator
- Development Services Manager
- Chief Financial Officer
- Senior Property Officer
- Community Engagement Officer

STRATEGIC LINKS

a. Delivery Program

5. Civic Leadership and effective governance
- Objective 5.3 Ensuring Council is accountable and responsive to the community

b. Other Plans

Community Strategic Plan 2036 objective - Strategic Property Management

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

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

d. Risk Implications

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

Where land is held primarily for an operational purpose such as public parking, drainage or maintenance access, these uses do not meet any of the core objectives for use and management of community land. In such circumstances, the land should be classified as operational land.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The subject land will primarily be used by Council for operational purposes and should be classified accordingly. Operational land classification is one of two statutory options for Councils under the Act.

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ENCLOSURES

- [1](#) ➡ Enclosure 1 _ DP 127497 Plan of Subdivision 300-1272832
- [2](#) ➡ Enclosure 2 - Lot 650 DP 127497; 0 Abbotsford Street Cessnock

SUBJECT: *TENDER T2024-02 HIRED PLANT*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

Evaluation of Tender for a supply panel for Plant and Equipment Hire, Wet and Dry Hire.

RECOMMENDATION

1. That Council accepts the Tenders for Hired Plant (T2024-02) for the following categories in no order of preference as a panel:

a. Wet Hire

- Advance Sweepers
- Branxton Greta Water Cartage
- Finn Valley Plant & Civil Pty Ltd
- Goldsprings Group Pty Ltd
- Hartchers Water Haulage
- J&L Plant Hire Pty Ltd
- J&M Tiedeman Pty Ltd T/A JT's Earthworks and Bulk Haulage
- Knock Contractors Pty Ltd
- Lantry Earthmoving Pty Ltd
- Lovetts Cessnock Earthmoving
- Merrick Group Pty Ltd
- Mitchell Bros Earthmoving Pty Ltd
- Noraville Earthmovers
- Rollers Australia Pty Ltd
- T & D Earthworks Pty Ltd
- Team Dreegan Pty Ltd
- The Stabilising Pty Ltd
- Whitehead Equipment Pty Ltd

b. Dry Hire

- Coates Hire Operations Pty Ltd
- Conplant Pty Ltd
- Finn Valley Plant & Civil Pty Ltd
- Goldsprings Group Pty Ltd
- Hunter Hire & Sales Pty Ltd
- J&M Tiedeman Pty Ltd T/A JT's Earthworks and Bulk Haulage
- Knock Contractors Pty Ltd
- Lantry Earthmoving Pty Ltd
- Lovetts Cessnock Earthmoving
- Merrick Group Pty Ltd
- Mitchell Bros Earthmoving Pty Ltd
- Premiair Hire
- Rollers Australia Pty Ltd
- Team Dreegan Pty Ltd
- Tutt Bryant Hire Pty Ltd

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- The Stabilising Pty Ltd
- Whitehead Equipment Pty Ltd

2. That Council notes the contract term for Hired Plant T2024-02 is from 30 September 2024 to 29 September 2027 with a 12 (twelve) month extension based on satisfactory supplier performance.

BACKGROUND

Council currently utilises contract Plant Hire (T1819-15), with this contract ceasing on 29 September 2024. Spend data indicates that the Annual Spend for the current contract is over \$3,000,000 across the nine current suppliers.

An hourly hire rate applies to Wet Hire (labour hire plus plant hire) and a daily rate applies for Dry Hire (plant hire only without labour component). Various additional subsidiary rates apply to these two primary categories to allow for overtime, weekly/monthly rates, machinery attachments and transport and the like.

The purpose of this Contract is to establish a panel of suppliers for the Hire of Plant and Equipment Wet and Dry Hire for Council operational support. This will be for the period of 30 September 2024 to 29 September 2027 with a 12-month extension based on satisfactory performance. The current panel of nine suppliers has struggled to support Council activities.

A comparative analysis on supplier submitted rates for T1819-15 (current contract) and submitted rates for T2024-02 (proposed contract) indicates price increases of 20-35% from the start of the previous tender to current submissions. This increase is due to several factors which include supply chain issues and overall economic factors over the last few years.

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was *Hunter Councils General Conditions of Contract*. The RFT called for a panel tender with a schedule of rates for the Hire of Plant Wet and Dry.

Invitation

Tenders were invited on 12 March 2024 on Council’s Website and VendorPanel and advertised in the following publications:

| Publication | Day | Date |
|-----------------------|----------|---------------|
| Newcastle Herald | Saturday | 16 March 2024 |
| Sydney Morning Herald | Tuesday | 19 March 2024 |

Addenda

Nil

Closure

Tenders closed 2pm Tuesday 16 April 2024

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TIME FRAME

The contract will commence on 30 September 2024 for three years until 29 September 2027 with an option for One x 12-month extension based on satisfactory performance.

LOCAL CONTENT

Criterion four allowed for local preference scoring in accordance with Procurement Procedure.

OPTIONS

Option 1: That Council accept the panel tenderers for Wet and Dry hire as listed in the recommendations. This is the preferred option as a suitable variety of suppliers was achieved with good local supplier content.

Option 2: That Council decline to accept any offers and negotiate with other service providers. This option is not recommended, as it will negatively affect the operational support.

CONSULTATION

The following officers were consulted during the tender process:

- Works and Operations Manager
- Resource Coordinator
- Procurement Coordinator

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objectives of the *2022-2026 Delivery Program*:

- Objective 4.2 Improving the Road Network

b. Other Plans

Road and Road Infrastructure Network Asset Management Plan.

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Guidelines,
- Tendering Guidelines for NSW Local Government 2009, and
- NSW Government – Code of Practice for Procurement 2005.

b. Financial Implications

Funding is available via program budgets within the Operational Plan.

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c. Risk Implications

To minimise Council's exposure to business risks, the RFT required:

- Financial details
- Insurances
- Work Health & Safety
- Modern Slavery

The authenticity of the Contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation,
- Public Liability (\$20M or greater),
- Comprehensive Motor Vehicle,

Risks identified in relation to safety, environment and quality are mitigated by the RFT requirement for adherence to the following system standards:

- *AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems*
- *AS/NZS ISO 14001:2015 - Environment Management Systems*

Regarding safety, the RFT requires the tenderer to:

- On site workers to have current general construction induction cards (white cards) and licences/ tickets and inducted to the site, and
- Safe Work Methods Statements, kept on site, and discussed at daily tool box talks
- the Contractor to prepare and implement pre-start vehicle inspection reports and safe work method statements if required. It also requires the tenderer to be registered on a CCC VendorPanel plant hire list for Insurance compliance.

CONCLUSION

That Council accepts the Tenders for Wet and Dry Hired Plant (T2024-02) for the following categories in no order of preference as a panel:

ENCLOSURES

- 1⇒ T2024-02 Tender Evaluation Methodology
- 2 T2024-02 Tender Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

SUBJECT: **SEPTEMBER 2024 LOCAL GOVERNMENT ELECTIONS - CARETAKER PROVISIONS**

AUTHOR: **Chief Finance Officer - Matthew Plumridge**

SUMMARY

To provide information about the caretaker period prior to the September 2024 elections.

RECOMMENDATION

That Council notes that the caretaker period for the 2024 Local Government elections commences Friday 16 August 2024 and concludes Saturday 14 December 2024.

BACKGROUND

Pursuant to the *Local Government (General) Regulation 2021*, Council is restricted on the functions it can exercise in the four weeks preceding the date of an ordinary election.

REPORT/PROPOSAL

The 4 week caretaker period commences Friday 16 August 2024 and concludes Saturday 14 September 2024. During the caretaker period, the following restrictions apply:

393B Exercise of council functions during caretaker period

- (1) The following functions of a council must not be exercised by the council, or the general manager or any other delegate of the council (other than a Joint Regional Planning Panel, the Central Sydney Planning Committee or a local planning panel), during a caretaker period—
 - (a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),
 - (b) determining a controversial development application, except where—
 - (i) a failure to make such a determination would give rise to a deemed refusal under the *Environmental Planning and Assessment Act 1979*, section 8.11(1), or
 - (ii) such a deemed refusal arose before the commencement of the caretaker period,
 - (c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than—
 - (i) an appointment of a person to act as general manager under section 336(1) of the Act, or
 - (ii) a temporary appointment of a person as general manager under section 351(1) of the Act.

- (2) Despite subsection (1), such a function may be exercised in a particular case with the consent of the Minister.

- (3) In this section—

caretaker period means the period of 4 weeks preceding the date of an ordinary election.

controversial development application means a development application for designated development for which at least 25 persons have made a submission during community consultation.

designated development means designated development within the meaning of the *Environmental Planning and Assessment Act 1979*, section 4.10.

local planning panel has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

The August 2024 Council meeting must be conducted in accordance with these provisions.

OPTIONS

N/A – this is a statutory requirement.

CONSULTATION

Governance and Council Support Coordinator

STRATEGIC LINKS

a. Delivery Program

This report is linked to Objective 5 “Civic Leadership and Effective Governance”.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

Clause 393B of the *Local Government (General) Regulation 2021* limits the ability to exercise some functions in the four weeks preceding an election (the caretaker period).

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

Councils are limited in decision-making during the caretaker period.

ENCLOSURES

There are no enclosures for this report.

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SUBJECT: *INVESTMENT REPORT - JUNE 2024*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

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

RECOMMENDATION

That Council receives the Investment Report for June 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 \$83,084,775.

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 June 2024 are exceeding the budget. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Council has engaged Prudential Investment Services Corp for investment advice and the June 2024 Economic and Investment Portfolio Commentary, regarding interest rates notes:

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- *While overall progress in lowering inflation has slowed, some central banks have seen enough to start cutting rates. The European Central Bank and Bank of Canada cut rates in June, the first of the major advanced economy central banks to do so. The US Fed and Bank of England are expected to cut rates later this year and into 2025. Meanwhile, Japan is moving to gradually increase rates.*
- *In Europe, the European Union parliamentary election saw a rise in support for far-right parties that support less immigration tend to be more nationalistic. The rise in support for populist parties points to a bias towards more protectionist economic policies.*
- *Following the result of the EU elections, French President Macron unexpectedly called for parliamentary elections at a time that nationalist parties are again gaining ground in France.*
- *Global share markets had mixed results in June, with Australia (+0.7%), the US (+3.6%) and Japan (+1.4%) all recording gains. The call for an early election in France rattled European markets resulting in European shares off by 1% and the French market down nearly 7%. For the 2023/24 Financial Year, the Australian All Ords recorded a gain of 12.5% with the biggest increases in the Financial, IT and Consumer Discretionary sectors (all up over 22%). Consumer Staples (-3.7%), Materials/Mining (-2.9%), and Energy (-1%) recorded negative results for the FY.*

Domestic issues noted within Prudential's report include:

- *Latest monthly inflation data has gone up for three months in a row driven by an upswing in services inflation while goods inflation has levelled off. Headline inflation is in line with the RBA's forecast for 3.8%yoy in the June quarter, but trimmed mean inflation, the RBA's preferred measure, risks being materially above its forecast.*
- *The unexpectedly high monthly inflation release has some economists predicting that the RBA will increase its inflation forecasts through 2025 and may even pull the trigger on another interest rate hike at its next Monetary Policy meeting in August.*
- *Countering the rate hike concerns, the current level of interest rates is still considered restrictive by the RBA. The lagged effect of past hikes has yet to fully flow through and economic growth has slowed to a crawl with household budgets still under pressure which will only be partly relieved by the tax cuts from 1 July.*
- *The monthly Westpac-Melbourne Institute Consumer Sentiment Index edged higher in June but remains deep in negative territory, as does the Weekly ANZ-Roy Morgan Consumer Confidence Index. Meanwhile, ABS data on job vacancies reported an eighth consecutive quarterly fall in vacancy numbers in May this year. Vacancies are now down 26 per cent from their peak, albeit still well above their pre-pandemic levels.*

The RBA kept the official cash rate unchanged at 4.35% following its meeting in June, the next meeting is early-August. The higher than expected monthly inflation data boosted market interest rates at the end of the June resulting in term deposit rates across the 1 month to 5 year range increasing by an average of 15 basis points with the biggest increase at the 12 month term.

In summarising Council's portfolio Prudential advises:

- Council's investment portfolio posted a marked-to-market return of 5.18%pa for the month versus the bank bill index benchmark return of 4.34%pa. Over the past 12 months, Council's portfolio has returned 5.07% versus the benchmark's 4.37%.

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- The NSW TCorpIM Medium Term Fund (+0.33% actual in June) managed to end on a positive note for the 2023/24 FY, despite headwinds from higher than expected inflation data coming out at the end of June.
- Without marked-to-market influences, Council's investment portfolio yielded 5.25%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.
- Without marked-to-market influences, Council's investment portfolio yielded 5.24%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 June, Council invested \$10m between two new term deposits: a 9 month Suncorp TD paying 5.21%pa and a 6 month Bank of Queensland TD paying 5.20%pa helping to keep Council's overall portfolio yield well above 5%pa.
- 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 30 June 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% | 14,763 |
| | Commonwealth Bank | At Call | | | 4.35% | 2,941 |
| | Commonwealth Bank | At Call | | | | 721 |
| 1243 | AMP Bank | At Call | | | 3.30% | 522 |
| 1490 | Westpac Bank | TD | 729 | 25-Sep-24 | 4.91% | 4,000 |
| 1501 | National Australia Bank | TD | 371 | 06-Aug-24 | 5.40% | 5,000 |
| 1502 | Commonwealth Bank | TD | 364 | 06-Aug-24 | 5.55% | 5,000 |
| 1503 | Commonwealth Bank | TD | 363 | 28-Aug-24 | 5.27% | 4,000 |
| 1504 | Suncorp Bank | TD | 369 | 24-Sep-24 | 5.30% | 4,000 |
| 1505 | National Bank | TD | 364 | 25-Sep-24 | 5.33% | 5,000 |
| 1507 | Suncorp Bank | TD | 274 | 30-Jul-24 | 5.35% | 5,000 |
| 1508 | Commonwealth Bank | TD | 365 | 29-Oct-24 | 5.39% | 5,000 |
| 1509 | National Australia 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 |
| 1463 | Treasury Corporation | Growth Fund | | | | 4,138 |
| TOTAL | | | | | | 83,085 |

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

| Financial Institution | Credit Rating | Institution Maximum | Amount \$'000 | % of Portfolio |
|-------------------------|---------------|---------------------|---------------|----------------|
| Commonwealth Bank | AA- | 40% | 14,000 | 21.82% |
| Westpac Bank | AA- | 40% | 9,000 | 14.03% |
| National Australia Bank | AA- | 40% | 15,000 | 23.39% |
| Suncorp Bank | A+ | 40% | 17,000 | 26.51% |
| Bank of Queensland | A- | 20% | 5,000 | 7.80% |
| Treasury Corporation | Unrated | 10% | 4,138 | 6.45% |
| TOTAL | | | 64,138 | 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.

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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 June 2024 unrealised return was a gain of \$13,453.97 or 0.33% (6.37% 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 June 2024 is not yet available at the time of this report. The fund performance summary as at 31 May 2024 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 | 4.11 | 3.58 | 2.21 | 6.23 | 6.04 | 0.60 |
| Benchmark: CPI + 2.0% p.a. (over rolling 5 years) | 4.68 | 5.01 | 6.96 | 6.09 | 5.59 | 0.50 |
| Return above benchmark p.a. | (0.57) | (1.43) | (4.75) | 0.14 | 0.45 | 0.10 |

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 | 60,000 | 72.22% |
| Cash/At Call Deposits | Low | Low | 18,947 | 22.80% |
| Capital Growth Fund | Medium | Medium | 4,138 | 4.98% |
| TOTAL | | | 83,085 | 100.00% |

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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) | 5.07% | 2.82% |
| BBSW Average Interest Rate (year to date) * | 4.37% | 2.89% |
| Actual Investment Interest Earned (for the current month) | \$290,300 | \$202,807 |
| Actual Investment Interest Earned (year to date) ^ | \$3,603,549 | \$1,925,451 |
| Original Budget Investment Interest (year to date) | \$1,380,122 | \$748,122 |
| Original Budget Investment Interest (annual) | \$1,380,122 | \$1,680,122 |
| Revised Budget Investment Interest (annual) | \$1,750,122 | \$1,680,122 |
| TCorp unrealised movement (year to date) | 6.37% | 6.09% |

| Investment and Cash Balances (Par Value) # | This Year | Last Year |
|--------------------------------------------|--------------|--------------|
| Opening Balance as at 1 July | \$73,085,190 | \$73,415,666 |
| Closing Balance as at 30 June | \$78,947,052 | \$73,085,190 |

* 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

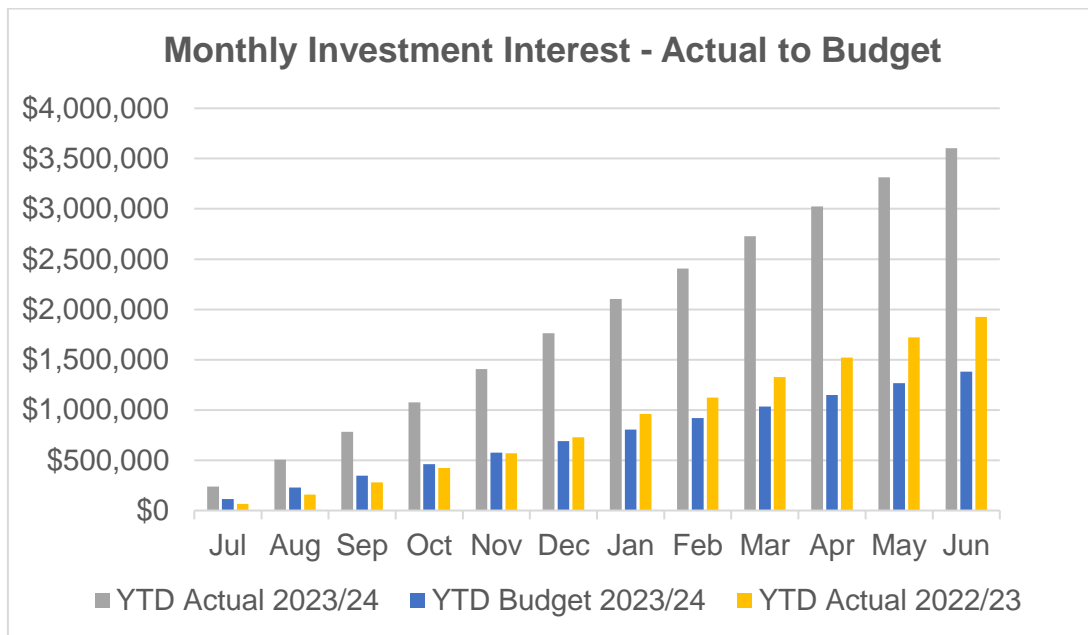




Table 6 Internal and external restrictions over cash and investments held

| Month End Totals \$'000 | Jun 2024 | May 2024 | Apr 2024 | Mar 2024 | Feb 2024 | Jan 2024 |
|-----------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Developer contributions | 37,539 | 36,718 | 38,895 | 36,791 | 36,276 | 35,858 |
| Committed developer contributions | 4,344 | 5,480 | 1,987 | 2,275 | 2,456 | 2,485 |
| Specific purpose unexpended grants | 18,972 | 16,858 | 14,885 | 16,813 | 17,819 | 20,087 |
| Domestic waste management | 430 | 430 | 430 | 430 | 430 | 430 |
| Sale of Land for Unpaid Rates – Surplus | 721 | 0 | 0 | 0 | 0 | 0 |
| Stormwater management | 667 | 0 | 0 | 0 | 872 | 889 |
| External Restrictions | 62,673 | 59,898 | 56,197 | 56,309 | 57,853 | 59,749 |
| Plant and vehicle replacement | 1,050 | 789 | 789 | 1,017 | 1,274 | 1,274 |
| Employees leave entitlement | 1,423 | 1,430 | 2,430 | 2,430 | 2,430 | 2,418 |
| Carry over works | 0 | 0 | 0 | 287 | 287 | 371 |
| Insurance provisions | 50 | 50 | 50 | 50 | 50 | 50 |
| Miscellaneous and property | 557 | 432 | 432 | 534 | 534 | 534 |
| Grant Fund Leverage | 82 | 82 | 82 | 82 | 82 | 82 |
| Energy efficiency | 140 | 133 | 133 | 95 | 95 | 95 |
| Operations and programs | 416 | 420 | 420 | 472 | 472 | 472 |
| Property investment fund | 2,209 | 2,200 | 2,200 | 2,550 | 3,021 | 3,021 |
| Waste depot and rehabilitation | 8,313 | 7,732 | 7,732 | 8,198 | 8,843 | 8,843 |
| Security deposits and bonds | 4,205 | 3,582 | 3,582 | 3,492 | 3,440 | 3,435 |
| Unexpended Loan Funds | 499 | 817 | 817 | 836 | 840 | 848 |
| Internal Restrictions | 18,944 | 18,267 | 18,667 | 20,043 | 21,368 | 21,443 |
| TfNSW Claims to be received** | (269) | (2,200) | (2,200) | (1,273) | | |
| Unrestricted | 1,737 | 765 | 1,835 | 1,637 | 2,958 | 1,123 |
| Total Cash & Investments | 83,085 | 76,130 | 74,499 | 76,716 | 82,179 | 82,315 |

** 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. CC43/2024

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. CC44/2024

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 11 June 2024 to 8 July 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. WI17/2024

Works and Infrastructure



SUBJECT: *GENERIC PLAN OF MANAGEMENT - GENERAL COMMUNITY USE*

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

SUMMARY

The purpose of this report is to present the Generic Plan of Management - General Community Use, which will provide a framework for the future development, use and management of 'General Community Use' reserves across the Cessnock LGA.

The Draft Plan of Management was publicly exhibited and Ministerial consent has been obtained for Council to adopt the Generic Plan of Management – General Community Use.

RECOMMENDATION

1. That Council adopt the Generic Plan of Management – General Community Use pursuant to section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Land Management Act 2016*.
2. That a copy of the Generic Plan of Management – General Community Use be forwarded to the Department of Planning, Housing and Infrastructure – Crown Lands.

BACKGROUND

The Generic Plan of Management – General Community Use (The Plan) has been prepared in accordance with the *Crown Land Management Act 2016* and the *Local Government Act 1993* (the LG Act). The Plan applies to Council-owned community land and Council-managed Crown Reserves classified as 'community land' and categorised as 'General Community Use' under the *Local Government Act 1993* within the Cessnock LGA.

The Plan and Annexures are included as **Enclosures 1 and 2**.

REPORT/PROPOSAL

The Plan captures 65 Council-owned properties and 24 Crown-owned properties managed by Council that serve various and vital functions for residents and visitors to the City. Reserves that have not been included in the Plan either require site-specific plans of management or will be captured in generic plans of management for other land categories.

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. 'General Community Use' land is defined in clause 106 of the *Local Government (General) Regulation 2021* as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

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Section 36(l) of the LG Act details the core objectives for management of community land categorised as 'General Community Use', which are 'to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The purpose of the Plan is to provide clarity in the future development, use and management of community land categorised as 'General Community Use', and ensure Council is compliant with relevant legislation. The Plan outlines:

- Permissible development and land uses.
- The purposes for which leases, licences and other estates can be issued on the reserves. And,
- How Council intends to address management issues identified for community land categorised as 'General Community Use'.

Should the Plan be adopted, it will supersede the previous Plans of Management adopted by Council including:

- General Community Use – Community Facilities Generic Plan of Management (adopted 19 November 2014 – WI44/2014).
- Generic Plan of Management General Community Use – Drainage (adopted 7 February 2018 – WI14/2018).
- Generic Plan of Management General Community Use (adopted 7 February 2018 – WI14/2018).

Council's adoption of the Generic Plan of Management – General Community Use will ensure that the future upgrades, development and licencing of these reserves are compliant with relevant legislation and align with Council's strategic objectives and priorities.

OPTIONS

Nil

CONSULTATION

As the Plan includes Crown Land parcels, Council has engaged with the Department of Planning, Housing and Infrastructure – Crown Lands (The Department) throughout the development and public exhibition of the draft plan in accordance with the *Crown Land Management Act 2016*.

The steps that have been taken prior to seeking Council's adoption of the plan are detailed below:

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- The Department was notified prior to public exhibition of the Plan in accordance with Section 39 of the LG Act and provided consent to publicly exhibit the Draft Plan.
- The Draft Plan was publicly exhibited from 3 May 2024 to 15 June 2024 (42 days) with submissions invited in accordance with the LG Act. The public exhibition of the Draft Plan was promoted through:
 - Council's Together Cessnock engagement platform,
 - Advertisements in Newcastle Herald, Branxton Greta Vineyard News and the Hunter River Times.
 - Direct notification to licencees and management committees of the community facilities captured in the Draft Plan.
 - Direct notification to Local Aboriginal Land Councils who have undetermined Aboriginal land claims over Crown reserves captured in the Draft Plan.
- Zero (0) submissions were received through the public exhibition process of the Draft Plan, therefore no amendments have been identified for the Plan following the exhibition period.
- To obtain Minister's consent for Council to adopt the Plan, Council provided The Department with a copy of the Plan, a summary report of submissions after public exhibition of the Draft Plan (of which there were nil), and a table outlining amendments to the Plan (this consisted of removing the word draft from the document).
- Minister's consent for Council to adopt the Generic Plan of Management – General Community Use was provided in writing to Council on 25 June 2024.

In preparing the Plan, internal engagement was undertaken with the following Council Officers:

- Open Space & Community Facilities Manager
- Infrastructure Manager
- Community and Cultural Development Manager
- Asset Planning Coordinator
- Recreation Officer
- Chief Financial Officer
- Principal Property Specialist
- Senior Property Officer
- Principal Strategic Planner
- Senior Strategic Planner

Engagement was also undertaken with the following external stakeholders:

- The Department of Planning, Housing and Infrastructure – Crown Lands
- Lands Advisory Services Pty Ltd

STRATEGIC LINKS

a. Delivery Program

The objectives, uses and management approach detailed in the Plan align with Council's Community Strategic Plan, Cessnock 2036, specifically Objective 3.2 'Better utilisation of existing open space'.

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b. Other Plans

Other Council plans relevant to the Plan include:

- Recreation and Open Space Strategic Plan 2019
- Community Infrastructure Strategic Plan (2031: A Vision for the Future)
- Community Engagement Strategy

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The Plan's actions detailed in Section 5.5 of the Plan either do not require financial resources, or can be resourced using existing operational budgets. In the future, specific projects can be developed to upgrade or improve sites captured within the Plan of Management, at which stage costings will be developed and funding sources investigated.

c. Legislative Implications

The Plan has been developed in accordance with the *Crown Land Management Act 2016*, *Local Government Act 1993*, *Crown Land Management Regulation 2018* and *Local Government (General) Regulation 2021*. Council as a Crown Land Manager has also considered the *Native Title Act 1993* and the *Aboriginal Land Rights Act 1983* in the development of this Plan.

d. Risk Implications

The development of Plans of Management for community land is a legal requirement. Without a Plan of Management for 'General Community Use' reserves, Council's ability to undertake upgrades, develop these sites and issue leases and licences for properties will be impeded.

e. Environmental Implications

The Plan has identified environmental and social impacts that should be considered during the management and maintenance of 'General Community Use' reserves and outlined objectives and performance targets in Section 5.5.

f. Other Implications

Nil

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CONCLUSION

The Generic Plan of Management – General Community Use will guide the future development, use and management of community land categorised as 'General Community Use' across the Cessnock LGA, providing a consistent and effective framework for how Council cares for and controls these reserves.

ENCLOSURES

- [1](#) ➡ General Plan of Management - General Community Use
- [2](#) ➡ General Plan of Management - General Community Use - Appendix 2-4

Works and Infrastructure

Report No. WI18/2024

Works and Infrastructure



SUBJECT: *REQUEST FOR SPONSORSHIP & FEE WAIVING - AUSTRALIAN POSTIE BIKE GRAND PRIX*

RESPONSIBLE OFFICER: *Infrastructure Manager - Cameron Clark*

SUMMARY

Council has been approached by the organisers of the 2024 Australian Postie Bike Grand Prix, who are seeking Council support for the event that is to be held in the streets of the Cessnock Business District (CBD) on the weekend of 26 and 27 October 2024.

The Grand Prix is an annual not-for-profit event being run by the Cessnock Motor Cycle Club (CMCC) to entertain the local community and benefit local businesses. 2024 marks the 10th anniversary of the inaugural running of this popular civic event which has been safely and successfully conducted since 2014, other than a forced two-year hiatus during the Covid-19 pandemic.

This report details the sponsorship and fee waiving request for the upcoming 2024 event and it has been prepared in line with Council's Community Sponsorship and Fee Waiving Policy.

RECOMMENDATION

That Council supports the Australian Postie Bike Grand Prix on the weekend of 26 and 27 October 2024, by providing the following in-kind support:

- a) **Waive all Council application fees require to run the 2024 event by way of transfer from the Tourism Related Projects Reserve;**
- b) **Erection and removal of relevant variable message boards and road closure/detour signage as required by Council and Transport for NSW, under the approved Traffic Management Plan and Traffic Control Plan; and**
- c) **Install banner pole and waste receptacle promotional signs; provide additional general waste bins throughout the designated event area of the circuit; and removal of collected waste at the conclusion of the event.**

BACKGROUND

The CMCC is hosting its eighth Australian Postie Bike Grand Prix event in the streets of the Cessnock CBD over the weekend of 26 and 27 October 2024.

Organisers of the event have approached Council seeking support for the event. This report details the sponsorship requested and seeks Council's endorsement to provide such support.

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REPORT/PROPOSAL

In previous years, the Australian Postie Bike Grand Prix has attracted riders, their families and support crews from all over Australia. It is anticipated that this year's event will again draw large numbers of people to the Cessnock LGA.

The community event is run on a not-for-profit basis with any surplus funds at the completion of the event being donated to the Cessnock District Rescue Squad and/or local NSW Rural Fire Service.

Development Application 8/2022/258/1 granting consent for the event operates from 7 September 2022 and lapses on 7 September 2027.

The majority of the costs associated with hosting the event are being covered by the CMCC, with most of these funds being raised via the collection of competitor / team entry fees and the sale of track advertising to local businesses. To further assist with hosting the event, CMCC has approached Council seeking the following support:

1. Waiving all Council application fees in conjunction with the 2024 event;
2. Erection and removal of the relevant variable message boards, banner pole signage, waste receptacle signage and road closure / detour signage as required by Council and TfNSW; and
3. Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.

In previous years Council has provided in-kind support for the event as follows:

- Waived all Council application fees in conjunction with the event;
- Supplied all Transport for NSW (TfNSW) approved road closure signage as stipulated in the traffic control plan (TCP);
- Installed CBD banner pole and waste receptacle signage;
- Supplied four (4) Variable Message signs which were installed prior to the event to notify road users of the up-coming event as per the traffic management plan (TMP);
- Supplied accredited staff to erect and perform all road closures at 5.00AM on the morning of the event and remove all signage and re-open roads at completion of event;
- Re-established Special Event Alcohol Free Zone (SEAFZ) on streets in the vicinity of the event, not already being encompassed by an existing Alcohol-Free Zone; and
- Endorsed and promoted the event wherever possible in local media and functions, due to the positive exposure and high number of people that the event attracts to the City of Cessnock.

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The estimated cost to provide the requested support is outlined in **Table 1** below.

Table 1 - Eligible items for sponsorship

| Eligible items for Sponsorship | | Estimated Cost |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1. | Waive all Council application fees in conjunction with the 2024 event; | \$500 |
| 3. | Supply four (4) Variable Message Signs (VMS) to be installed prior to the event to notify commuters of the up-coming event as per the Traffic Management Plan (TMP); | \$3,000 |
| 4. | Supply all TfNSW approved road closure signage as required in the Traffic Control Plan (TCP); Install CBD banner pole and waste receptacle promotional signage. Supply accredited staff to erect and perform all road closures at 5.00am on the morning of the event and remove all signage and re-open roads at the completion of the event; | \$8,000 |
| 5. | Due to the anticipated increase of refuse on the day resulting from anticipated crowd numbers, supply additional garbage bins in areas where spectators will gather and remove the collected waste at the conclusion of the event. | \$3,500 |
| 7. | As part of a Police request to make the streets in the vicinity of the event alcohol free, we ask Council assistance in implementing this request and supplying the required signage. Supply and affix date decal to existing Special Event Alcohol Free Zone signage as an extension of the existing Alcohol Free Zone in the Cessnock CBD. | \$400 |
| 8. | Support the event wherever possible in local media and functions, due to the positive exposure that the event brings to the City of Cessnock. | \$0 |
| TOTAL COST OF ELIGIBLE ITEMS | | \$15,400 |

In reviewing the requests, Council officers have determined that in-kind support detailed in **Table 1** above can be provided from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve). This does not include Council staff to maintain extra garbage bins during the event. This task can be undertaken by CMCC volunteers.

OPTIONS

The preferred option is that Council supports the Australian Postie Bike Grand Prix on the weekend of 26 and 27 October 2024 by providing the support as listed above.

Alternatively, Council may provide no support for the requests or limited support. This is not the preferred option as the event has social and economic benefits to the broader community consistent with Council’s community goals.

CONSULTATION

Internal Consultation: Internal consultation on this matter has occurred as follows:

- Community and Cultural Development Manager;
- Works and Operations Manager;
- Environment & Waste Services Manager; and
- Economic Development and Tourism Manager.

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External Consultation: External consultation on this matter has occurred as follows:

- Representatives of CMCC

STRATEGIC LINKS

a. Delivery Program

The proposed in-kind sponsorship for this event aligns with the following objectives of the *Delivery Program 2022-26*:

- Objective 1.2 – Our community organisations have opportunities to work together to develop and deliver services;
- Objective 2.3 – Increasing tourism opportunities & visitation in the area; and
- Objective 5.3 – Ensuring Council is accountable and responsive to the community.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Community Sponsorship and Fee Waiving Policy.

b. Financial Implications

The cost of providing the assistance is estimated to be \$15,400. This does not include the request for staff to man extra garbage bins. The in-kind support for the above can be provided from the Miscellaneous & Property Reserve (Tourism Related Projects).

c. Legislative Implications

Local Government Act 1993 – Section 356 - allows a council to financially assist others.

d. Risk Implications

Reputational Risk:

Appreciation for Council's support for each annual running of the APBGP has been publicly expressed in social media, print media and television presentations. By not providing the requested assistance for the 10th anniversary event Council may not be acknowledged favourably by the 10,000 people who enthusiastically attend this free-admission event each year.

e. Environmental Implications

Organisers have indicated they will operate under the Return and Earn Scheme with the recycling of cans and bottles. Proceeds will be donated to local charities or schools.

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f. Other Implications

Nil

CONCLUSION

The Australian Postie Bike Grand Prix has become a much-anticipated event on the City's social/entertainment calendar. Based on supporting events that provide opportunity for the community to work together and promote visitation across the Cessnock LGA, it is recommended that Council provide in-kind sponsorship for the 2024 running of the event.

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure

Report No. WI19/2024

Works and Infrastructure



SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 17 JUNE 2024.*

RESPONSIBLE OFFICER: *Infrastructure Manager - Cameron Clark*

RECOMMENDATION

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

- TC15/2024 - That Council authorises the temporary regulation of traffic on Barton Street Kurri Kurri in accordance with the Barton Street Kurri Kurri _ Kurri Curry Festival & Street Art Workshop 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:
 - TC16/2024.

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 17 JUNE 2024, COMMENCING AT 9:34AM

OPENING: The meeting was opened at 9:34am

PRESENT: Mayor, Jay Suvaal (Acting Chairperson)
Sergeant Jon Cassidy - NSW Police (Via Zoom)
Mr Mark Morrison – TfNSW

IN ATTENDANCE: Mr Warren Jeffery – Principal Engineer, Traffic & Transport
Ms Alison Shelton – Road Safety Officer
Ms Jules Bosco – Principal Development Engineer, Development Services
Mrs Melissa Vile – Senior Business Support Officer, Traffic & Transport

APOLOGIES

RESOLVED that the apologies tendered for unavoidable absence be accepted on behalf of:
Councillor, James Hawkins (Chairperson)
Mr Richard Ingall - Rover Coaches

Works and Infrastructure

Report No. WI19/2024

Works and Infrastructure



CONFIRMATION OF MINUTES

NOTED: That the Minutes of the Local Traffic Committee held on 17 June 2024, as circulated, be taken as read and confirmed as correct record.

DISCLOSURES OF INTEREST

NIL

BUSINESS ARISING FROM PREVIOUS MINUTES

NIL

LISTED MATTERS

SUBJECT: **BARTON STREET KURRI KURRI _ TEMPORARY REGULATION OF TRAFFIC KURRI CURRY FESTIVAL & STREET ART WORKSHOP**

REPORT NO.: **TC15/2024**

REFERENCE: **46/2024/3/1**

MATTER: Council received an application for the temporary regulation of traffic in connection with the Kurri Curry Festival & Street Art Workshop and has assessed the application, along with the associated Traffic Management Plan (TMP) and Traffic Guidance Scheme's (TGS's).

Consent is sought under Section 116 of the *Roads Act 1993*, to regulate traffic on Barton Street Kurri Kurri in connection with this traffic generating event.

DISCUSSION: The matter was described as per the report and the two received submissions were discussed.

NOTE: following up from a submission relating to the time Capsule in Rotary Park, Community Engagement team are investigating who best to engage with.

RECOMMENDATION

That Council authorises the temporary regulation of traffic on Barton Street Kurri Kurri in accordance with the Barton Street Kurri Kurri _ Kurri Curry Festival & Street Art Workshop Traffic Guidance Schemes.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI19/2024

Works and Infrastructure



SUBJECT: WATAGAN TRACK POKOLBIN _ REGULATORY SIGNAGE

REPORT NO.: TC16/2024

REFERENCE: DA 8/2021/21261/1

MATTER: Approval is sought for the installation of regulatory controls on Watagan Track Pokolbin in association with a development application 8/2021/21261/1 for function centre, staff, tourist and visitor accommodation at 427 Pokolbin Mountains Road Pokolbin.

The development application was approved at the Ordinary Council Meeting of 21 September 2022 subject to conditions.

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

General discussion of the location of the Give Way sign and which intersecting road should have priority.

Jules Bosco advised that amended plans were received from the Developer late last week showing that the relevant section of Watagan Track may be sealed - confirmation to be provided via email.

The following options for the positioning of the Give Way controls were discussed:

- If plans remain unchanged: Give Way signage to be moved south, to Mount Bright Road, (with no line marking able to be applied on unsealed road surface);
- If updated plans are provided and they include pavement sealing on Watagan Track, then the Give Way sign remains as per the submitted plan, with line marking and speed advisory signage;
- Mark Morrison suggested that both options be approved and the appropriate option be installed, dependent on whether the pavement sealing treatment is to be installed or not;
- Mayor Suvaal requested that confirmation be obtained as to whether the pavement seal is applied prior to finalisation of the minutes and the relevant option be the recommendation of the Committee; and
- For either option, curve advisory speed warning signs depicted on the signage plan are to be reduced from 30 km/h to 15 km/h.

NOTE: Confirmation as to whether pavement sealing will be applied was not able to be obtained from the Developer prior to finalization of these minutes. Accordingly, the matter is deferred until this information is provided.

Works and Infrastructure

Report No. WI19/2024

Works and Infrastructure



RECOMMENDATION

That the General Manager or the General Manager's Sub-Delegate, notes that installation of regulatory controls on Watagan Track Pokolbin, in accordance with the Watagan Track Pokolbin _ Signage plan Project 20-790-CC1040 Issue D is deferred until sufficient information is provided by the proponent for the matter to be reconsidered by the Committee

SUPPORT: Unanimous

CLOSURE

The Meeting Was Declared Closed at 9:59am

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI20/2024

Works and Infrastructure



SUBJECT: *TENDER T2024-15 CWMC LANDFILL EXTENSION STAGE 1*
RESPONSIBLE OFFICER: *Environment and Waste Services Manager - Scott Smith*

SUMMARY

Evaluation and selection of tender for Tender No. T2024-15 – CWMC Landfill Extension Stage 1 Construction.

RECOMMENDATION

That Council accepts the tender for T2024-15 CWMC Landfill Extension Stage 1 Construction from Daracon Contractors Pty Ltd for the sum of \$18,993,098.76 (GST inclusive).

BACKGROUND

Council operates the Cessnock Waste Management Centre (CWMC) which incorporates the upgraded waste transfer and resource recovery facility, Community Recycling Centre and landfilling of solid waste. The site has operated as a landfill since the 1970's.

Development consent was received in 2010 for the new waste transfer facility, resource recovery centre and landfill extension. The new transfer facility and Community Recycling Center (CRC) has been open to the community since 2017.

The next stage of the CWMC masterplan works is to construct a new landfill that has been designed in accordance with current standards and industry best practice. In 2021/22 the NSW EPA conducted a number of compliance audits on landfills throughout the state. The audit of the CWMC identified a number of non-compliances primarily due to the age, size and inferior design of the landfill area compared to current standards. After undertaking a number of rectification works, council was successful in obtaining a conditional Environmental Protection License (EPL) from the EPA which included a direction to cease use of the current landfill area by 31 December 2025.

At its meeting on 15 November 2023 (WI37/2023), Council unanimously endorsed the Construction of Stage 1 of the New Landfill Cell.

REPORT/PROPOSAL

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP1) before tenders were called. The form of contract selected was GC21. The RFT called for a Lump Sum with Rate Items tender for the Construction of Stage of the New Landfill Cell.

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Works and Infrastructure



Invitation

Tenders were invited on 3 April 2024 on Council’s VendorPanel and advertised in:

| Publication | Day | Date |
|-----------------------|----------|--------------|
| Newcastle Herald | Saturday | 6 April 2024 |
| Sydney Morning Herald | Tuesday | 9 April 2024 |

Addenda

The following addenda were issued via the VendorPanel Portal to all prospective tenderers during the invitation period:

| No. | Date | Description |
|-----|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 10 April 2024 | Updated Volume 2 – Tender Schedules. Pay Item descriptions updated. |
| 2 | 15 April 2024 | Provision of electrical drawings for existing infrastructure. |
| 3 | 15 April 2024 | Provision of leachate line as-builts |
| 4 | 22 April 2024 | Provisions of Pre-Tender minutes and slides |
| 5 | 19 April 2024 | Provision of design and survey files information sheet. Update Volume 2 – Tender Schedules. Pay Item descriptions |
| 6 | 22 April 2024 | Provision of 3d model referenced in Geotech report. Update Volume 6 – Technical Specification section 9.6 and 9.8. |
| 7 | 24 April 2024 | Extension to closing date. Provision of existing fencing specifications. Update Volume 5 – Drawings 30012344-1111 and 1113. |
| 8 | 01 May 2024 | Provision of temporary access track drawings. |
| 9 | 03 May 2024 | Updated Volume 2 – Tender Schedules. Pay Item descriptions updated. Additional details for baffle wall. Update Volume 6 – Technical Specification section 1.15. |
| 10 | 09 May 2024 | Updated Volume 2 – Tender Schedules. Pay Item descriptions updated. Provision of sketches submitted offline as part of question. |
| 11 | 16 May 2024 | Extend Tender closing date by one week. |

Closure

Tenders closed 2pm Tuesday 28 May 2024.

TIME FRAME

It is anticipated that the Date of Contract will be late July 2024. The Time Period for Completion is 67 weeks.

LOCAL CONTENT

Local preference scoring was not applied to this Contract due to the specialty nature and size of the works.

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Works and Infrastructure



OPTIONS

Option 1: Accept the tender from Daracon Contractors Pty Ltd in the amount of \$18,993,098.76 (including GST). This is the preferred option.

Option 2: Decline to accept any offers and negotiate with other service providers.

This option is not recommended as it will negatively impact on the project program. Daracon's Tender provides value for money when reviewed against pre-tender estimates. Delaying the Contract award and commencement onsite will prevent Council from meeting the EPA mandated timeframe to cease operations of the current cell by the end of 2025.

CONSULTATION

The following officers were consulted during the tender process:

Internal

- Procurement Coordinator,
- Procurement Administration Officer,
- Infrastructure Manager,
- Waste and Environment Manager,
- Infrastructure Director,

External

- KP Services – Contracts Expert,
- Vasey Consulting – Quantity Surveyor,
- SMEC – Design Consultant,
- EPA – Licensing Authority.

A communication plan has been developed for this project. This is currently being implemented and will be reviewed and updated through-out the project.

Communication about progress of the works will be ongoing. For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback. Impacts on operations will be communicated at the site on a VMS and on Council's Facebook page.

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objectives of:

2022-26 Delivery Program:

- *3.3.1 Continue to develop and maintain Council's Waste Management Centre*
- *3.2.2 Continue landfill extension project*
- *3.3.3 Continue implementation of projects from the Waste and Resource Recovery Strategy 2020-25*
- *3.3.4 Continue to provide and efficient and effective Waste Management Service.*

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b. Other Plans

The construction of a new landfill cell at the CWMC will support council to maintain compliance with the aims and objectives of these strategies.

- *Waste and Resource Recovery Strategy 2020-25.*
- *Waste and Sustainable Material Strategy 2041*

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Guidelines,
- Tendering Guidelines for NSW Local Government 2009, and
- NSW Government – Code of Practice for Procurement 2005.

b. Financial Implications

The accepted Tender amount including an allowance for contingency, falls within the current approved budget for the project.

c. Legislative Implications

The tender process has followed the legislative provisions, referenced in *Cessnock City Council Procurement Policy* and *Cessnock City Council Procurement Procedure*, as follows:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

d. Risk Implications

To minimise Council's exposure to business risks, the RFT required:

- Relevant experience in landfill construction
- Satisfactory financial capacity.
- Adequate levels of insurances.
- Modern Slavery
- Unconditional Undertakings

The authenticity of the Contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation,
- Public Liability (\$20M or greater),
- Comprehensive Motor Vehicle,
- Insurance of the Works.

Risks identified in relation to safety, environment and quality are mitigated by the RFT requirement for adherence to the following system standards:

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- *AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems or current accreditation with the Office of the Federal Safety Commissioner*
- *AS/NZS ISO 14001:2016 - Environment Management Systems*
- *AS/NZS ISO 9001:2016 - Quality Management Systems*

Regarding safety, the RFT requires the Contractor to prepare and implement a Site Specific WHS Management Plan including:

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage interactions between public and construction traffic and a staging plan to maintain access to the weighbridge and landfill,
- Requirements for on-site workers to have current general construction induction cards (white card) and licences/tickets and inducted to the site, and
- Safe Work Method Statements, kept on site, and at daily tool box talks.
- Noise, Vibration and dust monitoring.
- Working around hazardous substances including waste.
- Working around former mine workings.
- Key risks are identified and controls put in place

e. Other Implications

Environmental: Improved environmental outcomes will result from the development of the new landfill cell and capping of the current cell. The new landfill cell and capping of the current cell has been designed to the current EPA Solid Waste Guidelines and other best practice landfill standards. The new landfill cell includes a robust synthetic lining system, leachate management systems and improved ground and surface water management. The new cell will provide a significant improvement to environmental outcomes over the current cell, that was constructed in the 1970's. Capping of the current cell will prevent leachate generation, reducing the burden on the existing leachate infrastructure onsite. Capping of the current cell in conjunction with the ongoing upgrades to the gas collection network will provide more efficient greenhouse gas capture and processing, reducing Council's carbon emissions.

Financial: In accordance with the Council report tabled on 15 November 2023, continuing to develop and operate a Council owned landfill cell is significantly more cost effective than sending waste to a third party, both short and long-term. Further to this, development of the new cell generates over 300,000m³ of surplus material that is necessary for capping of the current cell and capping and operation of the new cell. Purchasing this material from a third party would be expensive, detrimental to the road network, and difficult to obtain given the current limitations in the market.

Social: Development of the new cell ensures that jobs associated with operation of the facility and collection of waste are maintained with the Cessnock community. Construction of the new landfill cell allows Council to continue to take responsibility and maintain control of the potential implications associated with landfilling operations and ensure best practice is performed.

Modern Slavery: Compliance to Modern Slavery Legislation

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CONCLUSION

The Tender T2024-15 CWMC Landfill Extension Stage 1 Construction from Daracon Contractors Pty Ltd for the sum of \$18,993,098.76 (GST inclusive) offers the best value for money for the CWMC Landfill Extension Stage 1 construction. The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- [1](#) ⇨ T2024-15 - CWMC Landfill Extension Stage 1 Construction _ Tender Evaluation Methodology
- [2](#) T2024-15 _ Tender Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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SUBJECT: ***INTERSECTION OF COOPER AND CHARLTON STREETS - INTERIM REMEDIATION***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Cameron Clark***

SUMMARY

Provide interim improvement to address traffic and pedestrian safety until a permanent solution is developed in line with the review of the Cessnock Commercial Precinct Public Domain Plan.

RECOMMENDATION

- 1. That Council endorse the proposed intersection treatment for the Cooper and Charlton Streets intersection to go through Local Traffic Committee for review and to go on public display.**
- 2. That the General Manager bring the recommendation of the Local Traffic Committee for the proposed treatment for the Cooper and Charlton Street intersection back to Council for endorsement.**

BACKGROUND

In the existing endorsed public domain plan the Cooper and Charlton Street intersection provides for a town square concept with a shared zone in the road reserve. The Shared Zone connects adjacent open spaces on privately owned land.

Heavy vehicles travel through the Cooper and Charlton Street intersections for public transport and to facilitate deliveries to commercial businesses. A key component to implementing the CCPPDP is acquiring property at the northern end of Keene Street. Extending Keene Street will divert heavy vehicles from the Cooper and Charlton Street intersection and enable the shared zone to function as intended.

In November 2019 Council moved to implement a shared zone that aligned with the public domain plan and retained the Cooper Street and Charlton Street roundabout. The performance of the flagstone style pavers as a wearing course has been poor and significant maintenance and rectification work has been required to maintain an even and trafficable surface. The retention of the roundabout and two-way traffic flow presents a risk to pedestrian safety within the shared zone and also encourages “rat running” along Cooper Street to avoid peak hour traffic congestion along Wollombi Road and Maitland Road.

In light of the issues raised above relating to the poor performance of the wearing surface, the pedestrian and traffic safety and the Public Domain Plan review it is proposed to implement an interim treatment to address these issues.

This report was previously included in the June 2024 ordinary Council meeting agenda and a decision on the report was deferred to allow Councillors to be briefed on the proposed intersection treatment. This briefing was held Wednesday 10 July 2024.

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REPORT/PROPOSAL

Based on detailed geotechnical investigation Council Officer's confirm that a suitably engineered pavement option must be installed to cater for the heavy vehicle traffic movements. The use of flagstone pavers as a wearing course is not appropriate to achieve the pavement strength or performance required accommodate heavy vehicles from an asset life perspective. Council Officer's propose to implement a more durable deep lift asphalt treatment instead.

In addition to this, a revised priority for the intersection has been proposed to address the pedestrian and traffic safety issues.

The revised intersection treatment allows the continued use of the intersection by heavy vehicles while formalising the pedestrian crossing locations resulting in a better performing outcome from a traffic perspective and consequentially reducing the risk of traffic incidents.

The revised intersection treatment removes the current hybrid shared zone and provides flexibility to meet the intent of the current public domain plan until permanent changes are made to the plan as part of the strategic review.

OPTIONS

1. **Do nothing** – retain existing pavement and intersection treatment and accept the anticipated future maintenance cost and the poor performance of the current intersection treatment and the traffic issues currently being experienced.
2. **Implement interim pavement and revise intersection treatment** – This is likely to result in significantly reduced maintenance costs and improved performance from a traffic perspective resulting in fewer incidents.

CONSULTATION

Councillors were invited to attend a site visit on the 19 June 2024 to discuss the safety and maintenance issues related to the current arrangement, review the proposed changes and provide feedback. Subsequently, Councillors were provided a briefing and an opportunity to provide feedback on the proposed changes on Wednesday 10 July 2024. Prior to the briefing an all Councillor memo was distributed which included detail on the proposal including a conceptual layout of the proposed intersection treatment.

The implementation of the revised intersection treatment is subject to formal approval by the Local Traffic Committee and as part of that process the treatment will be publicly advertised for 28 days. The community and businesses can provide feedback on the proposed treatment during this period.

Anecdotally, the operation of the current intersection is a subject of frequent complaints directly to Council and also informally on Council's endorsed community engagement channels.

STRATEGIC LINKS

a. Delivery Program

The proposed future maintenance budget is adequate to cover the costs associated with the intersection improvement project.

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b. Other Plans

Implementation of intersection improvements to provide priority to Cooper Street; restrict movements in and out of Charlton Street; implement one way access along a portion of Cooper Street; increase parking spaces; and delineate the roadway through the shared zone with a sustainable wearing course.

While this proposed treatment does not directly align with the CCBDPDP it provides a safer and more accessible environment for all users than the current arrangement in the short term. Once the review of the CCBDPDP is complete a revised implementation plan can be prepared that satisfy the Plan’s objectives and how it can be funded.

IMPLICATIONS

a. Policy and Procedural Implications

NA

b. Financial Implications

The proposed works are to be funded out of the annual road maintenance budget and the estimated cost of the rectification works is as follows:

| | |
|--------------------------------------|------------------|
| Site Establishment and Preliminaries | \$ 10,000 |
| Traffic Control | \$ 50,000 |
| Night Work Allowance | \$ 50,000 |
| Demolition of Existing Flag Pavers | \$ 85,000 |
| Disposal of Demolished Pavers | \$ 50,000 |
| Rectification of Subgrade | \$ 95,000 |
| Install Deep Lift AC | \$125,000 |
| Line Marking & Signage | \$ 25,000 |
| Total | \$490,000 |

In addition, Asset Planning are reviewing the condition of adjacent infrastructure to identify if there are any cost efficiencies to completing other improvement works that will enable the Cooper and Charlton Street improvements to be more effective.

c. Legislative Implications

The proposed improvements to the Cooper and Charlton Street intersection will be implemented as maintenance works. From an environmental planning perspective, approval under part 5 of the legislation applies as the works are being completed by Council who are considered a public authority under the Act.

d. Risk Implications

The proposed intersection improvements will improve both pedestrian and traffic safety. The proposed pavement treatment will reduce the risk of pavement failure and ongoing maintenance.

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If the works are not completed, the budget for ongoing maintenance may significantly increase due to accelerated failure of the flagstone paver wearing course and underlying pavement.

e. Environmental Implications

Council crews completing the works will complete an environmental management plan that will be monitored throughout the project to ensure effective operation of environmental controls.

f. Other Implications

The proposed works may require temporary closure of the road and in order to reduce the inconvenience to road users it may be required to complete the works at night.

CONCLUSION

The proposed intersection improvements provide a safer and more accessible environment for all users than the current arrangement in the short term.

The associated proposed pavement treatment will reduce the risk of ongoing maintenance. The works can be implemented quickly and efficiently to balance the immediate needs of the community. It will improve pavement performance and improve operation of the intersection as well as be adapted to the long-term strategic objectives of the revised Cessnock CBD Public Domain Plan.

ENCLOSURES

[1](#) ⇨ Concept Plan