



12 March 2025

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, 19 March 2025 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

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(16) COUNCILLORS' REPORTS

(17) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 19 MAR 2025

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Code of Conduct

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

Generally, the Code outlines the following issues:

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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 FEBRUARY 2025, COMMENCING
AT 6.30PM**

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

IN ATTENDANCE: Acting General Manager (Director Planning and Environment)
Director Corporate and Community Services
Director Works and Infrastructure
Chief Financial Officer
Acting Development Services Manager (Development Services Coordinator)
Senior Planning Assessment Officer
Principal Development Engineer
Principal Community Engagement Officer
Community Engagement Officer
Help Desk Support Officer
Acting Governance Advisor (Senior Governance Officer)
Acting Council Services Team Leader (Senior Business Support Officer – Council Services)

The Mayor on behalf of Council extended his condolences to the Fagg family for the loss of their husband and father, John Fagg who passed away last month. John was a past Councillor of Cessnock City Council between 2016 and 2021. John was the husband of former Cessnock City Councillor Karen Jackson.

A minutes silence was held as a mark of respect.

Council Prayer presented by Pastor Courtney Watton

**ATTENDANCE BY
AV LINK**

MOTION

Moved: Councillor Suvaal
Seconded: Councillor Harrington

84

RESOLVED that Council permit Councillor Madden to attend the 19 February 2025 Ordinary Council Meeting by audio-visual link due to work commitments.

FOR

AGAINST

Councillor Dixon
Councillor Harrington
Councillor Hill
Councillor Jurd
Councillor King
Councillor Lea
Councillor Mason
Councillor Palmowski
Councillor Pascoe
Councillor Suvaal
Councillor Watton

Total (11)

Total (0)

CARRIED UNANIMOUSLY

APOLOGY:

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

85

RESOLVED that the apology tendered on behalf of Councillor Grine, for unavoidable absence, be accepted and leave of absence granted.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION **Moved:** Councillor Lea
 Seconded: Councillor Suvaal

86

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 11 December 2024, as circulated, be taken as read and confirmed as a correct record with the correction to the disclosure from Councillor Lea, amending the date from 2023 to 2003

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI1/2025

SUBJECT: DISCLOSURES OF INTEREST

Nil

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Daniel Brugman		Against	PE1/2025 - Development Application No. 8/2023/298/1 for a food and drink premises comprising a pub and ancillary brewery, restaurant / café and associated car parking and on-site effluent disposal 5439 George Downes Drive Bucketty	Error! Bookmark not defined. 4	3 mins

EXTENSION OF TIME **Moved:** Councillor Suvaal **Seconded:** Councillor Lea
87

RESOLVED that an extension of time of one minute be granted to Daniel Brugman to complete his presentation.

FOR

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

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Nicholas McDonald		For	PE1/2025 - Development Application No. 8/2023/298/1 for a food and drink premises comprising a pub and ancillary brewery, restaurant / café and associated car parking and on-site effluent disposal 5439 George Downes Drive Bucketty	Error! Bookmark not defined. 34	3 mins
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PLANNING AND ENVIRONMENT NO. PE1/2025

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2023/298/1 FOR A FOOD AND DRINK PREMISES COMPRISING A PUB AND ANCILLARY BREWERY, RESTAURANT / CAFÉ AND ASSOCIATED CAR PARKING AND ON-SITE EFFLUENT DISPOSAL

5439 GEORGE DOWNES DRIVE BUCKETTY

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

RECOMMENDATION

1. That:

- (i) Development Application No. 8/2023/298/1 for the construction of a food and drink premises comprising a pub and ancillary brewery, a restaurant / café and associated parking and on-site effluent disposal area on Lot 30 DP 574492 – 5439 George Downes Drive Bucketty, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 2.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision) and consideration of community views are as follows:
 - The proposed development, subject to the recommended conditions, is consistent with the objectives of the *Cessnock Local Environmental Plan 2011 (CLEP)*.
 - The proposed development is, subject to the recommended conditions, consistent with the objectives of the *Cessnock Development Control Plan 2010 (DCP)*.
 - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the *Cessnock Local Environmental Plan 2011 (CLEP)*.
 - The proposed development is considered to be of an appropriate scale and form for the site and is consistent and sympathetic with the character of the locality.
 - The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
 - 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 AND ADOPTION OF ALL REPORTS BY ENGLOBE OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Palmowski
89

RESOLVED

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

OFFICERS REPORTS

CC3/2025	Credit Card Policy	48
‡ CC5/2025	Disclosures of Interests in Written Returns	53
‡ CC8/2025	Resolutions Tracking Report	66

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

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Nil

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU1/2025

SUBJECT: MOTIONS OF URGENCY

Nil

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE2/2025

SUBJECT: 2025 HUNTER VALLEY AIRSHOW SPONSORSHIP

MOTION **Moved:** Councillor King **Seconded:** Councillor Hill
90
RESOLVED

That Council approves \$8,500 in sponsorship for the 2025 Hunter Valley Airshow with the following conditions:

1. 2025 Hunter Valley Airshow event development approval must be obtained,
2. Any damage to Cessnock Airport as a result of the event is deducted from the sponsorship amount, and
3. Sponsorship payment will occur after the event is held.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC1/2025

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - QUARTER 2, 31 DECEMBER 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Mason
91

RESOLVED

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

FOR	AGAINST
Councillor Dixon	Councillor Jurd
Councillor Harrington	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC2/2025

SUBJECT: REVIEW OF THE 2022-26 DELIVERY PROGRAM

MOTION **Moved:** Councillor King **Seconded:** Councillor Suvaal
92
RESOLVED

That Council notes the progress in implementing the 2022-26 Delivery Program, for the period 1 October to 31 December 2024.

Councillor Jurd left the meeting, the time being 7.51pm

Councillor Jurd returned to the meeting, the time being 7.52pm

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC3/2025

SUBJECT: CREDIT CARD POLICY

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Palmowski
93

RESOLVED

That Council adopts the reviewed Corporate Credit Card Policy.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC4/2025

SUBJECT: PROPOSED CHANGES TO THE MODEL CODE OF MEETING PRACTICE

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

That Council endorses the submission to the Office of Local Government outlining Council's response to the proposed amendments to the Model Code of Meeting Practice.

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

That Council endorses the submission to the Office of Local Government, with the second paragraph removed from section 6 in relation to the agenda review sessions, page 269 of the attachment.

FOR	AGAINST
Councillor Harrington	Councillor Dixon
Councillor Jurd	Councillor Hill
Councillor King	Councillor Lea
Councillor Watton	Councillor Madden
	Councillor Mason
	Councillor Palmowski
	Councillor Pascoe
	Councillor Suvaal
Total (4)	Total (8)

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

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

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

94

RESOLVED

That Council endorses the submission to the Office of Local Government outlining Council's response to the proposed amendments to the Model Code of Meeting Practice.

FOR	AGAINST
Councillor Dixon	Councillor Harrington
Councillor Hill	Councillor Jurd
Councillor Lea	Councillor King
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (9)	Total (3)

CARRIED

CORPORATE AND COMMUNITY NO. CC5/2025

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Palmowski
95

RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 November 2024 to 31 January 2025 in accordance with Council's Code of Conduct.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC6/2025

SUBJECT: INVESTMENT REPORT - DECEMBER 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
96
RESOLVED

That Council receives the Investment Report for December 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 \$66,290,975.**

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC7/2025

SUBJECT: INVESTMENT REPORT - JANUARY 2025

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
97

RESOLVED

That Council receives the Investment Report for January 2025 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 \$61,373,326.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC8/2025

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Palmowski
98

RESOLVED

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

FOR	AGAINST
------------	----------------

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

	Total (0)
--	------------------

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI1/2025

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

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
99
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 18 November 2024 be adopted as a resolution of the Ordinary Council.

- **TC40/2024 - That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Wollombi Markets Traffic Guidance Schemes.**
- **TC41/2024 - That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri _ Nostalgia Festival 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:**
 - **TC42/2024**
 - **TC43/2024**
 - **TC44/2024**

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN1/2025

SUBJECT: MAYORAL REPORTING TO COUNCIL ON STATE AND FEDERAL ADVOCACY

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

That the Mayor bring a quarterly report to Council to inform on his attendance at or absence from meetings or events that provide advocacy opportunities for representing the interests of Cessnock City Council and our community.

Councillor King left the meeting, the time being 8.34pm

Councillor King returned to the meeting, the time being 8.36pm

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

That the Mayor and all Councillors bring a quarterly report to Council to report on their opportunities of meetings or events that provide them access to members of Parliament or major companies where they are representing the interest of Cessnock City Council in their role as Councillor.

Councillor Pascoe left the meeting, the time being 8.51pm

Councillor Pascoe returned to the meeting, the time being 8.52pm

FOR	AGAINST
Councillor Dixon	Councillor Hill
Councillor Harrington	Councillor Lea
Councillor Jurd	Councillor Madden
Councillor King	Councillor Mason
Councillor Watton	Councillor Palmowski
	Councillor Pascoe
	Councillor Suvaal
Total (5)	Total (7)

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

Councillor Jurd left the meeting, the time being 9.08pm

Councillor Jurd returned to the meeting, the time being 9.10pm

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

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

That the Mayor bring a quarterly report to Council to inform on his attendance at or absence from meetings or events that provide advocacy opportunities for representing the interests of Cessnock City Council and our community.

FOR

Councillor Hill
Councillor Lea
Councillor Madden
Councillor Palmowski
Councillor Suvaal

Total (5)

AGAINST

Councillor Dixon
Councillor Harrington
Councillor Jurd
Councillor King
Councillor Mason
Councillor Pascoe
Councillor Watton

Total (7)

LOST

BUSINESS WITH NOTICE NO. BN2/2025

SUBJECT: STATE SIGNIFICANT DEVELOPMENTS - COMMUNITY CONCERNS

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
100

RESOLVED

1. That Council make submissions to the State Significant Developments for Weston Aluminium (SSD-79012238) and Recycle Central (SSD-71547218) noting community concern surrounding the expansion of these existing developments and the possible impacts.
2. The submissions should note concerns surrounding the expansion of waste disposal and possible environmental contamination close to residential properties, as well as the impact of increased heavy vehicle movements on the local road network.
3. That Council calls on both proponents to conduct meaningful community consultation alongside the relevant regulatory agencies to ensure community confidence in the proposals.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN3/2025

SUBJECT: CHRONIC UNDERSTAFFING AT CESSNOCK POLICE STATION AND REQUEST FOR ADDITIONAL RESOURCES

MOTION **Moved:** Councillor King **Seconded:** Councillor Harrington

1. That Council acknowledge the ongoing issue of chronic understaffing at Cessnock Police Station and its impact on community safety.
2. That Council write to the Minister for Police to request support to address staffing shortages and ensure sufficient police resources are allocated to the Cessnock region.
3. That Council write to our State member to advocate for better staffing levels at the Cessnock Police Station to effectively address rising crime and improve response times for non-critical incidents.

AMENDMENT **Moved:** Councillor Suvaal **Seconded:** Councillor LeaThat

1. That Council notes the great work our local Police do in challenging circumstances to keep our community safe.
2. That Council writes to Clayton Barr MP, the Minister for Police and the NSW Police Hunter Area Local Area Commander requesting a meeting with Council to discuss ways we can all work together to improve safety, reduce crime and eradicate domestic violence in our community, including through things like town planning, community education campaigns, CCTV and an increased police presence.
3. That Council write to the Minister for Police to request support to address staffing shortages and ensure sufficient police resources are allocated to the Cessnock region.

FOR

Councillor Dixon
Councillor Harrington
Councillor Hill
Councillor Jurd
Councillor King
Councillor Lea
Councillor Madden
Councillor Mason
Councillor Palmowski
Councillor Pascoe
Councillor Suvaal
Councillor Watton

Total (12)

AGAINST

Total (0)

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

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

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Lea
101
RESOLVED

1. That Council notes the great work our local Police do in challenging circumstances to keep our community safe.

2. That Council writes to Clayton Barr MP, the Minister for Police and the NSW Police Hunter Area Local Area Commander requesting a meeting with Council to discuss ways we can all work together to improve safety, reduce crime and eradicate domestic violence in our community, including through things like town planning, community education campaigns, CCTV and an increased police presence.

3. That Council write to the Minister for Police to request support to address staffing shortages and ensure sufficient police resources are allocated to the Cessnock region.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN4/2025

SUBJECT: RUGBY UNION WORLD CUP 2027

MOTION **Moved:** Councillor Lea **Seconded:** Councillor King
102
RESOLVED

That Council, in acknowledgment of Australia hosting the 2027 Rugby Union World Cup and Newcastle hosting four (4) pool matches, formally submit an Expression of Interest to New South Wales Rugby Union, Rugby Australia, World Rugby, Mr Clayton Barr MP State Member for Cessnock, Mr Dan Repacholi MP Federal Member for Hunter, NSW Minister for Sport the Hon. Steve Kamper and Federal Minister for Sport the Hon. Anika Wells nominating our location as a potential host for participating nations, both during the tournament and for pre-tournament training camps.

FOR	AGAINST
Councillor Dixon	
Councillor Harrington	
Councillor Hill	
Councillor Jurd	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Suvaal	
Councillor Watton	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

Mayor Watton

Canberra Federal Election Advocacy Trip - 5 -6 February 2025

Mayor Watton advised of his attendance at the Hunter JO's Canberra Federal Election advocacy trip, on the 5 and 6 February 2025. The group included:

- Cr Leah Anderson – Port Stephens Council Mayor
- Cr Jeff Drayton – Muswellbrook Shire Council Mayor
- Cr Sue Moore – Singleton Council Mayor
- Cr Philip Penfold – Maitland City Council Mayor
- Cr Digby Rayward – Dungog Shire Mayor
- Steve Wilson – Director Hunter JO
- Kim Carland – Advocacy & Government Relations Lead Hunter JO

Focus of the trip

To communicate and advocate shared federal election priorities;

- Post mining land use
- Housing

Road funding

- International tourism and air freight terminal
- Circular economy

Breakdown of meetings – Who did we meet with?

Government Ministers	<ul style="list-style-type: none"> • Hon Catherine King – Minister for Infrastructure, Transport, Regional Development & Local Gov • Hon Josh Wilson - Assistant Minister for Climate Change and Energy • Hon Kristy McBain - Minister for Regional Development & Local Government and Territories • Hon Clare O’Neil - Minister for Housing and Minister for Homelessness
Shadow Ministers	<ul style="list-style-type: none"> • Hon David Littleproud - Leader of the Nationals (& Ross Cadell) • Hon Darren Chester - Shadow Minister for Regional Development & Local Gov •
Government Advisors	<ul style="list-style-type: none"> • Prime Minister, Hon Anthony Albanese • Hon Madelaine King, Minister for Resources • Hon Tim Ayres, Assistant Minister for Trade & Future Made in Australia • Hon Don Farrell, Minister for Trade and Tourism
Shadow Advisors	<ul style="list-style-type: none"> • Hon Peter Dutton, Leader of the Opposition
Hunter MP’s	<ul style="list-style-type: none"> • Hon Pat Conroy (Shortland) • Dan Repacholi (Hunter)• • Sharon Claydon (Newcastle) • Meryl Swanson (Paterson)• • Hon Barnaby Joyce MP (New England)• • Hon Dr David Gillespie MP (Lyne)
Agencies	<ul style="list-style-type: none"> • Net Zero Economy Authority

A selection of advocacy documents were prepared and distributed as part of this advocacy week with key representatives from the Hunter JO. A copy of advocacy documents can be supplied at any stage from the mayor's office.,

Councillor Palmowski left the meeting, the time being 9.46pm

Councillor Palmowski returned to the meeting, the time being 9.47pm

The Meeting Was Declared Closed at 9.47pm

CONFIRMED AND SIGNED at the meeting held on 19 March 2025

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI2/2025

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.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI1/2025

Corporate and Community Services



SUBJECT: ***NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION - REPORT CC16/2025 - AUTHORISATION TO PURCHASE PROPERTY ADJACENT TO COUNCIL FACILITY***

RESPONSIBLE OFFICER: *Chief Finance Officer*

RECOMMENDATION

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

- **Report CC16/2025 – Authorisation to Purchase Property Adjacent to Council Facility as the report deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.

Mayoral Minute

Report No. MM1/2025

General Manager's Unit



MAYORAL MINUTE No. MM1/2025

SUBJECT: FUTURE PROOFING THE TRANSPORT NEEDS OF OUR COMMUNITY

RECOMMENDATION

- 1. That Council write to Transport for NSW requesting a review of the Cessnock LGA public transport network and investigate improved, efficient local public transport options to implement for our growing community.**
- 2. That Council write to The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, and local Members of Parliament for priority action on the acquisition of the rail corridor so it can be preserved for future transport functionality.**

REPORT/PROPOSAL

The Hunter Strategic Regional Integrated Transport Plan (SRITP) that was recently on exhibition, plans to reimagine how we connect our communities, support improved roads and public transport connections between housing and jobs, education and health care across new sustainable growth areas from day one.

In the Hon. Jenny Aitchison, MP, NSW Minister for Regional Transport and Roads foreword in the SRITP, the minister advised that Transport for NSW (TfNSW) would support sustainable growth and housing by expanding public transport options that align with population increases and enhance multimodal connections to mass transit, particularly by improving access for pedestrians and cyclists. This approach will improve transport choices, fostering a vibrant and liveable Hunter region. Region.

The Cessnock LGA public transport network is not sufficient for our communities' current needs, and without providing added services, new routes and improved bus stops, I believe there are significant challenges for our existing public transport system to meet the growing needs of our community.

TfNSW are responsible for regulating public and private bus services across NSW. I suggest we request TfNSW prioritise planning and investigation of our current and future public transport needs to provide connected and accessible services between Cessnock and Bellbird, Branxton, Greta, Kurri Kurri and Maitland.

Additionally, the existing heavy rail corridor between Cessnock and Maitland may provide the opportunity to future proof the city's growing transport demands. I recommend Council ask TfNSW to acquire the corridor to preserve it for a future transport benefit/need.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU2/2025

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.

Planning and Environment

Report No. PE3/2025

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION NO. 8/2023/298/1 FOR A FOOD AND DRINK PREMISES COMPRISING A PUB AND ANCILLARY BREWERY, RESTAURANT / CAFÉ AND ASSOCIATED CAR PARKING AND ON-SITE EFFLUENT DISPOSAL*

5439 GEORGE DOWNES DRIVE BUCKETTY

RESPONSIBLE OFFICER: *Development Services Manager*

APPLICATION NUMBER:	8/2023/298/1
PROPOSAL:	Food and drink premises comprising a pub and ancillary brewery, restaurant / café and associated car parking and on-site effluent disposal
PROPERTY DESCRIPTION:	Lot 30 DP 574492
PROPERTY ADDRESS:	5439 George Downes Drive Bucketty
ZONE:	RU2 Rural Landscape
OWNER:	Mr Nicholas Donald
APPLICANT:	Mr Nicholas Donald

RECOMMENDATION

1. That:

- (i) Development Application No. 8/2023/298/1 for the construction of a food and drink premises comprising a pub and ancillary brewery, a restaurant / café and associated parking and on-site effluent disposal area on Lot 30 DP 574492 – 5439 George Downes Drive Bucketty, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 2.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision) and consideration of community views are as follows:
 - The proposed development, subject to the recommended conditions, is consistent with the objectives of the *Cessnock Local Environmental Plan 2011 (CLEP)*.



- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Cessnock Development Control Plan 2010 (DCP).
 - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the Cessnock Local Environmental Plan 2011 (CLEP).
 - The proposed development is considered to be of an appropriate scale and form for the site and is consistent and sympathetic with the character of the locality.
 - The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
 - 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.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision

REASON FOR REPORT

Development Application No. 8/2023/298/1 is being referred to Council for determination as objections were received in response to the public exhibition period that are considered to constitute 'significant objection' in accordance with the provisions of 'Development Practice Note – Operation of the Development Assessment Unit (DAU) and Determination of Applications under Delegated Authority'.

Council at its Ordinary meeting held on 19 February 2025 considered Report Number PE1/2025 – Development Application No. 8/2023/298/1 and resolved that the report be deferred until the next Council meeting.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2023/298/1, seeking approval for the construction of a food and drink premises comprising a pub and ancillary brewery, a restaurant / café, associated parking and on-site effluent disposal at 5439 George Downes Drive Bucketty.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2021*, relevant Environmental Planning Instruments and Council policies, and is fully compliant.

The development is consistent with the objectives of the RU2 Rural Landscape zone under the *Cessnock Local Environmental Plan 2011* (CLEP 2011) and the scale and intensity of the proposed development is considered appropriate within the context of the rural setting. The proposed development will be located within an existing cleared area of the site and while some additional clearing will be required to establish bushfire asset protection zones, the majority of the site (approximately 80% of the site) will remain heavily vegetated. The development will not intrude into the skyline and will not be visible from the road or any other public place given the heavily vegetated state of the site.

The Development Application was publicly exhibited on two (2) occasions.

The application was first notified between 26 September 2023 and 9 October 2023. During this time, fourteen (14) submissions were received from fourteen (14) households. Thirteen (13) of these submissions raised objection to the proposal and one (1) submission was in support of the proposal.

The application was publicly exhibited for the second time, due to the NSW Planning Portal 'Application Tracker' being offline for part of the initial notification period, between 14 June 2024 and 28 June 2024. During this exhibition period sixty-eight (68) submissions were received from sixty-two (62) households. Forty-one (41) of these submissions were in support of the development and twenty-seven (27) of these submissions were in objection to the proposal.

The majority of submissions received in support of the proposal, were received from residents within a 5-10km radius of the subject site. The key reasons for the support of the proposed development were the provision of a much-needed meeting and recreation area for socialisation in a remote area, economic benefits and employment opportunities for locals.

Submissions opposing the proposed development raised concerns with permissibility, land use conflict, scale of development, ecology, traffic/parking, amenity impacts, contamination bushfire, lack of public transport, and poor social behaviour.

The concerns raised have been considered as part of the assessment of the application. The assessment has determined that the proposed development will not result in any significant adverse impacts on the surrounding natural or built environment if the development is managed in accordance with the recommended conditions of consent.

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

Planning and Environment

Report No. PE3/2025

Planning and Environment



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

ENCLOSURES

- 1 ➡ Architectural Plans
- 2 ➡ Draft Notice of Determination
- 3 ➡ Assessment Report

Planning and Environment

Report No. PE4/2025

Planning and Environment



SUBJECT: ***EXHIBITION OF THE DRAFT CESSNOCK VINEYARDS DISTRICT PLACE STRATEGY AND THE DRAFT VINEYARDS DISTRICT DEVELOPMENT CONTROL PLAN***

RESPONSIBLE OFFICER: *Acting Strategic Planning Manager*

SUMMARY

The purpose of this report is to seek Council's endorsement to place the Draft Cessnock Vineyards District Place Strategy and Draft Cessnock Vineyards District Development Control Plan chapter (DCP) on public exhibition for a period of 28 days.

The Draft Place Strategy and Draft DCP provide contemporary guidelines for development in the Cessnock Vineyards District. The Draft documents reflect the outcomes of the Hunter Regional Plan 2041 ('the HRP'), are consistent with the principles of Council's Local Strategic Planning Statement 2031 ('the LSPS'), and reflect the intent of the 2012 Vineyards District Community Vision Statements and the 2024 Hunter Valley Wine and Tourist Association (HVWTA) Advocacy Statement on Land Use Planning. Preparation of the Draft Place Strategy and Draft DCP has involved substantial community input, gathered over several years.

RECOMMENDATION

- 1. That Council place the Draft Cessnock Vineyards District Place Strategy and Draft Vineyards District Development Control Plan chapter on public exhibition for a period of 40 days.**
- 2. That Council receive a further report following public exhibition of the Draft Vineyards District Place Strategy and Draft Vineyards District Development Control Plan chapter.**

BACKGROUND

The Cessnock Vineyards District is located to the northwest of the Cessnock Town Centre and is primarily zoned RU4 Primary Production Small Lots (see **Figure 1**). The Cessnock Vineyards District is the major component of the broader Hunter Valley Wine Region, which is the nation's oldest, continuous wine growing area and is internationally recognised for producing premium wines. The broader Hunter Valley Wine Region includes land at Broke, Fordwich, Pokolbin and Belford in the Singleton LGA and land in the Upper Hunter Valley.

In addition to viticulture and agriculture, the Vineyards District supports a variety of tourism developments, including cellar door premises, tourist and visitor accommodation, restaurants and cafés, and cultural and recreational facilities and events. Establishing a planning framework for the Vineyards District is challenging due to the diverse land uses, the area's long history of viticulture and agriculture, the need to preserve scenic character and amenity, and the potential for land-use conflict with agriculture. Any planning framework for the Vineyards District must encourage a harmonious balance between agriculture, scenic amenity, biodiversity and tourist and other non-agricultural development; all of which are critical to the character and viability of the Vineyards District.

Planning and Environment

Report No. PE4/2025

Planning and Environment



A draft local planning framework for the Cessnock Vineyards District was reported to Council for consideration on 20 April 2022 (PE24/2022). The planning framework was based on the then Department of Planning and Environment's 'Local Character Statement' (LCS) approach to planning for areas with a distinctive or unique character. The draft framework proposed amendments to the *Cessnock Local Environmental Plan 2011* ('the LEP') and a Draft Development Control Plan (DCP) chapter for the Cessnock Vineyards District, incorporating an LCS.

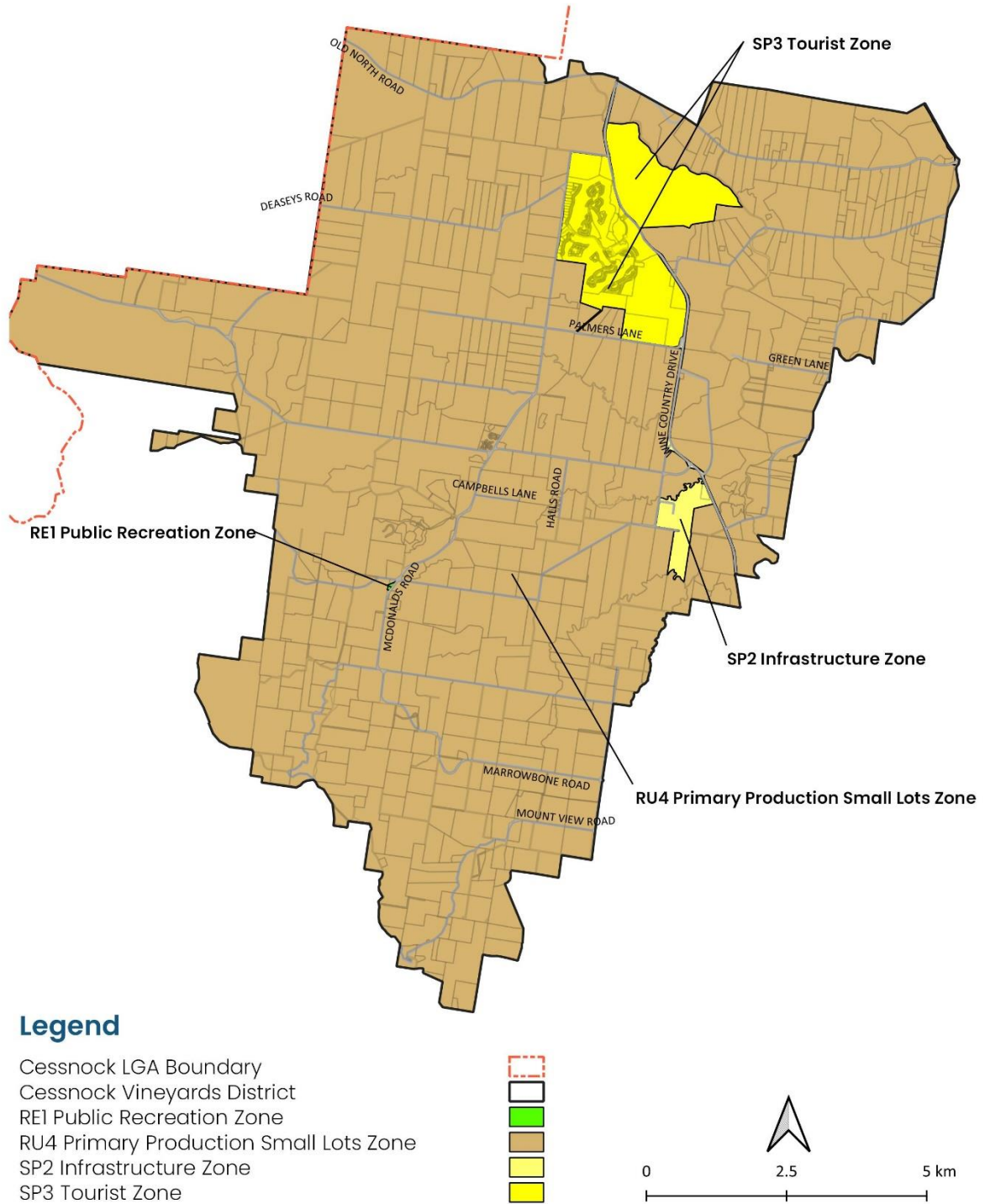


Figure 1 - The Cessnock Vineyards District

Planning and Environment

Report No. PE4/2025

Planning and Environment



At the April 2022 meeting of Council, it was resolved–

1. *That Council request a Gateway determination in respect of the Cessnock Vineyards District Planning Proposal from the NSW Department of Planning and Environment, in accordance with the Environmental Planning and Assessment Act 1979.*
2. *That Council request authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority for the Local Environmental Plan.*
3. *That Council consult with public authorities and the community as per the Gateway determination.*
4. *That Council exhibit the Draft Cessnock Vineyards District Local Character Statement and Development Control Plan along with the Planning Proposal.*
5. *That Council receive a report on the Planning Proposal and draft local planning framework following the public exhibition.*

The draft planning framework was forwarded to the Department of Planning and Environment, now the Department of Planning, Housing and Infrastructure ('the Department'), for review in May 2022. However, in October 2022, the Department requested additional information and substantial amendments to the Vineyards District Planning Proposal, including:

- incorporating elements from another Council Planning Proposal (PP-2022-1649), which involved rezoning The Vintage and Lovedale Integrated Tourist Development (LITD) sites from SP3 Tourist Zone to SP1 Special Activities Zone; and
- conducting an economic study to justify the proposed boundary of a Vineyards Tourist Centre at the intersection of Broke and McDonalds roads in Pokolbin.

In December 2022, Council submitted a revised Planning Proposal to the Department, addressing the matters it raised. At the same time, the Department introduced the Hunter Regional Plan 2041 ('the HRP'), which identified the Cessnock Vineyards District as a 'Regionally Significant Growth Area', requiring a Place Strategy. As a result of the introduction of the HRP, the Department issued a further information request to Council, outlining the need for additional amendments to the Planning Proposal by 1 July 2023, including:

- justification for proceeding with the planning proposal prior to the adoption of a Place Strategy for the Cessnock Vineyards District; and
- removal of proposed LEP clauses that would give statutory weight to the LCS in the Draft Vineyards District DCP chapter.

Council staff met with the Department in February 2023 regarding the Planning Proposal. The Department advised that the timing of the Planning Proposal should align with the progression of the Place Strategy for the Vineyards District, which, according to the HRP, the Department would be responsible for coordinating.

Following further meetings with the Department in June 2023, it was agreed that:

- Council would prepare high-level principles for the Cessnock Vineyards District for review and agreement by the Department;
- Council would request an extension (to 31 July 2023) for the resubmission of the Vineyards Planning Proposal to address the further matters raised the Department; and
- the Department would convene an inception meeting of the Vineyards District Place Delivery Group ('the PDG') and progress work on the Place Strategy.

Planning and Environment

Report No. PE4/2025

Planning and Environment



An amended Vineyards Planning Proposal was submitted to the Department on 26 July 2023. The amended Planning Proposal addressed the further matters raised by the Department.

In August 2023, Council provided draft land use principles for the Cessnock Vineyards District to the Department in response to its Place Strategy project. The draft land use principles reflected the outcomes contained in the HRP for the Cessnock Vineyard's District and the substantial community input gathered over several years by Council staff to develop the local planning framework for the Vineyards District, including through the Cessnock Vineyards Community Reference Group ('the CRG'), a community survey, and consultations linked to the LSPS.

In September 2023, the Department again requested further information, including additional studies, in relation to the Vineyards District Planning Proposal. By this third request for additional information from the Department, it was considered that if the Planning Proposal were to proceed with the Department's required amendments, it would bear little resemblance to the proposal submitted to Council for consideration in April 2022. Additionally, while most of the Department's additional requirements could be addressed, the Department's request for additional studies would be costly and time-consuming, with little benefit to Council. On this basis, Council was unable to respond to the Department's request for further information and, as a result, the Planning Proposal was effectively refused by the Department on 31 July 2023.

In November 2023, the Department hosted a Place Strategy inception meeting, during which the PDG was informed that the Department would issue Place Strategy Environmental Assessment Requirements (PSEARs) to Council after collating relevant agency comments. However, on 19 January 2024, the Department informed Council that staffing changes would prevent it from managing the Vineyards PDG and the preparation of a Place Strategy for the Cessnock Vineyards District. As a result, the preparation of a Draft Place Strategy fell to Council.

REPORT/PROPOSAL

Preparation of the planning framework for the Cessnock Vineyards District has involved substantial community input, which has been gathered over several years. This input has come through various channels, including the Cessnock Vineyards CRG, a community survey, and consultation linked to the LSPS. Throughout this process, the desired planning outcomes for the Cessnock Vineyards District have remained consistent, despite the evolving requirements of the Department, such as:

- the introduction of the Hunter Regional Plan 2041;
- the Department's requirement for a Place Strategy; and
- no support for the inclusion of clauses in the LEP, giving statutory weight to local character statements.

These developments, among others, have shaped the direction of the draft policy framework for the Cessnock Vineyards District, which is discussed in detail below.

Draft Cessnock Vineyards District Place Strategy

In early 2024, Council assumed responsibility for preparing the Draft Cessnock Vineyards District Place Strategy and, by the end of 2024, a Draft Place Strategy for the Vineyards District had been prepared (see **Enclosure 1**). The Draft Place Strategy reflects the intent of the policy framework reported to Council in 2022, and also the required outcomes for the Cessnock Vineyards District listed in the HRP.

As reported to Council in 2022, the Draft framework will focus on the four strategic areas of the Cessnock Vineyards District, as follows.

Important agricultural land

The first strategic area relates to land that is 'primary production land'. The principal planning objective for development that occurs on primary production land will be minimising impacts on planted vineyards and preserving and enhancing the rural and viticultural amenity of the area. Tourist development, such as accommodation, will continue to be permitted on primary production land, subject to an assessment of its compatibility with the Local Character Statement (An 'LCS' is essentially a narrative about the important qualities of the area that should be retained) and objectives and controls relating to built outcomes, such as development density.

It is not possible to be definitive regarding the location of the Vineyards District important agricultural land, this is primarily due to a lack of data. Both Council and the NSW Department of Primary Industries are looking to map important agricultural land in the Cessnock Local Government Area and, when complete, the Place Strategy and DCP chapter may be updated to reflect the outcomes of that review. However, for the time being, the Draft Place Strategy and DCP chapter maps all land in the Vineyards District as important agricultural land, other than land that is proposed Tourist Centre, or an existing major tourist accommodation node.

Important Environmental Land

The second strategic area relates to land that contains important vegetation or comprises corridors for fauna movement. The highest planning consideration for development in this area is impact on established native vegetation. Development in this area will be strictly controlled through a combination of LCS, development objectives and controls, the *Biodiversity Conservation Act 2016* and the need for external agency referrals.

Land in this precinct contributes to the overall amenity of the Vineyards District and provides habitat for native fauna. Development within these areas is subject to specific development controls to reduce potential impacts on vegetation and encourage replanting to strengthen existing habitat.

Visually sensitive landscape

The third strategic area relates to that land which is considered visually significant. The highest planning consideration for development in this precinct is impact on views from land to which the public has access, such as roads. Development within or immediately adjacent to these areas are subject to additional development controls to mitigate visual impacts.

While some data presently exists regarding the visually significant land in the Vineyards District, this information is expected to be further refined in the future through a separate, LGA wide study of visual landscapes.

Existing Tourist Centre and major tourist nodes

The final strategic area relates to the existing Tourist Centre at the intersection of Broke and McDonalds Road, which has evolved over time as a focus for more intensive tourism, retail and community development. The strategic area also focuses on several major integrated tourist and accommodation developments in the Cessnock Vineyards District that contain a scale and density of development that has largely rendered them unusable for any commercial scale, intensive plant agriculture. **Figure 2** sets out the location of the Vineyards Tourist Centre and major tourist nodes.

Planning and Environment

Report No. PE4/2025

Planning and Environment



The Draft Place Strategy sets out that the existing Tourist Centre and major tourist accommodation nodes should be the primary focus for larger scale tourist related development in the future, and that the number and density of existing development within these areas warrant them being classified as major nodes in the planning framework and managed accordingly.

An LCS has been developed for each of the strategic areas described above. Importantly, the strategic areas will not be mutually exclusive. Two or more strategic areas may apply to the same land and, in which case, the character statement for each would need to be considered in the assessment of any planning proposal or development relating to that land.

In addition to the LCS, the Draft Place Strategy provides future land use principles and consistency measures, providing guidance for planning proposals that relate to the Vineyards District. The draft principles reflect the outcomes of the HRP, are consistent with the principles of Council's LSPS, and reflect the intent of the 2012 Vineyards District Community Vision Statements and the 2024 Hunter Valley Wine and Tourist Association (HVWTA) Advocacy Statement on Land Use Planning.

The Place Strategy future land use principles are as follows–

- Proposals relating to Important Agricultural Land affirm the primacy of viticulture and strengthen the integrity of the area for agricultural activities.
- The Tourist Centre and existing major tourist, accommodation and infrastructure nodes are the focus for larger scale tourist and non-agricultural development.
- Proposals do not increase opportunities for residential intensification, such as residential subdivision.
- Proposals are sympathetic to the established viticultural character of the area and will not give rise to land uses that have the potential to dominate open landscapes or diminish existing scenic values and view corridors.
- Proposals encourage improved walking and cycling connectivity from the Tourist Centre to key destinations and important landscape features in the area.
- Land containing important biodiversity, heritage or agricultural value is protected and enhanced.
- Proposals maximise the use of existing infrastructure and do not require major infrastructure upgrades or augmentation.
- Proposals do not increase the potential for land use conflict with viticulture, horticulture or agricultural produce industries.
- Proposals avoid land significantly impacted by natural hazards.
- Proposals do not reduce opportunities for the expansion or intensification of Cessnock Airport for airport infrastructure or hours of operation

The Draft Vineyards District Place Strategy also sets out various future actions, which will help refine aspects of the Place Strategy in the future, including developing more accurate important agricultural land and visually sensitive landscape mapping, and a renewed focus on improving active and road transport infrastructure. This includes bridging gaps in the cycleway network, between the major tourist, infrastructure and accommodation nodes, along key transport routes and from the Tourist Centre to other tourist activities and landscape features in the area and beyond (see **Figure 2**).

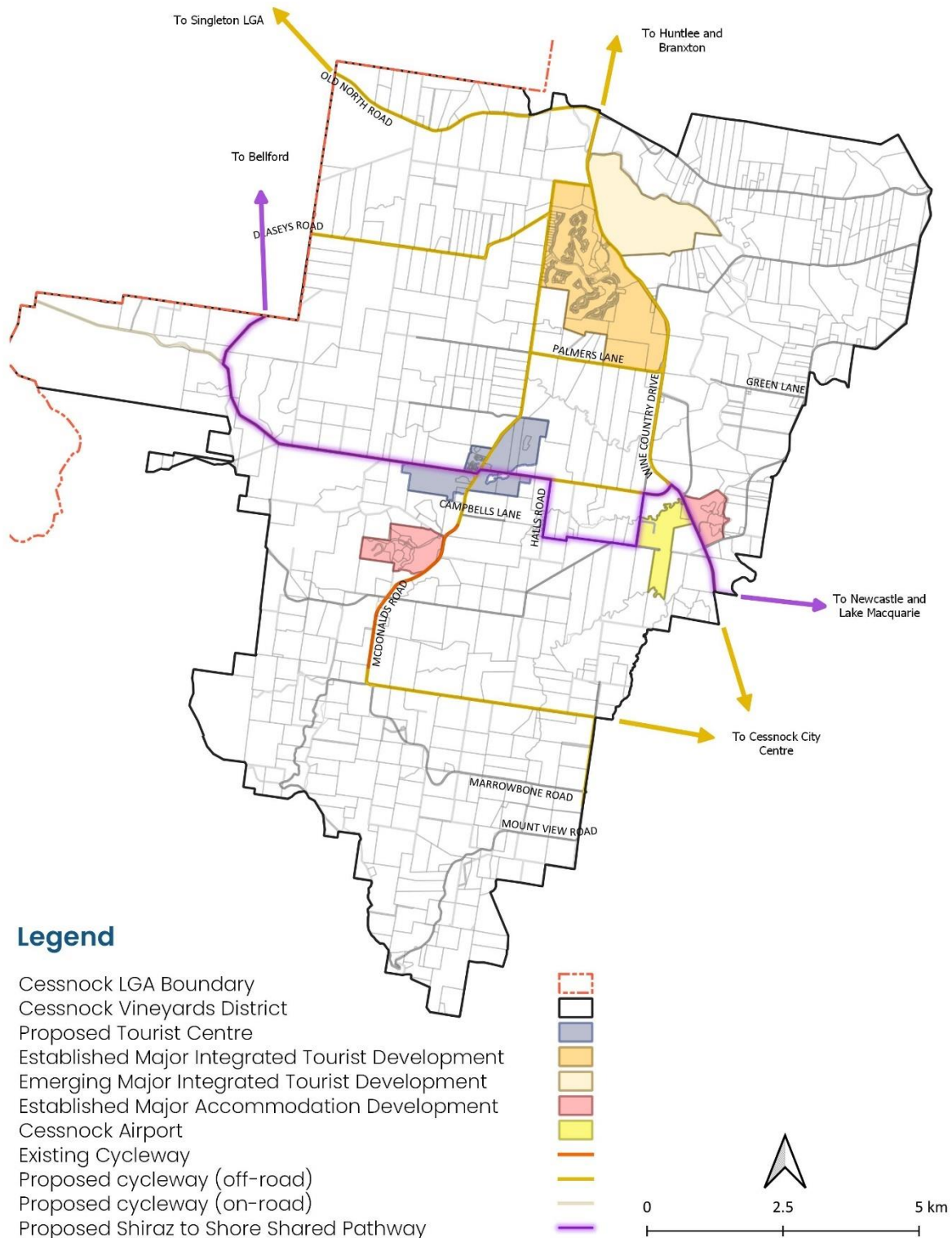


Figure 2 – Vineyards District Tourist Centre, Major Nodes and Cycleway Improvements



Draft Vineyards District DCP Chapter

The Draft DCP for the Cessnock Vineyards District (**Enclosure 2**) was initially reported to Council for consideration on 20 April 2022 (PE24/2022), but has since been updated to reflect the requirements of the HRP, further internal consultation, and the outcomes of the Draft Place Strategy for the Cessnock Vineyards District. The Draft DCP contains specific objectives and controls that give effect to design standards, such as building setbacks, form, height, density and appearance. The following are considered to be the key controls.

Revised density provisions for tourist and visitor accommodation

Presently, a maximum tourist accommodation density rate of 1 unit per hectare (or 1.5 units per hectare, if certain vegetation planting is provided) is permitted with consent in the Cessnock Vineyards District. The tourist accommodation units must be contained within a maximum number of tourist accommodation buildings, as set out in the table below.

Table 1: Current DCP Provisions for Tourist Accommodation Density in the Vineyards District

LOT SIZE (HECTARES)	MAXIMUM PERMISSIBLE NUMBER OF TOURIST ACCOMMODATION BUILDINGS AT 1 TOURIST ACCOMMODATION UNIT/HECTARE	MAXIMUM PERMISSIBLE NUMBER OF TOURIST ACCOMMODATION BUILDINGS AT 1.5 TOURIST ACCOMMODATION UNITS/ HECTARE
Up to 10	NOT APPLICABLE	NOT APPLICABLE
Exceeding 10 but not exceeding 20	6	8
Exceeding 20 but not exceeding 30	9	12
Exceeding 30 but not exceeding 40	12	16
Exceeding 40	15	20

The current DCP includes an ambiguous definition for ‘tourist accommodation unit’, and the density controls have proven difficult for users of the DCP to interpret. This ambiguity has resulted in several tourist related developments being approved, which have exceeded the maximum development density anticipated by the Plan.

To address the ambiguity in the current DCP, and impose more reasonable density rates for rural tourist accommodation, the Draft Vineyards DCP adopts a slightly different approach to calculating the maximum density of tourist accommodation. The Draft DCP speaks to tourist accommodation rooms and buildings, rather than units and buildings, and sets out the following density rates.

Table 2: Draft DCP Provisions for Tourist Accommodation Density in the Vineyards District

Lot Size	Max. Number of Tourist Accommodation Buildings	Max. Number of Tourist Accommodation Rooms
Up to 10Ha	Not Applicable	Not Applicable
> 10Ha, to < 20Ha	4	16
> 20Ha, to < 30Ha	6	24
> 30Ha, to < 40Ha	8	30
> 40Ha	10	30

Marginally higher density rates than provided in the table above are proposed as an incentive for additional native corridor vegetation planting within properties.

Additional controls for larger scale development

Certain developments in the Vineyards District, if too large, may harm the area's future character, conflict with agriculture, or limit future use for primary production. Therefore, developments exceeding the following thresholds will have additional controls:

- Buildings for wine production taller than 9m
- More than 3 detached buildings
- Over 10 tourist accommodation bedrooms
- Total building area of 400m² or more
- 50 or more car parking spaces (sealed or unsealed)
- Designated development

These extra controls focus on development density, vegetation management, setbacks, visual impact, building clustering, traffic safety, and sustainable development.

Design excellence incentive

Additional building height (up to 14m) is proposed for development in the Tourist Centre that demonstrates design excellence in accordance with the draft development controls.

Tourist Centre building setback controls

Buildings and structures within the Tourist Centre are required to meet the following minimum setback requirements from the property boundary with the local road. The proposed control effectively permits a higher building height the further the building setback from the property boundary with the local road. The control is to be read, and operates in conjunction with, the other controls in the Draft DCP, including the building excellence control described above.

Table 3: Proposed building height and setback requirements.

Building Height (from Existing Ground Level)	Setback
< 4.5 metres	15 metres
> 4.5 to < 9.0 metres	30 metres
> 9.0 to 14 metres	75 metres

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Applications which propose to vary these setback requirements must be clearly justified, including through a visual impact analysis and with regard to the particular qualities of the site.

Other DCP amendments

In implementing the Draft Vineyards DCP Chapter the following DCP chapters were also reviewed to ensure consistency.

- Draft Tourist Accommodation in Rural and Conservation Zones; and
- Draft Signage.

These draft DCP chapters will be reported to Council separately.

Cessnock Vineyards District Planning Proposal

In April 2022, a Vineyards District Planning Proposal was presented to Council for consideration. The proposal aimed to:

- provide statutory weight to the Local Character Statement (LCS), included in the Draft Cessnock DCP;
- amend Clause 7.6 of the LEP, regarding minimum lot size for tourist and visitor accommodation in the RU4 Zone;
- revise the RU4 Primary Production Small Lots Zone Land Use Table;
- redesign the SP3 Tourist Zone Land Use Table and apply this zone to a proposed 'Tourist Centre' at the intersection of Broke Road and McDonalds Road in Pokolbin; and
- establish a minimum lot size of 10 hectares for the SP3 Tourist Zone.

Substantial changes to the Vineyards District Planning Proposal were requested by the Department following its submission in 2022. It was considered that if the Planning Proposal were to proceed with the Department's required amendments, it would bear little resemblance to the proposal in April 2022. Additionally, while most of the Department's additional requirements could be addressed, the Department's request for additional studies would be costly and time-consuming, with little benefit to Council. On this basis, Council was unable to respond to the Department's request for further information and, as a result, the Planning Proposal was effectively refused by the Department on 31 July 2023.

The Draft Place Strategy, while supporting the concept of a Vineyards Tourist Centre, zoned SP3 Tourist, places the responsibility of seeking a rezoning of the Tourist Centre, and any other necessary amendments, on the landowners in that area that directly benefit from that proposal.

OPTIONS

1. Support the recommendation that Council place the Draft Cessnock Vineyards District Place Strategy and Draft Vineyards District Development Control Plan on public exhibition for a period of 28 days.

This is the recommended option.

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2. Not support the recommendation, for the following reasons:

(To be provided by Council).

This option is not recommended. Council's existing policy framework is out of date and is not sufficiently flexible to appropriately regulate the range of development that is currently permitted in the Vineyard's District.

CONSULTATION

Vineyards District Community Reference Group

In April 2019, the CRG was established by Council to provide local knowledge and advice regarding possible changes to the local planning framework relating to the Vineyard's District. The CRG includes representation from Hunter Valley Wine and Tourism Association, Parish of Pokolbin, Around Hermitage, Lovedale Chamber of Commerce, NSW Department of Planning, Industry and Environment, NSW Department of Primary Industries, Property Council of Australia, Singleton Council, landowners, vignerons, property developers, wine tourism professionals and town planning consultants. The CRG achieves a broad representation of views relating to the Vineyard District.

Several meetings of the CRG have occurred since 2019, including most recently on 4 March 2025, and have culminated in the preparation of this report and draft local policy framework for the Vineyards District. The CRG has assisted in the development of the community survey, and the draft development objectives and controls for the Vineyards District. The CRG also provided critical feedback regarding the LCS approach.

Based on feedback provided by the CRG, it became evident that the most useful approach to manage development in the Vineyard's District is an assessment of the compatibility of the development against strategic areas, i.e. similar natural, physical and built attributes of the land.

Vineyard's District Community Survey

For a period of six weeks in August and September of 2019, Council conducted a community survey relating to the Cessnock LGA Vineyard's District. The survey primarily focused on two questions:

1. What things presently add value to the character and amenity of the Vineyard's District?
2. What things should there be more or less of in the Vineyard's District?

In answering these questions, respondents were able to select from a predetermined list of features relevant to the Vineyard's District. A total of 454 people responded to the survey. The features most highly valued by respondents were grape vines, cellar doors and scenic views. The least valued features were residential housing estates, short-term rental accommodation and shops. The results of the community survey assisted in the development of the LCS and amendments to the LEP.

Consultation on the Draft Vineyards District DCP has also occurred with staff from Council's Environmental Planning staff, Development Services Team and Environmental Health Team.

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Councillors were also briefed on the Draft Place Strategy and Draft DCP on 12 March 2025.

Proposed exhibition

It is proposed to exhibit the draft DCP Chapters for 28 days in accordance with Councils Community Participation Plan (CPP). The exhibition will include a 'have your say' webpage. Written notification will be sent to key Industry groups such as the Urban Development Institute of Australia (UDIA), Property Council, Hunter Valley Wine and Tourism Association and members of the CRG.

STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) is a 20-year land use plan for the Hunter. The HRP was prepared by the Department of Planning and Environment (now the Department of Planning, Housing and Industry) and draws from each Hunter council's local strategic planning statement. The HRP sets the strategic land use framework for continued economic growth and diversification in the Hunter and aims to unlock sustainable growth opportunities and investments, as well as housing choice and lifestyle opportunities for the community.

The HRP recognises the Cessnock Vineyards District as a 'Regionally Significant Growth Area', primarily to acknowledge to the ongoing pressure in the area for non-agricultural development, the tension between agriculture and tourist development, and the need for stronger mechanisms to manage that pressure and tension to bring about a balance between working vineyards, tourist and other non-agricultural development.

The HRP identifies the following Place Strategy outcomes for the Cessnock Vineyards District:

1. Strategic agricultural land
 - Ensure non-agricultural development avoids land use conflict with existing and future agricultural uses.
 - Locate residential subdivision and other development incompatible with the vineyards' rural landscape and scenic amenity in centres.
2. Tourism node investigation area
 - Identify a tourism node and consolidate larger scale tourism developments in this location.
 - Development is sympathetic to the rural amenity and the local character of the area.
 - Connect walking and cycling networks from the tourism node to tourism activities and landscape features.
3. Visually significant areas
 - Support non-agricultural development with suitable infrastructure and accommodate it in the landscape setting.

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- Ensure the siting, bulk, scale and built form of non-agricultural development is suitable for the setting.
- Ensure development on land adjoining scenic areas is sympathetic to landscape values and view corridors from the vineyards.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) sets out strategies and actions to drive sustainable growth across much of the Lower Hunter Region. The GNMP applies to the majority of the Cessnock LGA Vineyard's District. The draft local planning framework is consistent with strategies 6 and 13 of the GNMP, which seek to promote tourism and protect the rural amenity outside urban areas, respectively.

Local Strategic Planning Statement (2036) (LSPS)

The LSPS is a high-level strategic document that sets the planning direction for the LGA until 2036. The LSPS implements relevant actions from the HRP and the GNMP as well as Council's own priorities as set out in the Cessnock Community Strategic Plan 2027 and other adopted plans and strategies. The LSPS will shape how the LEP and the DCP evolve over time and will guide how population growth and development are managed in the LGA. The draft local planning framework for the Vineyard's District is consistent with planning priorities 8, 9, 10, 22, 23, 26 and 27 of the LSPS.

Vineyards Vision Statement

The draft local planning framework reflects the intent of the Vineyards Vision to recognise and protect the primacy of the vineyards agricultural land use in the Cessnock RU4 Primary Production Small Lots Zone, while supporting compatible forms of tourist development.

IMPLICATIONS

a. Policy and Procedural Implications

This Report has regard to the provision of the *Environmental Planning and Assessment Act 1979* and associated Regulations.

b. Financial Implications

The cost of this project is funded from Council's Strategic Land Use Planning budget.

c. Legislative Implications

Guidelines for development in the Cessnock LGA Vineyard's District are presently set out in chapter E.3 of the Cessnock Development Control Plan 2010 (the DCP). While several amendments have been made to the Vineyards District DCP chapter over the years, a comprehensive review has not occurred since the chapter's initial adoption, over 20 years ago, on 2 December 1998.

The new planning framework for the Vineyards District is set out in the Draft Place Strategy and is based on the DPE's LCS approach to planning areas that have a distinctive or unique character. The LCS for the Vineyards District is contained in a Draft DCP chapter.

d. Risk Implications

New and amended development objectives and controls are proposed in the Draft DCP for the Cessnock Vineyards District. When the new DCP comes into effect, the new objectives and controls will apply to all development applications lodged in respect of the Cessnock Vineyards District, including applications that are currently being processed.

The draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' and 'Signage and Outdoor Advertising' DCP chapters have strong linkages to the draft Vineyards District DCP Chapter. It is recommended that the exhibition of the draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' and 'Signage and Outdoor Advertising' DCP chapters occur at the same time as the exhibition of the Draft Vineyards District DCP Chapter and Draft Vineyards District Place Strategy. If this does not happen there is a risk of Council adopting inconsistent controls.

The draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' and 'Signage and Outdoor Advertising' DCP chapters are subject to a separate report.

e. Environmental Implications

The Draft Vineyards DCP contains provisions that seek to enhance outcomes for land that contains important biodiversity or corridors for fauna movement. Development in this strategic area is subject to specific development controls to reduce potential impacts on vegetation and encourage replanting to strengthen existing habitat.

f. Other Implications

Nil

CONCLUSION

This report recommends that Council place the Draft Cessnock Vineyards District Place Strategy and Draft Vineyards District Development Control Plan (DCP) on public exhibition for a period of 28 days.

It is considered that the Draft Place Strategy and DCP provide appropriate and contemporary guidance for development outcomes in the Cessnock Vineyards District. The Draft plans are consistent with the HRP outcomes for the Cessnock Vineyards District, while reflecting the Hunter Valley Wine and Tourist Association (HVWTA) Advocacy Statement on Land Use Planning, the 2012 Vineyards District Community Vision Statements, and the principles of the LSPS relevant to the Vineyards District.

ENCLOSURES

- 1 ➤ Draft Cessnock Vineyards District Place Strategy
- 2 ➤ Draft Cessnock Vineyards District Development Control Plan

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SUBJECT: ***EXHIBITION OF DRAFT INFRASTRUCTURE CONTRIBUTIONS PLANS***

RESPONSIBLE OFFICER: *Acting Strategic Planning Manager*

SUMMARY

Council's infrastructure contributions plans have been reviewed and revised plans have been prepared for public exhibition. The draft plans take into consideration the proposed contributions framework and refined infrastructure works schedule endorsed by Council at its meeting on 19 June 2024 under PE13/2024.

Council's endorsement is now sought to exhibit the draft contributions plans for a minimum period of 28 days, and, to apply for a Ministerial Direction to increase the contribution cap from \$20,000 to \$30,000 for the Loxford and Huntlee local catchments. A further report will be provided to Council following public exhibition of the draft plans.

RECOMMENDATION

- 1. That Council place the Draft Cessnock City Wide s.7.11 Infrastructure Contributions Plan and Draft Cessnock City Wide s.7.12 Infrastructure Contributions Plan on public exhibition for a minimum period of 40 days.**
- 2. That Council endorse an application to apply for a Ministerial Direction to increase the contribution cap from \$20,000 to \$30,000 per lot for the Loxford and Huntlee local catchments.**
- 3. That Council receive a further report following public exhibition of the draft infrastructure contributions plans.**

BACKGROUND

Council's s.7.11 City Wide Infrastructure Contributions Plan ('the CWICP') was adopted on 20 May 2020 and became operational on 1 July 2020. Prior to the CWICP's introduction, Council relied on several area-specific contribution plans, which were consolidated into the CWICP in 2020. The CWICP was reviewed in 2022, with an updated version adopted by Council on 20 July 2022. The CWICP currently has an end date of 2031, by which time the items listed in its Works Schedule are required to be delivered.

The CWICP Works Schedule contains 227 items with a reported total cost of approximately \$458 million. However, this figure has escalated to approximately \$531 million due to inflation and the rising cost of materials and labour following the COVID-19 pandemic. Given the number of items in the CWICP Works Schedule and their cost, it is unlikely Council will be able to deliver all the infrastructure by 2031. As a result, a proposal to refine the CWICP Works Schedule and extend the plan's life to 2035 has been undertaken.

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Consultation to refine the CWICP Works Schedule began in 2023 and involved relevant Council departments. As a result of the consultation, 76 items were proposed to be removed from the Works Schedule, 12 items were proposed to be relocated to the Cessnock s.7.12 Levy Contribution Plan and 5 new items were proposed for inclusion. The additional items primarily relate to new Urban Release Areas (URAs) in the Cessnock Local Government Area (LGA).

As a result of the review, the CWICP Works Schedule was proposed to be reduced to 145 items, with an estimated total cost of \$337 million (cost escalated). The retained items were prioritised based on their urgency and likelihood of completion by 2035.

An Options Paper, presented to Council in June 2024, explored various methods for levying residential development contributions. The Paper relied on the most current dwelling projections for the Cessnock LGA and residential development cost data from the Australian Bureau of Statistics for common dwelling typologies. Four options were tested for the periods up to 2031 and 2035.

At its meeting on 19 June 2024, Council resolved to endorse:

1. *The refined Works Schedule for residential development*
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.*

Following the June 2024 Council meeting, further refinements to the CWICP Works Schedule were proposed, including the removal of an additional 7 items and the inclusion of an additional 9. The further refinements primarily related to the Bellbird North URA (to reduce the infrastructure burden on Council), and to the balance of the Huntlee development, which has not previously been considered by the CWICP. As a result, the CWICP Works Schedule is now proposed to be reduced to 147 items, with an estimated total cost of \$371 million. Council's share of this cost is expected to be approximately \$129 million, with the balance funded by new development.

REPORT/PROPOSAL

In accordance with the June 2024 resolution of Council, three draft contributions plans were prepared with an end date of June 2035 and refined Works Schedule. The draft plans were forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for review and comment. Upon its assessment of the proposed 2%, s.7.12 residential contributions plan, DPHI strongly indicated that, while it may consider a s.7.12 plan above 1% for specific growth areas nominated in a regional plan or the Cessnock Local Strategic Planning Statement (LSPS), the application of a 2% plan more broadly across the LGA is unlikely to be supported by the Minister.

On the basis of DPHI's advice, the area subject to the Draft s.7.12 Residential Contribution Plan has been reduced to the Cessnock and Kurri Kurri strategic centres. Outside these strategic centres, Council's amended s.7.11 Local Infrastructure Contributions Plan will continue to apply to residential development. Council's s.7.12 Commercial, Industrial and Tourist Contribution Plan will also continue to apply across the LGA, but will be combined with Council's Draft s.7.12 Residential Contribution Plan. Two amended infrastructure contributions plans are therefore proposed— the Draft Cessnock City Wide s.7.11 Infrastructure Contributions Plan (**Enclosure 1**) and the Draft Cessnock City Wide s.7.12 Infrastructure Contribution Plan (**Enclosure 2**).

Draft Cessnock City Wide s.7.11 Infrastructure Contribution Plan

The Draft Cessnock City Wide s.7.11 Infrastructure Contribution Plan is a revised version of Council's existing CWICP. The plan has been amended to include an end date of 2035 and refined Works Schedule, consistent with Council's 19 June 2024 resolution. This Plan will apply to all residential development outside the Cessnock and Kurri Kurri strategic centres (see **Figure 1** for Plan Application Area). Importantly, all contributions collected under the existing CWICP will be reallocated to projects in the Draft s.7.11 Works Schedule.

The Draft Plan maintains the existing CWICP district contribution catchments—Cessnock, Kurri Kurri, Branxton-Greta, and Rural West. Two additional local contribution catchments have been introduced—one for the balance of the Huntlee development, which is not subject to a Voluntary Planning Agreement (VPA), and one for the Loxford Local Catchment, which applies to the former Hydro Aluminium site near Kurri Kurri.

The per-lot rates for the new Loxford and Huntlee local catchment areas are \$24,075.45 and \$24,764.89, respectively. These rates exceed the legislated contributions cap of \$20,000. However, as these catchments are designated as URAs, Council may apply to the Planning Minister to increase the contribution cap for these areas from \$20,000 to \$30,000. To ensure Council can deliver the necessary infrastructure in these catchments, an application must be lodged to increase the contribution cap.

It is no longer necessary to maintain a local catchment for the Millfield and Kurri Kurri to Maitland URAs in the amended CWICP, as most infrastructure needs for these areas have already been addressed. Therefore, any remaining infrastructure requirements and yield from these catchments will be incorporated into the Rural West and Kurri Kurri district catchments.

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A summary of the proposed Cessnock City Wide s.7.11 Infrastructure Contribution Plan rates are provided in the table below.

s.7.11 Contribution Plan Catchment	Per Lot/Dwelling Rate
Cessnock District Catchment	\$6,106.63
Kurri Kurri District Catchment	\$8,827.91
Branxton-Greta District Catchment	\$3,105.86
Rural West District Catchment	\$7,452.30
Bellbird North Local Catchment	\$32,045.76 (but capped at \$30,000.00)
Government Road Local Catchment	\$16,372.96
Nulkaba Local Catchment	\$19,151.88
Loxford Local Catchment	\$24,075.45 (subject to Ministerial Direction)
Huntlee Local Catchment	\$24,764.89 (subject to Ministerial Direction)

Draft Cessnock City Wide s.7.12 Infrastructure Contribution Plan

Council’s existing s.7.12 Levy Contribution Plan currently applies to all commercial, industrial, and tourist development in the LGA. It is proposed to expand this plan to include new residential development in the Cessnock and Kurri Kurri strategic centres and rename the plan, the ‘Cessnock City Wide s.7.12 Infrastructure Contribution Plan’.

The contribution levy applied under the amended Plan will be determined based on the proposed cost (PC) of the development and the percentage levy (L) rate outlined in the table below, using the formula Levy= PC x L%.

Proposed cost of carrying out the development (PC)	Percentage of Levy (L)
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
Greater than \$200,000	1%

While Council could seek the Minister’s approval to apply a higher percentage levy for residential development in the Cessnock and Kurri Kurri strategic centres, it is not necessary to do so in order to meet the infrastructure requirements of the amended plan. In addition, retaining the existing levy rates (as shown in the table above) will incentivise infill residential development in the Cessnock and Kurri Kurri strategic centres, in line with the principles and objectives of the Hunter Regional Plan 2041 and the Cessnock LSPS.

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For the purpose of the Draft Cessnock City Wide s.7.12 Infrastructure Contribution Plan, the strategic centres have been mapped to include land at Cessnock and Kurri Kurri zoned E2 Commercial Centre, MU1 Mixed Use, and R3 Medium Density Residential. Additionally, to align with the Australian Bureau of Statistics (ABS) SA1 catchment boundaries, some R2 Low Density Residential, RE1 Public Recreation, and RE2 Private Recreation-zoned land is also included within the mapped strategic centres (see **Figure 2** and **Figure 3** for Plan Application Area). This additional land is necessary to ensure accurate population forecasts using ABS data for the strategic centres.

The Branxton Strategic Centre has not been included as a catchment within the Draft Cessnock City Wide s.7.12 Infrastructure Contribution Plan, as there is no forecast residential growth within the centre through to 2035. However, it is possible to revisit this decision if residential capacity is identified within the Branxton Strategic Centre in the future.

The Draft Cessnock City Wide s.7.12 Infrastructure Contributions Plan remains largely unchanged for commercial, industrial and tourist development in the LGA, but with the addition of 12 tourist related projects from the existing CWICP, as outlined in the Local Infrastructure Contributions Plan Options Paper (see **Enclosure 3**). The s.7.12 plan will continue to apply to commercial, industrial and tourist development across the LGA (see **Figure 4** for Plan Application Area).

The list of works to be partly or wholly funded through infrastructure contributions is provided within the body of each draft contribution plan.

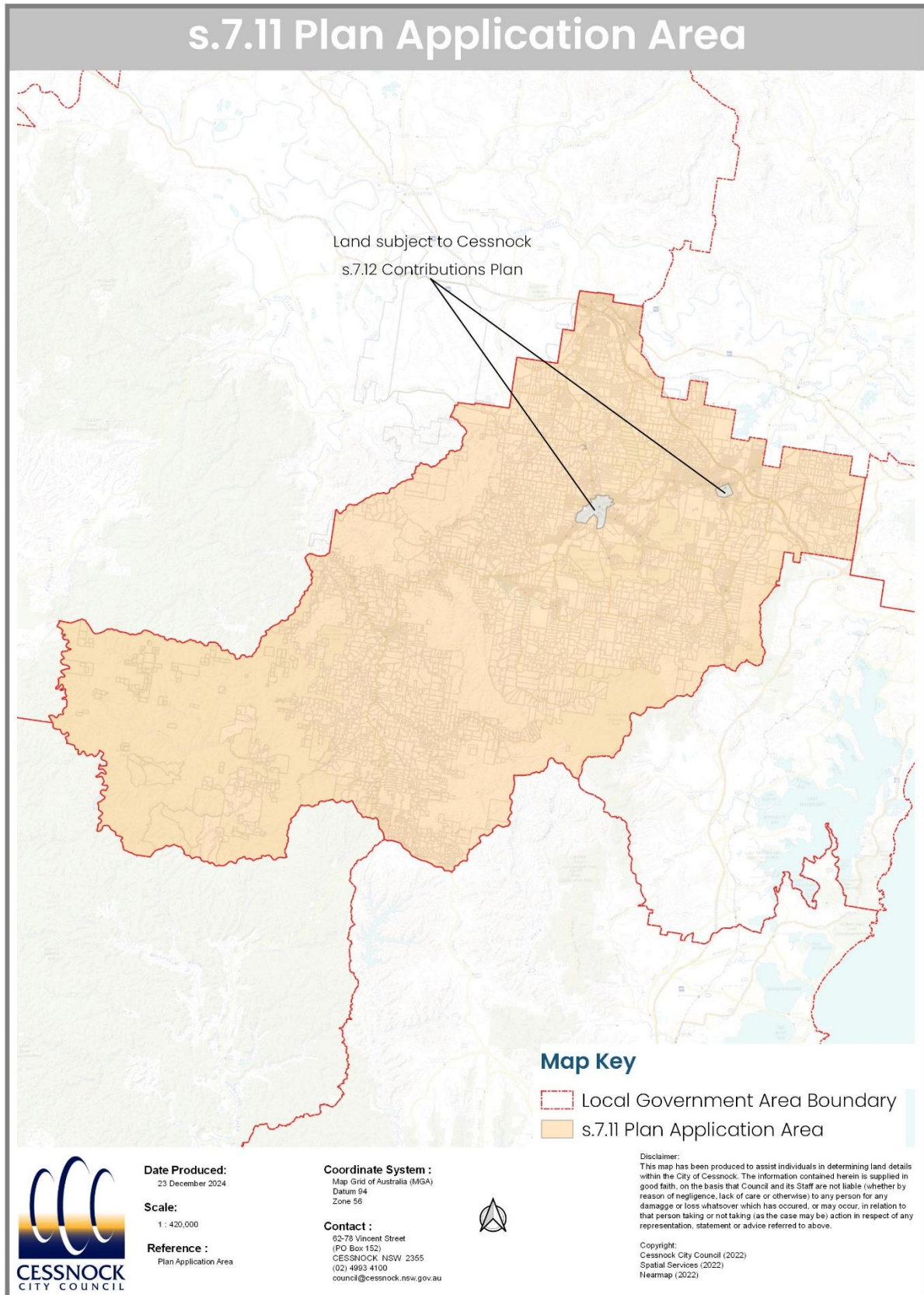


Figure 1: s.7.11 Plan Application Area

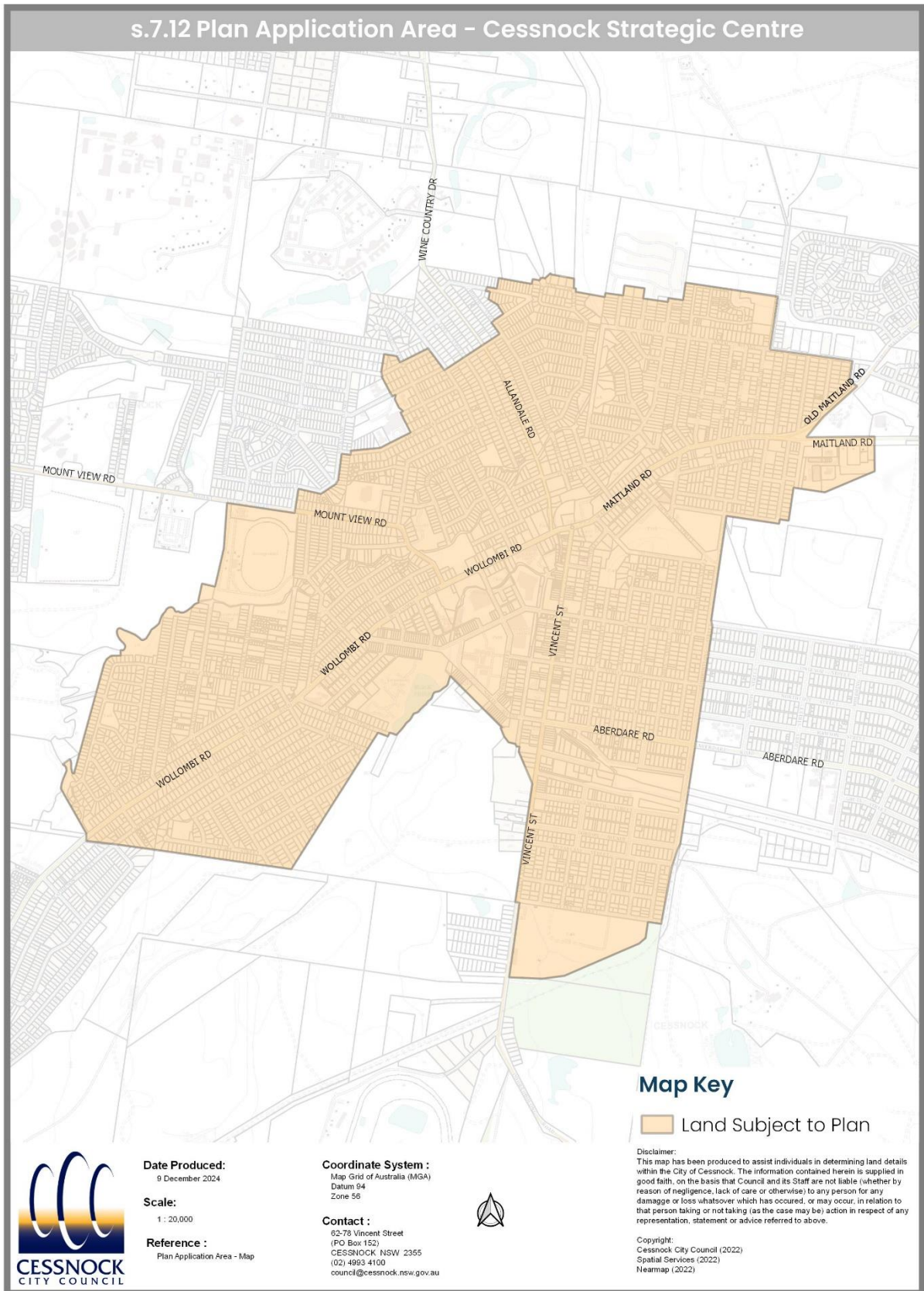


Figure 2: s.7.12 Residential Plan Application Area - Cessnock Strategic Centre

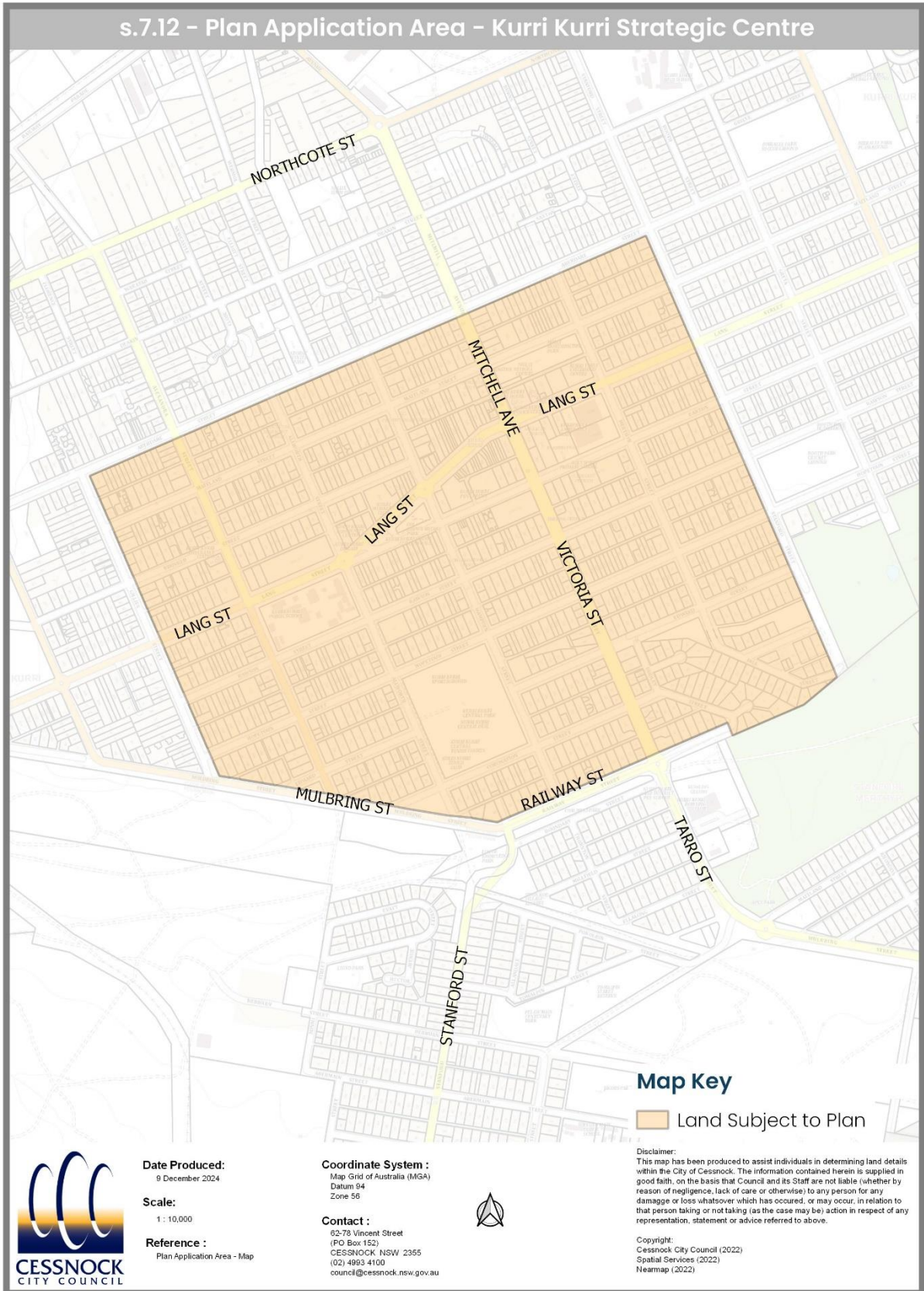


Figure 3: s.7.12 Residential Plan Application Area - Kurri Kurri Strategic Centre

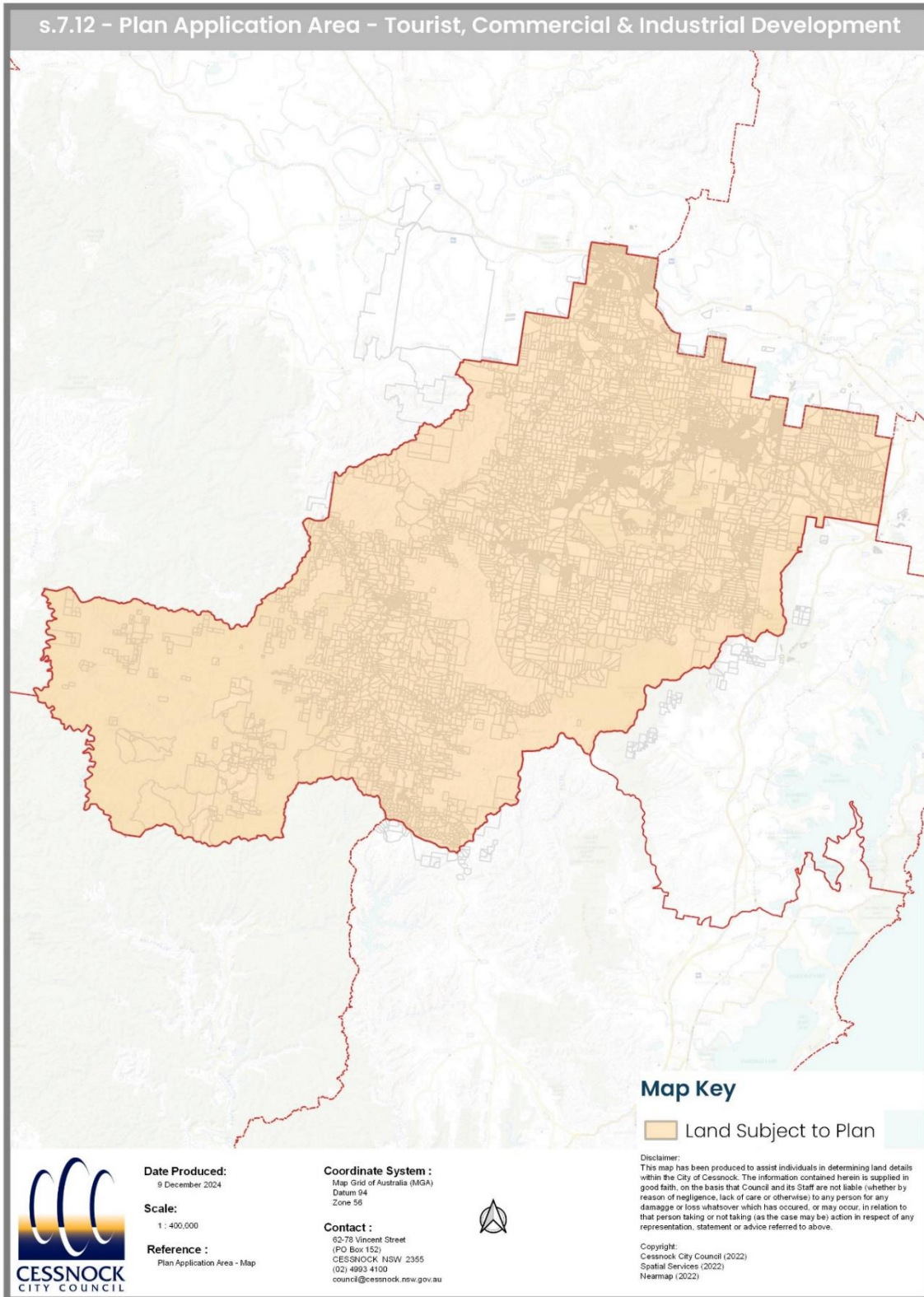


Figure 4: s.7.12 Commercial, Industrial and Tourist Plan Application Area

OPTIONS

1. Place the Draft Cessnock City Wide s.7.11 Infrastructure Contributions Plan and Draft Cessnock City Wide s.7.12 Infrastructure Contribution Plan on public exhibition for a minimum period of 28 days and apply for a Ministerial Direction to increase the contribution cap from \$20,000 to \$30,000 per lot for the Loxford and Huntlee Local Catchments. ***This is the recommended option.***
2. Further amend the draft contributions plans.

CONSULTATION

The review of the CWICP Works Schedule involved consultation with the following sections of Council to refine the existing CWICP Works Schedule:

- Open Space and Community Facilities Team
- Community and Cultural Development Team
- Infrastructure Team
- Development Services Team
- Building Services Team
- Executive Leadership Team
- Management Team

STRATEGIC LINKS

a. Delivery Program

The review aligns with Delivery Program Action 4.1.7, continue implementation of the section 7.11 City Wide Infrastructure Contribution Plan.

b. Other Plans

In reviewing the CWICP consideration has been given to the relevant legislation, Ministerial Directions, policies, practice notes, planning circulars and regional and local strategies.

The relevant regional and local strategies considered are:

- Hunter Regional Plan 2041.
- Local Strategic Planning Statement.
- Housing Strategy.
- Urban Growth Management Plan.
- Traffic and Transport Strategy.
- Recreation and Open Space Strategic Plan.
- Cycling Strategy.

The priority strategic planning actions contained in these strategies are to:

- Encourage/Incentivise infill development and higher density,
- Encourage diverse housing typologies, including affordable living, and
- Reduce contributions in existing urban areas.

A summary of the applicability of these strategies is provided in the Options Paper.

IMPLICATIONS

a. Policy and Procedural Implications

Reviewing the plan has several benefits for Council including:

- being easier to read and interpret;
- reducing financial risk to Council;
- reducing the risk of legal challenge by providing up-to-date data, including revised Works Schedule and costings;
- aligning with current local and regional strategic plans;
- enabling Council to impose conditions of consent on development to collect the applicable funds required from development to meet its share of the cost of delivering infrastructure; and
- updated works and costings outlined in the Works Schedule.

b. Financial Implications

The financial implications of each contribution plan option is set out in the Local Infrastructure Contributions Plan Options Paper, provided at **Enclosure 1**, which was reported to Council on 19 June 2024.

c. Legislative Implications

The review of the CWICP has been carried out in accordance with Part 7 of the *Environmental Planning and Assessment Act 1979*, and Part 4 of the *Environmental Planning and Assessment Regulation 2000*, which relate to development contributions.

d. Risk Implications

The high risk of developers under-reporting the true cost of residential development

Council will need ensure that the cost of development reported with each application for a dwelling, secondary dwelling, dual occupancy, multi-dwelling development and residential flat building, etc. is accurate. A review of development applications to Council has revealed that the estimated cost of works provided in a large number of applications grossly underestimates the true value of building works. This will be a problem if Council is looking to migrate to a Section 7.12 contributions plan for the existing urban areas (strategic centres), as the value of works is a critical factor in determining the contribution levy for each development.

The high risk of infrastructure costs escalating at a rate above CPI

The cost of labour, materials and infrastructure increased significantly following the COVID-19 pandemic and at rates significantly higher than CPI. Should the cost of labour, materials and infrastructure continue to rise at a rate higher than CPI, the burden of the additional cost will borne by Council and not infrastructure contributions.

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The moderate risk that the forecast residential dwelling yield is not achieved

While the most current information available to Council was used to assess the various options outlined in the Options Paper, forecasting demographics is not an exact science and is subject to many factors outside of Council's control. If the projected dwelling and population yield is not achieved, Council will not receive the value of contributions anticipated.

The moderate risk that contributions may have already been paid at the subdivision stage

There is a risk that contributions may have been paid at the subdivision stage for some of the future dwelling yield anticipated by the Options Paper. This is particularly true in relation to allotments within the major URAs, e.g. Bellbird North. A single dwelling cannot be charged contributions again if contributions were levied at the subdivision stage for the allotment on which the dwelling is proposed to be constructed. It is extremely difficult to quantify the number of future dwellings this may apply to. This may impact the contribution income anticipated by the Options Paper between 2021 and 2035.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Council's infrastructure contributions plans have been reviewed and draft plans have been prepared for Council's consideration and public exhibition. This report seeks Council's endorsement to place the Draft Cessnock City Wide s.7.11 Infrastructure Contributions Plan and Draft Cessnock City wide s.7.12 Infrastructure Contribution Plan on public exhibition for a minimum period of 28 days and apply for a Ministerial Direction to increase the contribution cap from \$20,000 to \$30,000 per lot for the Loxford and Huntlee local catchments.

ENCLOSURES

- [1](#) ➡ Draft Cessnock City Wide s.7.11 Infrastructure Contribution Plan
- [2](#) ➡ Draft Cessnock City Wide s.7.12 Infrastructure Contribution Plan
- [3](#) ➡ Local Infrastructure Contributions Plan Options Paper (with Addendum)

Planning and Environment

Report No. PE6/2025

Planning and Environment



SUBJECT: *EXHIBITION OF DRAFT CESSNOCK DEVELOPMENT CONTROL PLAN CHAPTERS - 'TOURIST ACCOMMODATION ON RURAL AND CONSERVATION LANDS' AND 'SIGNAGE AND OUTDOOR ADVERTISING'.*

RESPONSIBLE OFFICER: *Acting Strategic Planning Manager*

SUMMARY

The purpose of this report is to seek Council's endorsement to place two draft chapters of the Cessnock Development Control Plan 2010 (DCP) on public exhibition for a period of 28 days. The two draft chapters are:

- Tourist Accommodation on Rural and Conservation Lands; and
- Signage and Outdoor Advertising

These Draft DCP chapters provide guidelines for applications requiring Development Consent in the Cessnock Local Government Area. The Draft documents are consistent with the principles of Council's Local Strategic Planning Statement 2031 ('the LSPS') and reflect the applicable zone objectives contained within the *Cessnock Local Environmental Plan 2011* (CLEP).

RECOMMENDATION

1. That Council place the Draft Tourist and Visitor Accommodation on Rural and Conservation Lands Development Control Plan chapter on public exhibition for a period of 28 days.
2. That Council place the Draft Signage and Outdoor Advertising Development Control Plan chapter on public exhibition for a period of 28 days.
3. That Council receive a further report following public exhibition of the Draft Development Control Plan chapters if unresolved objections are received or significant amendment to the Draft Development Control Plan Chapters are made post exhibition. Where there are no unresolved objections nor significant amendments proposed post exhibition, the Draft Development Control Plan Chapters be adopted by Council pursuant to the *Environmental Planning and Assessment Regulation 2001*.

BACKGROUND

Council is undertaking a comprehensive review of the *Cessnock Local Environmental Plan 2011* (CLEP) and Cessnock Development Control Plan 2010 (DCP). This is being undertaken in stages.

The two current draft DCP chapters, 'Tourist and Visitor Accommodation in Rural and Conservation Lands' and 'Signage and Outdoor Advertising' have been reviewed and follow the completion of Rural and Conservation zones LEP amendments.

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A draft DCP chapter for 'Tourist Accommodation in Rural and Environmental Lands' was reported to Council for consideration in July 2023 (PE26/2023). Following consultation, a decision was made to place the draft on hold pending the completion of the comprehensive Vineyards District project, due to the related issues between these chapters.

The Vineyards District project has now progressed and a draft Vineyards District DCP chapter is reported separately to this Council meeting.

REPORT/PROPOSAL

Draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' DCP chapter

Cessnock's rural landscape and environmental lands make an important contribution to the amenity and character of the area and support a diverse and important rural sector that contributes substantially to the local and regional economy.

The draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' DCP chapter applies to camping grounds, tourist and visitor accommodation and eco-tourist facilities on land zoned RU2 Rural Landscape, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living.

The draft chapter guides the development of small-scale tourism uses, including accommodation opportunities. These uses are important to supplement farm income, to support the restoration and maintenance of environmental assets and to showcase the Cessnock region.

To maintain the integrity of rural landscapes and to continue to support agriculture, it is important that tourism operations do not undermine the qualities and function of rural and environmental lands or place unreasonable demands on rural roads or other infrastructure.

The draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' DCP chapter includes provisions on:

1. Site analysis
2. Rural character
3. Landscaping
4. Servicing, Access and Safety
5. Environmental and Heritage Impacts
6. Density provisions

Revised density provisions for tourist and visitor accommodation

The proposed methodology and definitions for calculating density provisions in the draft Vineyards District DCP Chapter (subject to separate report) have also been applied to the draft Tourist and Visitor Accommodation in Rural and Conservation Lands' DCP chapter.

Proposed density rates have been amended in this chapter for consistency with revised zone objectives for the rural and conservation zones and to ensure that rural tourist development is genuinely small-scale. The proposed rates match the densities permitted by the NSW Government's agritourism planning framework under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which share similar aims to the current draft chapter.

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By reducing the allowable density of rural tourist accommodation, the benefits of tourist development can be balanced with the potential impact that development in rural areas area may have on neighbours, rural roads and the community.

Table 1: Draft DCP Provisions for Tourist Accommodation Density in rural and environmental zones.

Lot Size	Max. Number of Tourist Accommodation Buildings	Max. Number of Tourist Accommodation rooms
< 10 Ha	2	4
>10 to <19 Ha	3	5
>20 to <29 Ha	4	6
>30 to <39 Ha	5	7
> 40Ha	6	8

Draft ‘Signage and Outdoor Advertising’ DCP chapter

Signage is an integral part of the streetscape in urban and rural environments, providing information to people on business locations, products and services. Well-designed and located signs can be useful and can complement the character of an area. Poorly designed and inappropriate signs can detract from the overall quality of an area and reduce the value of information contained within signage.

The draft ‘Signage and Outdoor Advertising’ chapter refers to the standards of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* [Codes SEPP] as the applicable development controls for relevant signage types. The DA process allows a merit-based assessment, meaning applications that do not meet the numerical standards included in the Codes SEPP have a degree of flexibility during DA assessment.

For signage types not covered by the Codes SEPP, the draft chapter includes general signage controls applying to all assessable signage, along with specific controls for particular signage. The draft ‘Signage and Outdoor Advertising’ DCP chapter includes provisions on:

1. Permissible signage locations
2. General signage controls
3. Specific signage controls

If adopted, the two draft DCP chapters will replace the existing chapters titled ‘D4 - Purpose Built Rural Tourist Accommodation’ and ‘D5 – Outdoor Signage’.

OPTIONS

1. Support the recommendation that Council place the draft ‘Tourist and Visitor Accommodation in Rural and Conservation Lands’ and ‘Signage and Outdoor Advertising’ DCP chapters on public exhibition for a period of 28 days.

This is the recommended option.

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2. Not support the recommendation, for the following reasons:

(To be provided by Council).

This option is not recommended.

CONSULTATION

Consultation on the draft DCP chapters has occurred with staff from Council's Strategic Planning Team, Development Services Team and Development Compliance Team.

It is proposed to exhibit the draft DCP Chapters for 28 days in accordance with Council's Community Participation Plan (CPP). The exhibition will include a 'have your say' webpage. Written notification will be sent to key Industry groups such as the Urban Development Institute of Australia (UDIA) and Property Council.

By placing the two draft chapters on exhibition, the views of the community can be heard and addressed in final versions.

STRATEGIC LINKS

a. Delivery Program

The proposal is consistent with the following objective of the Community Strategic Plan 2036.

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

The proposal is consistent with the following planning priorities of the Local Strategic Planning Statement.

Planning Priority 8: Our rural land is protected from incompatible development.

Planning Priority 17: Our lands of environmental value are protected and enhanced.

Planning Priority 21: Developments minimise environmental impacts and respond to site environmental characteristics and natural hazards.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Resources to prepare, exhibit and make the DCP Chapters are provided by Council's Strategic Land Use Planning budget.

c. Legislative Implications

The provisions of the *Environmental Planning and Assessment Regulation 2021* have been considered in preparing this report.

d. Risk Implications

The draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' and 'Signage and Outdoor Advertising' DCP chapters have strong linkages to the draft Vineyards District DCP Chapter (subject to a separate report). It is recommended that the exhibition of the draft 'Tourist and Visitor Accommodation in Rural and Conservation Lands' and 'Signage and Outdoor Advertising' DCP chapters occur concurrently with the exhibition of the Draft Vineyards District DCP Chapter and Draft Vineyards District Place Strategy. If this does not occur there is a risk of Council adopting inconsistent controls.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Council is committed to supporting appropriate small-scale tourist accommodation in rural and certain environmental areas, along with well-designed and located signage.

The provisions included in these two draft DCP chapters manage the scale and density of development and other controls to ensure that tourism accommodation does not adversely affect these sensitive environments. Additionally, signage controls prevent poorly designed and inappropriate signs from detracting from the overall quality of an area.

It is recommended Council place the draft DCP Chapter on public exhibition.

ENCLOSURES

- [1](#) Draft DCP - Tourist Accommodation on Rural and Conservation Lands
- [2](#) Draft DCP - Signage and Outdoor Advertising

Corporate and Community

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Corporate and Community Services



SUBJECT: *AMENDMENT TO THE ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE CHARTER*

RESPONSIBLE OFFICER: *Community & Cultural Development Manager*

SUMMARY

Expressions of interest calling for Community Representatives to be a member of the Cessnock City Council Aboriginal and Torres Strait Islander Advisory Committee (the Committee) has concluded and 14 nominations were received. The adopted Committee Charter (the Charter) only provides for 8 Community Representatives to be Members on the Committee. To facilitate diverse representation, amendments to the Charter are sought to enable all 14 people to be offered a Community Representative position on the Committee.

RECOMMENDATION

That Council adopts the amended Aboriginal and Torres Strait Islander Advisory Committee Charter for this term of the Committee.

BACKGROUND

At the Extraordinary Meeting of Council held on 16 October 2024 Council considered report CC67/2024 Councils Internal Committee Structure and Appointment of Representatives. As an outcome of the report, it was resolved to establish the Aboriginal and Torres Strait Islander Advisory Committee and adopt its Charter.

REPORT/PROPOSAL

In establishing the Committee, a call for Community Representatives commenced via an expressions of interest process November 2024 and concluded 7 February 2025. A total of 14 nominations were received from Aboriginal and/or Torres Strait Islander persons seeking Community Representative membership to the Committee.

With the adopted Charter only allowing membership for up to 8 Community Representatives, amendments to the Charter are required to enable all 14 people with the opportunity to be a Community Representative on the Committee.

During previous terms of the Committee, availability of members was at times an issue, which unfortunately resulted in a number of meetings being inquorate. With a higher than anticipated interest in community member applications and in the interests of having a broad representation range it is considered prudent to increase the membership rather than arbitrarily limiting engagement. Eligibility and assessment of membership would still remain as provided within the Charter

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As such, the amendments required to the Charter have been track changed in **Enclosure 1** and in summary are:

- Clause 5.4.2- amend the Community Representative membership from 8 to 14 people.
- Clause 6.11 – amend to reflect the above change and is in reference to how to respond if more than 14 people were to apply to be a Community Representative.
- Clause 11.1- amend the quorum from 5 Members (with a minimum of 1 Councillor and 3 Community Representatives) to instead 7 Members (comprising a minimum of 1 Councillor and 6 Community Representatives).
- Minor amendments to the Charter Administration and Charter History Sections to reflect the above changes.

OPTIONS

N/A

CONSULTATION

Director Corporate and Community Services
Senior Legal and Governance Officer
Principal Community Planner
Community Development Officer

STRATEGIC LINKS

a. Delivery Program

This report aligns with the Cessnock City Council Delivery Program 2022 – 2026 action:

- A connected, safe and creative community
 - Objective 1.1 Promoting social connections and wellbeing
 - Action 1.1.1 Engage with the community in reconciliation activities

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

In accordance with the Charter, the Panel has assessed the received nominations with the outcome being all 14 nominations demonstrated merit in accordance with the selection criteria.

b. Financial Implications

Nil



c. Legislative Implications

The Committee is a non-statutory advisory Committee.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

An increase from 8 Community Representatives to 14 Community Representatives will further enrich the advice to Council on issues affecting Aboriginal and Torres Strait Islander Communities and strengthen Council's understanding of Aboriginal and Torres Strait Islander histories, heritage and cultures.

CONCLUSION

The amendments to the Charter will provide all 14 people that submitted a nomination with an opportunity to join the Committee as a Community Representative.

ENCLOSURES

- [1](#) Amended Aboriginal and Torres Strait Islander Advisory Committee Charter

SUBJECT: *LAND ACQUISITION - SOUTH CESSNOCK BUND WALL*
RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

This report seeks Council authorisation to purchase Austar Coal Mine Pty Ltd (Yancoal) land for flood mitigation infrastructure and rights of easement to drain water.

The bund wall project is part of the South Cessnock Bund Wall Flood Mitigation Scheme. Other acquisitions of Crown land and land owned by White Energy Company is nearing completion and has been transacted in accordance with previous resolutions. The Yancoal purchase has been negotiated as an acquisition by agreement in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

RECOMMENDATION

1. That Council acquires by voluntary agreement of Austar Coal Mine Pty Ltd land and easement rights, being portions of lots 34, 35 and 36 in DP 755215, required for the South Cessnock Flood Mitigation Scheme Bund Wall project.
2. That Council delegates authority to the General Manager to acquire the land at the assessed market value for the sum of \$43,300 and compensate the landowner for reasonably incurred valuation and legal costs on presentation of paid invoices in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. That Council authorise the General Manager to execute all documents relating to the acquisition and/or documents relating to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if required.
4. That Council authorise the General Manager in the event of failure to acquire by agreement to make any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition.
5. That on transfer of ownership, Council resolves to classify the land being portions of lots 34, 35 and 36 in DP 755215 as operational land.

BACKGROUND

At the 20 May 2020 Council meeting, Council adopted the South Cessnock Flood Mitigation Scheme (The Project). The Project seeks to address adverse flooding impacts in South Cessnock brought on by mine subsidence in the 1980s and involves construction of an earth bund wall, channel diversion and widening downstream from the junction of the Kearsley and Oliver Street Channels. The scope of these capital works initially required acquisition of land and/or easements from three separate landowners:

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- State of New South Wales - lot 1 DP 1134371 (Crown land);
- Austar Coal Mine Pty Ltd - lots 34, 35 & 36 DP 755215 (Austar land); and
- White Energy Company Limited – lot 1 DP 1145540 (WEC land).

REPORT/PROPOSAL

Elements of this matter were previously considered by Council. On 17 May 2023, Council Officers obtained authorisation to initiate compulsory acquisition of a parcel of Crown land required for bund wall access (lot 1 DP 1134371). As a result of design plan changes, compulsory acquisition of part lot 3 in DP114450 (also Crown land) for the southern section of the bund wall was approved on 21 February 2024. On 23 October 2024, Council authorised the purchase of 7.563 hectares of WEC land for other bund wall sections and a large inundation area. At that time, it was reported negotiations with Yancoal to acquire the required land and easement rights (**Enclosure 1**) were continuing and would be the subject of a later report.

All landowners have entered into early access/construction licences with Council to facilitate project commencement and negotiations to purchase the Austar land were finalised on 11 February 2025. An authorised representative has accepted Council's in-principle purchase offer for the total amount of \$43,300 which is broken down below per the valuation assessment summary provided by the landowner which has been reviewed by Council Officers.

Acquisition Type	Effected Land	Purchase Price
Easement Acquisition	Lots 34, 35 and 36 in DP 755215	\$41,000
Land Acquisition	Proposed Lot 15 forming part of the land comprised in folio 36/755215	\$2,300

Council is an authority of the State (Acquiring Authority) under the Just Terms Act, however councils are empowered to acquire land by s.377(1)(h) of the *Local Government Act 1993*. This power cannot be delegated and a resolution of Council is required authorising the General Manager to affect the transaction.

As per best practice land acquired for infrastructure purposes is recommended to be designated as Operational Land.

OPTIONS

No alternative options are considered economically viable to reduce the flood risk in South Cessnock. Early access / construction licences have been granted by the owners of all land affected by the project on the understanding the land or easement rights will be acquired.

CONSULTATION

Consultation and negotiations with all affected landowners have been conducted on the basis their land or easement rights will be acquired at market value and by voluntary agreement.

STRATEGIC LINKS

a. Delivery Program

The acquisitions are linked to the Delivery Program 2022-26 and specifically aligned with Sustainable & Healthy Environment Objective 3.1.9 - 'Commence implementation of the priority recommendations from flood studies and risk management plans for major catchments in the local government area.'

The Project is included in the current year Operational Plan Capital Works Program - Flood Management Program: Project ID PMF-2022-006.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Funding for acquisition of the land required for the project was approved as part of the council contributions under the current year Operational Plan.

c. Legislative Implications

Council's authority to acquire land in accordance with the *Just Terms Act* is subject to s.377(1)(h) of the *Local Government Act 1993* which provides acquisition or purchase of land cannot be delegated and a resolution of Council is required.

d. Risk Implications

Failure to complete the purchases in accordance with voluntarily agreed terms and valuations carries significant reputational risk for Council.

e. Environmental Implications

Nil

f. Other Implications

Nil

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CONCLUSION

The property acquisitions are required in order to effect transfer of the land and public infrastructure assets currently being constructed thereon to Council. The drainage infrastructure is critical to mitigating the impact of flooding in South Cessnock.

ENCLOSURES

[1](#) Map of proposed acquisition

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Corporate and Community Services



SUBJECT: *AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2025 NATIONAL GENERAL ASSEMBLY - ATTENDANCE AND MOTIONS*

RESPONSIBLE OFFICER: *Director Corporate & Community Services*

SUMMARY

The Australian Local Government Association (ALGA) 2025 National General Assembly (NGA), is scheduled to be held at Canberra's National Convention Centre from Tuesday, 24 to Friday, 27 June 2025. The purpose of this report is to confirm Councillor attendance and determine any motions to be submitted to the Conference.

RECOMMENDATION

1. That Council determine the voting delegate and attendees for the Australian Local Government Association 2025 National General Assembly.
2. That Council endorse the regional motions identified by the Hunter JO Board and that the following motions be submitted for consideration at the Australian Local Government Association 2025 National General Assembly:
 - Jobs and Skills
 - Housing and Homelessness
 - Financial Sustainability
 - Roads and Infrastructure

BACKGROUND

Council needs to determine Councillor attendees and voting delegates to the 2025 NGA and to determine any motions for submission for consideration at the conference.

REPORT/PROPOSAL

ALGA have provided information on the NGA to be held at Canberra's National Convention Centre from Tuesday, 24 to Friday, 27 June 2025. The theme of the 2025 NGA is – *National Priorities Need Local Solutions* and will shape the federal advocacy agenda that ALGA will undertake on behalf of Australian local governments. Details about the conference are available at [Australian Local Government Association](#).

Request to Attend

Councillors wishing to attend the conference were requested to make application to the General Manager so that Council could determine the attendees and voting delegates. At the time of this report no requests to attend had been received from Councillors.

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Motions

Motions for consideration at the Conference are to be submitted by 31 March 2025. The Board seeks to ensure that motions debated at the Conference centre on advancing sector wide policy agenda. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Motions will only be accepted for inclusion in the business paper if they comply with ALGA requirements.

Councillors were requested to notify the General Manager of any suggested motions by **Monday, 10 March 2025** so that Council could determine the motions to be referred to the Association at this meeting in order to meet the ALGA submission deadline.

Lodging of regional motions

In preparation for the 2025 NGA the Hunter JO Board of Mayors has confirmed a list of four shared regional motions to be put forward at the NGA on behalf of the ten Hunter Councils across the advocacy areas of Jobs and Skills, Housing and Homelessness, Financial Sustainability, and Roads and Infrastructure. The motions are summarised in **Enclosure 1** and supporting information provided at **Enclosure 2**.

This approach seeks to:

- Amplify the shared advocacy priorities of the Hunter's councils on the national scale.
- Emphasise to the Federal Government the strength of alignment across the councils regarding the region's challenges, opportunities and agreed strategic directions

The regional motions:

- Are consistent with the objectives and strategic directions included in the [Hunter JO Strategic Plan 2032](#), which are themselves drawn from the Community Strategic Plans of the ten Hunter JO Member Councils
- Have been adapted from the shared regional [advocacy priorities](#) of the Hunter Mayors, to reflect the broader national and industry wide local government focus required for NGA motions (Enclosure 3).

Because the Hunter JO entity itself is not a financial member of the NSW Local Government Association (given that Member Councils already are), the actual process of lodging the motions to the NGA needs to be undertaken by individual Member Councils. These will then be collated by the conference organisers and presented as a shared regional motion including the names of each of the Councils who have lodged the motion.

CONSULTATION

General Manager and Councillors

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".



b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Application for attendance to the 2025 NGA is in accordance with the adopted *Councillor Expenses and Facilities Policy*.

b. Financial Implications

Funding is available in the Councillors conference budget with cost per delegate estimated to be \$2,500, inclusive of accommodation, registration and meals.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

This report provides information on the upcoming ALGA 2025 NGA and provides Council with the opportunity to consider motions to be submitted and for Councillors attendance.

ENCLOSURES

- 1 ⇨ Hunter JO Regional Motions for 2025 National Assembly of Local Government
- 2 ⇨ Hunter JO Motion Supporting Information

SUBJECT: *AUTHORISATION TO BORROW*

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

This report seeks a Council resolution in accordance with Section 377(1) (f) of the *Local Government Act 1993* to borrow the funds for various programs and projects identified in the 2022-26 Delivery Program and to affix the Council Seal to the TCorp loan documentation.

RECOMMENDATION

1. That Council applies for a loan facility in the amount of \$13,600,000 for a maximum period of twenty (20) years for the following projects:
 - a. \$10,000,000 towards construction of the new Waste Facility
 - b. \$1,400,000 for the Bridge Replacement Program
 - c. \$1,000,000 towards Shared Pathways Program
 - d. \$1,200,000 towards South Cessnock Flood Mitigation
2. That Council delegates the General Manager to negotiate the terms of the loan including tenure, rate and repayment periods.
3. That Council authorise the Mayor and General Manager to execute the documents relating to the Loan Agreement including affixing of the Council Seal if required.

BACKGROUND

The ability to borrow funds is governed by the provisions of Sections 621-624 of the *Local Government Act 1993* (the Act). Council is not able to delegate the function of borrowing money in accordance with Section 377(1) (f) of Act. Information in regards to loan borrowings was included in adopted Operational Plans, and to satisfy borrowing requirements a resolution of Council to borrow the funds and affix the Seal to the loan documentation is required.

REPORT/PROPOSAL

The adopted Delivery Program included the proposed loan borrowing program in the amount of \$4,500,000 for 2024-25.

This has been amended to bring forward borrowing for the new Waste Facility to reflect the cashflow projections for that project. The projects funded are all for assets with effective lives exceeding 20 years or more and reflect the best practice of intergenerational equity so that ratepayers of the future are meeting some of the cost of infrastructure build to meet their future needs.

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The anticipated loan repayments are included in the current year budget approved in the Quarterly Budget Review Statements and the Long Term Financial Plan. Forecasts show that council has sufficient borrowing capacity and will not be in breach of any covenants or ratios with this borrowing. Annual repayments are forecast to be approximately \$1.13m.

Council will source quotes from multiple sources to ensure the best possible rates. Council may also consider variable rates to maximise the likely change to future interest rates.

The table below details current loans held by Council:

Loan	Interest Rate	Maturity Date	Purpose	Principal	Balance 31/12/2024
210	3.13%	Nov 2027	Drainage / Bridges	2,959,806	986,681
211	1.23%	Oct 2030	Drainage / Bridges / Parks	2,947,553	1,811,714
212	4.93%	Jun 2033	Airport/Drainage/Pathways	4,363,049	3,836,059
			Total		6,634,454

Should Council elect not to borrow the funds identified in the loan program an alternative source of funds would be required to be identified.

Council's budget strategy is for all expenditure to be matched with a source of funds. Council needs to be mindful of the effect of alternate funding sources and the potential impact on long-term financial sustainability. The loan repayments have been factored into Council's operational budgets and the loan borrowing is the preferred course of action due to the following considerations:

1. Works and borrowings are part of the budget as adopted by Council;
2. Cash flow implications on Council if the revenue from the loan funds are not received;
3. Loss of investment revenues as the funds when received are usually invested;
4. Adverse impact on the unrestricted current ratio if reserves or unrestricted cash is utilised; and
5. Reallocation of funds from another project may adversely affect that specific program of works.

Timing of the borrowing drawdown will be finalised before the end of the current financial year and will be determined around the cashflow requirements of Council.

OPTIONS

N/A

CONSULTATION

Director Corporate and Community Services
Management Accountant

STRATEGIC LINKS

a. Delivery Program

This report is a part of the organisation's governance framework – in line with the community's desired outcome of: *Civic Leadership and Effective Governance*.

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The identified projects form part of the infrastructure programs within the Delivery Program under the community's desired outcome of *Accessible infrastructure, services and Facilities* and link directly to the goal of *Protecting and enhancing the natural environment, Improving the Road Network and Deliver prioritised on-ground capital works and maintenance programs.*

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Loans are taken in accordance with Council Policy F12.2 "Loan Borrowings".

b. Financial Implications

Loan repayments are factored into Council's operating budget. Loan funds provide funding for the projects identified in the borrowing program as detailed in the Delivery Program.

c. Legislative Implications

Council is unable to delegate the function of borrowing of money in accordance with Section 377 (1) (f) of the Act. Loan borrowings are authorised under Sections 621 to 624 of the Act.

d. Risk Implications

The projects to be funded under the loan are identified within Council's Delivery Program and have been outlined to the community to be completed.

If the budgeted funds are not received, Council will likely be exposed to overdraft and cash flow risks associated with funding of the works identified within the loan program. Alternative funding sources will need to be identified which may impact on the service levels able to be provided to other areas of Council's operation.

e. Other Implications

Nil

CONCLUSION

The report seeks Council approval to borrow \$13,600,000 for the projects identified in the loan program contained within the Delivery Program and affixing the Seal to loan documentation after negotiation of rates and terms.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC13/2025

Corporate and Community Services



SUBJECT: *COMMUNITY ENGAGEMENT STRATEGY POST EXHIBITION*
RESPONSIBLE OFFICER: *Communications and Engagement Manager*

SUMMARY

The purpose of this report is to present the outcomes of the public exhibition of the Community Engagement Strategy and Community Participation Plan (the Strategy and CPP) and to seek Council's adoption of the final documents.

RECOMMENDATION

- 1. That Council adopts the Community Engagement Strategy (incorporating the Community Participation Plan) following public exhibition.**
- 2. That Council notes the report on the outcomes of the exhibition.**

BACKGROUND

Council adopted its existing Community Engagement Strategy on 16 September 2020. The Strategy has guided Council's engagement practices, fostering greater transparency and participation from the community.

Following a review process an updated Strategy and CPP were placed on public exhibition for a period of 60 days from Friday, 13 December 2024, to Tuesday, 11 February 2025.

The review process included extensive community and internal engagement, with feedback incorporated into the revised documents.

REPORT/PROPOSAL

The Strategy guides how Council engages with our community in meaningful, transparent, and effective ways, and is designed to encourage increased community participation and ensure Council is more responsive to the community.

The objectives and associated actions within the Strategy are designed to address key themes raised by stakeholders during its development, and continue to improve engagement practices and outcomes.

The four objectives are:

- **Engagement Culture:** Support a culture of community engagement within the Council, emphasising the importance of community input in decision-making
- **Honest Conversation:** Facilitate honest and open conversations with the community, promoting mutual respect and understanding
- **Relationship Building:** Strengthen and build positive relationships with the community, fostering trust and collaboration
- **Insight and Learning:** Enhance community understanding of Council's decision-making through clear communication, and use feedback and data to drive continuous improvement.

Overall, the Strategy significantly builds on the existing Community Engagement Strategy, reflecting the growth of Council's capacity and maturity in the function over recent years.

OPTIONS

Adopt the Community Engagement Strategy (incorporating Community Participation Plan) or adopt the Community Engagement Strategy (incorporating the Community Participation Plan) with amendments.

CONSULTATION

The Strategy and CPP were placed on public exhibition for a period of 60 days from Friday 13 December 2024 to 5:00 pm Tuesday 11 February 2025.

The Together Cessnock project page received **97 visits** during the exhibition period, and received **one submission**. The feedback provided was as follows:

Submission:

A well-compiled strategy and CPP. Council's Community Engagement has improved dramatically over the past 3 years. Pg 26 lists, under the 'involve' heading - Town Hall Meetings, which is a never term. This should be amended to Community Meetings, as we are encouraging our community to come together to plan, share, and improve processes and infrastructure. Overall, a job well done to all officers involved.

Council's Response:

Thank you for your thoughtful feedback and for acknowledging the improvements in Council's community engagement over the past three years.

The term Town Hall Meetings is widely recognised as a formal method of engagement that may be used to consult with the community. This approach can take place in both physical and digital formats, depending on the needs of a project. While we appreciate the suggestion to update the term to Community Meetings, the Town Hall format remains a valuable option for structured discussions.

Preliminary engagement

Council undertook extensive internal and external engagement activities during the review process, with feedback incorporated into the revised documents. Engagement activities included:

- **Internal Engagement:** Workshops with team members from key departments to refine engagement processes and ensure alignment with Council's strategic direction, along with a presentation to the Management team and Councillor briefing session.
- **External engagement:** A Together Cessnock project page was established including FAQs, an explainer video and a community survey. Face to face engagement activities were also held at key community events and locations, including:
 - Kurri Kurri Festival
 - Our Bushland Festival, Kitchener
 - Coffee with a Councillor sessions (Kurri Kurri, Cessnock, Branxton, Weston)

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- Wollombi Markets
- Cessnock Marketplace (four pop-ups)

The project webpage received **232 visits** with **43 survey responses** during the preliminary engagement period.

STRATEGIC LINKS

a. Delivery Program

The report aligns to the Delivery Plan outcome 'Civic Leadership and Effective Governance' and Objective 5.2 'Encouraging more community participation in decision making'.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The Strategy has no direct financial implications. Any costs associated with engagement activities will be funded through the relevant Operational Plan project or service budgets.

c. Legislative Implications

Section 402a of the *Local Government Act 1993*, provides:

*"A council must establish and implement a strategy (called its **community engagement strategy**) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters)."*

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

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CONCLUSION

Operational Plan action 5.2.1b directs Council to prepare and adopt an updated Community Engagement Strategy for the period 2025-29.

Community feedback during the preliminary engagement and public exhibition periods demonstrated strong community support for the objectives and contents of the Community Engagement Strategy and Community Participation Plan. The single submission received was positive, suggesting only a minor wording amendment.

It is recommended that Council adopt the Strategy and CPP to continue enhancing transparency, engagement, and community participation in decision-making.

ENCLOSURES

- [1](#) Community Engagement Strategy (incorporating the Community Participation Plan)

SUBJECT: *INVESTMENT REPORT - FEBRUARY 2025*
RESPONSIBLE OFFICER: *Chief Finance Officer*

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 February 2025 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 \$65,983,370.**

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 February 2025 are exceeding budget.

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 28 February 2025

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			4.00%	7,901
	Commonwealth Bank	At Call			4.35%	12,941
	Commonwealth Bank	At Call			4.00%	735
1243	AMP Bank	At Call			3.30%	537
1513	Suncorp Bank	TD	274	05-Mar-25	5.21%	5,000
1515	AMP Bank	TD	301	03-Jun-25	5.20%	2,500
1516	National Bank	TD	253	16-Apr-25	5.07%	5,000
1517	National Bank	TD	283	16-May-25	5.07%	2,500
1519	AMP Bank	TD	302	26-Jun-25	5.02%	2,500
1521	Suncorp Bank	TD	273	03-Jun-25	5.01%	4,000
1522	Suncorp Bank	TD	182	25-Mar-25	5.09%	4,000
1523	National Bank	TD	363	23-Sep-25	4.90%	4,000
1525	Bank of Queensland	TD	183	24-Jun-25	5.05%	2,000
1526	Bendigo Bank	TD	182	01-Jul-25	5.05%	3,000
1527	Suncorp Bank	TD	302	19-Nov-25	5.05%	5,000
1463	Treasury Corporation	Growth Fund				4,369
TOTAL						65,983

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

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
National Australia Bank	AA-	40%	11,500	26.21%
Suncorp Bank	AA-	40%	18,000	41.03%
AMP Bank	BBB+	10%	5,000	11.40%
Bank of Queensland	A-	20%	2,000	4.56%
Bendigo and Adelaide Bank	A-	20%	3,000	6.84%
Treasury Corporation	Unrated	10%	4,369	9.96%
TOTAL			43,869	100.00%

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

Investment in NSW Treasury Corporation (TCorp)

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

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The February 2025 unrealised return was a gain of \$16,795 or 0.39% (5.60% annualised). Rates of return fluctuate monthly and can be negative from time to time with the medium-term investment horizon. The fund performance summary as at 31 January 2025 is shown below (performance summary for February 2025 is yet to be published at the time of preparing this report). 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	4.03	3.89	3.10	6.70	5.14	1.07
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.71	5.10	6.69	5.11	2.67	0.33
Return above benchmark p.a.	(0.68)	(1.21)	(3.59)	1.59	2.47	0.74

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	39,500	59.86%
Cash/At Call Deposits	Low	Low	22,114	33.52%
Capital Growth Fund	Medium	Medium	4,369	6.62%
TOTAL			65,983	100.00%

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

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	5.36%	5.09%
BBSW Average Interest Rate (year to date) *	4.51%	4.34%
Actual Investment Interest Earned (for the current month)	\$208,026	\$302,609
Actual Investment Interest Earned (year to date) ^	\$2,113,847	\$2,406,929
Revised Budget Investment Interest (year to date)	\$1,833,333	\$1,116,748
Original Budget Investment Interest (annual)	\$2,500,000	\$1,380,122
Revised Budget Investment Interest (annual)	\$2,750,000	\$1,750,122
TCorp unrealised movement (year to date)	5.60%	5.70%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$83,084,775	\$73,085,190
Closing Balance as at 28 February	\$65,983,370	\$82,178,908

* 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

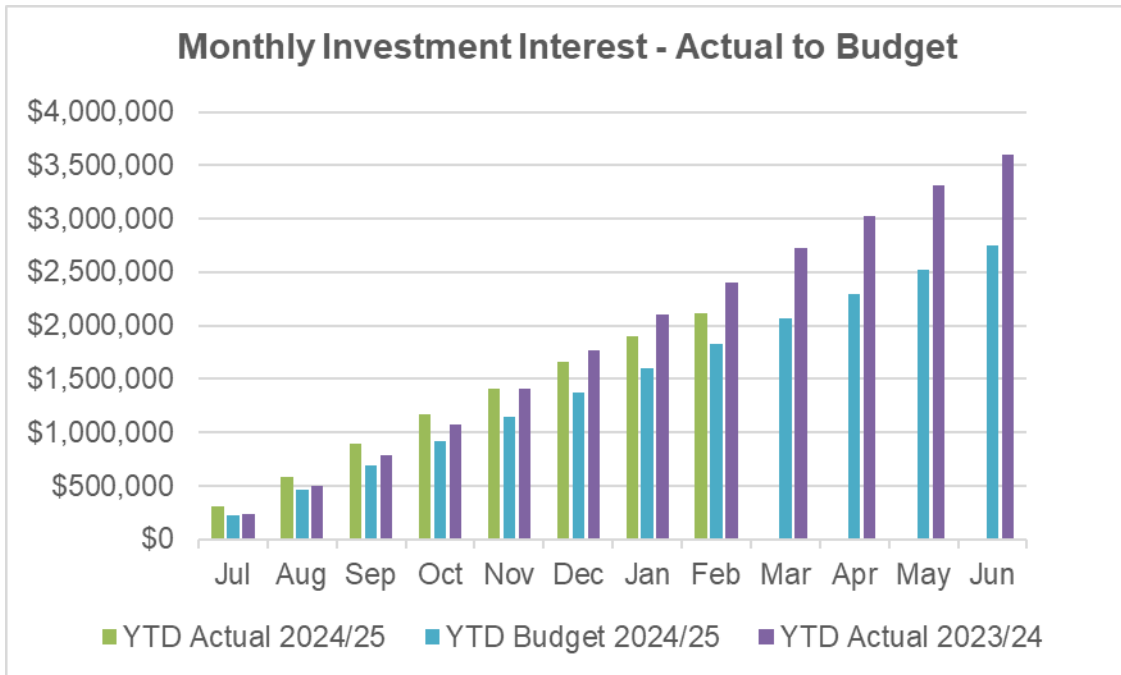


Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	Feb 2025	Jan 2025	Dec 2024	Nov 2024	Oct 2024	Sep 2024
External Restrictions	61,357	59,170	63,057	57,635	53,278	59,096
Internal Restrictions	3,800	3,629	5,099	10,305	12,130	18,015
Total Restrictions	65,157	62,799	68,156	67,940	65,408	77,111
<i>Prepaid grant expenditure to be reimbursed</i>	-	(2,163)	(2,163)	(4,010)	(1,353)	-
Unrestricted	826	737	298	317	509	1,124
Total Cash & Investments	65,983	61,373	66,291	64,247	64,564	78,235

CONSULTATION

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

STRATEGIC LINKS

a. Delivery Program

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

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

5.3.3: Our Council is financially sustainable.

IMPLICATIONS

a. Policy and Procedural Implications

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

b. Financial Implications

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

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

c. Legislative Implications

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

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

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

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

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Report No. CC15/2025
Corporate and Community Services



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

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 11 February 2025 to 11 March 2025.

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. WI2/2025

Works and Infrastructure



SUBJECT: ***DRAFT WASTE AND RESOURCE RECOVERY STRATEGY 2026-31***

RESPONSIBLE OFFICER: ***Environment and Waste Services Manager***

SUMMARY

The purpose of the report is to seek Council endorsement to place the draft Waste and Resource Recovery Strategy 2026-2031 on public exhibition.

The draft Waste and Resource Recovery Strategy 2026-2031 provides a clear direction for the management of waste during the next five-year period and a pathway for the future.

RECOMMENDATION

- 1. That Council place the draft Waste and Resource Recovery Strategy 2026-31 on public exhibition for a minimum period of 28 days.**
- 2. That Council adopt the draft Waste and Resource Recovery Strategy 2026-2031 in the event there are no unresolved objections nor significant amendments proposed post exhibition**

BACKGROUND

Waste management is a key service provided by Council under Chapter 6 of the Local Government Act 1993. The service is a significant financial investment for Council. Review of the current 2020-25 Waste and Resource Recovery Strategy was brought forward following Council's meeting of 19 June 2024 which 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.*

Following this, at its meeting of 23 October 2024, Council resolved:

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

REPORT/PROPOSAL

The Draft Waste and Resource Recovery Strategy 2026-31 (draft) is provided as an enclosure. Below are key summary points that highlight elements of the draft Strategy.

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Process:

The following key project milestones have been used in developing the draft Strategy:

1. Staff review of 2020-25 Waste and Resource Recovery Strategy
2. Community survey of waste service needs (Oct-Nov 2024)
3. Bin audits (October 2024)
4. Strategy Development (December 2024 – January 2025)
5. Briefing to Council (12 February 2025)
6. Report to Council (19 March 2025)
7. Public Exhibition (20 March - 27 April 2025)
8. Adoption by Council (21 May 2025)

Vision:

“To provide a sustainable, efficient and cost-effective waste service to the Cessnock community, prioritising increased diversion of waste, best practice recovery of recyclables and enhanced community awareness whilst meeting all environmental, safety and legislative obligations.”

Objectives:

- Supporting our community to work towards zero waste.
- Managing the risk of problematic, harmful and unnecessary waste.
- Working towards zero carbon emissions.
- Optimising our performance.

Goal:

Help Council work towards meeting, current and future, national, NSW and regional waste and resource recovery targets for municipal waste.

Actions:

The draft Strategy contains a total 52 actions supporting the 4 objectives. Actions include timeframes, budget source and responsibility for implementation. The actions in this strategy cover five (5) financial years commencing on 1 July 2025 till 30 June 2031.

Exhibition:

It is proposed to exhibit the draft Strategy for over 28 days from 20 March 2025 until 27 April 2025 to allow the community time to review the draft Strategy and provide comments. At the conclusion of the exhibition period, if necessary, a further report will then be presented to Council summarising the detail of the comments received and any subsequent changes to the draft Strategy before seeking adoption.

Hard copies of the draft Strategy will be exhibited at Council’s Administration Building, Kurri Kurri and Cessnock Libraries and electronic copies will be available via Council’s Together Cessnock engagement portal. In addition, Councils Waste Team will conduct the following drop-in sessions for community members wishing to discuss any specific issues.

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Date	Time	Location
27 March 2025	10am – 12pm	Outside IGA Branxton
2 April 2025	3-5pm	Outside Coles, Kurri Kurri
10 April 2025	10.30am – 12pm	Cessnock Village Plaza (i.e. Woolworths)

OPTIONS

1. Support the recommendation that Council place the Draft Waste and Resource Recovery Strategy 2026-31 on public exhibition for a period of 28 days.

This is the recommended option.

2. Not support the recommendation, for the following reasons:

(To be provided by Council).

This option is not recommended. Council’s existing strategy review was brought by Council and needs to be in place for service changes scheduled to commence on 30 June 2025.

CONSULTATION

Significant consultation was undertaken in the development of the draft Strategy including:

- A community survey (receiving 1,389 responses) and consultation (3 displays in Cessnock, Kurri Kurri and Huntlee) was conducted during October-November 2024, aimed at gathering information on the services Council provides around key areas of:
 - bulky waste service preferences (i.e., vouchers or kerbside pickup).
 - household waste collection post food being added to the organics bin.
 - Cessnock Waste Management Centre.
 - illegal dumping and littering.
- Internal consultation with Waste Services staff and a briefing to Councillors on 12 February 2025.

STRATEGIC LINKS

a. Delivery Program

The draft Strategy is directly related to Objective 3.3 Better Waste Management and recycling of the delivery Program.

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b. Other Plans

2018 National Waste Policy – Less Waste More Resources
NSW Waste & Sustainable Materials Strategy 2041: Stage 1: 2021-2027
Regional Circular Materials Strategy – Hunter and Central Coast 2022 – 2027

IMPLICATIONS

a. Policy and Procedural Implications

The Waste Management Policy will need to be reviewed and updated to include any changes procedures from the new Strategy. These changes will be provided to council separately following adoption of the Strategy.

b. Financial Implications

Most actions in the draft Strategy are funded through operational and capital budgets. However, some actions are reliant on funding from the NSW Government.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

The key purpose of the draft Strategy is to protect the environment and conserve precious resources.

f. Other Implications

Nil

CONCLUSION

Waste Management is a key service provided to the community and a sound management strategy focusing on continual improvement and development is needed to direct Council's efforts over the next five years.

ENCLOSURES

[1](#) Draft Waste and Resource Recovery Plan 2026-31

Works and Infrastructure

Report No. WI3/2025

Works and Infrastructure



SUBJECT: *TENDER - T2025-07 BETTERMENT OF THOMAS STREET, NORTH ROTHBURY CIVIL WORKS*

RESPONSIBLE OFFICER: *Infrastructure Manager*

SUMMARY

This report provides information to Council in relation to the evaluation and selection for Tender No. T2025-07 for the Betterment of Thomas Street, Northbury Civil Works.

RECOMMENDATION

That Council accept the tender (T2025-07) from KCE Pty Ltd for the Betterment of Thomas Street, North Rothbury Civil Works for the lump sum of \$3,398,700 including GST.

BACKGROUND

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 General Conditions of Contract GC21. The RFT called for a lump sum tender for the civil works including drainage other roadworks.

This project is entirely grant funded by the Federal Government.

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 the General Conditions of Contract GC21. The RFT called for a lump sum tender for the civil works including drainage other roadworks.

Invitation

Tenders were invited on 2 January 2025 on Council’s VendorPanel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	11 January 2025
Sydney Morning Herald	Tuesday	7 January 2025

Addenda

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

No.	Date	Description
1	14 January 2025	Updated geotechnical report an clarification on pavement design
2	20 January 2025	Mandatory Site Meeting Minutes

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Closure

Tenders closed 2pm, Tuesday 4 February 2025

TIME FRAME

The intent is to award the Contract upon adoption of the recommendation by Council. The nominated construction time is 52 weeks. The preferred tenderer has proposed a construction time of 38 weeks, which provides significant time contingency.

Under the terms of the Funding Deed, any delay beyond May 2026 could jeopardise grant funding. This scenario is considered unlikely given the time contingency available.

LOCAL CONTENT

Local content was not part of the tender assessment criteria. It was anticipated that only locally active Contractors based nearby would be sufficiently familiar with Council requirements to be competitive. No tenders were received from companies based outside the wider lower Hunter/ Central Coast area.

OPTIONS

Option 1:

Accept the tender from KCE Pty Ltd in the amount of \$3,398,700 (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, and jeopardise funding as the Project is entirely grant funded.

CONSULTATION

The following officers were consulted during the tender process:

- Procurement Coordinator
- Infrastructure Manager
- Project Management Coordinator
- Design Manager

The community has been informed of proposed works via a letterbox drop, with a dedicated page set up on Council's website.

STRATEGIC LINKS

a. Delivery Program

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

2022- 2026 Delivery Program:

- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans

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4.2.1.a: Develop and deliver prioritized capital Works Program in line with adopted Asset management plan

b. Other Plans

Nil

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

Equifax Australasia Credit Ratings Pty Ltd was engaged to independently assess the preferred tenderers' financial capacity. The assessment confirmed the tenderer has current financial capacity to satisfactorily complete the work.

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*
- *NSW Modern Slavery Act 2018 No 30*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,

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- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
- (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

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

- Satisfactory financial capacity, and
- Adequate levels of insurances.
- Commitments in relation to Modern Slavery
- A detailed methodology for the works

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, and
- 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:

- AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems
- AS/NZS ISO 14001:2015 - Environment Management Systems
- AS/NZS ISO 9001:2008 - Quality Management Systems

Regarding safety, the RFT requires the Contractor to prepare and implement a Site Specific Safety 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 residences as far as practicable,
- 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 discussed at daily tool box talks.

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e. Other Implications

Safety: The reconstructed pavement and dedicated footpath will provide a safer roadway for motorists, with clear and increased physical separation of motorists and pedestrians. In times of rainfall runoff, the channeling of stormwater flows will minimise the need for road users to navigate uncontrolled flows.

Environmental: Improved environmental outcomes will result from the completion of the piped stormwater drainage system, minimising the risk of uncontrolled overland flow and nuisance flooding.

Financial: The opportunity to complete the upgrade to roads and stormwater assets via external grant funding provides a significant long term financial benefit to Council in terms of both the quality/ value of assets, and the savings from reduced maintenance costs.

Social: The reconstruction of the entire length of Thomas Street will provide increased visual amenity for residents and visitors. The work will include beautification of the area with reconstruction of all driveways to a modern standard, as well as related landscaping works. This is anticipated to assist in increased pride of place, providing an opportunity for enhanced community benefits.

Modern Slavery: Council seeks confirmation from suppliers of compliance through submissions during the tender process and pre qualifications within Council's operational systems.

CONCLUSION

The tender from KCE Pty Ltd, in the lump sum amount of \$3,398,700 (including GST) offers the best value for money for the Betterment of Thomas Street North Rothbury Project. The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- [1](#) T2025-07 Tender Evaluation Methodology Report
- 2** T2025-07 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.*

Notices Of Motion

Report No. BN6/2025

General Manager's Unit



NOTICES OF MOTION No. BN6/2025

SUBJECT: *INVESTIGATION FOR OPPORTUNITIES TO REDUCE VANDALISM IN PUBLIC SPACES*

COUNCILLOR: *Quintin King*

MOTION

1. That the General Manager investigate and report back on potential opportunities to reduce vandalism in public places like sporting fields, skate parks and playgrounds, with recommendations for practical measures that can deter such activities.
2. That the report should include an assessment of current policies and strategies, consultation with relevant stakeholders and exploration of best practices from other Local Government Areas.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 March 2025.

RATIONALE

Vandalism in public spaces has been an ongoing concern in our community, causing damage to property and diminishing the quality of life for residents. It is important for council to explore possible solutions that can help reduce the occurrence of these incidents. By investigating and evaluating effective strategies, we can improve the safety and aesthetic quality of our public spaces.

SOURCE OF FUNDING:

Dependent on investigation findings.

DELIVERY PROGRAM:

This motion aligns with the Council's commitment to advocating for the safety and wellbeing of the Cessnock community.

Sgd: Quintin King

Date: 10 March 2025

Notices Of Motion

Report No. BN6/2025

General Manager's Unit



DIRECTOR'S COMMENTARY

Council adopts the principles of Crime Prevention Through Environmental Design (CPTED) in the design of public spaces including sportsgrounds, skateparks and play spaces. CPTED is a situational crime prevention strategy widely used by planners, architects, and crime prevention practitioners that aims to reduce opportunities for crime by employing design and place management principles.

A CPTED crime risk assessment tool is used by Council to undertake site assessments and determine appropriate treatments or measures that can be implemented after a space is created.

CPTED takes the approach that the cost and likely benefits of treatments should be weighed against identified risk. The types of treatments and reduction measures are proportionate to the crime risk identified and range from natural and organised (low) strategies (e.g., natural surveillance, environmental maintenance and activity management) to high level technical and organised strategies (e.g. CCTV and security guards).

Practical measures to reduce vandalism at public facilities should be determined through the use of the CPTED crime risk assessments, which employ qualitative and quantitative measures of the physical and social environment to create a contextually adjustable approach to the analysis and treatment of crime opportunity.

Site specific assessments are carried out by Council officers as required when Council facilities are identified as sites that have seen increased incidences of malicious damage.

Depending on the measures recommended, treatments are funded through existing Council maintenance or project budgets. When existing operational budgets cannot accommodate CPTED treatments, alternative funding sources such as external grant opportunities are investigated.

Council does not have a vandalism policy/strategy, CPTED is applied as a proactive measure.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN7/2025

General Manager's Unit



NOTICES OF MOTION No. BN7/2025

SUBJECT: *REPORT ON UNSEALED ROADS AND COSTS*

COUNCILLOR: *Jessica Jurd*

MOTION

That Council requests a report from the General Manager for the following information:-

1. How many unsealed roads in the Local Government Area.
2. How many unsealed roads are maintained.
3. How many unsealed roads are currently unmaintained.
4. What our current budget for unsealed roads maintenance is and what it would cost to maintain all the unsealed roads.
5. Residents that don't have maintenance on roads they must use to access their property, what do their rates cover.
6. Current what grants are available to help with our unsealed road program.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 March 2025.

RATIONALE

Following discussions with the Director of Works and residents impacted by the unsealed road program, we need to assess whether we can include a specific road on the maintenance list. To proceed, it is essential to understand the budget and determine the feasibility of adding a resident's road to the list, regardless of its urgent need for repair. Voting on this matter would be the best way to support the resident while ensuring that we do not compromise the council's budgetary position.

SOURCE OF FUNDING:

Nil

DELIVERY PROGRAM:

Objective 5.3

Ensuring Council is accountable and responsive to the community.

Sgd: Jessica Jurd

Date: 10 March 2025

Notices Of Motion

Report No. BN7/2025

General Manager's Unit



DIRECTOR'S COMMENTARY

While there are numerous Crown Land, Forestry, National Parks and private unsealed roads (as well as fire trails and access tracks) within the LGA, Council is currently the road authority for 316km of unsealed roads. Of this, 267km are maintained on a scheduled/regular basis and the remaining 49km of unsealed roads are not regularly maintained. The Council unsealed road network is constantly changing as Crown roads are gazette to Council and existing unsealed roads are sealed in accordance with Councils relevant policies.

Councils current budget for maintaining the unsealed road network is approximately \$2.1M. This includes such activities as renewal/resheeting of gravel pavements, regrading, cleaning table drains and tail-out drains as well as emergency repairs. The roads which are identified in the Unsealed Roads Maintenance Schedule are regularly inspected by Council's road maintenance teams and prioritised as required.

The Existing Unsealed Council Roads Policy and associated Fact Sheet outlines Councils position on sealing unsealed roads. The Policy was endorsed in 2017 and was last reviewed/updated in 2019. While there are numerous grant programs (both State and Federal) which gravel roads may qualify for, there are no specific programs to maintain gravel roads.

There is not a direct correlation between rates payable and services provided to individual properties, and it is important to note that currently rates provide approximately 30% of total Council revenues. Council rates contribute to funding the many services provided to the whole community on top of infrastructure maintenance. These important services include community services, sporting and recreation services, environmental planning, public health, environmental protection.

Councils Asset Planning team are currently undertaking a review of the unsealed road network as part of updating the Asset Management Strategy and supporting Plans to inform the 4yr Delivery Program and Long Term Financial Plan. The aim of this review is to ensure alignment of the Unsealed Roads Maintenance Schedule with key priorities as set out in the Asset Management Plans such as:

- An unsealed road hierarchy;
- Critical assets
- Network resilience
- Current and future demand
- Levels of Service
- Financial Sustainability

The review may also provide recommendations, improvements and/or update the Existing Unsealed Council Roads Policy.

ALTERNATE MOTION

That the General Manager provide a report to Council on the unsealed road network review including information on the Unsealed Road Maintenance Schedule, Council's Asset Management Framework and budget in line with the Long Term Financial Plan.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN8/2025

General Manager's Unit



NOTICES OF MOTION No. BN8/2025

SUBJECT: *PITTMAN QUARRY PROPOSAL (SSD-76210271)*

COUNCILLOR: *Sophie Palmowski*

MOTION

1. That Council make a submission to object to the proposal for the Pittman Quarry (SSD-76210271) outlining our concerns.
2. That Council liaise with Singleton Council to ascertain and action concerns that are shared by the two Councils.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 March 2025.

RATIONALE

The proposed quarry predicts 110 laden trucks per day traversing Cessnock City Council roads, in addition to local delivery trucks. These rural roads are not constructed to support the sustained weight and frequency of such heavy vehicles and lack the safety infrastructure, such as traffic lights or roundabouts, that will be required for such an increase in traffic.

The frequency of heavy vehicles on rural roads is likely to lead to:

- Increased maintenance costs for the council.
- Prolonged disruptions to local traffic due to required road repairs.
- Heightened risks of accidents and vehicle damage.

There are a number of residents who have raised their concerns around the increased presence of heavy vehicles posing a severe safety risk to the community. In particular, for the children of the community during their commute to and from local schools and bus stops.

SOURCE OF FUNDING:

N/A

DELIVERY PROGRAM:

N/A

Sgd: Sophie Palmowski

Date: 10 March 2025

Notices Of Motion

Report No. BN8/2025

General Manager's Unit



DIRECTORS COMMENTARY:

For Councillors' information the SSD process is preceded by a formal request for the Secretary's Environmental Assessment Requirements (SEARS). The SEARS set out the matters that the applicant must address as part of the preparation and submission of their SSD. Council was not formally advised of the Request for Secretary's Environmental Assessment Requirements (SEARS) when made to DPHI in September 2024.

Council Officers have written to DPHI and Singleton Council notifying both authorities that, given considerable additional traffic movement will be within Cessnock LGA, Cessnock Council anticipates being formally notified of any SSD lodgment and to be included as part of any formal community engagement program.

A formal State Significant Development Application (SSD) has not yet been lodged with the Department of Planning Housing and Infrastructure for assessment (DPHI is the body responsible for assessing State Significant Development).

Until such time as an application is lodged and Council has been provided an opportunity to assess the impact of the development, (including impacts on local roads), it is considered premature to provide a submission objecting to the proposed development.

Councillors will be updated in accordance with standard practice when the Pittman Quarry SSD is lodged and Council is formally notified.

ENCLOSURES

There are no enclosures for this report