



28 April 2017

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, 3 May 2017 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

PAGE NO.

- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**  
Apologies received from:  
Councillor John Fagg
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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- (6) **PETITIONS**
- (7) **ADDRESS BY INVITED SPEAKERS**
- (8) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**  
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MEETING ON 3/05/2017**



## ***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 Model Code of Conduct***

Council adopted its current Code of Conduct on 3 February 2016. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter
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 notification
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 declarations of interest shall be recorded by the General Manager
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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 APRIL 2017, COMMENCING AT  
6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

**IN ATTENDANCE:** General Manager  
Acting Director Planning and Environment (Strategic Land Use Planning Manager)  
Director Corporate and Community Services  
Director Works and Infrastructure  
Manager Governance and Business Services  
Media & Communication Officer  
Acting Corporate Governance Officer (Administration Support Officer – Corporate & Community Services)  
Relief Executive Assistant

**APOLOGY:** **NIL**

**MINUTES:** **MOTION** **Moved:** Councillor Doherty  
**Seconded:** Councillor Suvaal  
181  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 5 April 2017, as circulated, be taken as read and confirmed as a correct record.

| FOR                   | AGAINST          |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI6/2017**

**SUBJECT:     DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**BN16/2017 - 40km/h School Zone - St Phillips Christian College - Wine Country Drive -**  
Councillor Dunn declared a Non Pecuniary Less Than Significant Conflict for the reason that his daughter attends St Philip's School. Councillor Dunn advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it does not affect his ability to perform his role as a Councillor.

**BN16/2017 - 40km/h School Zone - St Philips Christian College - Wine Country Drive -**  
Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that his children attend St Philip's School. Councillor Burke advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because as it won't influence his decision.

## ***PETITIONS***

NIL

## ***ADDRESS BY INVITED SPEAKERS***

NIL

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU6/2017***

***SUBJECT: MOTIONS OF URGENCY***

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NIL



## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE15/2017**

**SUBJECT: PLANNING PROPOSAL - CLIFTLEIGH**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
182

#### **RESOLVED**

1. That Council request a Gateway determination for the Planning Proposal - Cliftleigh from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* in relation to the Planning Proposal in Attachment 1.
2. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal - Cliftleigh if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

#### **FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (12)**

#### **AGAINST**

Councillor Olsen

**Total (1)**

#### **CARRIED**

**PLANNING AND ENVIRONMENT NO. PE16/2017**

**SUBJECT: CESSNOCK COMMERCIAL PRECINCT PROJECT - PLANNING PROPOSAL AND PUBLIC EXHIBITION OF DRAFT DEVELOPMENT CONTROL PLAN, PUBLIC DOMAIN PLAN AND IMPLEMENTATION PLAN**

---

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
183

**RESOLVED**

1. That Council place the following documents on public exhibition for a minimum period of six weeks:
  - Draft Cessnock Commercial Precinct chapter of the Cessnock Development Control Plan 2010 (Enclosure 1);
  - Cessnock Commercial Precinct Project Report (Enclosure 2);
  - Cessnock Commercial Precinct Project Background Reports (Enclosure 3); and
  - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report (Enclosure 4).
2. That Council receive a report back on the exhibition material following the public exhibition period.
3. That Council request a Gateway determination for the Planning Proposal Cessnock Commercial Precinct at Enclosure 5 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
4. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
5. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
6. That Council receive a report back on the Planning Proposal Cessnock Commercial Precinct if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

| FOR | AGAINST |
|-----|---------|
|-----|---------|

|                       |  |
|-----------------------|--|
| Councillor Olsen      |  |
| Councillor Doherty    |  |
| Councillor Dunn       |  |
| Councillor Fagg       |  |
| Councillor Stapleford |  |
| Councillor Suvaal     |  |
| Councillor Fitzgibbon |  |
| Councillor Gray       |  |
| Councillor Dagg       |  |
| Councillor Burke      |  |
| Councillor Sander     |  |
| Councillor Lyons      |  |
| Councillor Pynsent    |  |
| <b>Total (13)</b>     |  |

|  |                  |
|--|------------------|
|  | <b>Total (0)</b> |
|--|------------------|

**CARRIED UNANIMOUSLY**

**SUBJECT: HERITAGE LISTING PROCESS FOR WOLLOMBI PUBLIC SCHOOL (FORMER)**

184

**That Council defer the matter for six (6) months to give the community a chance to negotiate with the Government for the land.**

***CARRIED UNANIMOUSLY***

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC24/2017**

**SUBJECT:**     **CLASSIFICATION OF COUNCIL OWNED LAND IN ACCORDANCE  
WITH THE LOCAL GOVERNMENT ACT 1993**

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**MOTION**           **Moved:**   Councillor Suvaal           **Seconded:**   Councillor Burke  
185  
**RESOLVED**

That Council classify public land; Certificates of Title 16/13687 and 17/13687 as “operational” land in accordance with section 31 of the *Local Government Act 1993*.

| <b>FOR</b> | <b>AGAINST</b> |
|------------|----------------|
|------------|----------------|

|                       |                  |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC25/2017**

**SUBJECT: INVESTMENT REPORT - MARCH 2017**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Suvaal  
186  
**RESOLVED**

**That Council receive the report and note the information.**

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC26/2017**

**SUBJECT: REFLECT RECONCILIATION ACTION PLAN**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
187  
**RESOLVED**

**That Council note the conclusion and outcomes of the one year Cessnock City Council Reflect Reconciliation Action Plan.**

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC27/2017**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dagg  
188  
**RESOLVED**

**That Council receive the report and note the information.**

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**



## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI23/2017**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 20 MARCH 2017**

---

**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Suvaal  
189  
**RESOLVED**

That Council endorse the recommendations of the Cessnock City Council Local Traffic Committee meeting held on 20 March 2017 for the items TC3/2017, TC4/2017, TC5/2017, TC6/2017, TC7/2017, TC8/2017 being:

1. That centre line be marked on Palmers Lane, Pokolbin as follows:
  - BB double barrier line.
  - for 340m between Nos. 97 and 151.
2. That centre line be marked on Gillards Road Pokolbin as follows:
  - BB double barrier line.
  - from 225m west of intersection with McDonalds Road to the west for 365m.
3. That parking restrictions be installed on Regent Street, Cessnock as follows:
  - C3 unbroken yellow No Stopping line.
  - on the western side between No. 3 and No. 9.
4. That temporary road closures for the regulation of traffic be approved for Cessnock Stomp Festival between: 2am and 10pm Sunday 23 April 2017,
  - for Cooper Street, from Cumberland to Charlton Streets, and
  - for Edward Street from Cumberland to Vincent Street.
5. That existing NO PARKING restrictions be removed from Helena Street, Ellalong as follows:
  - northern side between Rugby Street and Campbell Street.
6. That delineation line marking be installed, as per enclosed line marking plan, on Gingers Lane, Sawyers Gully as follows:
  - BB double barrier centre line.
  - E1 edge line.
  - from Sawyers Gully Road to Frame Drive.
7. That the speed limit on Sawyers Gully Road, Frame Drive and Gingers Lane be referred to the Traffic Committee to consider making it a 60 km zone

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (12)**

**AGAINST**

Councillor Olsen

**Total (1)**

***CARRIED***

**WORKS AND INFRASTRUCTURE NO. WI24/2017**

**SUBJECT: WOLLOMBI FLOOD WARNING SYSTEM DESIGN - UPDATE**

---

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Gray

190

**RESOLVED**

1.     That Council note the report.
2.     That Council endorse the submission of a grant application under the NSW Floodplain Management Program 2017 for the design and installation of the Implementation Option 2 - Total Flood Warning System for the Wollombi Valley.
3.     If Council is successful in the grant application, that the letter of offer come back to Council for consideration.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI25/2017**

**SUBJECT:      RESTART NSW REGIONAL GROWTH - ENVIRONMENT AND TOURISM  
PROGRAM - CONSIDERATION OF THE RICHMOND VALE RAIL TRAIL  
PROJECT**

---

**MOTION**      **Moved:**    Councillor Sander      **Seconded:**    Councillor Suvaal  
191

**RESOLVED**

**That Council submit an EOI application under the Restart NSW Regional Growth – Environment and Tourism Program which supports the Richmond Vale Rail Trail Implementation Project.**

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## ***BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN***

### ***BUSINESS WITH NOTICE NO. BN16/2017***

**SUBJECT: 40KM/H SCHOOL ZONE - ST PHILIPS CHRISTIAN COLLEGE - WINE COUNTRY DRIVE**

---

Councillor Dunn declared a Non Pecuniary Less Than Significant Conflict for the reason that his daughter attends St Philip's School. Councillor Dunn remained in the Chamber and participated in discussion and voting.

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that his children attend St Philip's School. Councillor Burke remained in the Chamber and participated in discussion and voting.

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Burke  
192

#### ***RESOLVED***

**The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock seeking support for the introduction of a 40km/h School Zone on Wine Country Drive, adjacent to St Phillips Christian College.**

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Doherty    | Councillor Olsen |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (12)</b>     | <b>Total (1)</b> |

#### ***CARRIED***

**BUSINESS WITH NOTICE NO. BN17/2017**

**SUBJECT: VACANT STAFF POSITIONS IN THE ORGANISATIONAL STRUCTURE**

---

**MOTION**                      **Moved:** Councillor Olsen                      **Seconded:** Councillor Dunn

193

**RESOLVED**

That the General Manager provide a report to the next Council Meeting answering the following:

1.      How many staff positions that are currently funded are vacant?
2.      How long they have been vacant?
3.      What is the cost of each of these positions?
4.      Why haven't they been filled if they have been funded?

| <b>FOR</b> | <b>AGAINST</b> |
|------------|----------------|
|------------|----------------|

|                       |                  |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN18/2017**

**SUBJECT: URGENT MEETING TO RESOLVE ROAD MATTERS IN THE CESSNOCK LGA**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
194  
**RESOLVED**

The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock requesting an urgent meeting to resolve a number of road issues in the LGA that require support from Roads and Maritime Services.

| <b>FOR</b> | <b>AGAINST</b> |
|------------|----------------|
|------------|----------------|

|                       |                  |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

***ANSWERS TO QUESTIONS FOR NEXT MEETING***

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2017***

***SUBJECT:     TIMER FOR COUNCILLORS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2017***

***SUBJECT:     TOURISM FUNDING***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2017***

***SUBJECT:     VERNON STREET NETBALL COURTS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ54/2017***

***SUBJECT:     CROSSINGS OF WOLLOMBI ROAD, WEST CESSNOCK***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ55/2017***

***SUBJECT:     CODE OF MEETING PRACTICE - BUSINESS ARISING FROM  
PREVIOUS MINUTES***

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The answer was noted.



***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ56/2017***

***SUBJECT: GUM TREES - STONEBRIDGE GOLF CLUB***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ57/2017***

***SUBJECT: GRAFFITI IN THE CITY - MITIGATION MEASURES***

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Jay Suvaal*

### **24 HOUR TRADING AT CESSNOCK MCDONALDS**

Is Council aware whether a DA has been lodged for 24 hour trading at Cessnock McDonalds, or if they can check if one is likely to be lodged, as a number of residents and businesses have contacted him regarding this matter.

*Councillor Anne Sander*

### **ROAD RENEWAL AND REHABILITATION DEFINITION**

Can Council officers provide an explanation of what constitutes the difference between renewal and rehabilitation of a road.

*Councillor Anne Sander*

### **DRAINAGE WORKS – FUNDING ALTERNATIVES**

In the Budget, a recurrent funding item for drainage works is always dependent on loan funding. Can we look at this item and find another funding source.

*Councillor Ian Olsen*

### **EXECUTIVE TEAM - MEMBERSHIP**

Can the General Manager advise when HR became part of the Executive Team.

*Councillor Mark Lyons*

### **SHOWGROUNDS – SAFETY INSPECTIONS**

Who is responsible for checking the safety of equipment at Showgrounds, and does Council have any liability in that regard.

*Councillor Mark Lyons*

### **WASTE COLLECTION - MIXED RESIDENTIAL AND BUSINESS ZONES**

What provision is made for rubbish collection in shared residential and business zones.

## ***COUNCILLOR REPORTS***

**NIL**

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO6/2017**

**SUBJECT: WESTON FIRE STATION - RESPONSES TO MAYORAL MINUTE**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Suvaal  
195

#### **RESOLVED**

**That Council note the correspondence received.**

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Olsen      |                  |
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (13)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 7.05.pm*

**CONFIRMED AND SIGNED** at the meeting held on 3 May 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI7/2017**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Manager Governance and Business Services - Kim Appleby*

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**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. NI2/2017

Corporate and Community Services



**SUBJECT:** ***NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION***

***MM9/2017 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE REVIEW AND CONSIDERATION OF RE-APPOINTMENT OF THE GENERAL MANAGER***

**RESPONSIBLE OFFICER:** ***Manager Governance and Business Services - Kim Appleby***

**RECOMMENDATION**

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2)(a) of the Local Government Act 1993:  
  
Report No. MM9/2017 – General Manager's Performance Review and consideration of Re-appointment of the General Manager as it deals with personal matters concerning particular individuals.
2. That Council request the Mayor in accordance with Section 253 of Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

**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. MM8/2017

General Manager's Unit



## ***MAYORAL MINUTE No. MM8/2017***

**SUBJECT:** *MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGER'S REVIEW COMMITTEE MEETING HELD 24 APRIL 2017*

### **RECOMMENDATION**

That the Minutes of the Organisational and General Manager's Review Committee of 24 April 2017 be adopted as a resolution of the Ordinary Council.

### ***MINUTES OF THE REVIEW OF GENERAL MANAGER'S EMPLOYMENT ARRANGEMENTS COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ON 24 APRIL 2017, COMMENCING AT 11.00 AM***

**PRESENT:** The Mayor, Councillor Bob Pynsent  
Councillors', Burke, Suvaal and Lyons (Alternate)

**IN ATTENDANCE:** Councillors Sander, Fitzgibbon and Dunn  
Darrylen Allan, HR Manager  
Matthew McArthur, McArthur

**APOLOGIES:** Councillor Stapleford and Fagg

**Moved:** Councillor Suvaal

**Seconded:** Councillor Burke

### **LISTED MATTERS**

- a. General Manager's Performance Review Training for new Committee Members
- b. The Performance Review of the General Manager

### **RESOLUTIONS**

- 1. That Council note that all Councillors were offered the opportunity to provide feedback to the Mayor on the General Managers Performance as detailed in a Memorandum dated 18 April 2017
- 2. That the findings and recommendations from the General Manager's Performance Review be reported in a closed Council meeting on 3 May 2017

**Mayoral Minute**

**Report No. MM8/2017**

**General Manager's Unit**

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3. That the closed Council meeting on 3 May 2017 considers and decides whether or not to offer a new contract to the General Manager
4. That the Mayor and members of the Organisational and General Manager's Review Committee work with the Facilitator and the General Manager to develop the Performance Agreement for presentation to Council in June 2017.

**Moved:** Councillor Suvaal

**Seconded:** Councillor Burke

***GENERAL BUSINESS***

***NIL***

***ENCLOSURES***

There are no enclosures for this report



**Motions of Urgency**

**Report No. MOU7/2017**

**Corporate and Community Services**



**SUBJECT: MOTIONS OF URGENCY**

**RESPONSIBLE OFFICER: Manager Governance and Business Services - Kim Appleby**

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**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU6/2017  
General Manager's Unit



**SUBJECT:** *VACANT STAFF POSITIONS IN THE ORGANISATIONAL STRUCTURE*

**RESPONSIBLE OFFICER:** *Human Resources Manager - Darrylen Allan*

## **SUMMARY**

This report provides information for Council on vacant staff positions in the current organisational structure as per the resolution from the 19 April 2017 Council meeting.

## **RECOMMENDATION**

**That the report be received and the information noted.**

## **BACKGROUND**

Council considered a Notice of Motion at the meeting of 19 April 2017 and resolved:

*That the General Manager provide a report to the next Council Meeting answering the following:*

1. *How many staff positions that are currently funded are vacant?*
2. *How long they have been vacant?*
3. *What is the cost of each of these positions?*
4. *Why haven't they been filled if they have been funded?*

## **REPORT**

There are currently twelve funded vacant positions within Council's organisational structure. Details of the position title, the length of vacancy, annual salary budget and the status of recruitment for each position is shown below.

When a position becomes vacant prior to any recruitment process commencing the need for that position is considered and reviewed including a review of the Position Description. Information on vacancies is monitored and included in the Human Resources metrics report that is provided to the Executive.

| <b>Position</b>                           | <b>Length of Vacancy</b> | <b>Annual Salary Range</b> | <b>Recruitment Status</b>                  |
|-------------------------------------------|--------------------------|----------------------------|--------------------------------------------|
| Planning Assistant                        | 18-Nov-16                | \$ 59,000 - \$ 66,000      | Recruitment Commenced                      |
| Community and Cultural Engagement Manager | 26-Sep-16                | \$ 135K - \$ 145K          | On hold pending organisational restructure |

|                                    |             |                       |                                                                                                                                                                      |
|------------------------------------|-------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Asset Engineer                     | 3-Jul-15    | \$78,000 - \$ 87,000  | Various temporary appointments within Strategic Assets to progress priority projects eg. Floodplain Management. Position on hold pending organisational restructure. |
| Design Engineer                    | 23-Sep-16   | \$ 73,000 - \$ 83,000 | Recruitment undertaken end 2016, unsuccessful. New process to commence.                                                                                              |
| Finance Officer                    | 5-Jan-17    | \$ 51,000 - \$ 57,000 | Recent resignation, recruitment not commenced                                                                                                                        |
| Flowcon Truck Driver               | 29-Aug-17   | \$ 47,000 - \$ 53,000 | Position re-evaluated. Recruitment to commence                                                                                                                       |
| Senior Planning Assessment Officer | 2-Aug-16    | \$ 79,000 - \$ 89,000 | Recruitment undertaken March 17, unsuccessful process                                                                                                                |
| Business Support Officer           | 7-Apr-17    | \$ 49,000 - \$ 55,000 | Recruitment Commenced                                                                                                                                                |
| Business Support Officer           | 1-Oct-16    | \$ 49,000 - \$ 55,000 | Recruitment Commenced                                                                                                                                                |
| Senior Building Surveyor           | 4-Jan-16    | \$ 79,000 - \$ 89,000 | Previous recruitment processes unsuccessful. Difficult to fill role.                                                                                                 |
| Carpenter                          | 24-Feb-17   | \$ 51,000 - \$ 57,000 | On hold pending review of position                                                                                                                                   |
| Traffic Engineer                   | 01-Jul-2016 | \$78,000 - \$ 87,000  | Consultants utilised to provide specialised advice on traffic matters. Position on hold pending organisational restructure.                                          |

### CONSULTATION

Senior Human Resource Advisor  
 Human Resource Adviser – Recruitment and Selection  
 Director Corporate and Community Services  
 General Manager

### STRATEGIC LINKS

#### a. Delivery Program

The community's desired outcome of *Civic Leadership and Effective Governance*.

General Manager's Unit  
Report No. GMU6/2017  
General Manager's Unit

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***IMPLICATIONS***

**a. Policy and Procedural Implications**

Cessnock City Council Workforce Plan

**b. Financial Implications**

The Operational Plan includes budget allocations for each of the funded staff positions.

**c. Legislative Implications**

Nil

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

***CONCLUSION***

This report provides the requested information for council on current funded vacant positions.

***ENCLOSURES***

There are no enclosures for this report.

**SUBJECT:** ***CLASS 1 APPEAL IN THE NSW LAND AND ENVIRONMENT COURT (REF: 2017/102797) AGAINST COUNCIL'S REFUSAL OF DEVELOPMENT APPLICATION 8/2016/288/1 PROPOSING USE OF A MARQUEE FOR UP TO 52 DAYS PER CALENDAR YEAR***

***'CROWNE PLAZA', 39 LOVEDALE ROAD AND 430 WINE COUNTRY DRIVE, LOVEDALE***

**AUTHOR:** ***Development Services Manager - Janine McCarthy***

### **SUMMARY**

Development Application 8/2016/288/1 proposing use of a marquee for up to 52 days per calendar year, was refused under delegation on 20 February 2017.

A Class 1 Appeal (Ref. 2017/102797) has been lodged in the NSW Land and Environment Court against Council's refusal of the application.

The matter is referred to Council to consider its options and determine its position in respect of the Class 1 appeal.

### **RECOMMENDATION**

- 1. That Council note the advice received in relation to prospects of success and costs associated with defending NSW Land and Environment Court Appeal No. 2017/102797.**
- 2. That Council determine its position in relation to NSW Land and Environment Court Appeal No. 2017/102797.**

### **BACKGROUND**

Development Application 8/2016/288/1 proposing use of a marquee for up to 52 days per calendar year at 39 Lovedale Road and 430 Wine Country Drive, Lovedale was refused under delegation on 20 February 2017, for the following reasons:

- 1. Insufficient information has been submitted to allow a full assessment of the application including:*
  - a. Structural Certification for the marquee which certifies that the marquee can withstand the force of flood waters without creating debris capable of damaging downstream properties has not been provided, and*
  - b. A report from an approved bushfire consultant addressing the appropriateness of the development under Planning for Bushfire Protection 2006 being a report that details the work (if any) required to ensure compliance has not been provided (Section 79C(1) Environmental Planning and Assessment Act, 1979).*

Planning and Environment

Report No. PE18/2017

Planning and Environment



In accordance with 'Development Practice Note G3: Delegations for Determination of Development Applications', a three (3) day memorandum was sent to all Councillors on 14 February 2017, advising of the intent to refuse DA 8/2016/288/1 for the reasons outlined above, and providing an opportunity for the application to be called up to a Council meeting for determination. The application was not called up, and as such, the notice of refusal was issued on 20 February 2017.

On 5 April 2017, the applicant (Schwartz Family Co. Pty Ltd) lodged a Class 1 appeal (No.2017/102797) in the NSW Land and Environment Court against the refusal of the application. A telephone directions hearing is scheduled to take place on 8 May 2017.

**REPORT/PROPOSAL**

The applicant has lodged a Class 1 appeal in the NSW Land and Environment Court against the refusal of Development Application 8/2016/288/1 proposing use of a marquee for up to 52 days per calendar year, at 39 Lovedale Road and 430 Wine Country Drive, Lovedale. 'Sparke Helmore Lawyers' have been retained to act for Council in relation to this matter. A telephone directions hearing is scheduled to take place on 8 May 2017.

In consideration of the above, it is appropriate for Council to consider advice in respect of the matter, and determine its position to either defend or not defend the appeal.

In order to assist Council in determining its position on the matter Council solicitors were requested to provide advice on prospects of success and costs, details of which are at **Confidential Enclosure 2**.

In the event Council resolves to actively defend the appeal, Council staff can give evidence in respect of the matter as the assessment officer recommended refusal of the application. It may be necessary to engage external, independent experts pending advice from Senior Counsel, which will result in additional costs being incurred by Council.

In the event Council resolves to not actively defend the matter, Council should resolve to enter into consent orders via the Court.

**OPTIONS**

The following options are provided for Council's consideration in respect of the Class 1 Appeal:

1. Defend the appeal. This would likely result in the matter being listed initially for a Section 34 on-site conciliation conference. Legal costs for the Section 34 conference would be in the vicinity of \$10,000 to \$15,000. Should additional experts be required, expert fees will be additional to the legal costs.

In the event conciliation was unsuccessful or the matter proceeded directly to a defended hearing, additional legal costs will be in the vicinity of \$15,000 to \$20,000. Any Senior Counsel or expert fees would be additional to the legal costs.

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2. Not defend the appeal and instead proceed to enter into consent orders. This would result in the matter being determined by the Court via the granting of consent subject to conditions. Legal costs of entering into consent orders have not been provided by Council's solicitors, however, would be considerably less than those outlined above.

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 3.1 – Protecting and Enhancing the Natural Environment and Rural Character of the area.

Strategic Direction : *“Our planning controls provide protection to the rural character and heritage of the area”.*

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

According to Council's solicitors, the likely cost to defend the matter is estimated at \$35,000 (excluding any additional experts and Senior Counsel fees).

In the event Council resolves not to defend the matter, the costs will be substantially less than those outlined above.

Sufficient funds are available within the adopted Planning and Environment legal budget.

Detailed costs are provided in the **Confidential Enclosure 2**.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

Planning and Environment

Report No. PE18/2017

Planning and Environment



**CONCLUSION**

A Class 1 Appeal (Ref. 2017/102797) has been lodged in the NSW Land and Environment Court against the refusal of Development Application 8/2016/288/1 proposing use of a marquee for up to 52 days per calendar year, at 39 Lovedale Road and 430 Wine Country Drive, Lovedale.

The matter is referred to Council to consider its options in respect of the Class 1 appeal.

**ENCLOSURES**

- 1 Notice of Determination \_ Refusal
- 2 Prospects of success in relation to Class 1 proceedings in the NSW Land and Environment Court, dated 13 April 2017, prepared by 'Sparke Helmore Lawyers' - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*



**SUBJECT:** ***CLASS 1 APPEAL IN THE NSW LAND AND ENVIRONMENT COURT (REF: 2017/102796) AGAINST COUNCIL'S REFUSAL OF DEVELOPMENT APPLICATION 8/2016/287/1 PROPOSING PARTIAL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A WORKERS ACCOMMODATION BUILDING CONTAINING 5 BEDROOMS AND SHARED FACILITIES***

***'CROWNE PLAZA', 39 LOVEDALE ROAD AND 430 WINE COUNTRY DRIVE, LOVEDALE***

**AUTHOR:** ***Development Services Manager - Janine McCarthy***

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### **SUMMARY**

Development Application 8/2016/287/1 proposing partial demolition of the existing building and construction of a worker's accommodation building containing 5 bedrooms and shared facilities, was refused by Council at its meeting of 16 November 2016.

A Class 1 Appeal (Ref. 2017/102796) has been lodged in the NSW Land and Environment Court against Council's refusal of the application.

The matter is referred to Council to consider its options and determine its position in respect of the Class 1 appeal.

### **RECOMMENDATION**

- 1. That Council note the advice received in relation to prospects of success and costs associated with defending NSW Land and Environment Court Appeal No. 2017/102796.**
- 2. That Council determine its position in relation to NSW Land and Environment Court Appeal No. 2017/102796.**

### **BACKGROUND**

Development Application 8/2016/287/1 proposing partial demolition of an existing building and construction of a worker's accommodation building containing 5 bedrooms and shared facilities at 39 Lovedale Road and 430 Wine Country Drive, Lovedale was referred to Council for consideration on 16 November 2016 with a recommendation that the application be refused for the following reasons:

- 1. The subject site is not suitable for the proposed development for the following reasons:
  - a. The subject site is located within a high hazard floodway.*
  - b. Intensification of habitable development within a high hazard floodway will result in increased risks to life and property (Section 79C(1)(c) Environmental Planning and Assessment Act, 1979).**

Planning and Environment

Report No. PE19/2017

Planning and Environment



2. *The development is inconsistent with the Cessnock Local Environmental Plan 2011, specifically the objective of the RU4 Primary Production Small Lots zone, as the development fails to maintain the ecological sustainability of the Vineyards District as a result of the APZ's requirements to protect the development in the event of a bushfire which conflicts with the Controlled Activity Approval to rehabilitate the bank of Black Creek adjacent to the development site (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).*
3. *The development is inconsistent with the Cessnock Local Environmental Plan 2011, specifically Clause 7.3 Flood Planning for the following reasons:*
  - a. *The development of the site is not compatible with the lands high risk flood hazard.*
  - b. *Intensification of development will increase the potential flood affectation of other properties in vicinity of the subject site.*
  - c. *The development cannot incorporate appropriate measures to manage risk to life from flood (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).*
4. *The proposed development is inconsistent with Chapter E.3 Vineyards District of the Cessnock Development Control Plan 2010. Specifically, the development fails to meet the objectives of Chapter E.3 Vineyards District of the Cessnock DCP 2010; is not considered to be suitably sited having regard to the proximity of the development to Black Creek; and fails to meet the side setback requirements (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).*
5. *The proposed development is not in the public interest (Section 79C(1)(e) Environmental Planning and Assessment Act, 1979).*

Council resolved as follows:

1. *That Council determine Development Application No. 8/2016/287/1 proposing the partial demolition of existing building and construction of a worker's accommodation building containing five (5) bedrooms and shared facilities at Lot 3, DP1073823, 39 Lovedale Road, Lovedale, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, by refusing to grant consent for the reasons detailed in this report.*
2. *That the General Manager be delegated to investigate and commence proceedings if necessary, to have the existing building demolished in accordance with Council's adopted Compliance and Enforcement Policy.*

On 5 April 2017, the applicant (Schwartz Family Co. Pty Ltd) lodged a Class 1 appeal (No.2017/102796) in the NSW Land and Environment Court against Council's refusal of the application. A telephone directions hearing is scheduled to take place on 8 May 2017.

Planning and Environment

Report No. PE19/2017

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**REPORT/PROPOSAL**

The applicant has lodged a Class 1 appeal in the NSW Land and Environment Court against Council's refusal of Development Application 8/2016/287/1 proposing partial demolition of an existing building and construction of a workers' accommodation building containing 5 bedrooms and shared facilities at 39 Lovedale Road and 430 Wine Country Drive, Lovedale. 'Sparke Helmore Lawyers' have been retained to act for Council in relation to this matter. A telephone directions hearing is scheduled to take place on 8 May 2017.

In consideration of the above, it is appropriate for Council to consider advice in respect of the matter, and determine its position to either defend or not defend the appeal.

In order to assist Council in determining its position on the matter, Council solicitors were requested to provide advice on prospects of success and costs, details of which are at **Confidential Enclosure 3**.

In the event Council resolves to actively defend the appeal, Council staff can give evidence in respect of the matter as the assessment officer recommended refusal of the application. It may be necessary to engage external, independent experts pending advice from Senior Counsel, which will result in additional costs being incurred by Council.

In the event Council resolves to not actively defend the matter, Council should resolve to enter into consent orders via the Court.

**OPTIONS**

The following options are provided for Council's consideration in respect of the Class 1 Appeal:

1. Defend the appeal. This would likely result in the matter being listed initially for a Section 34 on-site conciliation conference. Legal costs for the Section 34 conference would be in the vicinity of \$10,000 to \$15,000. Should additional experts be required, expert fees will be additional to the legal costs.

In the event conciliation was unsuccessful or the matter proceeded directly to a defended hearing, additional legal costs will be in the vicinity of \$15,000 to \$20,000. Any Senior Counsel or expert fees would be additional to the legal costs.

2. Not defend the appeal and instead proceed to enter into consent orders. This would result in the matter being determined by the Court via the granting of consent subject to conditions. Legal costs of entering into consent orders have not been provided by Council's solicitors, however, would be considerably less than those outlined above.

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 3.1 –Protecting and Enhancing the Natural Environment and Rural Character of the area.

Planning and Environment

Report No. PE19/2017

Planning and Environment



Strategic Direction: “*Our planning controls provide protection to the rural character and heritage of the area*”

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

According to Council's solicitors, the likely cost to defend the matter is estimated at \$35,000 (excluding any additional experts and Senior Counsel fees).

In the event Council resolves not to defend the matter, the costs will be substantially less than those outlined above.

Sufficient funds are available within the adopted Planning and Environment legal budget.

Detailed costs are provided in the ***Confidential Enclosure 3***.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

**CONCLUSION**

A Class 1 Appeal (Ref. 2017/102796) has been lodged in the NSW Land and Environment Court against Council's refusal of Development Application 8/2016/287/1 proposing partial demolition of an existing building and construction of a workers' accommodation building containing 5 bedrooms and shared facilities at 39 Lovedale Road and 430 Wine Country Drive, Lovedale.

The matter is referred to Council to consider its options in respect of the Class 1 appeal.

Planning and Environment

Report No. PE19/2017

Planning and Environment

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**ENCLOSURES**

- 1 Original assessment report considered by Council on 16 November 2016
- 2 Council resolution to refuse DA 8/2016/287/1
- 3** Prospects of success in relation to Class 1 proceedings in the NSW Land and Environment Court, dated 19 April 2017, prepared by 'Sparke Helmore Lawyers' - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**SUBJECT:** ***ADOPTION OF DRAFT COMMUNITY STRATEGIC PLAN,  
DRAFT RESOURCING STRATEGY, DRAFT 2017-21  
DELIVERY PROGRAM AND DRAFT 2017-18 OPERATIONAL  
PLAN FOR PUBLIC EXHIBITION***

**RESPONSIBLE OFFICER:** ***Integrated Planning & Strategic Property Manager -  
Bronwyn Rumbel***

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## **SUMMARY**

Sections 402, 404 and 405 of the *Local Government Act 1993* require Council to place its Draft Community Strategic Plan, Draft Delivery Program, Draft Resourcing Strategy and Draft Operational Plan on public exhibition for 28 days.

The draft documents, with any amendments following exhibition, will be reported back to Council for final consideration and adoption.

## **RECOMMENDATION**

1. That Council place the Draft Community Strategic Plan on public exhibition for 28 days in accordance with Section 402 of the Local Government Act 1993.
2. That Council place the Draft 2017-21 Delivery Program on public exhibition for 28 days in accordance with Section 404 of the Local Government Act 1993.
3. That Council place the Draft 2017-18 Operational Plan on public exhibition for 28 days in accordance with Section 405 of the Local Government Act 1993.
4. That Council place the Draft Resourcing Strategy 2017-21 on public exhibition for 28 days.

## **BACKGROUND**

This is the third round of integrated planning documents prepared under the Integrated Planning and Reporting Framework in accordance with the *Local Government Act 1993*.

The Community Strategic Plan has been reviewed and the draft document, *Cessnock 2027*, describes the community's aspirations for the next ten years.

The Draft 2017-21 Delivery Program details the principal activities that Council will undertake to achieve the objectives established in the Community Strategic Plan within the resources available under the Draft Resourcing Strategy.

The Draft 2017-18 Operational Plan provides information to the community about Council's ongoing activities and the key initiatives to implement Council's Delivery Program. It incorporates the 2017-18 draft Budget, Capital Works Program and Revenue Policy.

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**REPORT/PROPOSAL**

**Format**

The Draft Community Strategic Plan is presented in a similar format to the *Cessnock 2023* document and is structured around the community's five desired outcomes of:

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

The Draft 2017-21 Delivery Program and the Draft 2017-18 Operational Plan include:

- Introduction and background on the planning framework and the Local Government Area;
- Details of Council's four-year deliverables and operational actions to work towards achieving the community's desired outcomes;
- Financial forecasts;
- Capital Works Program; and
- Revenue Policy.

The Draft Fees & Charges are part of the Operational Plan and are presented in a separate volume.

In addition, the Draft Resourcing Strategy (comprising the Asset Management Strategy, Long-Term Financial Plan and Workforce Plan) is also included with the suite of Integrated Planning and Reporting documents.

**Assumptions**

Generally, the draft 2017-18 budget has not applied inflation to its non-salary expenditure items with the exception of grant funded programs, loan repayments, electricity costs and other items that have had mandated increases.

Inflation of 2.0 percent has been applied to salaries and wages (compared with 2.8 percent in 2016-17) in line with the anticipated award increase.

The increase in the cost of Council's activities significantly exceeds both the Consumer Price Index and the rate pegging limit. So, in real terms, the purchasing power of Council's annual budget is reducing each year.

Interest on new loans has been budgeted at 5.0 percent (the same as in 2016-17) and interest on investments has been budgeted at 2.5 percent.

**Rates and Charges**

**Ordinary Rates**

The rating proposals for ordinary rates, detailed in the Revenue Policy, have been increased in line with the State Government's rate peg of 1.5 percent. The existing rating methodology

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of a base rate and ad-valorem charge has been maintained. (The total yield from ordinary rates is budgeted to increase by 2.3 percent comprising the rate peg limit of 1.5 percent plus 0.8 percent for growth).

***Stormwater Management Levy***

It is proposed to continue the Stormwater Management Levy in 2017-18. The proposed charge is \$25.00 per residential property, \$12.50 per residential strata property and \$25.00 per 350 square metres (or part thereof) up to a maximum charge of \$500.00 on business properties.

***Hunter Catchment Contribution***

Council will also collect, on behalf of the Hunter Local Land Services, an estimated levy of 0.0109 cents in the dollar, calculated on land value for applicable properties. The rate in the dollar is expected to be confirmed by Local Land Services in May 2017.

***Domestic Waste Management Charge***

The proposed Domestic Waste Management Charge for 2017-18 is \$540 (the same as in 2016-17) and this includes the introduction of the new garden organics service.

***Fire and Emergency Services Levy***

Council from 1 July 2017 is required to include on its rate notices a contribution collected on behalf of the NSW State Government to fund the State Emergency Service, Rural Fire Service and Fire & Rescue NSW. The rate applicable is set by the NSW State Government and the amount payable by the ratepayer is calculated based on land values. At the time of preparing this report, the rates had not yet been set by the State Government and, as such, the impact on ratepayers is unknown at this time.

**Typical Residential Ratepayer**

The impact of the proposed rates and annual charges on a typical residential rate payer is estimated to be an increase of \$15.35 per annum or 0.91 percent (excluding the impact from the Fire and Emergency Services Levy).

The typical residential rate payer calculations are based on a residential property with a 2016-17 land value of \$143,300 and a 2017-18 land value of \$148,100 (following the revaluation) receiving a domestic waste management service and paying the Stormwater Management Levy and Hunter Catchment Contribution.

Table 1 provides a breakdown of the increase in proposed rates and annual charges for 2017-18.



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Table 1: Typical Residential Ratepayer Forecasts

| <b><i>Increase in Rates and Annual Charges for Typical Residential Ratepayer</i></b> |                                |                                |                                  |                                   |
|--------------------------------------------------------------------------------------|--------------------------------|--------------------------------|----------------------------------|-----------------------------------|
|                                                                                      | <b><i>2016-17<br/>(\$)</i></b> | <b><i>2017-18<br/>(\$)</i></b> | <b><i>Increase<br/>in \$</i></b> | <b><i>Increase<br/>as a %</i></b> |
| Land Value                                                                           | \$143,300                      | \$148,100                      | N/A                              | N/A                               |
| General Rates                                                                        | \$1,104.26                     | \$1,119.09                     | \$14.83                          | 1.34%                             |
| Domestic Waste Management Charge                                                     | \$540.00                       | \$540.00                       | -                                | -                                 |
| Stormwater Management Levy                                                           | \$25.00                        | \$25.00                        | -                                | -                                 |
| Hunter Catchment Contribution                                                        | \$15.62                        | \$16.14                        | \$0.52                           | 3.33%                             |
| Fire & Emergency Services Levy                                                       | 0                              | tbc                            | tbc                              | tbc                               |
| <b>Total</b>                                                                         | <b>\$1,684.88</b>              | <b>\$1,700.23</b>              | <b>\$15.35</b>                   | <b>0.91%</b>                      |

In 2017-18 Council is required to use the latest valuations from the Valuer General for the calculation of ordinary rates. Revaluations occur on average every three years for Local Government rating purposes. The impact on individual properties of these valuation changes will vary and, as a result, may alter the estimated increases shown in the table above.

### Fees and Charges

The draft Fees and Charges has been prepared using the same software program as last year and there are no significant changes from 2016-17.

### 2017-18 Budget

The draft 2017-18 budget shows a \$93 cash surplus and a \$1.03m operating loss before capital grants and contributions.

#### ***Chief Financial Officer Comment***

The draft budget presents a balanced cash budget position in line with Council's traditional budgeting principles. The deficit accrual budget (Profit & Loss) reflects the impact of asset disposals on Council's reported results; however, the impact on Council's sustainability is negligible while Council continues to budget for asset replacements on a cash basis. Current operations and future commitments, as outlined in past reports, continue to exert pressure on Council's capacity to manage our financial position (particularly in the medium to long term). However, adopted strategies to address this pressure are expected to provide positive effects.

### Capital Works Program

The draft 2017-18 Operational Plan includes a draft Capital Works Program of \$12.14m (including overheads).

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In line with Council's Asset Management Strategy, Council is prioritising the budget to renewals over new works and the Capital Works Program is accordingly presented in two sections:

- New or additional infrastructure (or significant upgrade of existing infrastructure); and
- Renewal or like-for-like asset replacement.

Draft Asset Management Plans have also been updated for public exhibition as part of this process and will be the subject of a separate report to Council.

**Proposed Loan Borrowings**

The draft 2017-18 budget includes proposed borrowings totalling \$1.85m for drainage improvement (\$636,100) and bridge renewals (\$1,217,262). Whilst Council's debt service ratio indicates a capacity for further loan funding utilisation, the impacts on the operational budget of any additional loan repayments needs to be considered.

**Public Exhibition**

The draft Community Strategic Plan, draft 2017-21 Delivery Program and draft 2017-18 Operational Plan are required to be publicly exhibited for 28 days. It is proposed that the public exhibition be from Wednesday 10 May to Wednesday 7 June 2017 (and also include the Resourcing Strategy).

During the exhibition period, copies of the draft documents will be made available for viewing at the Administrative Centre in Cessnock, at Council's Libraries and on Council's website. In addition to newspaper advertisements, the exhibition will be promoted via social media.

Following the exhibition period and the consideration of submissions, it is anticipated that Council will adopt the Community Strategic Plan, 2017-21 Delivery Program and Resourcing Strategy and 2017-18 Operational Plan on 21 June 2017.

**OPTIONS**

**Option 1** – Adopt the proposed draft documents for public exhibition.

**Option 2** – Make changes to the proposed draft documents and adopt for public exhibition.

**CONSULTATION**

Councillors have participated in four workshops and four briefings on the 2017-21 Integrated Planning and Reporting Cycle.

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The following have provided input into the development of the draft documents:

- Councillors
- Executive
- Management
- Senior Integrated Planning Staff
- Senior Asset Planning Staff
- Senior Finance Staff

**STRATEGIC LINKS**

**a. Delivery Program**

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

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The demands on Council to meet the expectations of the community are growing, while its sources of income are constrained. In the short-medium term there are significant challenges to Council's financial sustainability and its ability to meet the *Fit for the Future* financial benchmarks.

In the future it may be necessary to implement revenue augmentation opportunities in order to ensure fiscally responsible outcomes whilst meeting the aspirations and expectations of the community.

**c. Legislative Implications**

Section 402, 404 and 405 of the *Local Government Act 1993* requires Council to place its draft Community Strategic Plan, draft Delivery Program and draft Operational Plan on public exhibition for 28 days.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

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***CONCLUSION***

It is recommended that Council adopt the draft Community Strategic Plan, draft Resourcing Strategy, draft 2017-21 Delivery Program and draft 2017-18 Operational Plan for public exhibition.

***ENCLOSURES***

- 1 Enclosures - Proposed Draft Community Strategic Plan, Resourcing Strategy, 2017-21 Delivery Program and 2017-18 Operational Plan distributed under separate cover.  
Draft Fees & Charges made available on-line.

Works and Infrastructure

Report No. WI26/2017

Works and Infrastructure



**SUBJECT:** ***CESSNOCK RUGBY LEAGUE FOOTBALL CLUB REQUEST FOR ASSISTANCE***

**RESPONSIBLE OFFICER:** ***Recreation Services Manager - Nicole Benson***

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### **SUMMARY**

The purpose of this report is to request assistance for the Cessnock Rugby League Football Club to replace a broken commercial deep fryer at Cessnock Sportsground.

### **RECOMMENDATION**

**That Council provides \$5,910 (excluding GST) from the 2016/17 Recreation Services Operational Budget to assist with the replacement of the commercial deep fryer at Cessnock Sportsground.**

### **BACKGROUND**

Council has been approached by the Cessnock Rugby League Football Club (the Club) seeking assistance to replace a 35 year old commercial deep fryer at Cessnock Sportsground.

### **REPORT/PROPOSAL**

Cessnock Sportsground hosts a large variety of events throughout the year including community based events such as Carols incorporating the Christmas Elf Challenge, Relay for Life, rugby league (pre-season trials, local competition, Schoolboys finals and National Rugby League trials), local and international football training camps and pre-season football games.

The Sportsground is managed via a Licence Agreement between Council and the Club. This Agreement outlines roles and responsibilities for the payment of outgoings and insurances as well as maintenance tasks. Under the agreement the Club is generally responsible for maintenance and replacement of minor plant and equipment. It is argued that the subject deep fryer is a larger capital item forming part of the original fit out of the kiosk.

Council officers are presently finalising a new five year Licence Agreement with the Club and issues such as this will be clearly defined in the new agreement.

Volunteers from the Club undertake many duties at the Sportsground including mowing, trimming and grounds maintenance as well as keeping the grandstand and amenities clean and in good order. Grounds maintenance (mowing and whipper snipping) is carried out by 10 volunteers on average 50 times per annum. A combination of contractors and Council undertake specialist turf maintenance. The Club engages a greenkeeper to deliver a scheduled maintenance program including weedicide, insecticide and fertilizer. Council provides specialist turf maintenance and preparation on an as needs basis.

The Club Volunteers provided a great deal of assistance recently when the Chinese Super League Football teams Tianjin TEDA F.C. and Lianoning Whowin F.C. hired the facility.

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Their main duties included mowing and maintenance of the outskirts and training field as well as cleaning the amenities and unlocking and locking the Sportsground.

The main source of income for the Club, are profits made from the sale of food and beverages during events. On average the kiosks operates 20 times per year and are staffed by up to 10 volunteers at a time working up to eight hour shifts. The request for assistance has been made because one of the commercial fryers that was purchased second hand from the Cessnock Correctional Centre (who originally purchased it in 1982) is now 35 years old and leaking oil when being used. This results in a safety hazard.

The cost to purchase a new commercial deep fryer, an AF813 Single Pan, 39 Litre, 16.6KW unit, is \$5,910 (Ex. GST). Installation costs, estimated at \$1,000 can be covered by the Club.

**OPTIONS**

Option 1

That Council provides \$5,910 (Ex. GST) from the Recreation Services Operational Budget to assist with the replacement of the commercial deep fryer at Cessnock Sportsground. This is the preferred option.

Option 2

That Council provides an alternate sum from the Recreation Services Operational Budget to assist with the replacement of the commercial deep fryer.

Option 3

That Council does not assist with the replacement at this stage and that an application for funding be considered through the next round of dollar for dollar grants, which is expected to be advertised in August 2017.

**CONSULTATION**

- Recreation Services staff
- Volunteers from the Cessnock Rugby League Football Club
- Frost Catering

**STRATEGIC LINKS**

**a. Delivery Program**

This matter links to Objective 1.2 of the Delivery Program which is about strengthening community culture, in particular objective 1.2.3 which is to support groups to manage and improve sporting and community facilities.

**b. Other Plans**

Asset Management Plan – Buildings

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***IMPLICATIONS***

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

Council officers advise that the purchase of the subject equipment can be funded from within existing operational budgets, through a series of minor savings across a number of operational areas.

**c. Legislative Implications**

NIL

**d. Risk Implications**

The onus is generally on the licensees to ensure their equipment is fit for purpose, in good working order and operated in accordance with manufacturer's specification, however in this instance there is uncertainty as to whether the equipment forms part of a capital fit out. Officers are of the opinion that the continual use of the broken fryer could be an insurance risk to Council if an incident occurs and a claim is lodged. Furthermore the leaking oil could be damaging the kiosk floor and impacting on the asset condition.

**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

***CONCLUSION***

The commercial deep fryer being used by the Volunteers of the Cessnock Rugby League Football Club is 35 years old and past its useful life. The Volunteers provide a valuable resource to the Cessnock community and the operation of the Sportsground. A number of options are available to Council to assist with the replacement of the deep fryer. These are detailed in the report.

***ENCLOSURES***

There are no enclosures for this report

Works and Infrastructure

Report No. WI27/2017

Works and Infrastructure



**SUBJECT:** ***BRIDGES RENEWAL PROGRAM (ROUND THREE) -  
REPORT ON PROPOSED BRIDGE FUNDING  
APPLICATIONS - MAY 2017***

**RESPONSIBLE OFFICER:** ***Strategic Asset Planning Manager - Stephen Long***

**SUMMARY**

The purpose of this report is to provide the Council with a list of bridge projects that have been identified as appropriate candidates for funding under the Australian Government's Bridges Renewal Program – Round Three.

**RECOMMENDATION**

**That Council endorse the projects and priorities as nominated in the report for the preparation and submission of applications under the Australian Government's Bridge Renewal Program – Round Three.**

**BACKGROUND**

The Australian Government has committed \$360 million over five years, commencing 2015-16 under the Bridges Renewal Program (BRP) for bridge projects that contribute to productivity and/or community access.

One of the key objectives of the program is to contribute to the productivity and community access of bridges serving local communities.

Applications are to be submitted to the Department of Infrastructure and Regional Development no later than the 15 May 2017.

Under this program, the Australian Government will contribute a maximum of 50 percent of the project cost. Projects will be selected on a competitive, merit-based process on their ability to meet the funding criteria. Best value for money will be one of the key considerations when the applications are assessed.

The Minister for Infrastructure and Regional Development will consider recommendations and make decisions on funding under *the Nation Building Program (National Land Transport) Act 2009*, as amended. Successful projects and payments to proponents will be managed through the State Government under the National Partnership Agreement on Land Transport Infrastructure Projects. The Department may impose relevant conditions on the funding.

Council currently has 74 road bridges in its corporate asset database with over 50 percent of these bridges being partially or wholly constructed from timber. Successful funding applications through BRP would provide Council with additional funds to meet some of the shortfall in capital funds required to replace this ageing bridge infrastructure.



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**Works and Infrastructure****REPORT/PROPOSAL**

The bridge projects tabled below in Table 1 are considered to be eligible projects under the BRP. These projects are listed in Council's 2017-2021 Delivery Program. Draft budget allocations have been awarded to these projects under Council's Bridges Construction Program. The Delivery Program indicates funding of \$1,239,100 for the 2018-19 financial year and \$669,600 for the 2019-20 financial year and \$686,300 for the 2020-21 financial year to support this Program. The prioritisation of projects in Table 1 is provided by Council Officers, with an appreciation of Council's total contribution under BRP.

**Table 1** Bridges Construction Program 2017-21

| <b>Priority</b> | <b>Project Name</b>                             | <b>Funding year</b> | <b>Project No</b> | <b>Estimated Cost</b> |
|-----------------|-------------------------------------------------|---------------------|-------------------|-----------------------|
| <b>1</b>        | Replace Paynes Crossing Bridge, Paynes Crossing | 2018-19             | CBS-2019-001      | \$1,000,000           |
| <b>2</b>        | Refurbish Whitings Bridge, Quorrobolong         | 2017-18 and 2018-19 | CBS-2018-004      | \$350,000             |

The BRP requires commencement of projects in 2018-19 with completion by 31 December 2019. Council would be in a position to meet this timeframe.

Council's initial investigation indicates Paynes Crossing Bridge is jointly owned by both Cessnock City Council and Singleton Council. Council Officers will liaise with Singleton Council in an effort to submit a joint application to secure funding.

**OPTIONS****Option 1:**

That Council endorse the projects and priorities nominated in Table 1 above for submission under the Australian Government's Bridges Renewal Program – Round Three.

This is the preferred option as the submission is based on an existing strategic plan, being the four year Delivery Plan.

**Option 2:**

That Council not endorse any of the projects nominated but identifies and re-prioritises a new list of bridges for submission under the Australian Government's Bridges Renewal Program – Round Three.

**CONSULTATION**

Director Works and Infrastructure  
Finance Staff

**Works and Infrastructure**

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**STRATEGIC LINKS**

**a. Delivery Program**

The projects identified in Table 1 above are part of Council's 2017-2021 Delivery Program under the Bridges Construction Program.

**b. Other Plans**

This matter aligns with Council's Community Strategic Plan – Objective 4.2 Improving the road network

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

Under the BRP funding criteria, Council is required to provide 50 percent of the total costs associated with funding applications under the program.

In the 2017-21 Delivery Program, Council has provided for \$1,239,100 for the 2018-19 financial year and \$669,600 for the 2019-20 financial year in the Bridges Construction Program. It is also anticipated that the salaries of Council Officers involved in the design and project management of bridge works could also be included as in-kind contribution to increase Council's funding component.

Should Council be successful with a number of BRP applications, there may be the opportunity for Council to double the capital input to bridges infrastructure.

**c. Legislative Implications**

Nil

**d. Risk Implications**

The greatest risk for Council would be that some or all of the applications submitted to BRP failed to attract funding through the program.

**e. Other Implications**

N/A

**Works and Infrastructure**

**Report No. WI27/2017**

**Works and Infrastructure**

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***CONCLUSION***

Council has a large number of bridges requiring replacement and opportunities like BRP provide an avenue for Council to receive additional capital funds to funds to replace its ageing bridge infrastructure. It is recommended that Council applies for funding under the Australian Government Bridges Renewal Program – Round Three.

***ENCLOSURES***

There are no enclosures for this report.

Notices Of Motion

Report No. BN19/2017

General Manager's Unit



***NOTICES OF MOTION No. BN19/2017***

**SUBJECT:** *LOADING ZONE WESTERN SIDE OF VINCENT STREET*

**COUNCILLOR:** *Jay Suvaal*

**MOTION**

1. That the General Manager takes necessary steps to have a loading zone installed on the western side of Vincent street outside shop 125 Vincent Street.
2. That the loading zone proposed to be installed on the western side of Vincent street outside shop 125 Vincent Street be for the hours of 9:00am to 2:30pm Monday to Friday.
3. That the General Manager takes necessary steps to review the size of the taxi rank in Cooper Street with a view to creating an additional three public parking spaces in Cooper Street.
4. That the General Manager investigates the taxi rank needs in Hall Street, and at the front of Cessnock Ex Services Club, to determine whether the current arrangement is warranted.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 3 May 2017.

**RATIONALE**

Several business owners in Vincent Street, particularly those located from 121 Vincent Street through to 149 Vincent Street, have expressed concerns about the lack of a designated loading zone. Businesses within the above-mentioned locations are finding it difficult to receive deliveries using the designated loading zone in Cooper Street. In some instances, the situation is exacerbated by the size and weight of the deliveries.

Far too often delivery trucks are taking up to five or six parking spaces due to the lack of a loading zone in the subject section of Vincent Street.

It is understood that to accommodate a loading zone in the subject location, two parking spaces may be lost, however, additional parking can be allocated in both Cooper and Hall streets to offset the small loss of parking in Vincent Street.

The taxi rank in Cooper Street has enough room for six taxis to park. If this bay was reduced to two or three spaces for taxis, this would allow three parking spaces for customers. This could potentially take place in Hall Street also.

**Notices Of Motion**

**Report No. BN19/2017**

**General Manager's Unit**

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In addition to this, there is a 6:00 pm to 6:00 am taxi rank located out the front of the Cessnock Ex Services Club. This could be converted to a shared public parking space from 6:00 am to 6:00 pm.

Sgd: Jay Suvaal

Date: 21 April 2017

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN20/2017

General Manager's Unit



***NOTICES OF MOTION No. BN20/2017***

**SUBJECT:** *BRANXTON-GRETA MEMORIAL CYCLEWAY*

**COUNCILLOR:** *Melanie Dagg*

**MOTION**

1. That Council include in its Delivery Plan 2017-21 and Operational Plan 2017-18, the Branxton-Greta Memorial Cycleway project (grant funding dependent).
2. That Council investigate all avenues of grant funding to ensure the project is at the very least “shovel ready” by the Armistice Day Centenary on 11 November 2018.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 3 May 2017.

**RATIONALE**

The townships of Branxton and Greta are located on the New England Highway between Maitland and Singleton on the northern end of Wine Country Drive.

Steeped in history, country charm, hospitality and heritage value, Branxton and Greta are the northern gateway to the world renowned Hunter Valley Vineyards. On their doorstep, what is considered to be Australia's oldest vineyard and specifically its first Shiraz vines planted by George Wyndham at Wyndham Estate, and the first commercial vineyard in New South Wales, planted by James Busby. Initially the home of settlers and lumberjacks, the importance of coal mining to the area is signified by a memorial on Wine Country Drive to the Rothbury Colliery Riot that took place in 1929 when police and miners clashed over the use of scab labour at the Colliery during the Northern Coal Lockout. The Greta Army Camp was established in 1941 and was one of the largest training sites in the State for thousands of recruits including those that served on the Kokoda Track. The Camp was later converted to a migrant camp which was home to up to 10,000 European migrants at any one time until its closure in the early 1960s. Many of these families and their descendants remain in the surrounding towns today. Recently, the area became home to the Hunter Region's first “new town” in 30 years, Huntlee. With an emphasis on urban lifestyle and connectivity to the region's landmarks, cities and the coast, it will eventually be home to over 20,000 people, dwarfing its closest neighbours of Branxton, Greta and North Rothbury whose current combined population would be lucky to total this amount.

They may be small country towns, but the above illustrates that their importance to the Cessnock LGA and the wider region should not be underestimated.

**Notices Of Motion**

**Report No. BN20/2017**

**General Manager's Unit**



The purpose of this Motion is to see the construction of a 4.5 km Memorial Cycleway between the two towns of Branxton and Greta, from Rotunda to Rotunda, to commemorate the 300 locals who enlisted from those communities during Australia's time of need in the WWI 1914-1919 conflict. Many of these people are still buried overseas, in foreign lands after paying the supreme sacrifice.

The Memorial Cycleway will have "300 Lone Pine trees" planted along its length, with a name plaque attached, signifying their undying loyalty to Australia. This will now highlight their sacrifice within the local community. It will be a significant link with our past and be of extreme heritage value as a lasting monument in the region. It will also be a forward step as a local tourist benefit, in line with our "Regional Growth Program" and Cycleway Strategy.

Along the Memorial Cycleway, there will be a number of "Points of Reflection," dedicated to each military conflict. Included at these points will be the Waler Light Horse, WWII, Korea, Vietnam, Kuwait, Afghanistan, Somalia and peacekeepers. These Reflection Points will contain a plinth with etchings, signifying the heritage detail of each conflict.

Drinking water, a shaded area, power grid (solar panel) and bike rack, will all be part of the Reflection Points, to enable riders and pedestrians to stop at each feature. The plinths will be constructed with recycled plastic material. This will be collected over time, by schools and businesses in the areas, assisting with our environmental footprint for the project.

The project is being promoted jointly by Branxton RSL and Greta RSL Sub Branches, and the Branxton and Greta Business Chamber. These groups, together with others from the community have approached Council over a number of years seeking support for this important project, albeit in differing forms.

An important consideration in the history of the towns is the fact that most of the local sporting teams contain a mixture of people from Branxton/Greta communities, who joined together, due to the lack of duplicated facilities years ago in each town. This means the local sporting teams generally carry the name Branxton/Greta or vice versa.

In the past, due to safety concerns, the riding of bikes on the old busy highway to each venue has been impossible, so travel between both towns on the New England Highway was generally by car.

Now, as a consequence, after the M15 (HEX) has been completed, the old New England Highway has less traffic enabling a "Safe Cycleway" to be constructed beside its path. This will encourage townspeople to travel between both towns safely, as part of the transport infrastructure to encourage a healthy lifestyle for all citizens, by riding bikes to their respective venues such as for example, Greta school children will be able to ride to the Pool after the cycleway's construction.

The benefits of safe cycling are well documented.

With major growth in the area predicted over the next 20 years, partially due to the local developments at Radford Park and Huntlee, the population expansion from the south and east of Branxton is predicted to be over 20 thousand people from the current population of 6,400.

**Notices Of Motion**

**Report No. BN20/2017**

**General Manager's Unit**

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Both Huntlee and Radford Park estates are at stage two and three of their developments and will be linked by road arteries to access the Memorial Cycleway at Branxton and onto the New England Highway to Greta. This will also benefit those people moving into new housing in all new estates as it enables them access to the Memorial Cycleway.

The Hunter Valley, due to its' location and diversity, has had a 24 percent increase in spending in its economy figures in the 2015-16 financial year (Cessnock LGA) indicating tourism, as one of the major income streams. These figures are highly encouraging for a project of the type in our LGA of Cessnock, as it is complimented with existing infrastructure plans, and more importantly with Cessnock Councils "Cycling Strategy 2016"

Sgd: Melanie Dagg

Date: 24 April 2017

**ENCLOSURES**

**1** Branxton-Greta Memorial Cycleway Map



Notices Of Motion

Report No. BN21/2017

General Manager's Unit



***NOTICES OF MOTION No. BN21/2017***

**SUBJECT:** ***PROMOTION OF CESSNOCK LOCAL GOVERNMENT AREA AS A LOCATION OF CHOICE FOR BUSINESS***

**COUNCILLOR:** ***Jay Suvaal***

***MOTION***

1. That Council write to Google requesting they consider the Cessnock Local Government Area as a location for their new headquarters.
2. That Council write to Amazon requesting they consider the Cessnock Local Government Area for part of their warehouse operations as they expand their business in Australia.
3. That Council provide both Google and Amazon with an information package about the benefits of moving to the Local Government Area and information on possible development sites.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 3 May 2017.

**RATIONALE**

There have been recent media reports of Google looking for a new location for their headquarters and of Amazon looking to construct warehouses in Australia. I think the availability of commercial land, excellent transport links and the opportunity for workers to be a part of a fantastic local community would be a great reason for them to consider expanding their operations to the Cessnock Local Government Area.

Sgd: Jay Suvaal

Date: 26 April 2017

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN22/2017

General Manager's Unit



***NOTICES OF MOTION No. BN22/2017***

**SUBJECT:** *ANZAC DAY STREET BANNERS FOR CESSNOCK AND KURRI KURRI*

**COUNCILLOR:** *Darrin Gray*

***MOTION***

**That the General Manager investigates grant funding from the Federal Government to support the purchase of ANZAC day street banners for Cessnock and Kurri Kurri for 2018 and beyond.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 3 May 2017.

**RATIONALE**

ANZAC Day is a very important celebration and Remembrance Day for the residents of the Cessnock LGA.

Due to the availability of Federal Government grant funding for ANZAC day street banners, I propose that the General Manager applies for grant funding to support the purchase of ANZAC day street banners for Cessnock and Kurri Kurri. These banners would then be displayed in the lead up to, and on ANZAC day in 2018.

I put forward this motion in the belief that the banners would engender community spirit and respect for such an important day.

Sgd: Darrin Gray

Date: 26 April 2017

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ58/2017

Planning and Environment

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**SUBJECT:** *MCDONALDS CESSNOCK - 24 HOUR TRADING*

**RESPONSIBLE OFFICER:** *Development Services Manager - Janine McCarthy*

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**Q46/2017 - McDonalds Cessnock – 24 Hour Trading**

Asked by Councillor Suvaal at the Ordinary Meeting of Council held on 19 April 2017:

*“Is Council aware whether a DA has been lodged for 24 hour trading at Cessnock McDonalds, or if they can check if one is likely to be lodged, as a number of residents and businesses have contacted him regarding this matter”.*

Development Application No. 8/2017/148/1 was lodged on 27 March 2017 proposing an extension to the existing trading hours of ‘McDonalds’ (restaurant and drive-thru), to 24 hours, 7 days a week at their Cessnock store (12-14 Allandale Road, Cessnock).

Currently, the hours of operation for the store are as follows:

Sunday – Wednesday: 6:30am – 10:30pm

Thursday – Saturday: 6:30am – 11:00pm

The Development Application was publicly exhibited between 18 April and 3 May 2017.

**ENCLOSURES**

There are no enclosures for this report

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Answers To Questions For Next Meeting

Report No. AQ59/2017

Works and Infrastructure

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**SUBJECT:** *ROAD RENEWAL AND REHABILITATION DEFINITION*

**RESPONSIBLE OFFICER:** *Works Delivery Manager - Geoffrey Bent*

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**Q47/2017 – Road Renewal and Rehabilitation Definition**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 19 April 2017.

*“Can Council officers provide an explanation of what constitutes the difference between renewal and rehabilitation of a road.”*

Renewal is a term used for a variety of road treatments that are undertaken to extend the life of the road pavement and bring a road back to “as new” condition. These treatments include, but are not limited to, resealing and rehabilitation works as described below.

Rehabilitation of roads relates to either removal of the old pavement and replacement with new pavement, improving the existing pavement with the addition of new material or insitu stabilisation of the existing pavement and/or asphalt overlay. The extent or types of works are determined through geotechnical investigation for each project.

Resealing is utilised to improve water ingress and ride characteristics to an existing pavement that does not show signs of obvious distress.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ60/2017

Works and Infrastructure

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**SUBJECT:** ***DRAINAGE WORKS - FUNDING ALTERNATIVES***

**RESPONSIBLE OFFICER:** *Strategic Asset Planning Manager - Stephen Long*

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**Q48/2017 – Drainage Works – Funding Alternatives**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 19 April 2017.

*“In the Budget, a recurrent funding item for drainage works is always dependent on loan funding. Can we look at this item and find another funding source.”*

Council’s financial system shows that Loan Funds have been allocated to support the Drainage Construction Program for at least the last seventeen (17) years. Council officers will continue to investigate the potential for utilising alternate capital funding sources. This would require the reallocation of funds from other capital programs which would impact on the other programs and reduce the number of projects which are able to be completed within the budget.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ61/2017

General Manager's Unit

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**SUBJECT:** *EXECUTIVE TEAM MEMBERSHIP*

**RESPONSIBLE OFFICER:** *General Manager - Stephen Glen*

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**Q49/2017 – Executive Team Membership**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 19 April 2017.

*“Can the General Manager advise when HR became part of the Executive Team.”*

The Human Resource Manager became a member of the Executive Leadership Team (ELT) following her commencement in March 2013.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ62/2017

Planning and Environment



**SUBJECT:** *SHOWGROUNDS - SAFETY INSPECTIONS*

**RESPONSIBLE OFFICER:** *Health & Building Manager - Colin Davis*

**Q50/2017 – Showground Safety Inspections**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 19 April 2017.

*“Who is responsible for checking the safety of equipment at Showgrounds, and does Council have any liability in that regard?”*

WorkCover is the responsible State agency for registration of all amusement devices in NSW.

However, under the Local Government (General) Regulation 2005, the owner/operator of an amusement device must obtain approval from Council for use of the device within the Local Government Area.

The owner/operator must lodge an “Operate an Amusement Device Application” form with Council and provide the following details:

1. Certificate of currency for public liability insurance (minimum of \$20 Million);
2. Certificate of registration for the device from WorkCover;
3. Current log book for the device as required by WorkCover;
4. Certificate from a qualified professional engineer certifying that the ground/foundation on which the device is to be erected is sufficiently firm to sustain the device while it is in operation and will not be dangerous because of its slope or irregularity or for any reason.

In summary there is a requirement under the Local Government (General) Regulation 2005 for an owner/operator to obtain approval from Council to operate an amusement device within the Local Government Area. Council has a responsibility to ensure the device is registered with WorkCover and relevant insurances and requirements of WorkCover are being met prior to use.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ63/2017

Works and Infrastructure



**SUBJECT:** *WASTE COLLECTION - MIXED RESIDENTIAL AND BUSINESS ZONES*

**RESPONSIBLE OFFICER:** *Environmental & Waste Services Manager - Michael Alexander*

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**Q51/2017 - Waste Collection - Mixed Residential and Business Zones**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 19 April 2017.

*"What provision is made for rubbish collection in shared residential and business zones?"*

The waste collection service is primarily provided as a domestic service via a 240 litre bin on a weekly collection service. Commercial services may be provided at the discretion/request of the business operator based around:

- Service availability (within a collection zone)
- Suitability of the 240 litre bin size (multiple services may be requested/provided)
- Weekly collection (only)

A Council commercial service also includes a fortnightly recycling service. Council currently provides approximately 1300 commercial services across the LGA.

The waste service cost charged to a property is based on the rating classification, i.e. business or residential.

**ENCLOSURES**

There are no enclosures for this report



Correspondence

Report No. CO7/2017

Corporate and Community Services



**SUBJECT:** *COMMONWEALTH GAMES BATON RELAY*

**RESPONSIBLE OFFICER:** *Director Corporate and Community Services - Robert Maginnity*

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**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 15 March 2017, Council considered a Motion of Urgency regarding the Queen's Baton Relay route for the 2018 Gold Coast Commonwealth Games and resolved as follows:

1. **That the General Manager writes to the Gold Coast 2018 Commonwealth Games Corporation requesting that the Hunter Valley Vineyards be included in the Queen's Baton Relay route for the 2018 Gold Coast Commonwealth Games.**
2. **That the General Manager promote the process for nominations from interested individuals from within the Cessnock LGA to be Baton bearer's for the relay.**

Following the Council resolution, correspondence was sent to the Gold Coast 2018 Commonwealth Games Corporation seeking the inclusion of the Hunter Valley Vineyards in the Queens Baton Relay route.

A response from the Hon. Peter Beattie AC, Chairman of the Gold Coast 2018 Commonwealth Games Corporation has been received and is provided for Council's information.

**ENCLOSURES**

- 1** Queens Baton Relay - Response to Request for Inclusion of Vineyards in the Relay Route

Correspondence

Report No. CO8/2017

Works and Infrastructure



**SUBJECT:** *TESTERS HOLLOW - FUNDING COMMITMENT*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 15 March 2017, Council considered a Notice of Motion regarding Testers Hollow – Funding Commitment and resolved as follows:

*That the General Manager writes to the Federal Minister for Infrastructure and Transport the Hon. Darren Chester MP, the Federal Member for Paterson Meryl Swanson MP, and Federal Member for Hunter the Hon. Joel Fitzgibbon MP asking for a progress report on the expenditure of the \$15 million pledged by the Federal Liberal Government for the raising of Testers Hollow to above the 1 in 100 flood level.*

Following the Council resolution, correspondence was sent to Federal Ministers and Members of Parliament seeking a progress report on the expenditure of \$15M pledged by the Federal Liberal Government for the raising of Testers Hollow to above the 1 in 100 year flood level.

Responses from Meryl Swanson MP, Federal Member for Paterson and The Hon. Joel Fitzgibbon MP, Federal Member for Hunter have been received and these are provided for Council's information.

**ENCLOSURES**

- 1** Response from Meryl Swanson MP, Federal Member for Paterson
- 2** Response from The Hon. Joel Fitzgibbon MP, Federal Member for Hunter

Correspondence

Report No. CO9/2017

Works and Infrastructure



**SUBJECT:** *CALL FOR URGENT MEETING REGARDING HEDDON GRETA TRAFFIC ISSUES*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 15 February 2017, Council considered a Notice of Motion calling for an urgent meeting regarding Heddon Greta Traffic Issues and resolved as follows:

*That Council make representation to the Hon. Andrew Constance, MP, Minister for Transport and Infrastructure; the Hon. Melinda Pavey, MP, Minister for Roads, Maritime and Freight; Mr Clayton Barr, MP, State Member for the Electorate of Cessnock; the Hon. Catherine Cusack, MLC, Parliamentary Secretary for the Hunter; and Ms Meryl Swanson, MP, Member for Paterson; seeking an urgent meeting and support to address the accumulated traffic issues, creating dangerous hazardous conditions on Main Road, Heddon Greta, between the Hunter Expressway and Testers Hollow Cliftleigh.*

Following the Council resolution, correspondence was sent to State Ministers and Members of Parliament in relation to traffic issues on Main Road (State Road – MR195), Heddon Greta between the Hunter Expressway (HEX) and Testers Hollow, Cliftleigh.

A response from Clayton Barr MP, State Member for Cessnock has been received and is provided for Council's information.

**ENCLOSURES**

- 1** Response from Clayton Barr MP, State Member for Cessnock

Correspondence

Report No. CO10/2017

Works and Infrastructure



**SUBJECT:** *TRANSPORT LINK BETWEEN THE HUNTER EXPRESSWAY AND CESSNOCK - FUNDING FOR URGENT ROAD IMPROVEMENT WORKS - NEW*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 15 February 2017, Council considered a Mayoral Minute regarding the transport link between the Hunter Expressway and Cessnock and resolved as follows:

*That Council writes to the Hon. Andrew James Constance, MP, Minister for Transport and Infrastructure; the Hon. Melinda Pavey, MP, Minister for Roads, Maritime and Freight; Mr Clayton Barr, MP, State Member for the Electorate of Cessnock and the Hon. Catherine Cusack, MLC, Parliamentary Secretary for the Hunter; seeking urgent State Government funding assistance to undertake road improvement works along the link roads between the Hunter Expressway and Cessnock.*

Following the Council resolution, correspondence was sent to State Ministers and Members of Parliament seeking funding assistance to upgrade these important link roads.

A response from Clayton Barr MP, State Member for Cessnock has been received and is provided for Council's information.

**ENCLOSURES**

- 1** Response from Clayton Barr MP, State Member for Cessnock