

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 NOVEMBER 2019,  
COMMENCING AT 6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Development Services Manager  
Strategic Planning Manager  
Management Accountant  
Operations Accountant  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGY & LEAVE  
OF ABSENCE:**

**MOTION**

**Moved:** Councillor Dagg  
**Seconded:** Councillor Gray

1061

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

That the leave of Absence granted for Councillor Olsen be noted.

**FOR**

**AGAINST**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**      **Moved:**      Councillor Burke  
                         **Seconded:**      Councillor Sander

1062

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 6 November 2019, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# **DISCLOSURES OF INTEREST**

## **DISCLOSURES OF INTEREST NO. DI22/2019**

**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.**

**GMU23/2019 - Minutes of the Town Coordinators Review Committee - 7 November 2019** - Councillor Burke declared a Pecuniary Interest for the reason that he is currently contracted by Cessnock Chamber of Commerce. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

**PE76/2019 - Exhibition of the draft Cessnock Local Strategic Planning Statement** - Councillor Fitzgibbon declared a Non Pecuniary Less than Significant Conflict for the reason that she is a part owner of land mentioned in the Cessnock Local Strategic Plan. Councillor Fitzgibbon advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because it is only a draft.

**PE76/2019 - Exhibition of the draft Cessnock Local Strategic Planning Statement** - Councillor Lyons declared a Non Pecuniary Less than Significant Conflict for the reason that a client of his appears to be in an investigation area. Councillor Lyons advised that he would 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 is in a draft phase.

**PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin** - Councillor Dunn declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Dunn advised that he would leave the Chamber and take no part in discussion and voting.

**PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin** - Councillor Doherty declared a Pecuniary Interest for the reason that one of the objectors was a donor to his Electoral Campaign. Councillor Doherty advised that he would leave the Chamber and take no part in discussion and voting.

**PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin** - Councillor Fagg declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Fagg advised that he would leave the Chamber and take no part in discussion and voting.

**PE76/2019 - Exhibition of the draft Cessnock Local Strategic Planning Statement –**  
The Mayor declared a Non Pecuniary Interest Less than Significant Conflict for the reason that he lives at Elrington a village in the investigation status. The Mayor advised that he would remain in the Chamber and take part in discussion and voting as the conflict has not influenced him in carrying out his public duty because it doesn't affect his decision making ability.

## PETITIONS

NIL

### ADDRESS BY INVITED SPEAKERS

Councillor Dunn declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Dunn left the Chamber and took no part in discussion and voting.

Councillor Doherty declared a Pecuniary Interest for the reason that one of the objectors was a donor to his Electoral Campaign. Councillor Doherty left the Chamber and took no part in discussion and voting.

Councillor Fagg declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Fagg left the Chamber and took no part in discussion and voting.

Councillors Doherty, Dunn and Fagg left the meeting, the time being 6.36pm

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Aaron Lewis	Against	PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin	50	3 mins

#### EXTENSION OF TIME

1063

**Moved:**

Councillor Dagg

**Seconded:**

Councillor Burke

**RESOLVED** that an extension of 1 minute be given to Mr Lewis to complete his presentation.

#### FOR

Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (8)**

#### AGAINST

**Total (0)**

**CARRIED UNANIMOUSLY**

Mr Michael Watt	For	PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin	50	3 mins
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**EXTENSION OF TIME**

**Moved:**

Councillor Fitzgibbon

**Seconded:**

Councillor Dagg

1064

**RESOLVED** that an extension of 1 minute be given to Mr Watt to complete his presentation.

**FOR**

**AGAINST**

Councillor Stapleford  
 Councillor Fitzgibbon  
 Councillor Gray  
 Councillor Dagg  
 Councillor Burke  
 Councillor Sander  
 Councillor Lyons  
 Councillor Pynsent  
**Total (8)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE75/2019**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2018/917/1 PROPOSING THE ERECTION OF 60 TOURIST AND VISITOR ACCOMMODATION UNITS; AND ASSOCIATED CARPARKING, LANDSCAPING AND INFRASTRUCTURE, TO BE CONSTRUCTED IN TWO PHASES**

**409 AND 421 PALMERS LANE, POKOLBIN**

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**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Dagg  
1065  
**RESOLVED**

1.     **That:**

- (i)     **Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases at 409 and 421 Palmers Lane (Lot 1 DP 239452 and Lot 81 DP 718789) Pokolbin, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.**
- (ii)    **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
- **There are no planning matters that preclude the granting of development consent.**
  - **The proposed development is consistent with the provisions of *Cessnock Local Environmental Plan, 2011*. In particular, the proposal is a permitted form of development and is consistent with the objectives of the zone.**
  - **The proposal complies with the relevant requirements of the *Cessnock Development Control Plan 2010*.**
  - **Objections received in response to the public exhibition period have been considered pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*, and it is considered that the matters raised do not warrant refusal of the application.**
- (iii)   **In considering community views, the following is relevant:**
- **The impact of the proposed development on the local road network can be appropriately mitigated through the imposition of conditions of consent requiring the upgrade of Palmers Lane, and construction of a compliant intersection at Palmers Lane and McDonalds Road.**

- The Acoustic Report submitted in conjunction with the application demonstrates that the proposed development will not adversely impact on the amenity of the locality with respect to noise, and a review of such Acoustic Report by Council officers has concurred with the findings and recommendations contained within the report.
  - The proposed development incorporates high quality architectural design elements, and it is considered that the proposal will not adversely impact on the visual character of the locality.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## CONDITIONS OF CONSENT

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### SCHEDULE 1

#### TERMS OF CONSENT

The development subject of this development consent is to be undertaken in two (2) phases. Each phase comprises the following:

- Phase 1:** The erection of 39 tourist accommodation units contained within 12 tourist accommodation buildings, including all site infrastructure, roadworks and landscaping.
- Phase 2:** The erection of 21 tourist accommodation units contained within 6 tourist accommodation buildings.

## ALL PHASES

### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2018/917/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Statement of Environmental Effects – Bimbadgen Vineyard Cabins, Revision 1	Insite Planning Services Pty Ltd	June 2019
Site Masterplan (amended 12 June 2019),	prepared by Site Image	June 2019



Architectural Plans (amended May 2019), prepared by PTI Architecture	PTI Architecture	May 2019
Waste Management Plan, prepared by Insite Planning Services	Insite Planning Services Pty Ltd	May 2019
Wastewater/Recycled Water Management (amended 10 May 2019),	prepared by DWC	May 2019
Traffic Assessment (amended June 2019),	prepared by Intersect Traffic Consultants	May 2019
Bushfire Threat Assessment (amended May 2019), prepared by Peak Land Management	Peak Land Management	May 2019
Noise Impact Assessment (as amended 8 August,2019),	prepared by Reverb Acoustics	May 2019
Landscape Masterplan, (As amended)	prepared by Site Image	May 2019

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## 2. General Terms of Approval

All General Terms of Approval issued by NSW RFS shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

## 3. CC, PCA & Notice Required

In accordance with the provisions of Section 6.6 (cf previous s 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A *CC* has been issued by the consent authority, Council or an accredited certifier; and
- b) A *PCA* has been appointed by the person having benefit of the development consent in accordance with Section 6.5 (cf previous s 109E) of the *EP&A Act 1979*; and
- c) If Council is not the *PCA*, notify Council no later than two (2) days before building work commences as to who is the appointed *PCA*; and

- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

#### **4. BCA Compliance**

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.**

#### **5. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a *CC*.

#### **6. Accessibility Management Plan**

An Accessibility Management Plan must be prepared for the approved building demonstrating compliance with *BCA Part D3 "Access for People with a Disability"* and the *BCA* adopted version of *AS1428*. The report and any relevant plans and specifications are to be submitted with the application for a *CC* and approved by the *CA* as complying with the *BCA* and *AS's* prior to the issue of a *CC*.

#### **7. Outdoor Lighting**

Prior to the issue of a *CC*, the *CA* must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

#### **8. Smoke Free Premises**

The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2016*. Details demonstrating compliance with this condition are to be provided to the *CA* prior to the issue of a *CC*.

#### **9. Section 68 Approval**

Application shall be made to Council under Section 68 of the *Local Government Act 1993* to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the *Environmental Health Protection Guidelines* and *AS/NZS 1547-2012* (The application form and further information is available on Council's website [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

#### **10. Section 50 Hunter Water Act 1991**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991*. Such evidence shall be submitted to Council prior to the issue of a CC.

If the approved development cannot be connected to a potable water supply then the applicant must demonstrate that the drinking water supplied to the premises will consistently meet the *Australian Drinking Water Guidelines 2011* and any subsequent amendments to the Guidelines.

#### **11. Acoustic Report – Certification Requirement**

Prior to the issuing of any CC, Certification is to be submitted to the CA, confirming that the recommendations from the Reverb Revised Noise Impact Assessment (Report No.17-2135-R5 (amended August 2019), have been incorporated into the design of the site and that the design and plant equipment will achieve the project specific noise goals.

### **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s.**

#### **12. Construction and Traffic Management Plan**

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.

- viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
  - c) All site works must comply with the work health and safety requirements of SafeWork NSW.
  - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
  - e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

### **13. Soil and Water Management Plan**

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
  - i) Diverts clean-runoff around disturbed areas
  - ii) Minimises slope gradient and flow distance within disturbed areas
  - iii) Ensures surface run-off occurs at non erodible velocities
  - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences

- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

#### **14. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

### **DURING WORKS**

**The following conditions are to be complied with during works.**

#### **15. Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage Noise Guide for Local Government.

#### **16. Virgin Fill To Be Used**

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

#### **17. Removal of Contaminated Soil**

Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the New South Wales Environment and Heritage *Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-liquid Wastes 1999* and the *Protection of the Environment Operations Act 1997*.

Any soil which fails to meet the criteria is not to be disposed of off-site unless agreed to in writing by the Environment Protection Authority. Results of testing are to be forwarded to Cessnock Council for acknowledgement before any off-site disposal, and before proceeding with any construction works.

## **18. Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):**

## **19. All Services Provided**

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the *PCA* prior to issue of an *OC*.

## **20. Completion of Landscape Works**

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and the conditions of this consent prior to the issue of an *OC*.

## **21. Completion of Parking/Loading Bay**

All car parking, disabled access parking and loading facilities shall be marked out and clearly indicated by signs. The parking requirements secured in this consent shall be completed prior to the issue of an *OC*.

## **22. Trade Waste Disposal**

Prior to the issue of an *OC* and/or commencement of the use of the building, whichever is earlier, the owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

## **23. Completion of Access Road and Internal Roadworks**

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an *OC*.

## **24. Completions of Stormwater Management System**

Prior to the issue of an *OC*, the *PCA* must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant *AS*.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a licensed plumber or qualified practising civil engineer, that the drainage system has been constructed in accordance with the approved design and relevant *AS*, must be provided to the *PCA* prior to the issue of an *OC*.

## **25. Compliance with Acoustic Report**

A certificate must be submitted to and approved by Council's Environmental Health Section prior to the issue of an OC or before the commencement of the use (whichever is earlier). The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

## **26. Bushfire Emergency Management Plan**

The applicant shall prepare a Bushfire Emergency Management Plan for the approved development. The plan should advise occupants of evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of bushfire emergency or when warnings are issued. The applicant should contact NSW RFS for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

The management plan shall be submitted to, and approved by, Council prior to the issue of an OC.

*Note; The requirement for a Bushfire Emergency Management Plan forms part of the requirements of the NSW RFS General Terms of Approval – Ref D18/8594 DA 18121716665 GB.*

At the completion of works, and prior to the issue of an OC, the proprietor must provide certification that all conditions of consent have been satisfactorily completed and that the resultant development is consistent with the development consent as approved

## **ONGOING USE**

**The following conditions are to be complied with as part of the ongoing use of the premises**

### **27. Tourist Accommodation**

A register shall be kept of all lettings of sites/units giving the name of the occupier, their home address, the date of the commencement of occupation, and the date of departure. This shall be made available to Council officers at all times.

### **28. Drinking Water Management System**

An appropriate drinking water management system, in compliance with NSW Health requirements and the *Public Health Act 2010* and *Public Health Regulation 2012* is to be provided

### **29. Parking Areas to be Kept Clear**

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

### 30. Discharge into Waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system. Only clean, unpolluted water is permitted to discharge. Waste oil shall be stored in a covered and suitably bunded area, pending regular removal to a waste oil recycler.

### 31. Maintenance of Landscaping

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

## PHASE 1 – 39 TOURIST ACCOMMODATION UNITS WITHIN 12 TOURIST ACCOMMODATION BUILDINGS, INCLUDING ALL SITE INFRASTRUCTURE AND LANDSCAPING

### 32. Tourism S94 Contributions Plan

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC:

Contribution Type	Amount Payable
Vineyards Roads and Bridges	\$ 37,862.37
Tourist Information and Signage	\$ 28149.03
Plan Preparation and Administration	\$ 2,297.88
<b>TOTAL</b>	<b>\$ 68309.28</b>

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

### 33. Parking Design

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

A total of Two (2) car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.



Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a CC.

- \* *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*
- \* *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work*
- \* *AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the CA prior to the issue of a CC

#### **34. On-Site Parking – Phase 1 Minimum Requirements**

On-site car parking shall be provided for a minimum of Thirty – Nine (39) in Phase 1 from a total car parking requirement of Sixty (60) spaces including (2) disabled vehicles and as such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

#### **35. Roadworks Bond - External**

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 1400 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$9,800.00.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the Construction Certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

### **36. Formation of Palmers Lane**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works & Section 138 approval.

- a) Construct a 7 metre wide pavement for 1400metres of Palmers Lane, from the end of the existing formation to the extent of the gravel road past the access point to the site. The truncated road is to be finished with a turning circle.
- b) Place two (2) coat hot bitumen seal on new works.
- c) Construct drainage works as necessary.

Under the *Roads Act 1993*, a S138 Roads Act Approval will need to be obtained from Council for the above works. In this regard, the applicant is to make a formal application to Council and the S138 application is to be submitted to, and approved by, Council prior to works commencing.

### **37. Formation of Intersection of Palmers Lane and McDonalds Road**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works & Section 138 approval.

- a) Construct a BAR/BAL turn treatment at the intersection of Palmers Lane and McDonalds Road.
- b) Place two (2) coat hot bitumen seal on new works.
- c) Construct drainage works as necessary

Under the *Roads Act 1993*, a S138 Roads Act Approval will need to be obtained from Council for the above works. In this regard, the applicant is to make a formal application to Council and the S138 application is to be submitted to, and approved by, Council prior to works commencing.

### **38. Local Traffic Committee Approval**

Any application involving the installation of, or amendment to, regulatory signage, line marking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any CC, and subsequent Section 138 Roads Act Approval.

### **39. Formation of Internal Access Roads**

The registered proprietors shall provide details of an all-weather access road from the property boundary to the approved serviced apartments. The access road shall be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side and ensure appropriate space for the movement of 22-seater buses as a minimum. All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

## **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s.**

### **40. S.138 Roads Act 1993 Approvals**

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

### **41. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

### **42. Detailed Stormwater Design Requirements**

The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):**

**All relevant conditions are to be complied with, to the satisfaction of the Principal Certifying Authority.**

**43 Completion of Works in Palmers Lane and the Intersection of Palmers Lane and McDonalds Road**

Prior to the issue of an *OC*, the *PCA* must ensure that all approved road works, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the approved design and relevant AS, must be provided to Council prior to the issue of an *OC*.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

**44. Road Reciprocal Easement – Serving Lots**

Reciprocal rights of carriageway, easements for access, and easements for services shall be created over the access corridors serving Lots 1 and 81 in favour of the lots served thereby. The appropriate notation shall be placed on title, and an 88B instrument setting out the terms of easements as required by this consent shall be submitted to Council. In addition to the owner of the land benefited by the easement, Council is to be a party whose consent is needed to release or vary easements.

**PHASE 2 – 21 TOURIST ACCOMMODATION UNITS WITHIN 6 TOURIST ACCOMMODATION BUILDINGS**

**45. Tourism S94 Contributions Plan**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a *CC*:

<b>Contribution Type</b>	<b>Amount Payable</b>
Vineyards Roads and Bridges	\$ 20,387.43
Tourist Information and Signage	\$ 15,157.17
Plan Preparation and Administration	\$ 1,237.32
<b>TOTAL</b>	<b>\$ 36781.92</b>

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

#### **46. On-Site Parking – Phase 2 Minimum Requirements**

On-site car parking shall be provided for a minimum of Twenty-One (21) in Phase 2 from a total car parking requirement of Sixty (60) spaces including (2) disabled vehicles and as such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

#### **47. Parking Design**

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a CC.

\* *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*

\* *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work*

\* *AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the CA prior to the issue of a CC.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):**

**All relevant conditions are to be complied with, to the satisfaction of the Principal Certifying Authority**

**48.** At the completion of works, and prior to the issue of an OC, the proprietor must provide certification that all conditions of consent have been satisfactorily completed and that the resultant development is consistent with the development consent as approved.

#### **ADVISORY NOTES**

##### **A. Road Advice**

The applicant is advised that Council will not accept responsibility for the road access from Palmers Lane to the approved development. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

## **B. Disability Inclusion Act**

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Inclusion Act 2014*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Inclusion Act 2014* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Inclusion Act 2014* currently available in Australia.

## **C. “Dial Before You Dig” Dig 1100**

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

## **D. Other Approvals and Permits**

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

## **E. Site Contamination Issues during Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

## **F. Aboriginal Heritage**

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

## **G. Signage and Fencing Advice**

The application has been determined on the basis of the information submitted by the applicant and therefore no signage or fencing has been approved under this consent. The holder of this consent is to be aware that should any fencing or signage be proposed that does not comply with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, it will be subject to a future Development Application.

### **SCHEDULE 2**

**The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:**

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. Grasslands surrounding the cabins for a minimum distance of 50 metres shall be managed in a minimal fuel condition so there is insufficient fuel available to significantly increase the severity of the bush fire attack. Grass shall be kept cropped short to a nominal height of 100 mm.
2. Cabins shall be setback a minimum 40 metres from the "buffer and canopy tree planting area" located to the south.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Suitable tanker access, with capacity to carry fully-loaded fire fighting vehicles (15 tonnes), shall be provided to the large dam located adjacent to the cabins to enable the water to be used for fire fighting purposes.

#### **Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. The proposed internal access road shall comply with the following requirements of section 4.1.3 (2) of Planning for Bush Fire Protection 2006 including as follows:
  - Road surface shall be all weather;
  - A minimum carriageway width of 4 metres, with a 1 metre shoulder;
  - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches;
  - Curves have a minimum inner radius of 6 metres;
  - The minimum distance between the inner and outer curves is 6 metres;
  - The crossfall shall not to exceed 10 degrees.
5. The cabin access road shall be linked to form a loop road around the group of cabins.
6. Grasslands surrounding the existing and proposed access road for a minimum distance of 20 metres shall be managed in a minimal fuel condition so there is insufficient fuel available to significantly increase the severity of the bush fire attack. Grass shall be kept cropped short to a nominal height of 100 mm.

### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

7. A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the facility, consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

8. Cabins that are positioned within 100 metres from the edge of woodland located to the east (as indicated in Figure 5 in the Bushfire Assessment Report prepared by Peak Land Management September 2018) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
9. Cabins that are positioned within 100 metres of the "buffer and canopy tree planting area" located to the south, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.



Landscaping.

10. Landscaping around the cabins shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

<b>FOR</b>	<b>AGAINST</b>
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

*Councillors Doherty, Dunn and Fagg returned to the meeting, the time being 6.54pm*

## **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Gray  
1066

**RESOLVED**

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

NI12/2019	Notice of Intention to Deal with matters in Confidential Session. WI80/2019 - Minutes of the Confidential Session of the Floodplain Management Committee meeting of 9 October 2019 .....	38
‡ PE74/2019	Annual Code of Conduct Complaints Report.....	45
PE76/2019	Exhibition of the draft Cessnock Local Strategic Planning Statement .....	127
CC106/2019	Quarterly Budget Review Statements - September 2019 .....	144
CC107/2019	September 2019 Quarterly Review of 2017-21 Delivery Program.....	164
CC108/2019	T741920HUN Supply and Delivery of Bulk Cationic Bitumen CRS.....	249
CC109/2019	Crown Land - Cessnock Clay Target Club .....	259
CC110/2019	Schedule of Ordinary Meetings of Council Dates 2020 .....	266
CC111/2019	Council Recess Period.....	269
CC112/2019	Local Government Remuneration Tribunal - 2020 Annual Review.....	271
‡ CC113/2019	Annual Report 2018-19.....	281
‡ CC114/2019	Audit and Risk Committee Independent Chair .....	284
‡ CC115/2019	Investment Report - October 2019.....	287
‡ CC116/2019	Resolutions Tracking Report.....	294
WI81/2019	Minutes of Floodplain Management Committee Meeting of 9 October 2019 .....	345
WI82/2019	Minutes of Roads Review Committee Meeting held 11 October 2019 .....	351
WI83/2019	Minutes of Local Traffic Committee Meeting held 21 October 2019 .....	354
WI84/2019	Abermain School of Arts .....	374
‡ CO28/2019	Seeking Support for Funding to Implement the Cessnock LGA Traffic & Transport Strategy 2018 High Priority Projects .....	443
‡ CO29/2019	North Rothbury - Priority Sewerage Scheme .....	448

***Council adopt the recommendations as printed for those items.***

**FOR****AGAINST**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

***CARRIED UNANIMOUSLY***

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

**NOTICE OF INTENTION NO. NI12/2019**

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

**WI80/2019 - MINUTES OF THE CONFIDENTIAL SESSION OF THE  
FLOODPLAIN MANAGEMENT COMMITTEE MEETING OF 9  
OCTOBER 2019**

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**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Gray  
1067  
**RESOLVED**

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

Report No. WI80/2019 – Minutes of the Confidential Session of the Floodplain Management Committee Meeting of 9 October 2019 as it deals with Council Policy (3<sup>rd</sup> party report not authorised for general release).

2.    That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM16/2019

**SUBJECT: INVITATION TO CITY OF NEWCASTLE VIP EVENT**

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**MOTION**      *Moved:*    Councillor Pynsent

1068

**RESOLVED**

**That the Mayor and General Manager accept the invitation on behalf of Newcastle City Council from the Lord Mayor of Newcastle and Chief Executive Officer to attend the Coates Hire Newcastle 500 VIP Event on Saturday 23 November 2019.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM17/2019**

**SUBJECT: ACKNOWLEDGMENT OF EMERGENCY SERVICES IN RECENT BUSHFIRES**

---

**MOTION**      *Moved:*    Councillor Pynsent  
1069  
**RESOLVED**

**That Council acknowledges the magnificent effort of the Emergency Services in last week's North Rothbury and Greta fires. Council thanks all involved for keeping our community safe, with minimal property loss.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU20/2019**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

## RESCISSION MOTIONS

### RESCISSION MOTIONS NO. RM1/2019

**SUBJECT: COMMUNITY PARTICIPATION PLAN**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
1070

**RESOLVED**

The undersigned lodge the following motion of rescission:

That Resolution 1049 (1) relating to Report No. PE73/2019 – Post Exhibition Report of the Draft Community Participation Plan:-

- 1. That Council adopts the revised Community Participation Plan with Point 3.3.2 (1) being amended to read “Development is for new dwelling houses, additions to a dwelling house provided that the development ...”.**

be rescinded

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

and that

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Sander  
1071

**RESOLVED**

- 2. That Council adopts the revised Community Participation Plan with Point 3.3.2(1) being amended to read “Development is for a new **dwelling houses**, additions to a dwelling house, and/or ancillary development to a dwelling house, excluding sheds exceeding the height of the complying development standard, provided that the development:**
  - Is a maximum of one storey;*
  - Is a maximum height 8.5m from the existing ground level; and*
  - Is setback 900mm from the boundary”*



<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

## GENERAL MANAGER'S UNIT

### GENERAL MANAGER'S UNIT NO. GMU23/2019

**SUBJECT: MINUTES OF THE TOWN COORDINATORS REVIEW COMMITTEE - 7 NOVEMBER 2019**

---

*Councillor Burke declared a Pecuniary Interest for the reason that he is currently contracted by Cessnock Chamber of Commerce. Councillor Burke left the chamber and took no part in discussion and voting.*

*Councillor Burke left the meeting, the time being 7.02pm*

**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Fitzgibbon  
1072

#### **RESOLVED**

1.    **That the Minutes of the Town Coordinators Review Committee of 7 November 2019 be adopted as a resolution of the Ordinary Council.**
  
2.    **That funding for applications under Economic Development and Sponsorship Guidelines for 2019/20 be made as follows:**
  - **Cessnock Chamber Of Commerce, Cessnock Town Coordinator \$40,700**
  - **Cessnock Chamber Of Commerce, Cessnock STOMP Festival \$5,000**
  - **Kurri Kurri Towns With Heart, Kurri Kurri Town Coordinator \$40,700**
  - **Kurri Kurri Towns With Heart, Kurri Kurri Nostalgia Festival \$5,000**
  - **Kurri Kurri Towns With Heart, Kurri Kurri Visitor Information Centre \$7,500**
  - **Hunter Region Business Hub, Business Workshops \$6,500**
  - **Wollombi Valley Chamber of Commerce, Digital Business Solutions Training \$4,500**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

#### **CARRIED UNANIMOUSLY**

*Councillor Burke returned to the meeting, the time being 7.03pm*

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE74/2019**

**SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1073

**RESOLVED**

**That Council notes the Annual Code of Conduct Complaints Report for the period 1 September 2018 to 31 August 2019.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE76/2019**

**SUBJECT: EXHIBITION OF THE DRAFT CESSNOCK LOCAL STRATEGIC PLANNING STATEMENT**

---

*Councillor Fitzgibbon declared a Non Pecuniary Less than Significant Conflict for the reason that she is a part owner of land mentioned in the Cessnock Local Strategic Plan. Councillor Fitzgibbon remained in the Chamber and participated in discussion and voting.*

*Councillor Lyons declared a Non Pecuniary Less than Significant Conflict for the reason that a client of his appears to be in an investigation area. Councillor Lyons remained in the Chamber and participated in discussion and voting.*

*The Mayor declared a Non Pecuniary Interest Less than Significant Conflict for the reason that he lives at Elrington a village in the investigation status. The Mayor remained in the Chamber and participated in discussion and voting.*

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Gray  
1074

**RESOLVED**

1.     **That Council places the Draft Cessnock Local Strategic Planning Statement on public exhibition for a minimum period of 10 weeks and in accordance with the Community Engagement Plan.**
  
2.     **That Council receives a further report following public exhibition of the Draft Cessnock Local Strategic Planning Statement.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC106/2019**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2019**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1075

**RESOLVED**

1. That Council notes that the September 2019 Quarterly Budget Review Statements were endorsed for presentation to Council by the Audit and Risk Committee on 12 November 2019.
2. That Council approves the variations to the income, expenditure and capital budgets as detailed in the September 2019 Quarterly Budget Review Statements.
3. That Council notes that the Quarterly Budget Review Statements reflects a cash surplus of \$5,821 and that due primarily to the receipt of the first tranche of the Financial Assistance Grant for FY20 in June 2019 that the Budget Operating Position will be revised to reflect a deficit of \$2,998,277, and that there is no material cash impact to Council's funds arising from the early payment of the Financial Assistance Grant.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC107/2019**

**SUBJECT: SEPTEMBER 2019 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1076  
**RESOLVED**

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 30 September 2019:
2. That Council endorse the following change to the Cemeteries Facilities Construction Program:

**Project description for CFC-2018-001 Wollombi Cemetery:**

**Remove: Fence Renewal**  
**Add: Masterplan Implementation – Stage 1**

3. That Council endorse the following change to the Cultural & Community Buildings Renewal Program:

**Add: RBC-2020-010 Kurri Kurri Ambulance Hall – Renewal**  
**Add: RBC-2020-009 Kurri Kurri Community Centre Renewal**  
**Add: RBC-2020-008 Richmond Main – Ablution Block Repairs**

4. That Council endorse the following change to the Recreation Facilities Renewal Program:

**Add: RFR-2020-005 Howe Park Amenities Replacement**  
**Add: RFR-2020-004 Cessnock Sportsground Concourse Remediation**

5. That Council endorse the following change to the Local Road Renewal Program as per Council Resolution No.975:

**Add: RRL-2019-007 Heddon Street, Kurri Kurri**

6. That Council note the following change to the Airport Construction Program as per Council Resolution No.897:

**Add: ACP-2020-005 Extend deHavilland Drive, Cessnock Airport**

**FOR****AGAINST**

Councillor Doherty

Councillor Dunn

Councillor Fagg

Councillor Stapleford

Councillor Fitzgibbon

Councillor Gray

Councillor Dagg

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (11)****Total (0)*****CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC108/2019**

**SUBJECT: T741920HUN SUPPLY AND DELIVERY OF BULK CATIONIC BITUMEN CRS**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1077  
**RESOLVED**

1. That Council accepts the Regional Procurement Tender for the Supply and Delivery of Bulk Cationic Bitumen (T741920HUN).
2. That Council accept the tenderer Fulton Hogan Industries Pty Ltd as the preferred supplier for Council under the Regional Procurement Tender for Supply and Delivery of Bulk Cationic Bitumen.
3. That Council note the contract term for Tender Supply and Delivery of Bulk Cationic Bitumen (T741920HUN) is from 1 January 2020 to 31 December 2021 with an option for two 12-month contract extension based on satisfactory supplier performance.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC109/2019**

**SUBJECT: CROWN LAND - CESSNOCK CLAY TARGET CLUB**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1078

**RESOLVED**

1. That Council notes the steps required to have the land at 563 Maitland Road, Cessnock to be transferred to Council and the implications identified for both Council and the Cessnock Clay Target Club if the transfer of land was successful.
2. That Council notes that the Crown Land located at 563 Maitland Road, Cessnock has not been identified in any of Council's Strategic Plans as a parcel of land that is of any benefit to Council.
3. That Council notes the transferring of land and associated work required in acquitting the transfer, plans of management and licence agreements is not currently listed as an action in the 2017-21 Delivery Plan and as result is unfunded.
4. That Council does not proceed with the process of becoming the Land Trust Manager due to the risks and cost implications detailed in the report and that the action is not part of the 2017-21 Delivery Plan.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC110/2019**

**SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL DATES 2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1079

**RESOLVED**

**That Council adopts the following schedule of Ordinary Meetings of Council for 2020:**

<b>5 February</b>	<b>19 February</b>
<b>4 March</b>	<b>18 March</b>
<b>1 April</b>	<b>15 April</b>
<b>6 May</b>	<b>20 May</b>
<b>3 June</b>	<b>17 June</b>
<b>1 July</b>	<b>15 July</b>
<b>5 August</b>	<b>19 August</b>
<b>2 September</b>	<b>7 October</b>

**FOR**

**AGAINST**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC111/2019**

**SUBJECT: COUNCIL RECESS PERIOD**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1080

**RESOLVED**

1. That Council be in recess from 13 December 2019 to 6 February 2020.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of any matters considered under such delegated authority be submitted for Council's information to the first 2020 Ordinary Meeting of Council scheduled to be held on 6 February 2020.

**FOR**

**AGAINST**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC112/2019**

**SUBJECT: LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2020 ANNUAL REVIEW**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1081  
**RESOLVED**

1. That Council notes the Local Government Remuneration Tribunal amended the classifications used for the purposes of determining fees payable to mayors and councillors to take effect from 1 July 2020.
2. That Council notes that Cessnock has been provisionally classified under the new category of Regional Centre.
3. That Council notes the proposed four submission points outlined in this report by the Local Government Remuneration Tribunal for feedback, being:
  - Proposed classification model and criteria
  - Allocation in the proposed classification model
  - Range of fees payable on the proposed classification
  - Other Council Matters within the Tribunal's jurisdiction
4. That Council does not make a submission to the Local Government Remuneration Tribunal review regarding the fees payable to elected officials noting the restrictions under section 242A of the *Local Government Act 1993* which limits the ability of the Local Government Remuneration Tribunal to consider submission seeking increases in excess of 2.5%.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC113/2019**

**SUBJECT: ANNUAL REPORT 2018-19**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1082

**RESOLVED**

**That the Annual Report for 2018/19 be received and noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC114/2019**

**SUBJECT:     AUDIT AND RISK COMMITTEE INDEPENDENT CHAIR**

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**MOTION**       **Moved:**   Councillor Doherty       **Seconded:**   Councillor Gray  
1083

**RESOLVED**

**That Council notes the appointment of the independent Chair to the Audit and Risk Committee as per 5.4.3 of the Audit and Risk Committee Charter.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC115/2019**

**SUBJECT: INVESTMENT REPORT - OCTOBER 2019**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1084

**RESOLVED**

**That Council receives the report and notes:**

- **Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order; and**
- **Council's month end balance was \$38,055,735, year to date interest earned to 31 October was \$266,146 and the interest earned for October was \$60,845.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC116/2019**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1085

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI81/2019**

**SUBJECT: MINUTES OF FLOODPLAIN MANAGEMENT COMMITTEE MEETING  
OF 9 OCTOBER 2019**

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**MOTION**      **Moved:**    Councillor Doherty      **Seconded:**    Councillor Gray  
1086  
**RESOLVED**

That the Minutes of the Floodplain Management Committee of 9 October 2019 be adopted as a resolution of the Ordinary Council, including the following recommendation.

1. **FLOCLM13/2019 - That Council endorses a modified Option 3 as the preferred option and proceed with completion of the concept design.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI82/2019**

**SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE MEETING HELD 11 OCTOBER 2019**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1087  
**RESOLVED**

**That the Minutes of the Roads Review Committee of 11 October 2019 be adopted as a resolution of the Ordinary Council.**

**1. RRCOR9/2019 –**

- 1. That Council advises the petition organiser that the prioritisation of sealing unsealed urban roads is currently being overseen by Council's Roads Review Committee.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI83/2019**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 21 OCTOBER 2019**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1088  
**RESOLVED**

That the Minutes of the Local Traffic Committee Meeting of 21 October 2019 be adopted as a resolution of the Ordinary Council.

1. **TC42/2019 – That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi \_ Wollombi Public Holiday Markets Traffic Control Plan.**
2. **TC43/2019 – That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri \_ Nostalgia Festival Traffic Control Plans.**
3. **TC44/2019 – That Council authorises the installation of regulatory parking signage on Mulbring Street, Aberdare in accordance with the Mulbring Street Aberdare \_ Signage & Line Marking Diagram.**
4. **TC45/2019 – That Council authorises the installation of regulatory signage and line marking on Vernon and Allan Streets, Cessnock in accordance with the Vernon Street Cessnock \_ Signage & Line Marking Diagram.**
5. **TC46/2019 - That Council authorises the temporary regulation of traffic on Broke Road and McDonalds Road, Pokolbin for the Grapevine Gathering event in accordance with the Broke Road & McDonalds Road Pokolbin \_ Grapevine Gathering Traffic Management Plan as provided to Committee.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI84/2019**

**SUBJECT: ABERMAIN SCHOOL OF ARTS**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1089

**RESOLVED**

1. That Council notes the estimated cost to prepare an interim short term licence for the Sir Edgeworth David Memorial Museum to occupy spaces within the Abermain School of Arts is in the order of \$1,850, if a market rental appraisal is undertaken.
2. That Council notes the costs associated with the preparation of the licence can be covered from within existing Operational budgets.
3. That the General Manager arranges for the preparation of an interim short term licence for a period of 12 months for the Sir Edgeworth David Memorial Museum to occupy spaces within the Abermain School of Arts.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI85/2019**

**SUBJECT: CESSNOCK POOL MASTERPLAN**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Sander  
1090

**RESOLVED**

1. That Council adopts the Cessnock Pool Masterplan.
2. That Council notifies those who made submissions, along with the key stakeholders, of Council's decision and the reasons why.
3. That Council makes provisions for the implementation of the Masterplan in consideration of future Operational Plans and available resources, including grant funding and development contributions.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI86/2019**

**SUBJECT: MILSONS ARM ROAD AND YANGO CREEK ROAD - PETITIONS REGARDING WASTE SERVICE**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Fitzgibbon  
1091  
**RESOLVED**

1. That Council continues to provide the current waste collection route with remote collection services available to residents of Milsons Arm Road and Yango Creek Road, noting the interest shown in extending the collection service area and advise residents in the area that further investigation will be undertaken as part of the Waste Strategy 2020-25.
2. That Council writes to the residents of the petition advising them of its decision.
3. That the 2 submissions be considered in the development of the Waste Strategy 2020-25.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI87/2019**

**SUBJECT: NSW GOVERNMENT FIXING LOCAL ROADS - APPLICATION FOR FUNDING**

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**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Gray  
1092  
**RESOLVED**

1.     That Council endorses the submission of five applications under the NSW Government Fixing Local Roads Round 1 2019 Program for the following:
  - Mitchell Avenue, Kurri Kurri – Pavement Rehabilitation
  - Cessnock Road, Weston – Pavement Rehabilitation
  - Old Maitland Road, Sawyers Gully – Pavement Rehabilitation
  - Old Maitland Road, Sawyers Gully – Sealing Unsealed Road
  - Northcote Street, Kurri Kurri – Pavement Rehabilitation
  
2.     That Council endorses reallocation of up to \$1.25M within the Local Road Renewal Program 2019-20 and 2020-21 of the current Delivery Program 2017-21 as a minimum co-contribution in accordance with the outcome of the grant application.
  
3.     That Council send a copy of the report to Clayton Barr MP, Member for Cessnock seeking his support.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO28/2019**

**SUBJECT: SEEKING SUPPORT FOR FUNDING TO IMPLEMENT THE  
CESSNOCK LGA TRAFFIC & TRANSPORT STRATEGY 2018 HIGH  
PRIORITY PROJECTS**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1093  
**RESOLVED**

**That the correspondence from Clayton Barr MP regarding funding to implement the high priority projects in the Cessnock LGA Traffic and Transport Strategy 2018 be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORRESPONDENCE NO. CO29/2019**

**SUBJECT: NORTH ROTHBURY - PRIORITY SEWERAGE SCHEME**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1094

**RESOLVED**

**That the correspondence from the Minister for Water, Property and Housing, The Hon. Melinda Pavey MP, in regards to the provision of backlog sewer services to the North Rothbury community, be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## COUNCILLORS REPORTS

NIL

7.11PM

### Confidential reports (closed session)

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Gray  
1095  
**RESOLVED**

**That the meeting move into closed session in order to consider confidential items.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

7.18PM

### Open Session

The meeting moved back into open session and the General Manager reported on the outcomes.

**WORKS AND INFRASTRUCTURE NO. WI80/2019**

**SUBJECT: MINUTES OF THE CONFIDENTIAL SESSION OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING OF 9 OCTOBER 2019**

*This matter is considered to be confidential under Section 10A(2) (di) (j) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND Council Policy.*

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
1096  
**RESOLVED**

1. That Council notes the Committee's endorsement of the actions as discussed.
2. That Council facilitates a joint community meeting with SA NSW to seek community feedback on the preferred options.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 7.18pm*

**CONFIRMED AND SIGNED** at the meeting held on 11 December 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**