

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 9 DECEMBER 2020, COMMENCING  
AT 6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Acting Director Planning and Environment (Strategic Planning Manager)  
Director Corporate and Community Services  
Acting Director Works and Infrastructure (Manager Environment and Waste)  
Acting Strategic Planning Manager (Senior Strategic Planner)  
Economic Development and Tourism Manager  
Senior Media & Communication Officer  
Corporate Governance Officer  
Council Services Administration Officer

**APOLOGIES:**

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

1518

**RESOLVED** that the apologies tendered on behalf of Councillors Dunn and Dagg, for unavoidable absence, be accepted.

**FOR**

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

**Total (11)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

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

1519

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 18 November 2020, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
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. DI13/2020**

**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.**

**PE46/2020 - 18 2020 4 - Planning Proposal to Rezone Part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan** – Councillor Lyons declared a Non Pecuniary Less Than Significant Conflict for the reason that the applicant is a friend of his best person at his wedding. Councillor Lyons advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him carrying out his public duty because he does not believe this will influence his decision making.

## **PETITIONS**

NIL

### **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

<b>Speakers</b>	<b>Company</b>	<b>For / Against</b>	<b>Report</b>	<b>Page No.</b>	<b>Duration</b>
Aime Shearman – Complete Planning Solutions	Complete Planning Solutions	For	PE46/2020 - 18 2020 4 - Planning Proposal to Rezone Part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan	94	3 mins

**PLANNING AND ENVIRONMENT NO. PE46/2020**

**SUBJECT: 18 2020 4 - PLANNING PROPOSAL TO REZONE PART OF LOT 10  
DP 1085485, KNOWN AS 261 AVERYS LANE BUCHANAN**

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*Councillor Lyons declared a Non Pecuniary Less Than Significant Conflict for the reason that the applicant is a friend of his best person at his wedding. Councillor Lyons remained remain in the Chamber and participated in discussion and voting.*

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Gray  
1520

**RESOLVED**

1. That Council requests a Gateway determination for the Planning Proposal to rezone part of Lot 10 DP 1085485, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size, to the NSW Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community, otherwise, forwards the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.

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

**CARRIED UNANIMOUSLY**

Matthew Brown, Perception Planning on behalf of Sean and Jade Maddison	Perception Planning	Against	PE45/2020 - 18 2020 5 - Planning Proposal to Grant a Dwelling Entitlement for Lot 686 DP 619758, Known as 58 Taylors Road Black Hill	87	3 mins
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**EXTENSION OF TIME**

**Moved:**  
**Seconded:**

Councillor Suvaal  
Councillor Gray

1521

**RESOLVED** that an extension of 1 minute be given to Mr Brown to continue his presentation.

**FOR**

Councillor Doherty  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE45/2020**

**SUBJECT: 18 2020 5 - PLANNING PROPOSAL TO GRANT A DWELLING ENTITLEMENT FOR LOT 686 DP 619758, KNOWN AS 58 TAYLORS ROAD BLACK HILL**

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

1522

**RESOLVED**

1. That report PE45/2020 be deferred until after point 4 below is undertaken and if adopted, application number [18/2020/5](#) can be assessed against these new interim guidelines.
2. That Council notes the preferred option for addressing dwelling entitlements is through a holistic approach as part of the upcoming LEP review and commits to undertaking this process as a priority.
3. That Council recognises that prior to the completion of the LEP review there may be individual applications for Gateway determination of dwelling entitlements that are required to be assessed.
4. That the General Manager develop interim guidelines to assess individual applications for Gateway determination of dwelling entitlements while the LEP review is underway and report them to Council for adoption in February 2021.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

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

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Gray  
1523

### **RESOLVED**

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

‡ GMU28/2020	Audit and Risk Committee Independent Member.....	74
GMU29/2020	Minutes of the Audit and Risk Committee meeting held 5 November 2020 .....	77
PE47/2020	Exhibition of Draft Building Line Policy .....	103
CC111/2020	T272021HUN Supply and Delivery of Road Base Materials - Regional Procurement Tender .....	112
‡ CC115/2020	Disclosures of Interests in Written Returns .....	132
‡ CC116/2020	Investment Report – November 2020 .....	135
‡ CC117/2020	Resolutions Tracking Report .....	143
WI94/2020	Biodiversity Offset - Landfill Extension Project, Cessnock Waste Management Centre.....	225
‡ CO18/2020	Local Government Exclusion from National Cabinet – Mayoral Minute MM8/2020 .....	236
‡ CO19/2020	Wollomi Coalmining Proposal - Mayoral Minute MM7/2020 .....	239

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

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

**CARRIED UNANIMOUSLY**



## **MAYORAL MINUTES**

NIL

### **MOTIONS OF URGENCY**

#### **MOTIONS OF URGENCY NO. MOU13/2020**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

## GENERAL MANAGER'S UNIT

### GENERAL MANAGER'S UNIT NO. GMU27/2020

**SUBJECT: LOCAL INFRASTRUCTURE AND TOURISM RECOVERY PROJECTS UPDATE**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
1524  
**RESOLVED**

That Council notes the progress achieved in delivering the twenty-one Disaster and Economic Recovery projects with the total funding of \$1,666,667 whereof \$1,416,667 was received from the Commonwealth Government and \$250,000 from the NSW Government.

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

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU28/2020**

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

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**MOTION**       **Moved:**   Councillor Doherty       **Seconded:**   Councillor Gray  
1525

**RESOLVED**

**That Council receives and notes the report on the appointment of an independent member to the Audit and Risk Committee.**

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

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU29/2020**

**SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 5 NOVEMBER 2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1526  
**RESOLVED**

**That the Minutes of the Audit and Risk Committee Meeting held 5 November 2020 be adopted as a resolution of the Ordinary Council.**

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

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE47/2020**

**SUBJECT: EXHIBITION OF DRAFT BUILDING LINE POLICY**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1527

**RESOLVED**

- 1. That Council places the Draft Building Line Policy on public exhibition until 31 January 2021.**
- 2. That Council receive a further report following public exhibition of the draft documents.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
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. CC111/2020

**SUBJECT: T272021HUN SUPPLY AND DELIVERY OF ROAD BASE MATERIALS  
- REGIONAL PROCUREMENT TENDER**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1528  
**RESOLVED**

1. That Council accepts the Regional Procurement Tender for the Supply and Delivery of Road Base Materials (T272021HUN).
2. That Council accepts the panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Supply and Delivery of Road Base Materials (T272021HUN), in no order of preference;
  - Boral Resources (NSW) Pty Limited.
  - Buttai Gravel Pty Ltd t/a Daracon Quarries.
  - Quarry Products (Newcastle) Pty Ltd.
  - Hebden Quarries Pty Ltd t/a SCE Hebden Quarries
3. That Council notes the contract term for Tender Supply and Delivery of Road Base Materials (T272021HUN) is from 1 January 2021 to 31 December 2022 with an option for one 12-month contract extension based on satisfactory supplier performance.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC112/2020**

**SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2021 AND CONSIDERATION OF CODE OF MEETING PRACTICE AMENDMENT**

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

1. That Council permanently amends the Code of Meeting Practice – 3.1 Timing of Ordinary Council Meetings, to hold only one meeting per month, with the exception of January.
2. That Council amends the Code of Meeting Practice – 3.11 Giving of Notice of Business to be Considered at Council Meetings, to reflect that a notice of motion must be submitted by 10am on the Monday of the week before the meeting is to be held.
3. That Council adopts the schedule of Ordinary Meetings of Council inclusive of Local Government Elections in September 2021:

17 February 2021  
17 March 2021  
21 April 2021  
19 May 2021  
16 June 2021  
21 July 2021  
18 August 2021  
22 September 2021

**AMENDMENT**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Olsen

That Council adopts the following schedule of Ordinary Meetings of Council for 2021.

3 February 2021	17 February 2021
3 March 2021	17 March 2021
7 April 2021	21 April 2021
5 May 2021	19 May 2021
2 June 2021	16 June 2021
7 July 2021	21 July 2021
4 August 2021	18 August 2021
22 September 2021	

**FOR**

Councillor Olsen  
Councillor Stapleford

**Total (2)**

**AGAINST**

Councillor Doherty  
Councillor Fagg  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (9)**

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

**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Gray  
1529  
**RESOLVED**

1.     That Council permanently amends the Code of Meeting Practice – 3.1 Timing of Ordinary Council Meetings, to hold only one meeting per month, with the exception of January.
2.     That Council amends the Code of Meeting Practice – 3.11 Giving of Notice of Business to be Considered at Council Meetings, to reflect that a notice of motion must be submitted by 10am on the Monday of the week before the meeting is to be held.
3.     That Council adopts the schedule of Ordinary Meetings of Council inclusive of Local Government Elections in September 2021:

17 February 2021  
17 March 2021  
21 April 2021  
19 May 2021  
16 June 2021  
21 July 2021  
18 August 2021  
22 September 2021

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**



**CORPORATE AND COMMUNITY NO. CC113/2020**

**SUBJECT: COUNCIL RECESS PERIOD**

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**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Burke  
1530

**RESOLVED**

1. That Council be in recess from 10 December 2019 to the first Ordinary meeting of Council in February 2021.
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 2021 Ordinary Meeting of Council scheduled to be held in February 2021.

**FOR**

Councillor Doherty  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC114/2020**

**SUBJECT: MEETING NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING HELD ON 20 NOVEMBER 2020**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Lyons  
1531  
**RESOLVED**

**That the notes from the inquorate meeting of the Aboriginal and Torres Strait Islander Committee held on 20 November 2020 be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC115/2020**

**SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1532

**RESOLVED**

That Council notes the tabling of the disclosures of interests written returns (for the period 1 August 2020 to 31 October 2020) by the General Manager in accordance with Council's Code of Conduct.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC116/2020**

**SUBJECT: INVESTMENT REPORT - NOVEMBER 2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1533

**RESOLVED**

That Council receives the Investment Report for November 2020 and notes:

- Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.
- Council's month end balance was \$52,745,618, year to date interest earned to 30 November was \$189,688 and the interest earned for November 2020 was \$32,925.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC117/2020**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1534

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
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. WI91/2020**

**SUBJECT: CAPITAL WORKS 2020-21 - PROGRAMMING**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
1535

**RESOLVED**

**That Council notes the current scheduling and resource requirements to deliver the 2020-21 and 2021-22 (part of) Capital Works Program with respect to infrastructure.**

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI92/2020**

**SUBJECT:     FIXING LOCAL ROADS - ROUND 2**

---

**MOTION**       **Moved:**   Councillor Fitzgibbon   **Seconded:**   Councillor Suvaal  
1536

**RESOLVED**

1.     That Council endorses the submission of eight applications for up to the maximum total of \$5M under the NSW Government Fixing Local Roads Round 2, 2020 Program for the following Pavement Rehabilitation as part of addressing part of Council's backlog.
  - Sandy Creek Road, Quorrobolong
  - Quorrobolong Road, Kitchener
  - Mount View Road, Cessnock
  - Middle Road, Paxton
  - South Avenue / Snape Street, Cessnock
  - Congewai Road, Paxton
  - Old Maitland Road, Sawyers Gully
  - Northcote Street, Kurri Kurri
  
2.     That Council endorses reallocation of up to \$1.25M within the Local Road Renewal Program 2020-21 and 2021-22 as a minimum co-contribution in accordance with the outcome of the grant application.
  
3.     That the General Manager write to the State Member of Cessnock Clayton Barr requesting an update on the progress of the alternate entry to the Cessnock Correctional Centre.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI93/2020**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 16 NOVEMBER 2020**

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**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Burke  
1537  
**RESOLVED**

That the Minutes of the Cessnock Local Traffic Committee meeting of 16 November 2020 be adopted as a resolution of the Ordinary Council.

1.      **TC29/2020 - 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 \_ Traffic Control Plan.**
2.      **TC30/2020 - That Council authorises the installation of a pedestrian refuge and associated signage and line marking on Victoria Street, Cessnock in accordance with the Victoria Street Cessnock \_ Signage & Line Marking Diagram.**
3.      **TC31/2020 - That Council authorises the installation of regulatory parking signage on Water Street, Greta in accordance with the Water Street Greta \_ Signage Diagram.**
4.      **TC32/2020 - That Council retains the timed regulatory parking, installed on O'Connors Road, Nulkaba as part of Local Traffic Committee recommendation TC22/2018.**
5.      **TC33/2020 - That Council authorises installation of signage and line marking on Mount View Road and Wollombi Road, Millfield, in accordance with the Mount View Road Millfield \_ Signage & Line Marking Diagram.**
6.      **TC34/2020 - That Council authorises installation of line marking on Abbotsford Street, Bellbird in accordance with the Abbotsford Street Bellbird \_ Line Marking Diagram.**
7.      **TC35/2020 - That Council authorises the installation of regulatory signage on O'Connors Road and Ingles Lane, Pokolbin in accordance with the O'Connors Road Pokolbin \_ Signage Diagram.**



**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

***CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI94/2020**

**SUBJECT: BIODIVERSITY OFFSET - LANDFILL EXTENSION PROJECT,  
CESSNOCK WASTE MANAGEMENT CENTRE**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1538  
**RESOLVED**

1. That Council places a positive and restrictive covenant under Section 88B of the *Conveyancing Act 1919*, for the purpose of biodiversity offset for the proposed landfill extension, on 38.75 ha of land comprising Lot 41 DP996992 and part of Lot 1 DP1096161.
2. That Council authorises the General Manager to execute the documents relating to the covenants under Section 88B of the *Conveyancing Act 1919*.

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

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN35/2020**

**SUBJECT: BLACK CREEK FLOOD MANAGEMENT AT OLD NORTH ROAD, NORTH ROTHBURY**

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**MOTION**      **Moved:** Councillor Fagg      **Seconded:** Councillor Doherty

That the General Manager prepare a report to the Floodplain Management Committee in support of an application for grant funding under the NSW Floodplain Management Program, for preparation of the Black Creek (Stage 2) Floodplain Risk Management Study and Plan including investigations to determine flood risks and management options at Old North Road, Rothbury.

**AMENDMENT**      **Moved:** Councillor Sander      **Seconded:** Councillor Fitzgibbon

That the General Manager bring back a report to outline the possible solutions for Old North Road.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	Councillor Olsen
Councillor Fitzgibbon	Councillor Doherty
Councillor Gray	Councillor Fagg
Councillor Burke	Councillor Stapleford
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (4)</b>

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

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Fitzgibbon

1539

**RESOLVED**

That the General Manager bring back a report to outline the possible solutions for Old North Road.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

**BUSINESS WITH NOTICE NO. BN36/2020**

**SUBJECT: MOLLY WORTHINGTON NETBALL COURTS REZONING**

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*Councillor Fagg left the meeting, the time being 7.39pm*

*Councillor Fagg returned to the meeting, the time being 7.45pm*

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
1540

**RESOLVED**

- 1. That Council supports the concept of moving the netball courts in Kurri Kurri to Booth Park in consultation with the Kurri Kurri Netball Club.**
- 2. That the General Manager reports back to Council by March 2021 outlining the advantages/disadvantages of this relocation.**

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

**CARRIED UNANIMOUSLY**

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO18/2020**

**SUBJECT: LOCAL GOVERNMENT EXCLUSION FROM NATIONAL CABINET -  
MAYORAL MINUTE MM8/2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1541  
**RESOLVED**

**That Council notes the correspondence from the Member for Cessnock, Clayton Barr MP, in relation to having Local Government representation on National Cabinet.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO19/2020**

**SUBJECT: WOLLOMI COALMINING PROPOSAL - MAYORAL MINUTE  
MM7/2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1542  
**RESOLVED**

That Council notes the correspondence from the Member for Cessnock Clayton Barr, MP in relation to Council's concern that the historic Wollombi Valley has been included in "potential areas for release for coal exploration under the Strategic Release Framework".

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

**CARRIED UNANIMOUSLY**

## **COUNCILLORS' REPORTS**

Councillor Gray

### **Bushfire Management Committee**

Councillor Gray reported on his attendance at the Bushfire Management Committee and Sub Committee meetings.

Fire trail maintenance will be upgraded around the Neath and Duffy Fire Trails in line with the FAFF Plan. The Forestry Fire Trails in Watagan is also on the agenda to be done. Vandalisation of gates and fencing is profuse across the Hunter. All services are struggling with keeping up with the gates and repairs to fencing. Funding for the future for the mapping of the APZ's. Briefed by the Bushfire Management Sub Committee to the Guardian Fire Modelling system and the product is something to be seen.

### **Hydro Smelter Remediation Meeting**

Councillor Gray reported on his attendance at the Hydro Smelter Remediation Meeting and advised that the buildings and infrastructure have come to an end for this phase. TMA contracting have now left the site. The demolition has been done as world's best practice. 35,000 tonnes of spent pot lining representing about 45% has now been used and shipped off site and Hydro is happy with results going forward. The rezoning is causing some problems.

The Mayor on behalf of Councillor Dagg

### **Mining Related Council meeting – 27 November 2020**

Address received from Dr Alex King – Executive Director, Resources Policy, Planning & Programs regarding the NSW Government's "Strategic Statement on Coal Exploration and Mining in NSW".

The Government proposes to allow the market to determine the transition to a low carbon emission economy. It won't prop up emerging supply and won't restrain existing supply with legislative instruments. He reiterated the Government's commitment to doing its part to meet the obligations in the Paris Accord. It intends to do this not only by opening up renewable energy supply, working on projects to mitigate the effects of coal, reducing future emissions from coal and better supporting communities impacted by coal, including diversification of local coal-dependent economies.

In terms of the Strategic Statement and the map that was released, the starting point was looking at where the coal is, then moving to identify locations of poor quality coal and the surrounding land-use conflicts, coal deposit locations from townships and then ruling areas in and out based on those factors. The Wollombi district hasn't been put on the table as a result of this Strategic Statement, it has always been on the table since approximately the 1980s and so far has never been removed as a potential release area. The Department understand there are significant land-use conflicts, particularly with viticulture so there is more work to be done on this area in assessing its appropriateness for coal exploration. Dr King outlined that the site potentially has high quality metallurgical coal which is very lucrative for the state if that resource could be developed. It would be an underground mine which addresses land use conflicts, so there still may be a new mine developed or an extension to an existing mine that could be viable without creating severe land-use conflicts. Dr King noted the concerns raised by both Singleton and Cessnock Councils and said those concerns are being taken on board during the process of further analysing the appropriateness of the area. The first stage of that process

is to determine the value of the resource. Unless it is high value it will probably be ruled out. If not then the next step is to determine whether extraction is viable. If it is determined that it would be then regional impacts assessment would have to take place, which again may result in the decision to rule Wollombi out. There will be further engagement with our council and community as this process proceeds. A gas strategic statement will be undertaken in the New Year, similar to the recent coal statement.

Address from Roy Butler – Shooters Fishers & Farmers Member for State electorate of Barwon.

Mr Butler expressed his support for coal mining, however opposes coal seam gas. He spoke about communities in his electorate having divergent views on the issues, however there are concerns about the effect on the Great Artesian Basin. CSG pipes would have to pass through the basin to get to the coal seam. The risk of something going wrong is high and the effect that could have on ground water, particularly given the issues of water supply out west and in light of the drought, is not something that can be easily dismissed. It is important to remember that extraction pipes, once in the ground, are present forever or until they disintegrate, not just for the life of the project.

Changes to mining rating – reduction of rate as a result of IPART review and lobbying by NSW Minerals Council. In Blayney Shire Council alone, there is a loss of \$1.8m per annum in rating revenue, in Bland it is an annual loss of \$700k. Broken Hill Council relies on the mining rate to make up 14% of its rating revenue. The Association is concerned as to effect on those councils which rely on rates funding from mining and has made submissions in this regard. It was noted that LGNSW is supportive of Association’s position against the changes. The draft legislation is due to be released prior to Christmas and the Association intends to prepare an analysis of the economic impact on member councils and lobby the relevant Ministers to revisit the mining component based on the hardship that will be faced by member councils and their communities.

*The Meeting Was Declared Closed at 7.59pm*

**CONFIRMED AND SIGNED** at the meeting held on 18 December 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**