

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 AUGUST 2020, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Acting Director Planning and Environment (Strategic Planning Manager)
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Acting Strategic Planning Manager (Acting Strategic Planning Manager)
Information Technology Manager
Senior Media & Communication Officer
Corporate Governance Officer

APOLOGY: **NIL**

MINUTES: **MOTION** **Moved:** Councillor Doherty
Seconded: Councillor Stapleford

1378

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 15 July 2020 and Extraordinary Meeting held 5 August 2020, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI9/2020

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

CC71/2020 – Donations under Section 356 – Rates Relief - Councillor Suvaal declared a Non Pecuniary Less than Significant Conflict for the reason that he is a member of the Hunter District Hunting Club that uses the Cessnock Rifle Range. Councillor Suvaal 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 he is an Ordinary Member only.

PETITIONS

Councillor Dunn tabled a petition on behalf of residents of Hamilton Street, Abernethy in regard to drainage and flooding in Hamilton Street and the laneway

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1379

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

MM8/2020	Local Government Exclusion from National Cabinet.....	59
‡ GMU17/2020	Cessnock City Council Union Picnic Day.....	62
PE30/2020	Cities Power Partnership	192
CC68/2020	T092021HUN Provision of Tree Maintenance	237
CC69/2020	T082021HUN Provision of Traffic Control.....	242
CC71/2020	Donations under Section 356 - Rates Relief	330
CC72/2020	Ratepayer Support during COVID-19 - Update.....	333
‡ CC75/2020	Disclosures of Interests in Written Returns	356
‡ CC76/2020	Resolutions Tracking Report	359
‡ CC77/2020	Investment Report - July 2020.....	406
WI65/2020	Rubbish Bins in Parks	413
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‡ WI68/2020	Government Road, Weston _ Funding for Road Rehabilitation.....	437
‡ CO11/2020	MM4/2020 - COVID-19 Pandemic - Financial Assistance.....	455

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI6/2020

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

CC78/2020 – CESSNOCK AIRPORT - HANGAR DISPUTE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
1380
RESOLVED

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

 Repot No. CC78/2020 – Cessnock Airport – Hangar Dispute as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

6.36PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dunn
1381

RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

7.13PM

Open Session

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

CORPORATE AND COMMUNITY NO. CC78/2020

SUBJECT: CESSNOCK AIRPORT - HANGAR DISPUTE

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Dagg
1382
RESOLVED

That Council authorises the General Manager to progress the legal proceedings relating to the hangar and airport subdivision, brought by 123259932 Pty Limited as outlined in the report.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM8/2020

SUBJECT: LOCAL GOVERNMENT EXCLUSION FROM NATIONAL CABINET

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1383

RESOLVED

1. That Council agrees to send a letter to the Premier, the Hon Gladys Berejiklian MP, the Hon Joel Fitzgibbon MP, Federal Member for the Hunter, Meryl Swanson MP, Federal Member for Paterson and the State Member for Cessnock, Clayton Barr MP respectively which highlights the critical necessity for Local Government representation on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.
2. That Council notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU9/2020

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU17/2020

SUBJECT: CESSNOCK CITY COUNCIL UNION PICNIC DAY

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1384

RESOLVED

That the report be received and noted with the Union Picnic Day to be held on Friday, 30 October 2020; and that it be noted that staff are discouraged to hold an event on the day due to the COVID-19 pandemic.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE27/2020

SUBJECT: **DEVELOPMENT APPLICATION 8/2019/647/1 PROPOSING A TWO LOT TORRENS TITLE SUBDIVISION, FOLLOWED BY A 21 LOT COMMUNITY TITLE SUBDIVISION AND ASSOCIATED WORKS - CASUARINA DRIVE, POKOLBIN**

MOTION
1385
RESOLVED

Moved: Councillor Suvaal

Seconded: Councillor Dunn

1. That:

- (i) Development Application No. 8/2019/647/1 proposing a two lot torrens title subdivision followed by a twenty-one lot community title subdivision and associated works at Casuarina Drive (Lot 2302 DP 1209818 and Lot 1506 DP 1110274) 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 matters contained within any relevant State Environmental Planning Policies 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 SP3 zone;
 - The proposed development upholds the requirements of Clause 7.11A, providing additional residential allotments within the stipulated quota for the site;
 - The proposal has been assessed against the requirements of the *Cessnock Development Control Plan 2010*, and with the exclusion of two justified variations, is generally consistent with the prescriptive provisions;
 - The variation to the *Cessnock Development Control Plan 2010* where lots shall not exceed 22 metres in width, is supported. A total of 7 proposed lots have street widths greater than 22 metres; however the extra width is not deemed to create an adverse visual impact and will create varied and interesting street frontages;
 - It is noted that the applicant does not seek to connect an additional intersection onto Wine Country Drive. Whilst contrary to the *Cessnock Development Control Plan 2010*, the proposed traffic arrangements have the support of Transport for NSW, and the additional 21 proposed allotments do not create the need for an additional road connection;

- It is concluded that no significant adverse effects are likely to result from approval of the development application.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by NSW RFS (Date 23 December 2019) 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.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/20419/647/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing Ref: 11634(6) – SUB – 103 – G Amended Issue – Boundary and Pathway (x2)	Stevens Group	27 September 2019
Plan of Subdivision	David Ian Turner	31 August 2017
Drawing No. LP02, Rev C	Moir Landscape Architecture	17 April 2019
Concept Engineering Plans Project No. 11634(6)3, Rev D, Plans 001, 002, 101, 111, 201, 202, 211, 501, 802	ADW Johnson	27 September 2019

Document Title	Prepared By	Dated
Statement of Environmental Effects	Stevens Group	October 2019
Ecological Assessment Report	AEP	September 2019
Stormwater Management Plan	ADW Johnson	27 February 2019

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

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

The following conditions are to be complied with prior to the issue of a Subdivision Works Certificate by Council.

3. City Wide Infrastructure Contributions Plan 2020

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:

(1) Two Lot Subdivision

Contribution Type	Amount Payable
Open Space and Recreation Facilities	\$6,512.07
Community Facilities	\$1,729.41
Cycleway Facilities	\$1,371.90
Roads and Traffic	\$1,109.80
Plan Administration	\$160.69
Total	\$10,883.87

(2) Twenty –One Lot Community Title Subdivision

Contribution Type	Amount Payable
Open Space and Recreation Facilities	\$130,241.40
Community Facilities	\$34,588.20
Cycleway Facilities	\$27,438.00
Roads and Traffic	\$22,196.00
Plan Administration	\$3,213.80
Total	\$217,677.40

A copy of the *City Wide Infrastructure Contributions Plan 2020* 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.

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.

4. 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 SWC.

5. Road – Fees

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

Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

a) Road fees - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment.

b) Road fees – PC supervision in accordance with Councils adopted fees and charges current at the time of payment.

The fees shall be payable prior to the issue of a *SWC / Section 138* for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

6. Road – Construct Casuarina Drive

The registered proprietors of the land shall construct the following for a distance of approximately 45m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, and approved by Council prior to the release of the *SWC / S138 Roads Act Approval*.

- (a) Construct 8m wide sealed pavement within an 18m road reserve;
- (b) Construct kerb and gutter;
- (c) Topdress and turf footpath;
- (d) Construct concrete shard path 2.5 metres wide ;
- (e) Construct drainage works;
- (f) Construct a minimum 8.5m turning head.

7. Road – Construct Fig Tree Crescent

The registered proprietors of the land shall construct the following for a distance of approximately 270m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, and approved by Council prior to the release of the *SWC / S138 Roads Act Approval*.

- (a) Construct 8m wide sealed pavement within an 18m road reserve
- (b) Construct kerb and gutter
- (c) Topdress and turf footpath
- (d) Construct concrete shard path 2.0 metres wide
- (e) Construct drainage works.

8. Stormwater – Detailed Design Requirements

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, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted are to demonstrate compliance with this requirement and be approved by the *CA* prior to the issue of a *SWC*.

9. Flooding – Downstream Impacts

Prior to the issue of a *SWC*, the applicant shall provide evidence to the *CA* that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year, to the 1 in 100 year Average Recurrence Interval (ARI) storm events, by the inclusion of on-site stormwater detention controls. 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 are to demonstrate compliance with this requirement and be approved by the *CA* prior to the issue of a *SWC*.

PRIOR TO COMMENCEMENT OF WORKS

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

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

- 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.

11. 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.

12. S138 Roads Act 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.

13. Protection of Trees to be Retained

The area beneath the canopies of the trees to be retained must be fenced prior to the commencement of works. The fencing must encompass the maximum possible area covered by the drip line of the canopy, and must remain in place until the completion of building works. The fencing should be a minimum of 1.8 metres high chain-link or welded mesh fencing. The fencing is to be maintained for the duration of the building works.

Services should be located to avoid disturbing tree roots. Trenches required for the installation of services should be located outside of the fenced area.

All areas within the perimeter of the safety fencing are to be covered with woodchip mulch to a depth of 100mm. All steep gradients unable to be effectively covered with mulch are to be protected with hessian cloth to be kept at a moisture level sufficient to ensure the preservation of tree root systems.

Tree protection signage is required to be attached to each tree protection zone, displayed in a prominent position.

14. Soil and Water Management Plan Implemented

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.

15. 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.

16. Road - Bonds

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

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.

The bond shall be payable prior to the issue of a *Section 138* approval.

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 practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

DURING WORKS

The following conditions are to be complied with during works.

17. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

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 A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.

19. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument plus six (6) copies

- d) All surveyor's or engineer's certification required by the Development Consent
- e) Lot numbers to correspond with street numbering

20. All Services Provided Within Lots

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the *PC*, prior to the issue of a *SC*.

21. 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 release of the final plan of survey for the subdivision and the *SC*.

22. Provision of Utilities

The applicant shall submit to Council evidence that the requirements of an energy supplier and telecommunications authority have been met in regard to the provision of these services to each lot within the approved subdivision. Such evidence shall be submitted to Council prior to release of the *SC*.

23. Telecommunications

Prior to the issue of *SC* the developer must provide documentary evidence to the *CA* that the telecommunications carrier is satisfied that the fibre ready facilities are fit for purpose and an agreement has been made with the carrier for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all premises/individual lots.

ADVISORY NOTES

1. If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE28/2020

**SUBJECT: DEVELOPMENT APPLICATION 8/2020/79/1 PROPOSING THE
TORRENS TITLE SUBDIVISION OF ONE LOT INTO THREE LOTS - 1
PALMER STREET, MULBRING**

This application has been withdrawn by the Applicant.

PLANNING AND ENVIRONMENT NO. PE29/2020

SUBJECT: SECTION 4.55(2) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT NO. 2002/284 SEEKING TO ALTER SUBDIVISION LAYOUT; INCREASE THE NUMBER OF RESIDENTIAL LOTS FROM 29 TO 41 ALONG WITH A RESIDUE LOT AND A DRAINAGE RESERVE; ALTER (INCREASE) THE ROAD WIDTH, REDUCE THE VEGETATION BUFFER AND IMPLEMENT THE SUBDIVISION IN THREE PHASES - O'SHEA CIRCUIT, CESSNOCK

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Dunn
1386
RESOLVED

1. That:

(i) The Section 4.55(2) Application (8/2002/284/4) proposing to modify Development Consent No. 2002/284 seeking to alter subdivision layout; increase the number of residential lots from 29 to 41 along with a residue lot and a drainage reserve; alter (increase) the road width, reduce the vegetation buffer and implement the subdivision in three phases at O'Shea Circuit Cessnock, be approved pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

The modified proposal is considered to be substantially the same development as that for which consent was granted.

The proposed alterations to the conditions are appropriate given the proposed golf course no longer adjoins the eastern boundary of the site.

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

The modified proposal will have similar outcomes/impacts as the approved subdivision.

(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 Section 4.55(2) Application, of Council's decision.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (13)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE30/2020

SUBJECT: CITIES POWER PARTNERSHIP

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1387

RESOLVED

That Council writes to the Climate Council requesting to join the Cities Power Partnership Program.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE31/2020

SUBJECT: LOCAL POLICY FRAMEWORK FOR THE CESSNOCK LGA VINEYARD'S DISTRICT

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

1. That Council prepare a 'Local Character Statement' for the Cessnock LGA Vineyard's District, with a focus on the following Key Strategic Areas:
 - strategic agricultural (primarily viticultural) land;
 - important vegetation and fauna corridors;
 - visually significant land; and
 - centre and nodes.

2. That Council implement the local policy framework as part of the comprehensive review of the Cessnock *Local Environmental Plan 2011* and in consultation with Singleton Council and representatives from the established viticultural areas in Cessnock and members of the Cessnock Vineyards District Community Reference Group to:
 - give effect to the Local Character Statement through the Cessnock Local Environmental Plan 2011;
 - investigate an appropriate zone for the Vineyard's District centre and nodes;
 - review the range of permitted land-uses in the RU4 Primary Production Small Lots Zone and SP3 Tourist Zone; and
 - review clause 7.6 of the Cessnock Local Environmental Plan 2011 relating to the minimum requirement of 10 hectares for tourist and visitor accommodation in the RU4 Primary Production Small Lots Zone.

3. That Council notify members of the Cessnock Vineyard's District Community Reference Group of its decision and thank them for their input.

AMENDMENT **Moved:** Councillor Stapleford **Seconded:** Councillor Fitzgibbon

1. That Council prepare a 'Local Character Statement' for the Cessnock LGA Vineyard's District, with a focus on the following Key Strategic Areas:
 - strategic agricultural land;
 - important vegetation and fauna corridors;
 - visually significant land; and
 - centre and nodes.

2. That Council implement the local policy framework as part of the comprehensive review of the Cessnock *Local Environmental Plan 2011* and representatives from the established viticultural areas in Cessnock and in consultation with members of the Cessnock Vineyards District Community Reference Group to:

- give effect to the Local Character Statement through the Cessnock Local Environmental Plan 2011;
- investigate an appropriate zone for the Vineyard's District centre and nodes;
- review the range of permitted land-uses in the RU4 Primary Production Small Lots Zone and SP3 Tourist Zone; and
- review clause 7.6 of the Cessnock Local Environmental Plan 2011 relating to the minimum requirement of 10 hectares for tourist and visitor accommodation in the RU4 Primary Production Small Lots Zone.

FOR

AGAINST

Councillor Olsen
 Councillor Doherty
 Councillor Dunn
 Councillor Fagg
 Councillor Stapleford
 Councillor Suvaal
 Councillor Fitzgibbon
 Councillor Gray
 Councillor Dagg
 Councillor Burke
 Councillor Sander
 Councillor Lyons
 Councillor Pynsent
Total (13)

Total (0)

The Amendment was put and as such became the **MOTION**.

The Motion was then PUT and CARRIED.

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Fitzgibbon
 1388

RESOLVED

1. That Council prepare a 'Local Character Statement' for the Cessnock LGA Vineyard's District, with a focus on the following Key Strategic Areas:
 - strategic agricultural land;
 - important vegetation and fauna corridors;
 - visually significant land; and
 - centre and nodes.
2. That Council implement the local policy framework as part of the comprehensive review of the Cessnock *Local Environmental Plan 2011* and representatives from the established viticultural areas in Cessnock and in consultation with members of the Cessnock Vineyards District Community Reference Group to:
 - give effect to the Local Character Statement through the Cessnock Local Environmental Plan 2011;
 - investigate an appropriate zone for the Vineyard's District centre and nodes;
 - review the range of permitted land-uses in the RU4 Primary Production Small Lots Zone and SP3 Tourist Zone; and

- **review clause 7.6 of the Cessnock Local Environmental Plan 2011 relating to the minimum requirement of 10 hectares for tourist and visitor accommodation in the RU4 Primary Production Small Lots Zone.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC68/2020

SUBJECT: T092021HUN PROVISION OF TREE MAINTENANCE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1389

RESOLVED

1. That Council accepts the Regional Procurement Tender for the Provision of Tree Maintenance (T092021HUN).
2. That Council accepts the panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Tree Maintenance (T092021HUN), in no order of preference;
 - Active Tree Services Pty Ltd t/a Active Tree Services.
 - Asplundh Tree Expert Australia t/a Summit Open Space Services.
 - TreeServe Pty Ltd.
3. That Council notes the contract term for Tender Provision of Tree Maintenance (T092021HUN) is from 1 October 2020 to 30 September 2022 with an option for one 12-month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC69/2020

SUBJECT: T082021HUN PROVISION OF TRAFFIC CONTROL

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1390

RESOLVED

1. That Council accepts the Regional Procurement Tender for the Provision of Traffic Control (T082021HUN).
2. That Council accepts the panel tenderers as the preferred suppliers for Council under the Regional Procurement Tender for Provision of Traffic Control (T082021HUN), in no order of preference;
 - DOB Enterprises Pty Ltd t/a Watchout Traffic Control.
 - ICombined 360 Services Group Pty Ltd.
3. That Council notes the contract term for Tender Provision of Traffic Control (T082021HUN) is from 1 October 2020 to 30 September 2022 with an option for one 12-month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC70/2020

SUBJECT: JUNE 2020 REVIEW OF THE 2017-21 DELIVERY PROGRAM

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
1391

RESOLVED

That Council notes the progress in implementing the 2017-21 Delivery Program as at 30 June 2020.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC71/2020

SUBJECT: DONATIONS UNDER SECTION 356 - RATES RELIEF

Councillor Suvaal declared a Non Pecuniary Less than Significant Conflict for the reason that he is a member of the Hunter District Hunting Club that uses the Cessnock Rifle Range. Councillor Suvaal remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1392

RESOLVED

1. That Council endorses the Rates Subsidy of 50% for the one additional Assessment in accordance with the "Rates Subsidy Policy" effective for the 2020-21 rating year:

Assessment	Organisation	Location
197467	Cessnock Rifle Club Inc	Cessnock

2. That the General Manager writes to the applicant advising of Council's decision according to the Rates Subsidy Policy

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC72/2020

SUBJECT: RATEPAYER SUPPORT DURING COVID-19 - UPDATE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1393

RESOLVED

1. That Council notes the information in regards to the Community Support for those affected by the COVID-19 pandemic.
2. That Council endorses the following measures to provide continued support to the community of Cessnock LGA until 31 December 2020.
 - a. Referral of ratepayers to the Financial Counsellor only if the ratepayer was in hardship prior to COVID-19.
 - b. Extension of the Hardship Policy to encompass all assessments.
 - c. Debt collection which has commenced due to prior arrears is to be critically reviewed at each step.
 - d. Council consider assessments with significant arrears and seek to engage with the owners to encourage payment arrangements.
3. That Council continues to defer Commercial and Operational licensing and leasing rent on a month by month basis until 28 February 2021, where financial hardship has been requested and accepted by Council.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC73/2020

SUBJECT: COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF POLICY - SIX MONTH REVIEW

MOTION

Moved: Councillor Suvaal

Seconded: Councillor Gray

1394

RESOLVED

1. That Council makes the amendments listed below to the Councillor Access to Information and Interaction with Staff Policy:

- Amend 5.7.1. to:

5.7.1. For members of the public and their personal matters with Council, Councillors should, if practical, refer the individual(s) to contact Council's Customer Services or have the member of the public lodge a CSR.

- Add in new points 5.7.2. and 5.7.3. then reorder other points accordingly:

5.7.2. If it is not practical for a member of the public to contact Council's Customer Services or lodge a CSR (as per 5.7.1.), or if the Councillor or member of the public determine the matter should be referred by the Councillor, then as part of their civic duties a Councillor can contact Council's Customer Services or lodge a CSR on the member of public's behalf.

5.7.3. If a Councillor contacts Council's Customer Services or lodges a CSR on behalf of a member of the public (as per 5.7.2.) then that Councillor shall be advised when a response is given by Council to the member of public including a brief outline of the outcome.

- Amend 5.4.2.(l) to

Advice on, and assistance in drafting, the Councillors wording for a Notice of Motion relevant to Council's strategic direction.

2. That the Councillor Access to Information and Interaction with Staff Policy be reviewed in six months time, or following the release of a model policy by the Office of Local Government, whichever is sooner.

FOR

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

Total (12)**AGAINST**

Councillor Doherty

Total (1)***CARRIED***

CORPORATE AND COMMUNITY NO. CC74/2020

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020 -
REQUEST FOR ATTENDANCE AND MOTIONS**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
1395
RESOLVED

1. That Councillors wishing to attend the Local Government NSW Annual Conference 2020 make an application to attend conference to the General Manager by 3 September 2020 so that Council can determine attendees at the meeting of 16 September 2020.
2. That Councillors consider possible motions for the conference and that they be provided to the General Manager by 3 September 2020 for consideration/endorsement by Council at the meeting of 16 September 2020.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC75/2020

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1396

RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC76/2020

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1397

RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC77/2020

SUBJECT: INVESTMENT REPORT - JULY 2020

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1398

RESOLVED

That Council receives the Investment Report for July 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 \$43,752,615 and the interest earned for July 2020 was \$42,230.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI65/2020

SUBJECT: RUBBISH BINS IN PARKS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1399

RESOLVED

1. That Council supports the installation of rubbish bins and bin enclosures within the following six parks:
 - Margaret Street Park
 - Nulkaba Park
 - Birralee Park
 - Meredith Park
 - Abernethy Park
 - Harle Street Park
2. That the supply and installation of rubbish bins and bin enclosures within the identified parks be funded from the 2021/2022 Recreation Facilities Renewal Program.
3. That rubbish bins and bin enclosures are installed within any new parks or future park upgrades where appropriate for parks categorised as Scenic, Town, Local, District and Regional.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI66/2020

SUBJECT: REVOLVING ENERGY FUND ACTION PLAN

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Dagg
1400

RESOLVED

1. That Council utilises the Revolving Energy Fund to undertake the solar projects listed in Table 2 of this report in the 2020-21 Financial Year, being;
 - Administration Building 60kW System
 - Cessnock Library Building 29.6kW System
 - Hunter Visitor Information Centre 26.4 kW System
2. That the General Manager explores the feasibility of refitting the Abermain School of Arts and other Council Community Buildings as part of future Light efficiency Projects
3. That a further report be brought back to Council when the works are completed.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI67/2020

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 20 JULY 2020

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1401
RESOLVED

That the Minutes of the Local Traffic Committee meeting of 20 July 2020 be adopted as a resolution of the Ordinary Council.

1. **TC17/2020** - That Council authorises the installation of regulatory parking signage on Charlton Street, Cessnock in accordance with the Charlton Street Cessnock _ Signage & Line Marking Diagram.
2. **TC18/2020** - That Council authorises the installation of regulatory parking signage on Castlemaine Street, Cessnock in accordance with the Castlemaine Street Cessnock _ Signage & Line Marking Diagram.
3. **TC19/2020** - **THAT** Council authorises the installation of regulatory parking signage on Government Road, Weston in accordance with the Government Road Weston _ Signage Diagram.
4. **TC20/2020** - That Council authorises the installation of regulatory signage and line marking on Edward and Allworth Streets, Kurri Kurri in accordance with the Edward Street Kurri Kurri _ Signage & Line Marking Diagram.
5. **TC21/2020** - That Council authorises the installation of regulatory signage and line marking on Ridgeview Drive, Blacksmith Street & Brokenwood Avenue, Clifftleigh in accordance with the Ridgeview Drive Clifftleigh _ Signage & Line Marking Diagram.
6. **TC22/2020** - That Council authorises the installation of regulatory signage and line marking on Roads MC27 & MC33, Bellbird in accordance with the Roads MC27 & MC33 Bellbird _ Signage & Line Marking Diagram.
7. **TC23/2020** - That Council authorises the removal of Bus Zone signage on Wollombi Road, **CESSNOCK** in accordance with the Wollombi Road Cessnock _ Signage Diagram.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (13)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI68/2020

SUBJECT: GOVERNMENT ROAD, WESTON _ FUNDING FOR ROAD REHABILITATION

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1402
RESOLVED

That Council notes that the \$350,000 of required funding for the rehabilitation of a section of Government Road, Weston, from the bridge over Swamp Creek south to Mitchell Avenue, is available through the following grant programs:

Local Roads and Community Infrastructure Program \$300,000.
Fixing Local Roads Program (Mitchell Avenue Project) \$50,000.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN20/2020

SUBJECT: NULKABA SHARED PATHWAY AND HUNTER VALLEY WINE COUNTRY VINEYARD CYCLEWAY

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Dunn
1403
RESOLVED

1. That Council advance and finalise the detailed design works, for the construction of the Off-road Nulkaba Shared Pathway via Wine Country Drive from Kerlew Street, Nulkaba to Broke Road, Pokolbin and the High Priority Works identified in the Pokolbin Cycling Improvements of the Section 7.12 Levy Contributions Plan. The design and cost will include suitable trees, identified in the Street Tree Strategy, along the paths, where suitable.
2. That Council finalise the detailed design works for the 8 Council managed recreational trails across the Cessnock LGA as identified in the adopted Trails Strategy.
3. That the Nulkaba Shared Pathway via Wine Country Drive, High Priority works identified in the Pokolbin Cycling Improvement 7.12 Contribution Plan and the 8 formalised Council managed Trails be added to the 20/21 Operational Plan subject to Grant Funding.
4. That the General Manager bring back a report to the next meeting of Council with:-
 - a) Estimated costs of the proposed design works for the projects listed
 - b) Funds available in the 7.11 and 7.12 Contributions Plans suitable for the design works
 - c) Recommendations for other funding sources if necessary.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN21/2020

SUBJECT: FRAME DRIVE BRIDGE

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

That the General Manager supply a report explaining why the road on Frame Drive on the northern side of the bridge has dropped and

- a) **What is council doing to resolve the issue**
- b) **An approximate cost for the repairs**
- c) **Timeline for when this will be completed.**

AMENDMENT **Moved:** Councillor Burke **Seconded:** Councillor Gray

That the General Manager supply a Councillor Memo explaining why the road on Frame Drive on the northern side of the bridge has dropped and

- a) **What is council doing to resolve the issue**
- b) **An approximate cost for the repairs**
- c) **Timeline for when this will be completed.**

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

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

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

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

1404

RESOLVED

That the General Manager supply a Councillor Memo explaining why the road on Frame Drive on the northern side of the bridge has dropped and

- a) **What is council doing to resolve the issue**
- b) **An approximate cost for the repairs**
- c) **Timeline for when this will be completed.**

FOR

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

Total (12)**AGAINST**

Councillor Olsen

Total (1)***CARRIED***

BUSINESS WITH NOTICE NO. BN22/2020

SUBJECT: PLANNED ROAD WORKS & MASTER PLANS

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

When council has approved road works and master plans and changes to the design are required it is brought back to council for approval.

FOR

Councillor Olsen
Councillor Dunn

Total (2)

AGAINST

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

Total (11)

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

BUSINESS WITH NOTICE NO. BN23/2020

SUBJECT: CLEANING OF WATERWAYS/CREEKS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Fitzgibbon
1405

RESOLVED

That the General Manager speak to Hunter Water and Water NSW to discuss ways for the clearing of our waterways to help with the flow of water and to minimise flooding in high risk areas.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN24/2020

SUBJECT: CLEAN UP OF WASTE FROM BUSHLAND

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

That the General Manager investigate a source of funding to clean up the waste illegally dumped on Council owned land in the Cessnock Local Government Area.

That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.

AMENDMENT **Moved:** Councillor Suvaal **Seconded:** Councillor Gray

- 1. That the General Manager investigate an external source of funding to assist the current work of the RID Squad in cleaning up waste illegally dumped on Council owned land in the Cessnock Local Government Area.**
- 2. That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

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

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

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

1406

RESOLVED

- 1. That the General Manager investigate an external source of funding to assist the current work of the RID Squad in cleaning up waste illegally dumped on Council owned land in the Cessnock Local Government Area.**
- 2. That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN25/2020

SUBJECT: PARKING POLICY ENFORCEMENT

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Dunn
1407

RESOLVED

That the General Manager review Cessnock City Council Parking Enforcement Policy and under section 3.4 Footway Parking, Number 2 Vehicles must not double park be removed for clarity of all residents.

Councillor Doherty left the meeting, the time being 8.24pm

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN26/2020

SUBJECT: DRAFT 2020-25 WASTE AND RESOURCE RECOVERY STRATEGY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
1408

RESOLVED

That the General Manager hold a face to face workshop (if possible under Covid regulations) for Councillors on the draft 2020-25 Waste and Resource Recovery Strategy prior to the strategy being reported to Council.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

Councillor Doherty returned to the meeting, the time being 8.26pm

BUSINESS WITH NOTICE NO. BN27/2020

SUBJECT: CYCLEWAYS/SHARE PATHWAYS

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander
1409

RESOLVED

1. That the General Manager bring back a report in 3 months recommending 3 Options in each of the Local Government Area wards (12 projects/project segments), identified in the adopted Cycling Strategy, for Councils adoption of 1 project in each of the 4 Local Government area Wards (4 projects) for fast tracking.
2. The 12 projects to be recommended on the basis of the following priorities:-
 - a) Cost/Benefit
 - b) Eligible for Developer contribution funds allocation
 - c) Connectivity to maximise increased use of existing facilities eg parks, schools, fields.
3. Projects chosen from the recommendation are to be added to the 20/21 Operational Plan subject to Grant Funding.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE

CORRESPONDENCE NO. CO11/2020

SUBJECT: MM4/2020 - COVID-19 PANDEMIC - FINANCIAL ASSISTANCE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1410

RESOLVED

That Council notes the correspondence received from The Hon Joel Fitzgibbon MP, Member for Hunter and Mr Clayton Barr MP, State Member for Cessnock.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

Councillor Dagg

Mining and Energy Related Council meeting

Existing power station assets coming to end of life up until 2040 (AEMO – August 2019) with markedly reduced capacity in the meantime.

NSW Electricity Strategy has been released – key actions included developing the Central West/Orana pilot Renewable Energy Zone (REZ) in the Warrumbungles to bring online new low-cost generation capacity. NSW has a strong pipeline of 116 large scale RE project proposals. Private sector led, geographically dispersed, require larger physical footprints than traditional generators. REZ is a modern-day power station, containing a mix of transmission, generation, storage and system strength services, enabled by bespoke regulation reform and coordinated planning. Energy Corporation of NSW (EnCo) is a the new State Government controlled statutory entity that will be repurposed as the REZ coordinating body. It will coordinate new energy generation and transmissions, deliver best-practice community consultation and improve consistency in the planning and approval process. EnCo and DPIE will develop a holistic planning framework for NSW REZ that could apply to both the Central-West/Orana Pilot and subsequent REZs. CW/Orana REZ represents about \$4.5B in private investment once fully built. Expected to support 450 construction jobs. Govt funding of \$40m allocated so far and will deliver up to 3,000MW of new energy generation by mid-2020s – enough to power 1.3m homes. During EOI process 113 responses received worth \$38B in capital investment from 78 unique developers offering 27,000MW of energy generation, so oversubscribed 9-fold – displays the level of interest shown by private sector.

Potential benefits for regions hosting REZs:

- Coordinated planning and regulatory reform
- Local economic growth
- Skills and capacity development
- Community benefit sharing
- Drought proofing and telecommunications
- Reduced electricity costs for households and businesses
- Reduced health impacts from air pollution.

Resources for Regions – MERC resolved to correspond with the government, opposition and cross-bench regarding the revised program and particularly advocating for the inclusion of 7 mining-related councils who missed out on having eligibility.

MERC resolved to make submission to DPIE regarding proposed changes to council mining rates revenue as per the recently released IPART rating report. Given Cessnock City Council has mining rateable land, a similar submission would be recommended.

Finally, I advised delegates of this Council's support of the coal mining industry, but its position regarding the inclusion of Wollombi as a release area for coal exploration under the Strategic Release Framework, based on Cessnock's LSPS. A number of delegates were familiar with the Wollombi Valley, and expressed their support for our position, most strongly by the Mayor of Singleton Council, Cr Sue Moore. MERC have offered to provide any assistance in this regard, should that be required and I will advise them further of the outcome of any discussions with Mr Barilaro.

Councillor Sander

Cessnock-Kurri Hospital Health Committee Meeting

Councillor Sander reported on her and Councillor Gray's attendance at the above meeting.

The acknowledgement of country was observed and then the meeting moved onto the presentations in regard to the happenings at the hospitals.

1. Patient Experience Officer Review

The Hunter New England Health area have received funding for 15 months to employ administration offices at the area hospitals emergency Departments to help improve the patients experience when entering hospitals emergency department. A survey is being distributed to users of the service to identify the Care of Service when going to an ED. This program has been rolled out at Cessnock hospital in the first instance.

2. Surgical Waiting Lists

Due to the COVID19 outbreak surgery was ceased over the Hunter New England Health area for elective surgery.

This is coming back slowly however there are a number of outstanding operating lists that the hospitals hope to clear the backlog prior to December.

Category 1 patients are waiting 30 days.

Category 2 patients are waiting 90 days.

At Cessnock hospital this number is 399 outstanding.

Kurri Hospital 240 outstanding which are mainly cataract surgeries.

Ears Nose and Throat surgery also impacted by the COVID 19 pandemic.

Cessnock Hospital Report

Pediatric Dental Treatments have commenced at Cessnock Hospital. This service is fairly new and all policies and guidelines are being updated to ensure the service is first class.

The dentist are being sourced from the Stockton Facility which is being reclassified for other purposes.

Cessnock hospital has continued to operate its drive in COVID 19 clinic every day and hope to increase numbers of testing by extending the hours of operation. The community must call and book in for these tests.

Recruitment has been ongoing in the Emergency Department and Operating theatre.

A total of 1135 presentations have been seen year to date at the Emergency Department.

The presentations to the Emergency Department also included patients from Cessnock Correctional Facility. The question was raised in regard to how the hospital deals with these prisoners. The hospital has Procedural Guidelines for the Prisoners and the safety requirements needed when dealing with these presentations.

The Correctional Facility does not have a hospital ward in the entire facility for the patients to attend so they are referred to Cessnock hospital for treatment. The Correction Facility Governor meets with hospital staff regarding issues that are raised.

A more detailed report regarding the security procedures for these cases is being prepared for the next meeting.

Kurri Kurri Hospital Report

The zoom link was very poor from the hospital and the report is to be sent to all committee members however a couple of issues were identified prior to the fade out of technology.

These items were:

The follow up calls to patients leaving the hospital were at 100%.

Issue with parking on Hospital Road opposite the hospital with signing indicating that vehicles must park rear to fence. This is causing major issues with the community retrieving prams, wheelchairs and walkers from the rear of their vehicles.

Council to be sent an email asking for this to be changed to improve this issue.

General business Items

Update on the New Maitland Hospital and the services that are being provided for the community.

Mayor

Recognition of Director Works & Infrastructure

The Mayor recognised that it is the Director Works & Infrastructures last meeting at Council and provided the following:-

Justin commenced at Cessnock City Council in 2014 as the Director of Works & Infrastructure and at that point one of our greatest needs was Asset Management which fitted his background. Shortly after that Council was successful in being awarded the \$20M Broke Road Project through a commitment by the Government of the day.

That was a real critical point in the development of our Works staff because to complete a project of that magnitude our workers needed to be upskilled. Justin lead that team, took on board specific concrete experts who were able to train to upskill the rest of our staff. We went from there down Broke Road to the successful \$8.7m partnership with Singleton Council to complete the last piece of Broke Road and to commence the Cessnock Council section of Hermitage Road. Our workers did all of that to a very high standard because that was fully accountable to RMS at the time and the Government of the day. That upskilling of our staff continues, all of those skills that were learnt have been brought to the benefit to the residents of Cessnock City Council.

One of the other things that have happened over his time is the extensive development of recreational facilities. We are so proud as an organisation that our workers were responsible for the various stages, as much as possible of the Bridges Hill development, which is something that people of Cessnock couldn't believe it was happening here, but we deserve those things and under your leadership that is going to come to fruition very shortly this year to be completed.

So one of the most important things about Justin's background is that he always wants to work with his staff, the staff suggestions about let's do something about breast cancer, the Black Dog Institute, Prostate Cancer, mental health were all programs that he took on board and inspired his staff to go out there to take on to the other workers the importance of both cancer and mental health and I think that is something that really sticks with this organisation. When you see some of the gear that came with those programs, and to me every time I put on that pink high vis I will be thinking of you and thank you very much and on behalf of all the people of Cessnock.

The Meeting Was Declared Closed at 8.50pm

CONFIRMED AND SIGNED at the meeting held on 16 September 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**