

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 FEBRUARY 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, Dagg, Burke, Sander and Lyons.

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Strategic Planning Manager  
Senior Environment Planner  
Finance and Administration Manager  
Management Accountant  
Senior Media and Communication Officer  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGY:**

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

1155

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

Councillor Dagg requested and was granted a Leave of Absence for the Ordinary Meeting of 4 March 2020 as she will be attending a committee meeting on behalf of Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

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

1156

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

**FOR**

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

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

# **DISCLOSURES OF INTEREST**

## **DISCLOSURES OF INTEREST NO. DI2/2020**

**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.**

**WI13/2020 Commonwealth Government's Disaster Recovery Funding Arrangement - \$1 Million Bushfire Support Payment** - Councillor Burke declared a Non Pecuniary Interest – Less than Significant conflict for the reason that he put a submission in that supported Councils Hunter Valley Bushfire Devastated Communities submission on behalf of Cessnock chamber. Councillor Burke advised that he will remain in the Chamber and take part in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect his public duties nor voting.

**WI15/2020 Cessnock Stomp Festival - In Kind Support** - Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the event. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

**DEFMM19/2019 Cessnock Correctional Centre Access** - Councillor Suvaal declared a Non Pecuniary Interest – Less than Significant conflict for the reason that his sister is an employee of Justice Health at the Cessnock Correctional Centre. Councillor Suvaal advised that he will remain in the Chamber and take part in discussion and voting as the conflict has not influenced him in carrying out this public duty because it does not impact on her employment.

## PETITIONS

Councillor Stapleford presented a petition from residents of the Wollombi and Millfield communities for the permanent location of Millfield Rural Fire Brigade.

### ADDRESS BY INVITED SPEAKERS

The following person has been invited to address the meeting of Council:

*Councillor Suvaal declared a Non Pecuniary Interest – Less than Significant conflict for the reason that his sister is an employee of Justice Health at the Cessnock correctional Centre. Councillor Suvaal remained in the Chamber and took part in discussion and voting.*

Speakers	For / Against	Report	Page No.	Duration
Mr Craig Findley on behalf of Nulkaba Residents	Not specified	DEFMM19/2019 - Cessnock Correctional Centre Access	48	3 mins

#### EXTENSION OF TIME

1157

**Moved:**

**Seconded:**

Councillor Fitzgibbon

Councillor Suvaal

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

#### FOR

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

**Total (12)**

#### AGAINST

**Total (0)**

**CARRIED UNANIMOUSLY**

**DEFERRED BUSINESS NO. DEF19/2020**

**SUBJECT: CESSNOCK CORRECTIONAL CENTRE ACCESS**

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**MOTION**        **Moved:**    Councillor Pynsent  
1158  
**RESOLVED**

1.     That Council notes that the access to the Cessnock Correctional Centre is a decision for the State Government and the Department of Corrections;
2.     That Council reaffirms that Council's position is that access to the Correctional Centre at Lindsay Street/Mavis Street be closed and that a new access is created via direct route from Wine Country Drive onto land owned by Hunter New England Health;
3.     That Council notes that at a meeting on 12 November 2019 with Minister for Corrections Anthony Roberts and Member for Cessnock Clayton Barr, the Minister outlined concerns with the proposed route through Hunter New England Health land. Following this meeting the Member for Cessnock addressed a meeting of the Cessnock Correctional Centre Consultative Committee on 6 December 2019 and outlined the reasons why the Health Land Access Proposal would not progress.
4.     That Council notes the letter from the Hon. Anthony Roberts MP 22 January 2020 regarding the Cessnock Correctional Centre access road which is part of the attachments to the report.
5.     That Council requests the General Manager engage with the Department of Corrections to confirm their intention to establish an access to the Cessnock Correctional Centre via Wine Country Drive. Discussions include the option utilising the eastern end of Kerlew Street before passing through the wooded area bounded by the cemetery to the east, Occident to the west and not impinging on the Kerlew /Occident Street intersection.
6.     That Council calls on the Department of Corrections to meet the following conditions when selecting their preferred access route:
  - That access to the Correctional Centre is via a route that has minimal impact on private residences before it adjoins the State Road Network;
  - Sufficient security fencing and screening be installed along the route to prohibit vehicle and pedestrian access near private residences;
  - The route minimises traffic on Cessnock Council maintained roads; and
  - That safe access be maintained where the route joins the State Road Network.
  - That any route is isolated from the local road network.
7.     That a report be presented to Council when the design is complete.

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
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***

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

**MOTION**                    **Moved:**    Councillor Doherty                    **Seconded:**    Councillor Fitzgibbon  
1159

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

MM1/2020	General Managers Performance Agreement .....	46
PE6/2020	Development Application 8/2019/701/1 - Change of use for the purposes of a secondary dwelling - 80 Pokolbin Mountains Road, Pokolbin .....	72
CC9/2020	Transfer of Land and Dedication as Public Road – Heaton Road, Quorrobolong .....	170
CC12/2020	Community Access Policy - Recommendation for Revocation.....	285
CC13/2020	City of Cessnock Hall of Fame - Call for Nominations and Revocation of Policy No: C1.3 "Policy and Selection - Criteria for Induction into the City of Cessnock Hall of Fame" .....	291
‡ CC14/2020	Investment Report - January 2020 .....	299
‡ CC15/2020	Disclosures of Interests in Written Returns .....	306
WI11/2020	Tender Evaluation Report for Contract 2019/137/1506 Collection of Organics from Cessnock, Maitland and Singleton Councils Waste Management Centres.....	371
WI12/2020	Results of Electricity Supply Tender .....	379
WI13/2020	Commonwealth Government's Disaster Recovery Funding Arrangement - \$1 Million Bushfire Support Payment .....	385
QWNG1/2020	Barriers - Halls Road and De Beyers Road Pokolbin.....	443

**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 Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM1/2020

**SUBJECT: GENERAL MANAGERS PERFORMANCE AGREEMENT**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1160

**RESOLVED**

**That Council note the amendments to the General Managers Performance Agreement for the period of November 2019 - November 2020.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU2/2020**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

## DEFERRED BUSINESS

### DEFERRED BUSINESS NO. WI5/2020

**SUBJECT: CESSNOCK ROAD, WESTON  
NAMING OF LANE**

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**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Burke  
1161

**RESOLVED**

1. That Council notes the proposed name of Middleby Lane for the existing unnamed lane adjoining 126 to 136 Cessnock Road, Weston in accordance Council's adopted Policy No.S35.2 – *Streets - Listing of Names for Use in naming of Streets* and the provisions of Section 162 of the *Roads Act 1993*.
2. That Council authorises the General Manager to notify and advertise the proposed name in accordance with the provisions of Regulation 7 of the *Roads Regulation 2018*.
3. That provided no contrary submissions are received following notification and advertising of the proposed name, Council authorises the General Manager to proceed with the proposed name by seeking gazettal as required by the provisions of Regulation 7 of the *Roads Regulation 2018*.
4. That Council update the Policy S35.2 and update the naming list.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU2/2020**

**SUBJECT: DRAFT COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF POLICY**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
1162  
**RESOLVED**

1. That Council adopts the Draft Councillor Access to Information and Interaction with Staff Policy.
2. That the policy be reviewed in 6 months with a further report to come back to Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	Councillor Stapleford
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE6/2020**

**SUBJECT: DEVELOPMENT APPLICATION 8/2019/701/1 - CHANGE OF USE FOR THE PURPOSES OF A SECONDARY DWELLING - 80 POKOLBIN MOUNTAINS ROAD, POKOLBIN**

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**MOTION**  
1163  
**RESOLVED**

**Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon

1. That:

- (i) Development Application No. 8/2019/701/1 proposing to change the use of the original farm house into a secondary dwelling at Lot 522, DP584211, 80 Pokolbin Mountains Road, 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:
  - a) The proposal is a permitted land use in the RU4 zone under Cessnock Local Environmental Plan 2011;
  - b) The proposal is consistent with the objectives of the RU4 zone under Cessnock Local Environmental Plan 2011;
  - c) The proposal is consistent with the relevant State Environmental Planning Policies;
  - d) The proposal is generally compliant with the relevant provisions under Cessnock Development Control Plan 2010;
  - e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;
  - f) The proposal will not result in any adverse social or economic impacts;
  - g) The site is considered suitable and appropriate within the rural landscape setting with minimal impacts on the rural amenity of the locality; and
  - h) The proposal is considered to be in the public interest.
- (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/REASONS FOR REFUSAL

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### STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- a) The proposal is a permitted land use in the RU4 zone under Cessnock Local Environmental Plan 2011;
- b) The proposal is consistent with the objectives of the RU4 zone under Cessnock Local Environmental Plan 2011;
- c) The proposal is consistent with the provisions contained within applicable State Environmental Planning Policies;
- d) The proposal is generally compliant with the provisions of Cessnock Development Control Plan 2010 (as applicable);
- e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environments;
- f) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
- g) The site is considered suitable and appropriate within the rural landscape setting with minimal impacts on the rural amenity of the locality; and
- h) The proposed development is considered to maintain the public interest.

### CONSIDERATION OF SUBMISSIONS

#### 2. If the application was publicly exhibited, and did not attract submissions:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, it is noted that no submissions were received in response to the public exhibition period in relation to the Application.

## SCHEDULE 1

### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2019/701/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Date received
Floor Plan – Storage Shed/Original House	Not stated	16 October 2019

Document Title	Prepared By	Date received
Addendum to Statement of Environmental Effects	Joshua Hardes	1 November 2019
Basix Certificate No. 1052824S	Alexandra Hardes	18 October 2019

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

## 2. BCA Compliance

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

## PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

### 3. Residential Development Contributions Plan

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

Contribution Type	Amount Payable
District Open Space	\$1,486.48
District Community Facilities (Halls)	\$909.25
District Community Facilities (Libraries)	\$243.84
District Community Facilities (Bushfire)	\$68.88
District Roads – Rural Areas	\$1,132.43
Studies (Plan Preparation)	\$85.41
Plan Administration	\$325.12
<b>Total</b>	<b>\$4,251.41</b>

Fee  
Type  
Code  
525  
523  
524  
522  
526  
543  
540

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

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

### 4. Roof Stormwater – Clear of Buildings, Without Affecting OSSM

Prior to issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of all buildings - without creating any nuisance on the property, to the onsite sewage management system, or to adjoining properties.

## **5. Section 68 Application**

Prior to issue of an Occupation Certificate, an application must be made to Council under Section 68 of the *Local Government Act 1993* to verify the adequacy of the installed septic system to service the 3 bedroom dwelling, including details of the size of the tank, size of transpiration area, site plan (with relevant setbacks), house plan, drainage plan, site and soil assessment and system design specifications.

It is noted that there is a 5th order 'stream' within 32m of the trench to the building. Mitigating measures to protect the creek will be required to be implemented. Details of the intended measures are to be included within the Section 68 Application.

## **6. Inspection for on-site sewage management**

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Principal Certifier, verifying the associated on-site wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

## **7. BASIX Requirements & Certification**

In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Principal Certifier prior to the issue of an Occupation Certificate.

## **8. Structural Adequacy**

Prior to the issue of an Occupation Certificate, a Certificate of structural adequacy supplied by a professional engineer must be submitted to the Principal Certifier, verifying the structural adequacy of the existing building for its intended use as a dwelling.

## **9. Bushfire Construction**

The existing building shall be upgraded to a Bushfire Attack Level (BAL) 12.5 construction in accordance with *Australian Standard AS3959-2009 Construction of buildings in bushfire prone areas*. The upgrading works will be required to be completed and verified by the Principal Certifier prior to the issue of an Occupation Certificate.

## **10. Smoke Alarms**

Smoke alarms complying with *Australian Standard AS3786-2014 Smoke Alarms* must be installed within the building in accordance with the Building Code of Australia and certification provided to the Principal Certifier prior to the issue of an Occupation Certificate.

## 11. Asbestos

Where any upgrade works to the existing building involves the demolition, storage or disposal of asbestos products and materials, all works must be carried out in accordance with the Relevant Occupational Health & Safety legislation and Safework NSW requirements.

Prior to the issue of an Occupation Certificate, a Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Principal Certifier upon completion of any asbestos related works which confirms that the asbestos material have been removed appropriately.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***



**PLANNING AND ENVIRONMENT NO. PE7/2020**

**SUBJECT: HEDDON GRETA AND CLIFBLEIGH URBAN CORRIDOR  
MASTERPLAN PROJECT UPDATE**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
1164  
**RESOLVED**

1. That Council notes the update regarding the Heddon Greta Clifbleigh Urban Corridor Masterplan Project.
2. That the General Manager bring back a report at the end of August updating Councillors on the RMS traffic study and timeline for the completion of the Heddon Greta Clifbleigh Urban Corridor Masterplan Project.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE8/2020**

**SUBJECT: ADOPTION OF DRAFT CONTAMINATED LAND POLICY - LAND USE PLANNING**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
1165  
**RESOLVED**

1. That Council places the draft Contaminated Land Policy – Land Use Planning on public exhibition for a period of twenty-eight (28) days.
2. That should public submissions be received, a further report be prepared and submitted to Council for consideration.
3. That should no public submissions be received, the draft Contaminated Land Policy – Land Use Planning be adopted by Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE9/2020**

**SUBJECT: ADOPTION OF DRAFT CLIMATE CHANGE POLICY**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
1166

**RESOLVED**

1. That Council place the draft Climate Change Policy on public exhibition for a period of twenty-eight (28) days.
2. That should public submissions be received, a further report be prepared and submitted to Council for consideration.
3. That should no public submissions be received, the draft Climate Change Policy is adopted by Council.

**FOR**

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

**AGAINST**

Councillor Olsen  
Councillor Doherty  
  
  
  
  
  
  
  
  
  
**Total (2)**

**CARRIED**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC9/2020**

**SUBJECT: TRANSFER OF LAND AND DEDICATION AS PUBLIC ROAD -  
HEATON ROAD, QUORROBOLONG**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1167  
**RESOLVED**

1. That Council agrees to the transfer of the land being Lot 1 DP 844195 and dedicate the land as public road;
2. That Council authorises the Common Seal of Cessnock City Council to be affixed to the transfer deed;
3. That Council authorises the General Manager and Mayor to execute the transfer deed.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC10/2020**

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

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
1168  
**RESOLVED**

1. That Council notes the progress in implementing the 2017-21 Delivery Program as at 31 December 2019.
2. That Council endorses the following change to the Recreation Facilities Construction Program:  
  
Project ID - CFR-2020-004 Margaret Johns Park Kurri Kurri:  
Remove: concourse extension  
Add: additional spectator seating
3. That Council endorses the following change to the Cultural & Community Buildings Renewal Program:  
  
Project ID - RBC-2020-002 Kurri Kurri Senior Citizens Hall:  
Remove: internal painting  
Add: toilet refurbishment  
  
Project ID - RBC-2020-013 Millfield Community & Recreation Precinct :  
Add: security and safety improvements.  
  
Project ID - RFC-2020-004 Cessnock Library Branch:  
Add: lift installation
4. That Council endorses the following change to the Recreation Facilities Renewal Program:  
  
Project ID - RFR-2020-005 Kurri Kurri Sportsground:  
Add: scoreboard  
  
Project ID - RFR-2020-006 Baddeley Park Cessnock:  
Add: scoreboard
5. That Council endorses the following change to the Local Road Renewal Program:  
  
Project ID - RRL-2020-015 Cessnock Road Weston:  
Add: Pavement Rehabilitation
6. That Council endorses the following change to the Recreation Buildings Renewal Program:  
  
Project ID - RBR-2020-004 Turner Park Cessnock:  
Add: Hornets Clubhouse facility upgrade (Stage2)

7. That Council endorses the following change to the Local Road Construction Program:

Project ID - CRL-2020-001 Murrays Run:

Add: Road Embankment Restoration Investigation and Design

Project ID - CRL-2018-002 Frame Drive Project:

Add: Stage 3–5 Resurfacing

8. That Council endorses the following change to the Airport Construction Program:

Project ID - PCA-2020-006 Cessnock Airport:

Add: Fencing end of runway

9. That Council endorses the following changes to the Town Centre Program:

Project ID - CTK 2020 001 Kurri Kurri Commercial Centre:

Add: Stage 1 Phase 1

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC11/2020**

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

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
1169

**RESOLVED**

1. That Council notes that the December 2019 Quarterly Budget Review Statements were endorsed for presentation to Council by the Audit and Risk Committee on 11 February 2020.
2. That Council approves the variations to the income, expenditure and capital budgets as detailed in the December 2019 Quarterly Budget Review Statements.
3. That Council notes that the December 2019 Quarterly Budget Review Statements reflects a cash surplus of \$81,392 and that due primarily to the delay in Councils residential development project (Vineyard Grove Stage 8), and the assumption that no advance payment of the 2020/21 Financial Assistance Grant will be received in June 2020 (as reflected in the September 2019 Quarterly Budget Review Statements) the Budget Operating Position for 2019/20 will be revised to reflect a deficit of \$4,616,398.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC12/2020**

**SUBJECT: COMMUNITY ACCESS POLICY - RECOMMENDATION FOR REVOCATION**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1170  
**RESOLVED**

**That Council revoke the Community Access Policy (Policy Number C65.2).**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC13/2020**

**SUBJECT: CITY OF CESSNOCK HALL OF FAME - CALL FOR NOMINATIONS AND REVOCATION OF POLICY NO: C1.3 "POLICY AND SELECTION CRITERIA FOR INDUCTION INTO THE CITY OF CESSNOCK HALL OF FAME"**

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**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Fitzgibbon  
1171  
**RESOLVED**

1. That Council notes the 2019/20 City of Cessnock Hall of Fame call for nominations close 28 February 2020 and that the nomination and selection process for the City of Cessnock Hall of Fame will be conducted in accordance with the City of Cessnock Hall of Fame Guidelines adopted by Council on 17 October 2018.
2. That Council revoke Policy C1.3; Policy and Selection Criteria for Induction into the City of Cessnock Hall of Fame.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC14/2020**

**SUBJECT: INVESTMENT REPORT - JANUARY 2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1172

**RESOLVED**

That Council receives the Investment Report for January 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 \$39,702,884, year to date interest earned to 31 January was \$432,730 and the interest earned for January 2020 was \$54,272.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC15/2020**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1173

**RESOLVED**

**That Council notes the tabling of the disclosures of interests written returns (for the period 1 November 2019 to 31 January 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 Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC16/2020**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
1174

**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 Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC17/2020**

**SUBJECT: LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2020**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
1175

**RESOLVED**

That Council notes that no applications have been received to attend the Local Government NSW Tourism Conference 2020 to be held in Jindabyne from 16-18 March 2020.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Fagg
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI11/2020**

**SUBJECT: TENDER EVALUATION REPORT FOR CONTRACT 2019/137/1506  
COLLECTION OF ORGANICS FROM CESSNOCK, MAITLAND AND  
SINGLETON COUNCILS WASTE MANAGEMENT CENTRES**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1176  
**RESOLVED**

That Council, subject to the adoption of complementary resolutions by Maitland City Council at its meeting on 11 February 2020 and by Singleton Council at its meeting on 17 February 2020, accepts the tender from Remondis Australia P/L for Contract 2019/137/1506 for the Collection of Organics from Cessnock, Maitland and Singleton Councils' Waste Management Centres commencing on 1 March 2020 for period of four years.

The estimated cost to Council for the contract term is \$375,000 (exc. GST).

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI12/2020**

**SUBJECT: RESULTS OF ELECTRICITY SUPPLY TENDER**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
1177

**RESOLVED**

1. That Council notes the outcome of the electricity supply contracts tender.
2. The Council notes the General Manager signed Council's acceptance of ERMs offer for Council's small sites on 25 November 2019 and the contract is to commence from 1 July 2020 with an expiry date of 31 December 2021.
3. That Council notes the General Manager signed Council's acceptance of ERMs offer for large sites and street lighting on 20 November 2019 with the contract to commence from 1 January 2020 for a two year term.
4. That Council notes the ERM pricing detailed in the Confidential Enclosures.
5. That Council notes the estimated cost of electricity for Council's large sites and street lighting in the 2020 and 2021 calendar years will be \$639,579 and \$480,414 respectively.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE NO. WI13/2020**

**SUBJECT: COMMONWEALTH GOVERNMENT'S DISASTER RECOVERY FUNDING ARRANGEMENT - \$1 MILLION BUSHFIRE SUPPORT PAYMENT**

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*Councillor Burke declared a Non pecuniary Interest – Less than Significant conflict for the reason that he put a submission in that supported Councils Hunter Valley Bushfire Devastated Communities submission on behalf of Cessnock chamber. Councillor Burke remained in the Chamber and took part in discussion and voting.*

**MOTION**            **Moved:** Councillor Doherty            **Seconded:** Councillor Fitzgibbon  
1178

### **RESOLVED**

1. That Council endorses the following 'Program of Works' to be funded by the \$1 million Disaster Recovery Funding Arrangements payment;
  - a) Partially fund the regrading and rehabilitation of the worst affected unsealed roads in the Wollombi/Laguna/Bucketty/Paynes Crossing and Congewai areas - \$300,000 (supported by existing operational budgets)
  - b) Partially fund the upgrade of Yango Creek Bridge to remove the current load limit and build resilience for future fire events - \$500,000 (supported by existing capital program budgets)
  - c) Fund road pavement repairs at Paynes Crossing – \$20,000
  - d) Partially fund embankment stabilisation works (various locations) – \$40,000
  - e) Fund the replacement of damaged tourist signs in the Wollombi area – \$10,000
  - f) Partially fund a temporary Disaster Recovery 'Infrastructure' Officer position to set up specialised 'Recover' software and systems to support the recording of infrastructure impacts from disaster events, which in turn supports the disaster claims process – \$30,000 (supported by existing operational budgets)
  - g) Provide funding for Destination Marketing encouraging the local 'open for business' campaigns to support the immediately affected tourism industry - \$100,000.
2. That Council supports the Hunter Valley's Bushfire Devastated Communities submission.
3. That a further report come back to Council on the proposed use of \$250,000 from the NSW Government's Economic Recovery and Community Resilience funding, once community engagement with the Wollombi and Laguna communities has taken place.



**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
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***

**WORKS AND INFRASTRUCTURE NO. WI14/2020**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 20 JANUARY 2020**

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**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Suvaal  
1179  
**RESOLVED**

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

1. **TC1/2020** - That Council notes the Transport for NSW approval for the temporary regulation of traffic for the Wine Machine Music Festival event in accordance with the Various Roads Pokolbin \_ Wine Machine Traffic Control Plans.
2. **TC2/2020** - That Council authorises the installation of pedestrian refuges and line marking on Victoria Street and Mayfield Street, Cessnock in accordance with the Victoria & Mayfield Streets Cessnock \_ Pedestrian Facilities Diagram.
3. **TC3/2020** - That Council authorises the installation of a pedestrian refuge, traffic islands, line marking and regulatory parking signage on Traders Way and Radford Street, Cliftleigh in accordance with the Traders Way Cliftleigh - Signage & Line Marking Diagram.
4. **TC4/2020** - That Council notes the following determinations with regard to specific points raised in Council's resolution of 11 December 2019;
  - Point 2 of the resolution, that upgraded wayfinding signage will be installed upon completion of Stage 6 of the Wollombi Road Millfield upgrade;
  - Point 3 - 1 of the resolution, that the matter is outside the terms of reference of the Local Traffic Committee;
  - Point 3 - 2 of the resolution, that the matter is outside the terms of reference of the Local Traffic Committee;
  - Point 3 - 3 of the resolution, that the matter is outside the terms of reference of the Local Traffic Committee;
  - Point 3 - 4 of the resolution, that:
    - a. The current intersection treatment complies with all relevant Australian Standards, and is the most appropriate road safety treatment to address the crash history at the intersection;
    - b. There have been no reported crashes at the subject intersection since completion of the improvements; and
    - c. The proposed additional treatment is contrary to Australian Standard 1742.2.
  - Point 3 - 5 of the resolution, that:
    - a. The proposed additional treatment is contrary to Australian Standard 1742.2: and

- b. **A suitable Australian Standards compliant treatment has been installed.**
- **Point 3 - 6 of the resolution, that the proposed treatment was installed in November 2018, in response to a previous resolution of Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI15/2020**

**SUBJECT: CESSNOCK STOMP FESTIVAL - IN KIND SUPPORT**

---

Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the event. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.58pm

**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Dagg  
1180

**RESOLVED**

1.     **That Council support the 2020 Stomp Festival by providing in-kind support to the value of \$7,795 as detailed in the report for waste management services, waiving of some fees and providing and installing road closure equipment in accordance with the Festival Traffic Control Plan;**
2.     **That Council, in light of previous decisions, not waive fees for Street Vending/Market Stalls or provide Council staff to supervise road closures, given these costs cannot be absorbed within existing operational budgets.**
3.     **That Council suspends the operation of the Alcohol Free Zone in Vincent and Cooper Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 5 April 2020.**
4.     **That council allocates an amount of \$4,500 from the Tourism Related projects Budget to cover the cost of street vending and market stalls, as it is recognised that the event attracts a large number of visitors to the LGA and this directly support Objective 2.3 of Council's Delivery program 2017-21 which is to increase tourism opportunities and visitation in the area.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

Councillor Burke returned to the meeting, the time being 8.02pm

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

## **BUSINESS WITH NOTICE NO. BN4/2020**

**SUBJECT: RICHMOND VALE RAIL TRAIL**

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Suvaal  
1181

**RESOLVED**

1. That the General Manager requests State Government assistance for Council to finalise the Development Application (DA) on the Richmond Vale Rail Trail project. This project is identified in the Greater Newcastle Metropolitan Plan as a high priority. Council funds available are not sufficient to complete the planning.
2. That Council seek letters of support from the partners in the project Lake Macquarie and Newcastle Councils.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN5/2020**

**SUBJECT: ESTABLISHING A RURAL FIRE STATION IN THE COMMUNITY OF WESTON**

---

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Burke  
1182  
**RESOLVED**

That the General Manager bring back a report and recommendations to Council as soon as possible outlining :

- A) Council investigate whether the property at Swanson Street is suitable to the Rural Fire Service.
- B) Council investigate the acquisition of property from Property NSW located on Swanson Street Weston that is due to be vacated by NSW Fire and Rescue for the purpose of establishing a NSW Rural Fire Station at this current site.
- C) The costs and funding sources internal and external to establish a Rural Fire Station in Weston on the current site.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

**QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO.  
QWNG1/2020**

**SUBJECT:     BARRIERS - HALLS ROAD AND DE BEYERS ROAD POKOLBIN**

---

**MOTION           Moved:**   Councillor Doherty   **Seconded:**   Councillor Fitzgibbon  
1183  
**RESOLVED**

**FOR COUNCIL'S INFORMATION**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

NIL

*The Meeting Was Declared Closed at 8.20pm*

**CONFIRMED AND SIGNED** at the meeting held on 4 March 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**