

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 18 NOVEMBER 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, Gray, Dagg, Burke, Sander and Lyons.

**IN ATTENDANCE:** General Manager  
Acting Director Planning and Environment (Strategic Planning Manager)  
Director Corporate and Community Services  
Development Services Manager  
Human Resource Manager  
Finance & Administration Manager  
Operations Accountant  
Management Accountant  
Acting Strategic Planning Manager (Senior Strategic Planner)  
Health & Building Manager  
Building Services Team Leader  
Acting Environment & Waste Manager (Special Projects Officer – Waste Services)  
Senior Media & Communications Officer  
Corporate Governance Officer  
Council Services Administration Officer

**APOLOGY:** Councillor Fitzgibbon's Leave of Absence for 18 November 2020 is noted

**MINUTES:**

**MOTION**

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

1483

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 21 October 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 Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI12/2020**

**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.**

**WI90/2020 - Paynes Crossing Bridge - Acquisition of Land** - Councillor Stapleford declared a Non- Pecuniary Interest – Less Than Significant Conflict for the reason that he has known the owner for many years. Councillor Stapleford 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 does not have any commercial interest.

**PE40/2020 - 18/2018/1 - Planning Proposal to Rezone Land and Apply Additional Permitted Use at Stonebridge Drive Cessnock** – Councillor Dunn declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that it is within the bounds of the Stonebridge Estate in which he resides but he no longer has an ongoing relationship with the Golf Club. Councillor Dunn 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 the club is under administration and no longer trading.

**WI84/2020 - Minutes of Dollar for Dollar Grants Committee Meeting of Cessnock City Council Held 14 October 2020** – Councillor Suvaal declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that his son attends childcare at one of the Cessnock Multi-Purpose Children's Centre facilities and he plays hockey in a social competition run by the Cessnock District Hockey Association. 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 not on the committee for either organisation and neither he or his family will receive a personal benefit from this.

**GMU25/2020 - 2019/2020 Economic Development Grants and Sponsorship Program Acquittal Report** – Councillor Burke declared a Pecuniary Interest for the reason that a business he owns is contracted for the Sustainable Cessnock Role with Cessnock Chamber of Commerce. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

## ***PETITIONS***

Nil

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

Nil

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

**MOTION**  
1484

**Moved:** Councillor Doherty

**Seconded:** Councillor Burke

## RESOLVED

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

NI8/2020	Notice of Intention to Deal with matters in Confidential Session.	
	PE44/2020 - Application in the NSW Land and Environment Court to Modify Development Consent No 8/2018/650/1	
	WI90/2020 – Acquisition of Land for Paynes Crossing Bridge .....	45
PE38/2020	Development Application 8/2020/359/1 proposing construction of a rural worker's dwelling - 80 Pokolbin Mountains Road, Pokolbin ...	67
PE42/2020	Revised Flood Risk Management Policy.....	186
CC102/2020	Procurement Policy .....	209
CC105/2020	September 2020 Review of the 2017-21 Delivery Program .....	272
‡ CC109/2020	Investment Report - October 2020.....	313
‡ CC110/2020	Resolutions Tracking Report .....	320
WI84/2020	Minutes of Dollar for Dollar Grants Committee Meeting of Cessnock City Council Held 14 October 2020 .....	369
WI86/2020	New England Highway, Greta - Easement for Stormwater.....	401
‡ CO17/2020	MM10/2020 - Medicare Eligibility for Magnetic Resonance Imaging	442

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

### FOR

### AGAINST

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

**Total (0)**

**CARRIED UNANIMOUSLY**

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

## **NOTICE OF INTENTION NO. NI8/2020**

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

**PE44/2020 - APPLICATION IN THE NSW LAND AND ENVIRONMENT  
COURT TO MODIFY DEVELOPMENT CONSENT NO 8/2018/650/1**

**WI90/2020 – ACQUISITION OF LAND FOR PAYNES CROSSING  
BRIDGE**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1485  
**RESOLVED**

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

Report No. PE44/2020 - Application in the NSW Land and Environment Court to Modify Development Consent No 8/2018/650/1 - The modification application seeks to delete Conditions 11 and 19, and to modify Condition 56 by deleting the Roads and Traffic Facilities Component of the S7.11 Contribution - Ruby Street, Bellbird 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.

Report No. WI90/2020 – Acquisition of land for Paynes Crossing Bridge as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. MM13/2020**

**SUBJECT: KURRI KURRI HOSPITAL CLOSURE**

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**MOTION**      **Moved:**    Councillor Pynsent  
1486

**RESOLVED**

That the General Manager arrange an urgent meeting with the Chief Executive of Hunter New England Health, Michael DiRienzo and the General Manager and Mayor in order to clarify the future plans for Kurri Kurri Hospital.

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

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM14/2020**

**SUBJECT: LGNSW ANNUAL CONFERENCE 2020 - ALTERNATE VOTING DELEGATE**

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**MOTION**      **Moved:**      Councillor Pynsent

1487

**RESOLVED**

**That Council appoints Councillor Stapleford as a delegate to the LGNSW virtual Annual Conference 2020.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**



## ***MOTIONS OF URGENCY***

***MOTIONS OF URGENCY NO. MOU12/2020***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU24/2020**

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

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
1488

#### **RESOLVED**

**That Council notes the Annual Code of Conduct Complaints Report for the period 1 September 2019 to 31 August 2020.**

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

#### **CARRIED**

**GENERAL MANAGER'S UNIT NO. GMU25/2020**

**SUBJECT: 2019/2020 ECONOMIC DEVELOPMENT GRANTS AND SPONSORSHIP PROGRAM ACQUITTAL REPORT**

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*Councillor Burke declared a Pecuniary Interest for the reason that a business he owns is contracted for the Sustainable Cessnock Role with Cessnock Chamber of Commerce. 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 6.55pm*

**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Dagg  
1489  
**RESOLVED**

1.     **That Council notes the 2019/2020 Economic Development Grants and Sponsorships Program Acquittal Report.**
2.     **That all Chambers of Commerce, including Towns with Heart, be invited to brief Council in the first quarter of 2021.**

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

**CARRIED UNANIMOUSLY**

*Councillor Burke returned to the meeting, the time being 6.58pm*

**GENERAL MANAGER'S UNIT NO. GMU26/2020**

**SUBJECT: 2021 HUNTER VALLEY AIRSHOW**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
1490

**RESOLVED**

1. That Council supports the proposed 2021 Hunter Valley Airshow to be held at the Cessnock Airport on 13 and 14 March 2021;
2. That Council delegates authority to the General Manager the ability to approve event date changes if COVID-19 restrictions or other unforeseen issues occur (excluding required regulatory consents);
3. That Council supports the proposed 2021 Hunter Valley Airshow by providing non-cash and in-kind sponsorship of \$20,339; and
4. That Council provides \$8,613 in event sponsorship from the Miscellaneous and Property Reserve Tourism Budget if the Bushfire Community Recovery and Resilience Fund Stream 2 grant application PJ-0000230 is unsuccessful.

**FOR**

**AGAINST**

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

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE38/2020**

**SUBJECT: DEVELOPMENT APPLICATION 8/2020/359/1 PROPOSING  
CONSTRUCTION OF A RURAL WORKER'S DWELLING**

**80 POKOLBIN MOUNTAINS ROAD, POKOLBIN**

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**MOTION**  
1491  
**RESOLVED**

**Moved:** Councillor Doherty      **Seconded:** Councillor Burke

**1. That:**

- (i) Development Application No. 8/2020/359/1 proposing construction of a rural worker's dwelling at 80 Pokolbin Mountains Road (Lot 522 DP 584211) 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 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 maintain 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

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## SCHEDULE 1

### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/359/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Date received
Thermal Specifications Issue A 14 May 2020	Beechwood	11 June 2020
Site Plan Issue A 14 May 2020	Beechwood	11 June 2020
Floor Plan Issue A 14 May 2020	Beechwood	11 June 2020
Elevations Issue A 14 May 2020	Beechwood	11 June 2020
Section and Detail Issue A 14 May 2020	Beechwood	11 June 2020

Document Title	Prepared By	Date received
Statement of Environmental Effects Revision 2 - 5 June 2020	BuildCert Planning	11 June 2020
Waste Management Plan June 2020	BuildCert Planning	11 June 2020
Basix Certificate No. 1104352S dated 22 May 2020	Solar Smart	11 June 2020
Revised on-site waste water Plan dated 2 October 2020	Civcon Water Services	7 October 2020

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

##### 2. Surrender of Consent

The applicant shall surrender the consent relating to DA No. 8/2019/701/1 for change of use of the original farmhouse into a secondary dwelling at 80 Polkobin Mountains Road, Polkobin (Lot 522 Deposited Plan 584211) by submitting an application for 'Surrender of a Consent' to Council in accordance with the *EP&A Regulation 2000*.

### 3. Use of Rural Worker's Dwelling

The use and occupation of the Rural Worker's Dwelling approved under this development consent is to be strictly used as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on the subject land.

### 4. Construction Certificate, Principle Certifier & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 (cf previous s Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PC has been appointed by the person having benefit of the development consent; and
- c) If Council is not the PC, notify Council no later than two (2) days before building work commences as to who is the appointed PC; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

### 5. 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.

### 6. Vegetation Clearing

The clearing of understorey vegetation in accordance with the *10/50 Vegetation Clearing Entitlement Area* provisions is not permitted on the site in establishing the development and/or Asset Protection Zones for bushfire protection purposes.

## PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### 7. 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 an Occupation Certificate:

<b>City Wide Infrastructure Contributions Plan 2020</b>	
District Open Space & Recreation Facilities.	\$6,512.07
District Community Facilities.	\$1,729.41
District Cycleway Facilities.	\$1,371.90
Roads & Traffic.	\$1,109.80
Plan Administration	\$ 160.69
<b>Total Contribution per dwelling</b>	<b>\$10,883.87.</b>

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](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.

#### **8. Long Service Levy**

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

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

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

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

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

### **PRIOR TO COMMENCEMENT OF WORK**

#### **10. Home Building Act**

Pursuant to Section 4.17(11) of the *EP&A Act 1979*, where the development involves residential building work for which the *Home Building Act 1989* requires a contract of insurance to be in force in accordance with Part 6 of that Act, building work authorised by this consent must not commence until such a contract of insurance has been obtained and is in force.

Residential building work must not be carried out unless the PC for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act
- b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and



- ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates has given the council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

#### **11. Emergency Evacuation Plan**

Prior to commencement of building work the, owner/operator must have in place an emergency evacuation plan that encompasses the requirements of the Council and the NSW Fire Brigade, and outlines the procedures by which the occupants of the building will be aware of the egress from the building and/or property.

The applicant must submit a construction method statement which specifies access and egress to the occupants of the building or property, and evacuation plans during construction. The plan must be submitted to the *PC*, prior to the commencement of work.

#### **12. Road Opening Permit**

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

#### **13. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

### **DURING WORKS**

#### **14. Construction Hours**

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

#### **15. Approved Plans Kept on Site**

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

## **16. Construction Noise**

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

## **17. BASIX Certificate**

Development shall be undertaken strictly in accordance with all commitments specified in the current BASIX certificate.

## **18. Erosion and Sedimentation 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.

## **19. Bushfire Protection**

The following bush fire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

### **a) Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

At the commencement of building works, and in perpetuity, the entire property shall be managed as an 'Inner Protection Area' in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

### **b) Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- i) The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
- ii) Two x 22,000 litre water supply tanks (manufactured from concrete or metal) shall be provided for fire fighting purposes. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure.
- iii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.
- iv) All associated fittings to the tank shall be non-combustible.
- v) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- vi) Unobstructed access to the water supply shall be provided at all times.

- vii) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.
- viii) All exposed water pipes external to the building shall be metal, including any fittings.
- ix) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for fire fighting shall be provided for connection to the pump.
- x) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

c) Design and Construction

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

- i) New construction is to comply with Section 3 and (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard for Steel Framed Construction in Bush Fire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

d) Access

The intent of measures is to provide safe operational access on property access roads for emergency services personnel in suppressing a bush fire, and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- i) Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

e) Landscaping

The intent of measures is for landscaping to be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions. To achieve this, the following conditions shall apply:

Landscaping to the site is to comply with Table 7.4a and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

## **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):**

### **20. Construction of Access Road**

The registered proprietors of the land shall construct an all-weather access road from the property boundary to the proposed development site to a Category A, in accordance with Council's 'Engineering Requirements for Development' (available on Council's website [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)) and AS 2890.1. The access road is required to be constructed prior to the issue of an OC.

## 21. Waste Management Plan

Prior to the issue of an OC, the PC must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

## 22. 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 Certifying Authority, 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*.

## 23. 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 Certifying Authority and Council upon issuing an Occupation Certificate.

## 24. Bushfire Construction

The proposed rural workers dwelling is to achieve Bushfire Attack Level (BAL) 19 construction in accordance with *Australian Standard AS3959-2009 Construction of buildings in bushfire prone areas*. The building works will be required to be completed and verified by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. PE39/2020**

**SUBJECT: DEVELOPMENT APPLICATION 8/2020/20455/01 - NEW DWELLING HOUSE AND ATTACHED SECONDARY DWELLING - 26 MADELINE STREET, HEDDON GRETA**

---

**MOTION**  
1492  
**RESOLVED**

**Moved:** Councillor Burke

**Seconded:** Councillor Suvaal

1. That:

(i) Development Application No. 8 2020 20455 1 proposing a new dwelling house and attached secondary dwelling and attached garages at 26 Madeline Street Heddon Greta 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:

- The proposal is permitted with consent and consistent with the objectives of the R2 Low Density Residential zone of the Cessnock Local Environmental Plan 2011, which is '*to provide for the housing needs of the community within a low density residential environment*'.
- The proposed development meets the design provisions for a secondary dwelling as outlined within the *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- The proposed development meets the relevant sections of the Cessnock Development Control Plan 2010 (DCP) that apply to the development, namely;
  - Part C.1 – Parking and Access
  - Part C.3 – Contaminated Lands
  - Part C.5 Waste Management and Minimisation

Noting, there are no specific design or planning controls for a secondary dwelling within the DCP.

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

- Clause 1.9A of the Cessnock LEP excuses Council from having to consider/adhere to developer imposed 88B restrictions unless Council has a specific interest.
- The proposed development is permissible, appropriate for the zoning and is for the purposes of residential living not of a commercial or industrial use that may generate noise concerns to surrounding residents.

- The concern over anti-social behaviour is not a valid consideration under S4.15a of the *Environmental Planning & Assessment Act 1979*
  - Each dwelling contains adequate off street car parking.
  - The development is not inconsistent with other development in the area and is of an acceptable aesthetic quality (brick external walls and metal sheet roof). The development appears as a single dwelling house from the street with the front door of the secondary dwelling being accessed from the side elevation and therefore not directly visible from Madeline Street.
  - The proposed development is not a 'multi-dwelling' development as defined within the Cessnock LEP
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision

## **CONDITIONS OF CONSENT/REASONS FOR REFUSAL**

---

### **SCHEDULE 1**

#### **TERMS OF CONSENT**

#### **CONDITIONS OF CONSENT**

##### **1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2020/20455/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Job 1946 Dwg No. 282078-DA01, DA02, DA03, DA04, DA05, DA09 & DA12	Residential Property Group	19/06/20

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

##### **2. CC, PC & Notice Required**

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by a Certifier (being Council or a registered certifier); and
- b) A PC has been appointed by the person having benefit of the development consent; and
- c) If Council is not the PC, notify Council no later than two (2) days before building work commences as to who is the appointed PC; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Certifier, prior to issue of a Construction Certificate.

### 3. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 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 any CC:

Fee Type Code	Contribution Type	Amount Payable
820	Kurri Kurri to Maitland – Open Space and recreation facilities	\$1,593.33
821	Kurri Kurri to Maitland – Community Facilities	\$767.86
822	Kurri Kurri to Maitland – Cycleway Facilities	\$625.48
823	Kurri Kurri to Maitland – Roads and Traffic	\$2,366.85
824	Kurri Kurri to Maitland – Plan Administration	\$50.20
	<b>Total</b>	<b>\$5,403.72</b>

A copy of the *Cessnock City Wide Infrastructure 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.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

## PRIOR TO COMMENCEMENT OF WORKS

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

### 4. PC Signage and Contact Details

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited

- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours
- c) The name, address and telephone number of the *PC* for the work

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

## **5. Home Building Act Requirements**

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979*, where the development involves residential building work for which the Home Building Act 1989 requires a contract on insurance to be in force in accordance with Part 6 of that Act, building work authorised by this consent must not commence until such a contract of insurance has been obtained and is in force.

Residential building work must not be carried out unless the PC for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act
- b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 (cf previous s 109R) of the Act, to comply with the technical provisions of the State's building laws.

## **6. Road Opening Permit**

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

## **7. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.



Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

#### **8. 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.

#### **9. Shoring and Adequacy of Adjoining Property**

For the purposes of Section 4.17 (11) of the *EP&A Act*, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- i. protect and support the building, structure or work from possible damage from the excavation; and
- ii. where necessary, underpin the building, structure or work to prevent any such damage.

Any shoring or underpinning works are to be designed and implemented on the advice from a suitably qualified professional engineer.

### **DURING WORKS**

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

#### **10. 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*.

#### **11. Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

#### **12. Road – Obstruction of Footpath Restriction**

No obstruction is to be caused to Council's footpaths, roads and/or other public areas during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

**13. 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.

**14. Protection of Street Trees**

No trees on public property (footpaths, road reserves, etc) are to be removed or damaged during construction, including for the erection of any fences, hoardings or other temporary works, unless specifically approved in this consent.

**15. 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.

**16. Waste Management**

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

**17. Building Materials On Site**

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

**18. BASIX Certificate**

Development shall be undertaken strictly in accordance with all commitments specified in the current BASIX certificate.

**19. Hunter Water Sewer Main**

The applicant shall comply with the requirements of the Hunter Water Corporation where the structure is proposed to be located over/adjacent to the Corporation's sewer main. The Corporation maintains right of access to the sewer main for maintenance purposes.

**20. Securing Excavations**

All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and must be properly guarded and protected to prevent them from being dangerous to life or property.

## **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):**

### **21. Roads – Concrete Crossing**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in **Madeline Street** to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and 1 construction inspection (steel and formwork inspection).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

### **22. Finish of Excavated &/or Filled Areas Around Site**

The excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

### **23. Roof Stormwater – Street Gutter**

Roof water from the Principal & Secondary Dwellings shall be conducted to the water storage tank in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm.

**FOR**

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

**Total (11)****AGAINST**

Councillor Doherty

**Total (1)*****CARRIED***

**PLANNING AND ENVIRONMENT NO. PE40/2020**

**SUBJECT: 18/2018/1 - PLANNING PROPOSAL TO REZONE LAND AND APPLY  
ADDITIONAL PERMITTED USE AT STONEBRIDGE DRIVE  
CESSNOCK**

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*Councillor Dunn declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that it is within the bounds of the Stonebridge Estate in which he resides but he no longer has an ongoing relationship with the Golf Club. Councillor Dunn remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
1493

**RESOLVED**

1. That Council does not proceed with the ‘Stonebridge Drive Cessnock’ Planning Proposal.
2. That Council notifies the Department of Planning, Industry and Environment of its decision pursuant to Section 3.35 of the *Environmental Planning and Assessment Act 1979*.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE41/2020**

**SUBJECT: 18/2015/2 - EXHIBITION OF HYDRO KURRI KURRI PLANNING PROPOSAL**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Gray  
1494  
**RESOLVED**

1. That Council forwards the Hydro Kurri Kurri Planning Proposal to the Department of Planning and Environment pursuant to Section 3.34(1) of the *Environmental Planning and Assessment Act 1979* requesting a new Gateway determination.
2. That Council undertakes consultation with the community as determined by the Department of Planning, Industry and Environment Gateway determination.
3. That Council receives a report back on the planning proposal if unresolved written objections are received during consultation or substantial amendments are required to the planning proposal; otherwise forward the planning proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. PE42/2020**

**SUBJECT: REVISED FLOOD RISK MANAGEMENT POLICY**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1495

**RESOLVED**

**That Council adopts the revised Cessnock City Council Flood Risk Management Policy.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. PE43/2020**

**SUBJECT: REVIEW OF COUNCIL PARKING ENFORCEMENT POLICY**

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**MOTION**                      **Moved:**    Councillor Dagg                      **Seconded:**    Councillor Gray  
1496

**RESOLVED**

1.     That Council places the revised Parking Enforcement Policy on public exhibition for a period of twenty eight (28) days; and
2.     That following public exhibition, a report come back to Council prior to adoption.
3.     That Council implement a six (6) month grace period at the commencement of the revised Parking Enforcement Policy for owners of vehicles parked in accordance with the previous “three (3) metre rule” in line with the State Road Rules.
4.     That Council conduct a six (6) month education campaign at the commencement of the revised Parking Enforcement Policy to raise awareness of the changes to revised Parking Enforcement Policy with a particular focus on the removal of the previous 3 metre rule and rules around parking on rolled kerbs and nature strips.
5.     That Council notes the laws in relation to parking are set by the NSW Government. Since 2002 NSW Councils have been charged with the responsibility of enforcing parking legislation, such as the Road Rules 2014 in their local area. Penalties for parking offences are set by legislation administered by the NSW Government and not Council. Council is required to enforce the parking laws on behalf of the NSW Government.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**



## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC102/2020**

**SUBJECT:     PROCUREMENT POLICY**

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**MOTION**           **Moved:**   Councillor Doherty           **Seconded:**   Councillor Burke  
1497

**RESOLVED**

**That Council adopts the revised Procurement Policy.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. CC103/2020**

**SUBJECT: STATEMENT OF BUSINESS ETHICS**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
1498

**RESOLVED**

**That Council adopts the revised Statement of Business Ethics.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. CC104/2020**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2020**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
1499

**RESOLVED**

1. That Council notes that the September 2020 Quarterly Budget Review Statements were endorsed for presentation to Council by the Audit and Risk Committee on 5 November 2020.
2. That Council notes that the Quarterly Budget Review Statements reflects a cash surplus of \$42,120 and that the Budget Operating Position will be revised to reflect a forecast operating deficit for the year of \$671,280 primarily due to increase in depreciation costs.
3. That Council's Quarterly Budget Review Statements forecasts all six key performance indicators (including the key financial sustainability ratios of Operating Performance and Own Source Operating Revenue) will exceed Office of Local Government benchmarks.
4. That Council approves the variations to the income, expenditure and capital budgets as detailed in the September 2020 Quarterly Budget Review Statements.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC105/2020**

**SUBJECT: SEPTEMBER 2020 REVIEW OF THE 2017-21 DELIVERY PROGRAM**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1500

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. CC106/2020**

**SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
1501

**RESOLVED**

**That the Annual Financial Statements, incorporating the Auditor's Reports for the year ended 30 June 2020, be received and the information be noted.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. CC107/2020**

**SUBJECT: ANNUAL REPORT 2019-20**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
1502

**RESOLVED**

1. That Council receives and notes the Annual Report for 2019-20.
2. That the Annual Report has been posted on Councils website.
3. That the link to the Annual Report has been forwarded to the Minister for Local Government as required by Section 428 of the *Local Government Act 1993*.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC108/2020**

**SUBJECT:     BENCHMARKING AND COMPARATIVE INFORMATION**

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**MOTION**           **Moved:**   Councillor Suvaal           **Seconded:**   Councillor Sander  
1503

**RESOLVED**

**That Council receives the report and notes the information relating to Benchmarking and Comparative Information for 2018/19.**

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

<b>Total (0)</b>
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**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC109/2020**

**SUBJECT: INVESTMENT REPORT - OCTOBER 2020**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1504

**RESOLVED**

That Council receives the Investment Report for October 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 \$50,857,321, year to date interest earned to 31 October was \$156,764 and the interest earned for October 2020 was \$37,540.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. CC110/2020**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1505

**RESOLVED**

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

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

<b>Total (0)</b>
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**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI83/2020**

**SUBJECT: 2020-25 WASTE AND RESOURCE RECOVERY STRATEGY -  
GENERAL WASTE COLLECTION**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
1506  
**RESOLVED**

1. That Council reinstate Action 3.4 into the adopted Waste and Reuse Recovery Strategy 2020-25 amended with:  
  
    Modify the standard waste collection service of 240L bins to a fortnightly frequency with the introduction of the 240L weekly collection of food and garden organic (FOGO).
2. That Council replace Action 3.4 sub-point a. with:  
  
    a. Develop options to provide those households with larger waste needs such as additional bins and/or weekly collection at a reasonable cost.
3. That Council reinstate Action 3.4 sub-point b. with:  
  
    b. Develop and implement an education plan for the change to the general waste service.
4. That Council notes the timeframe factors and risks, which require Council to set the direction early to enable planning and development of the expanded service, allowing for a smooth transition for the community.

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

**CARRIED**

## **WORKS AND INFRASTRUCTURE NO. WI84/2020**

**SUBJECT: MINUTES OF DOLLAR FOR DOLLAR GRANTS COMMITTEE  
MEETING OF CESSNOCK CITY COUNCIL HELD 14 OCTOBER 2020**

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*Councillor Suvaal declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that his son attends childcare at one of the Cessnock Multi-Purpose Children's Centre facilities and he plays hockey in a social competition run by the Cessnock District Hockey Association. Councillor Suvaal remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1507

**RESOLVED**

1. That Council adopt the Minutes of the Dollar for Dollar Grants Committee held on 14 October 2020.

2. DOLCLM3/2020  
Community and Cultural Development Dollar for Dollar Grant Scheme 2020/21

2.1 That Council funds the projects as per the 'Funding Payable' column in Table 1, Table 2 and Table 3, as below:

**Table 1 – Applications for Committee consideration: Project Acquittal**

APPLICANT	PROJECT DESCRIPTION	TOTAL PROJECT COST	FUNDING SOUGHT	FUNDING PAYABLE
Sculpture in the Vineyards Inc	Sculpture in the Vineyards Wollombi Sculpture Festival. Marketing, venue hire, transportation, printing.	\$31,000	\$3,000	\$3,000
Towns with Heart Inc	2021 Town of Murals Art Show. Major Award (Acquisitive art prize).	\$12,650	\$2,200	\$2,200
Towns with Heart Inc	Murals Restoration. Repainting/restoration of 4 Kurri Kurri murals.	\$4,400	\$2,200	\$2,200
<b>TOTAL</b>		<b>\$48,050</b>	<b>\$7,400</b>	<b>\$7,400</b>

**Table 2 – Application for Committee consideration: Discretionary funding**

APPLICANT	PROJECT DESCRIPTION	TOTAL PROJECT COST	FUNDING SOUGHT	FUNDING PAYABLE
Weston Heritage and Tidy Towns Committee	Mural for Weston Civic Centre. Costs to design and create mural.	\$16,500	\$8,250	\$6,242
<b>TOTAL</b>		<b>\$16,500</b>	<b>\$8,250</b>	<b>\$6,242</b>

Note: Weston Heritage and Tidy Towns Committee have advised project can be completed with reduced funding support.

**Table 3 - Applications recommended for funding**

<b>APPLICANT</b>	<b>PROJECT DESCRIPTION</b>	<b>TOTAL PROJECT COST</b>	<b>FUNDING SOUGHT</b>	<b>FUNDING PAYABLE</b>
Cessnock City Toastmasters Club	Cessnock Toastmasters - better accessibility with hybrid meetings. Purchase 2 laptops, monitor, webcam, tripod, TV, floor stand and cable.	\$1,794	\$897	\$897
Cessnock Family Support Service Inc	Cessnock Walks Kawuma 2021. Promotion, hire stage, toilets.	\$13,000	\$3,000	\$3,000
Cessnock Senior Citizens Association Inc	Seniors in Cessnock - Social Connection. Bus travel fees for participants.	\$1,000	\$500	\$500
Cessnock Wood turners Inc	Replacement of machinery and tools. Purchase tool sharpening system and chisels.	\$3,267.40	\$1,630	\$1,630
Coalfields Local History Association Inc	Archive and document digitisation project. Purchase and install digital scanner.	\$2,620	\$1,310	\$1,310
Freemasons Cessnock (Lodge Cessnock 252)	COVID-19 Safety. 2 free standing and 1 wall mounted hand sanitiser stations, hand sanitiser gel.	\$1,493.10	\$747	\$747
Kearsley Community Dawn Service Committee Inc	Service photographs of WWII servicemen from Kearsley and Abernethy. Purchase 14 photos from National Archives of Australia.	\$548.10	\$274	\$274
Wollombi School Education Trust Inc	WSCET Community Events Program 2021. Publicity and promotion, children's holiday workshops, purchase of marquee, speakers and seminar program, Easter Market Day.	\$9,000	\$3,000	\$3,000
<b>TOTAL</b>			<b>\$11,358</b>	<b>\$11,358</b>

**2.2 That Council writes to all applicants advising them of the outcome of their application and thanking them for their contribution to the development of community, arts and culture in the Cessnock Local Government Area.**

### **3. DOLCLM4/2020**

#### **2020-21 Schools Environment – Dollar For Dollar Grants**

**3.1 That Council provides funds through the Schools Environment Dollar for Dollar Grants Program to:**

- **Bees Nees Early Learning in the amount of \$200.00,**
- **Good Start Early Learning in the amount of \$200.00,**

- Greta Public School in the amount of \$500.00,
- Holy Spirit Infants School in the amount of \$500.00,
- Holy Spirit Primary School in the amount of \$479.59, and
- Cessnock West Public School in the amount of \$500.00.

3.2 That Council invites a second round of grant applications in Term 1 of 2021 to allocate the remaining Schools Environment Grants Program budget.

3.4 That the General Manager writes to all applicants advising the outcome of their application and thanking them for their contribution towards the enhancement of the local environment.

**4. DOLCLM5/2020**

**2020-21 Sustainable Communities – Tidy Towns Dollar For Dollar Grants**

4.1 That Council provides funds through the Sustainable Communities Tidy Towns Dollar for Dollar Grant Scheme in 2020/21 to:

- Weston Heritage & Tidy Town in the amount of \$5,650.00, and
- Cessnock Tidy Towns in the amount of \$840.91.

4.2 That Council invites a second round grant applications in February 2021 in association with the Community Environmental Care Initiative to allocate the remaining Sustainable Communities – Tidy Towns Dollar for Dollar Program budget.

4.3 That the General Manager writes to all applicants thanking them for their contribution towards the enhancement of the local environment.

**5. DOLCLM6/2020**

**2020-21 Community Facilities – Dollar For Dollar Grants**

5.1 That Council provides funds through the Community Facilities Dollar for Dollar Grant Scheme in 2020/21 to:

- Aberdare Pre School Inc in the amount of \$4,065.
- Abermain Plaza Hall Section 355 Committee in the amount of \$4,330.
- Cessnock Multi-Purpose Children's Centre in the amount of \$5,000.
- Greta Rural Fire Brigade in the amount of \$1,052.
- Kurri Kurri Retired Miners Association (Kurri Kurri Senior Citizens Section 355 Committee) in the amount of \$4,071.
- North Cessnock Community Hall Section 355 Committee in the amount of \$6,245.
- Weston Community Pre School in the amount of. \$1,205.
- Wollombi Valley Progress Association (Laguna Section 355 Committee) in the amount of \$1,800.

5.3 That Council transfers unallocated budget of \$2,232 from the Community Facilities - Dollar for Dollar Grant Scheme to the Sporting Facilities - Dollar for Dollar Grant Scheme to cover requests under that Scheme.

5.4 That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's community facilities.

**6. Report No. DOLCLM7/2020**

**2020-21 Sporting Facilities – Dollar For Dollar Grants**

**6.1 That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme to:**

- **Branxton Croquet Club in the amount of \$2,638.**
- **Branxton Greta Amateur Swimming Club in the amount of \$2,615.**
- **Cessnock Dog Club in the amount of \$1,500.**
- **Cessnock Dog Club in the amount of \$150.**
- **Cessnock District Hockey Association in the amount of \$905.**
- **Kearsley Community Sporting Association Inc. in the amount of \$1,200.**
- **Kurri Kurri Rugby League Football Club in the amount of \$4,534.**
- **Kurri Kurri Tennis Club in the amount of \$800.**
- **Mulbring Cricket Club in the amount of \$6,771.**
- **Weston Workers Bears Football Club in the amount \$5,000.**
- **Wollombi Valley Pony Club in the amount of \$3,437.**
- **Wollombi Valley Tennis & Sports Association in the amount of \$2,682.**

**6.2 That Council transfers \$2,232 from the Community Facilities Dollar for Dollar Grant Scheme to the Sporting Facilities Dollar for Dollar Grant Scheme to offset the additional funding requests.**

**6.3 That the General Manager writes to all applicants advising the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's sporting facilities.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. WI85/2020**

**SUBJECT: CYCLEWAYS/SHARED PATHWAYS**

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**MOTION**                      **Moved:**    Councillor Gray                      **Seconded:**    Councillor Suvaal  
1508

**RESOLVED**

1. That Council notes the three options for projects from the Cessnock Cycling Strategy 2016 in each of Council's 4 wards.
2. That Council endorses the highest priority shared pathway project from the Cessnock Cycling Strategy (2016) in each ward to, be included in the Operational Plan 2020-21 for potential grant funding opportunities, as follows:
  - Ward A: Millfield - Rose Hill Estate to Wollombi Road via Crawfordville Park, estimated cost \$360,000;
  - Ward B: Cessnock - Public School to Bridges Hill Park via Quarrybylong Street, estimated cost \$525,000;
  - Ward C: Greta - Railway Station to High Street via Nelson Street, estimated cost \$500,000; and
  - Ward D: Pelaw Main – Log of Knowledge Park to Neath Street, estimated cost \$514,000.
3. That the General Manager review the above projects and be delegated authority for possible inclusion under the Local Roads and Community Infrastructure Extension Program subject to compatibility with the grant Program guidelines and assessment criteria.
4. As projects are successfully grant funded, the next identified project in each Ward is elevated to the Operational Plan for future grant funding opportunities.

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

	<b>Total (0)</b>
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**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI86/2020**

**SUBJECT: NEW ENGLAND HIGHWAY, GRETA - EASEMENT FOR STORMWATER**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke

1509

**RESOLVED**

1. That Council acquires, by agreement with the landowner in accordance with the independent valuation, an easement for the purpose of storm water drainage comprising 3,227m<sup>2</sup> burdening Lot 61 DP809738 at 1951 New England Highway, Greta.
2. That Council acquires, by agreement with the landowner in accordance with the independent valuation, land for the purpose of road widening comprising 645.4m<sup>2</sup> of part Lot 61 DP809738 at 1951 New England Highway, Greta.
3. That Council authorises the General Manager to execute the documents relating to the acquisition of the drainage easement and road widening over Lot 61 DP809738.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI87/2020**

**SUBJECT:     BADDELEY PARK & CARMICHAEL PARK - ADOPTION OF  
MASTERPLANS**

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**MOTION**           **Moved:**   Councillor Dagg           **Seconded:**   Councillor Doherty  
1510  
**RESOLVED**

1.     That Council adopts the Baddeley Park Masterplan.
2.     That Council adopts the Carmichael Park Masterplan.
3.     That the General Manager notifies those who made submissions, and key stakeholders, of Council's decision.
4.     That Council makes provision for future implementation of the Masterplans in consideration of available resources including grant funding and development contributions.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI88/2020**

**SUBJECT: AQUATIC FACILITY FAMILY FUN DAYS COVID-19 SAFETY PLANS AND BOOKING SYSTEM.**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
1511  
**RESOLVED**

That Council notes the planned trial of bookings for 50% capacity during the 2020/21 Family Fun Days held at Branxton and Cessnock pools to assist with managing the number of patrons while retaining a level of access for walk-up patrons.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. WI89/2020**

**SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE OF 16 OCTOBER 2020**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dunn  
1512

**RESOLVED**

1. That the Minutes of the Roads Review Committee Meeting of 16 October 2020 be adopted as a resolution of the Ordinary Council.

2. **RRCOR08/2020**

1.1 That Council continue to pursue funding for unsealed roads.

2.2 That a further report be brought back to the Committee outlining other sources of funding for road maintenance.

**FOR**

**AGAINST**

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

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN32/2020**

**SUBJECT: UNREGISTERED MOTORCYCLES ON LOCAL ROADS**

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**MOTION**      **Moved:**    Councillor Olsen      **Seconded:**    Councillor Dunn  
1513

**RESOLVED**

1.      That the General Manager contact our State Member, Clayton Barr MP, NSW Attorney General and our local Police force asking for assistance in getting the number of unregistered motorcycles off our local roads.
2.      That Council discuss with the Police regarding a joint public education campaign.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. BN33/2020**

**SUBJECT:     LANEWAY ACCESS TO UNITS/GRANNY FLATS ETC**

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**MOTION**           **Moved:**   Councillor Olsen           **Seconded:**   Councillor Dunn  
1514

**RESOLVED**

That the General Manager provide a report to Council regarding options that council could change as it relates to development applications for the approval of units, granny flats or houses that will only have access off laneways to have the following conditions included,

1.     The laneway, if it has no name, be named with all costs to the developer
2.     The laneway be sealed by the developer so as not to create dust issues for existing residents
3.     All costs to be borne by the developer
4.     The Council's preference is for access off existing roads, not laneways

FOR	AGAINST
Councillor Olsen	Councillor Stapleford
Councillor Doherty	Councillor Burke
Councillor Dunn	Councillor Sander
Councillor Fagg	Councillor Pynsent
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Lyons	
<b>Total (8)</b>	<b>Total (4)</b>

**CARRIED**

**BUSINESS WITH NOTICE NO. BN34/2020**

**SUBJECT: SWIMMING POOL ENTRY**

---

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

That Council implement a pass-out system at the outdoor pools while we have Covid-19 restrictions in place.

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

1.      That council notes that pass outs at aquatic facilities are not currently offered for reasons such as patron safety on surrounding roads and also to assist with managing capacity
2.      That Council considers the safety of pool users particularly noting COVID-19 to the utmost importance and undertake daily pool closures to allow staff to clean facilities.
3.      Notes the use of the app of 1Breadcrumb for contact tracing purposed which records patrons entry to and exit from aquatic facilities.
4.      Will provide pass outs to patrons whilst COVID-19 restrictions remain in place who can display to staff on app that they entered the aquatic facility no more than 30 minutes prior to the schedule cleaning closure.

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**AGAINST**

Councillor Olsen  
Councillor Fagg

**Total (2)**

The Amendment was PUT and CARRIED.

**FURTHER AMENDMENT**      **Moved:**      Councillor Suvaal  
   **Seconded:**      Councillor Dunn

1.      That council notes that pass outs at aquatic facilities are not currently offered for reasons such as patron safety on surrounding roads and also to assist with managing capacity
2.      That Council considers the safety of pool users particularly noting COVID-19 to the utmost importance and undertake daily pool closures to allow staff to clean facilities.

3. Notes the use of the app of 1Breadcrumb for contact tracing purposed which records patrons entry to and exit from aquatic facilities.
4. Will provide pass outs to patrons whilst COVID-19 restrictions remain in place who can display to staff on app that they entered the aquatic facility no more than 30 minutes prior to the schedule cleaning closure.
5. That the General Manager be given the authority to update this policy as the COVID-19 situation requires.

#### **FOR**

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

**Total (10)**

#### **AGAINST**

Councillor Olsen  
Councillor Fagg

**Total (2)**

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

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

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
1515

#### **RESOLVED**

1. That council notes that pass outs at aquatic facilities are not currently offered for reasons such as patron safety on surrounding roads and also to assist with managing capacity
2. That Council considers the safety of pool users particularly noting covid 19 to the utmost importance and undertake daily pool closures to allow staff to clean facilities.
3. Notes the use of the app of 1breadcrumb for contact tracing purposed which records patrons entry to and exit from aquatic facilities.
4. Will provide pass outs to patrons whilst covid19 restrictions remain in place who can display to staff on app that they entered the aquatic facility no more than 30 minutes prior to the schedule cleaning closure.
5. That the General Manager be given the authority to update this policy as the COVID-19 situation requires.

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**AGAINST**

Councillor Olsen  
Councillor Fagg  
  
  
  
  
  
  
  
  
**Total (2)**

***CARRIED***



## **CORRESPONDENCE**

**CORRESPONDENCE NO. CO17/2020**

**SUBJECT: MM10/2020 - MEDICARE ELIGIBILITY FOR MAGNETIC RESONANCE IMAGING**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
1516  
**RESOLVED**

That Council notes the correspondence received from The Hon. Greg Hunt MP, Minister for Health / Minister Assisting the Prime Minister for the Public Services and Cabinet and The Hon. Dr. David Gillespie MP, Federal Member for Lyne in relation to Medicare eligibility for Magnetic Resonance Imaging Unit at the new Maitland Hospital.

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

**CARRIED UNANIMOUSLY**

## COUNCILLOR REPORTS

NIL

8.01PM

### Confidential reports (closed session)

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Dagg  
1517  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

8.04PM

### Open Session

That the meeting move back into open session and the General Manager reported on the outcomes.

**PLANNING AND ENVIRONMENT NO. PE44/2020**

**SUBJECT: APPLICATION IN THE NSW LAND AND ENVIRONMENT COURT TO MODIFY DEVELOPMENT CONSENT NO 8/2018/650/1**

**THE MODIFICATION APPLICATION SEEKS TO DELETE CONDITIONS 11 AND 19, AND TO MODIFY CONDITION 56 BY DELETING THE ROADS AND TRAFFIC FACILITIES COMPONENT OF THE S7.11 CONTRIBUTION.**

**RUBY STREET, BELLBIRD**

*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.*

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

**RESOLVED**

That, in relation to NSW Land and Environment Court Proceedings No. 225628 of 2020, Council authorises the General Manager to defend the proceedings and, if appropriate, enter into a Section 34 Agreement with the Developer.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
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. WI90/2020**

### **SUBJECT: PAYNES CROSSING BRIDGE - ACQUISITION OF LAND**

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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

### **RESOLVED**

1. That Council acquire, by agreement with the landowner in accordance with an independent valuation including a swap of Council owned road reserve of approximately 3,046m<sup>2</sup> for the purpose of road widening over part of Lot 61 DP 755272 being an area of 3,710m<sup>2</sup> and part of Lot 14 DP 664533 being an area of 868.9m<sup>2</sup> being a total of 4,578m<sup>2</sup> at Paynes Crossing.
2. That Council authorises the General Manager to execute the documents relating to the acquisition and land swap for road widening over part Lot 61 DP 755272, and Lot 14 DP 664533.

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

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 8.04pm*

**CONFIRMED AND SIGNED** at the meeting held on 9 December 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**