



1 December 2020

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 9 December 2020 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**
Leave of absence has been granted to:
Councillor Gray – 9 December 2020
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
Minutes of the Ordinary Meeting of Council held on 18 November 2020 6
- (5) **DISCLOSURES OF INTEREST**
‡ DI13/2020 Disclosures of Interest 67
- (6) **PETITIONS**
- (7) **PUBLIC ADDRESS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**
- (9) **MAYORAL MINUTES**
- (10) **MOTIONS OF URGENCY**
MOU13/2020 Motions of Urgency..... 68
- (11) **GENERAL MANAGER'S UNIT**
GMU27/2020 Local Infrastructure and Tourism Recovery Projects Update .. 69
‡ GMU28/2020 Audit and Risk Committee Independent Member 74
GMU29/2020 Minutes of the Audit and Risk Committee meeting held
5 November 2020 77

(12) PLANNING AND ENVIRONMENT

PE45/2020	18 2020 5 - Planning Proposal to Grant a Dwelling Entitlement for Lot 686 DP 619758, Known as 58 Taylors Road Black Hill.....	87
PE46/2020	18 2020 4 - Planning Proposal to Rezone Part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan	94
PE47/2020	Exhibition of Draft Building Line Policy.....	103

(13) CORPORATE AND COMMUNITY

CC111/2020	T272021HUN Supply and Delivery of Road Base Materials - Regional Procurement Tender.....	112
CC112/2020	Schedule of Ordinary Meetings of Council for 2021 and Consideration of Code of Meeting Practice Amendment.....	118
CC113/2020	Council Recess Period	123
CC114/2020	Meeting notes of the inquorate Aboriginal and Torres Strait Islander Committee meeting held on 20 November 2020	126
‡ CC115/2020	Disclosures of Interests in Written Returns	132
‡ CC116/2020	Investment Report - November 2020	135
‡ CC117/2020	Resolutions Tracking Report.....	143

(14) WORKS AND INFRASTRUCTURE

WI91/2020	Capital Works 2020-21 - Programming.....	199
WI92/2020	Fixing Local Roads - Round 2.....	208
WI93/2020	Minutes of Local Traffic Committee held 16 November 2020	217
WI94/2020	Biodiversity Offset - Landfill Extension Project, Cessnock Waste Management Centre	225

(15) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BN35/2020	Black Creek Flood Management at Old North Road, North Rothbury	233
BN36/2020	Molly Worthington Netball Courts Rezoning.....	235

(16) CORRESPONDENCE

‡ CO18/2020	Local Government Exclusion from National Cabinet – Mayoral Minute MM8/2020	236
‡ CO19/2020	Wollomi Coalmining Proposal - Mayoral Minute MM7/2020 .	239

(17) COUNCILLORS' REPORTS

(18) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 09 DEC 2020

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



Council Model Code of Conduct

Council adopted its current Code of Conduct on 17 April 2019. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed.

Generally, the Code outlines the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting
3. The nature of the interest shall be included in the notification
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper
5. All declarations of interest shall be recorded by the General Manager
6. All disclosures of interest shall as far as is practicable be given in writing
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting



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**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

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 ENGLOBE OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Burke
1484

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**

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.

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	
Total (12)	

Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM13/2020

SUBJECT: KURRI KURRI HOSPITAL CLOSURE

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.

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

MAYORAL MINUTES NO. MM14/2020

SUBJECT: LGNSW ANNUAL CONFERENCE 2020 - ALTERNATE VOTING DELEGATE

MOTION **Moved:** Councillor Pynsent
1487

RESOLVED

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

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	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU12/2020

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU24/2020

SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT

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.

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

CARRIED

GENERAL MANAGER'S UNIT NO. GMU25/2020

**SUBJECT: 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.

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.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Gray
Councillor Dagg
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

Total (0)

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

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

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

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:

City Wide Infrastructure Contributions Plan 2020	
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
Total Contribution per dwelling	\$10,883.87.

A copy of the **City Wide Infrastructure Contributions Plan 2020** may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

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

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).

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) 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

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)

AGAINST

Total (0)

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.

Plan Reference	Drawn By	Dated
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
	Total	\$5,403.72

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.

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**

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
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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

PLANNING AND ENVIRONMENT NO. PE41/2020

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

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE42/2020

SUBJECT: REVISED FLOOD RISK MANAGEMENT POLICY

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

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

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	
Total (12)	

	Total (0)
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CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE43/2020

SUBJECT: REVIEW OF COUNCIL PARKING ENFORCEMENT POLICY

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

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

That Council adopts the revised Procurement Policy.

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	
Total (12)	

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC103/2020

SUBJECT: STATEMENT OF BUSINESS ETHICS

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

RESOLVED

That Council adopts the revised Statement of Business Ethics.

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	
Total (12)	

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC104/2020

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2020

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

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.

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. CC106/2020

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

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.

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. CC107/2020

SUBJECT: ANNUAL REPORT 2019-20

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

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.

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. CC109/2020

SUBJECT: INVESTMENT REPORT - OCTOBER 2020

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.**

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. CC110/2020

SUBJECT: RESOLUTIONS TRACKING REPORT

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

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

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI83/2020

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

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.

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

CARRIED

WORKS AND INFRASTRUCTURE NO. W184/2020

**SUBJECT: 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 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
TOTAL		\$48,050	\$7,400	\$7,400

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
TOTAL		\$16,500	\$8,250	\$6,242

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

Table 3 - Applications recommended for funding

APPLICANT	PROJECT DESCRIPTION	TOTAL PROJECT COST	FUNDING SOUGHT	FUNDING PAYABLE
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
TOTAL			\$11,358	\$11,358

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.

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. WI85/2020

SUBJECT: CYCLEWAYS/SHARED PATHWAYS

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	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI86/2020

SUBJECT: NEW ENGLAND HIGHWAY, GRETA - EASEMENT FOR STORMWATER

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 3,227m² 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 645.4m² 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**

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.

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
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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

WORKS AND INFRASTRUCTURE NO. WI89/2020

SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE OF 16 OCTOBER 2020

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
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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

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN32/2020

SUBJECT: UNREGISTERED MOTORCYCLES ON LOCAL ROADS

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.

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 WITH NOTICE NO. BN33/2020

SUBJECT: LANEWAY ACCESS TO UNITS/GRANNY FLATS ETC

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	
Total (8)	Total (4)

CARRIED

SUBJECT: SWIMMING POOL ENTRY

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

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	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Fagg
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (2)

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	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Fagg
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	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

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.

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

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	
Total (12)	Total (0)

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.

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	
Total (12)	Total (0)

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.

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 3,046m² for the purpose of road widening over part of Lot 61 DP 755272 being an area of 3,710m² and part of Lot 14 DP 664533 being an area of 868.9m² being a total of 4,578m² 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.

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

The Meeting Was Declared Closed at 8.04pm

CONFIRMED AND SIGNED at the meeting held on 9 December 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI13/2020

Corporate and Community Services



SUBJECT: ***DISCLOSURES OF INTEREST***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

RECOMMENDATION

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

SUMMARY

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU13/2020

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

SUMMARY

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even *though* due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit
Report No. GMU27/2020
General Manager's Unit



SUBJECT: *LOCAL INFRASTRUCTURE AND TOURISM RECOVERY PROJECTS UPDATE*

RESPONSIBLE OFFICER: *Economic Development & Tourism Manager - Tony Chadwick*
Acting Director Works & Infrastructure - Katrina Kerr

SUMMARY

The purpose of this report is to provide Council with an update on the \$1,666,667 in Disaster and Economic Recovery projects listed in the Cessnock City News, dated July 2020.

RECOMMENDATION

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

BACKGROUND

On 10 January 2020, Council received correspondence from the Office of Local Government advising the announcement by the Prime Minister of Australia, the Hon. Scott Morrison MP, that the Commonwealth Government had advanced to the NSW Government (under Category D of the Disaster Recovery Funding Arrangements) funding of \$33 million. This funding was to provide an initial and immediate support payment to local councils who were affected by the bushfires. Council received \$1 million from the Commonwealth Government.

On the 13 February 2020, Council received correspondence from the Department of the Prime Minister and Cabinet advising that the Commonwealth Government advanced to the NSW Government (under Category D of the Disaster Recovery Funding Arrangements) additional funding to assist local councils who were affected by the bushfires. Council received \$416,667 from the Commonwealth Government. Council has received information that the allowable time limit for expenditure of the funding is 30 June 2022.

In addition, the NSW Government released funding to Councils with Council receiving \$250,000 for Economic Recovery and Community Resilience projects.

The total Disaster and Economic Recovery funding received by Council was \$1,666,667.

REPORT/PROPOSAL

The twenty-one Cessnock local government area projects funded via disaster recovery grants was focused on delivering immediate, small-scale projects that would start community and economic recovery following the bushfires.

Table 1 below shows the progress achieved in delivering the Disaster and Economic Recovery projects listed in the Cessnock City News, dated July 2020.

General Manager's Unit

Report No. GMU27/2020

General Manager's Unit

**Table 1 - Disaster and Economic Recovery Project Update**

Project Title	Outcomes/Update	Grant Value	Expenditure
Local Infrastructure Projects			
Murrays Run Road embankment and stabilisation works	Consultants have been engaged to undertake geotechnical investigation and prepare working drawings and technical specification	\$90,000	\$0
Unsealed road works Wollombi, Laguna, Bucketty etc	Roadworks complete	\$300,000	\$300,000
Temporary Disaster Recovery Officer	Disaster Recovery Officer has been employed and community engagement commenced	\$30,000	\$10,000
Paynes Crossing Road repairs	Project scoping has commenced	\$20,000	\$0
Tourist signage, Wollombi	Project scoping has commenced	\$10,000	\$0
Wollombi Volunteer Bush Fire Brigade	Construction has commenced	\$40,000	\$1,000
Water Tank Cessnock Airport	Project scoping has commenced	\$30,000	\$0
Pavement testing Cessnock Airport	Obtained quotations, commissioned investigation and commenced fieldwork	\$150,000	\$21,000
Yango Creek Bridge and Paynes Crossing Bridge	Pre-construction documentation has been prepared Construction in progress	\$646,667	\$62,000
Local Tourism Projects			
Destination marketing campaign	Council has partnered with Destination NSW to deliver three marketing campaigns that will run until April 2021	\$100,000	\$100,000
Walking trail info point at Wollombi	A new walking trail map has been created, historic building information signs installed and town entry and information points refurbished	\$30,000	\$20,000
Wollombi and Laguna community event marketing	Funding used to promote and expand Sculpture in the Vineyards 2020	\$10,000	\$10,000
Information kiosk at Wollombi Museum	The funding has been used to establish an information point within the Wollombi Museum	\$10,000	\$10,000
Tourist Drive 33 marketing	A Tourist Drive 33 brand, marketing plan, narrative and promotional posters have been created.	\$40,000	\$40,000

General Manager's Unit

Report No. GMU27/2020

General Manager's Unit



Project Title	Outcomes/Update	Grant Value	Expenditure
Tourism Drive 33 TV Production	The TV episode script has been created. Filming is scheduled to commence in December 2020.	\$40,000	\$8,000
Cooperative marketing campaign	Council has partnered with Destination NSW to deliver a Hunter Valley experience digital campaign that will run until April 2021.	\$12,000	\$12,000
Visitor Centre Signage	13 new tourism images installed at various locations at the Visitor Centre. A new Visitor Centre precinct sign has been designed with installation scheduled for December 2020.	\$20,000	\$7,000
Digital Tourism Project	A new tourism video projector has been installed to display local attractions and experiences. A new Visitor Centre conference room has been created.	\$20,000	\$20,000
Golf Digest video	Golf Digest video created and shared with Destination NSW and project partners.	\$8,000	\$8,000
Emergency Services recognition event	A movie night with outdoor cinema, music and play equipment is planned to be held at Laguna Village Green on 27 November 2020.	\$30,000	\$10,000
Support Local campaign	A social media and print media campaign is running from April – November 2020. Positive local business stories have been run in Cessnock, Kurri Kurri, Branxton, Wollombi and Wine Country. A Support Local media kit has been developed for businesses to utilise.	\$30,000	\$30,000
Total		\$1,666,667	\$669,000

OPTIONS

Nil

General Manager's Unit

Report No. GMU27/2020

General Manager's Unit



CONSULTATION

Mayor (RFS event as a result of Mayoral Minute)
General Manager
Acting Director of Works and Infrastructure (Infrastructure Manager)
Economic Development and Tourism Manager
Acting Infrastructure Manager (Principal Engineer – Design & Project Management)
Works & Operations Manager
Open Space and Community Facilities Manager
Wollombi Valley Tourism President
NSW Department of Planning, Industry and Environment, Regional NSW Group
General Manager - Destination Sydney Surround North

STRATEGIC LINKS

a. Delivery Program

This report aligns with the following Council Delivery Program 2017 – 2021 actions:

- A Sustainable and Prosperous Economy;
 - 2.1.2 Identify opportunities and advocate for economic development and infrastructure funding,
 - 2.1.4 Provide support for activation of commercial centres, business engagement, promotion and support for business growth,
 - 2.3.1 Collaboratively identify markets and promote the local government area's tourism industry,
 - 2.3.2 Promote and grow the Hunter Valley Visitor Centre, and
 - 2.3.3 Support major community events and festivals.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

A total of \$669,000 of the \$1,666,667 was spent as of 19 November 2020.

Council has been informed that the allowable time limit for expenditure of the funding is 30 June 2022 for the funds received from the Commonwealth Government.

c. Legislative Implications

N/A

General Manager's Unit
Report No. GMU27/2020
General Manager's Unit



d. Risk Implications

Nil

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

Of the twenty-one Disaster and Economic Recovery projects undertaken by Council, 9 have been completed, 8 are in work and 4 are yet to start. A total of \$669,000 of the \$1,666,667 was spent as of 19 November 2020.

ENCLOSURES

There are no enclosures for this report

General Manager's Unit
Report No. GMU28/2020
General Manager's Unit



SUBJECT: *AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER*

RESPONSIBLE OFFICER: *Internal Auditor - Arun Varghese*

SUMMARY

This report provides information to Council regarding the selection process for the recruitment of an independent member of Council's Audit and Risk Committee.

RECOMMENDATION

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

BACKGROUND

On 6 September 2017 Council accepted the Audit Committee recommendation that independent Audit Committee members should have staggered terms so that one member is eligible for re-election each year.

Section 5.4 of the Audit and Risk Committee Charter contains the following provisions in relation to the selection of Committee members.

5.4 Selection of Members

5.4.1 The selection criteria and process for the recruitment and appointment of the external members, including the Chair, shall be undertaken as required, and directed by the General Manager, in line with merit based selection principles.

5.4.2 Pre-Qualification Panel arrangements may be utilised if appropriately authorised by the General Manager.

5.4.3 The outcome of the recruitment process will be referred to Council for noting.

A vacancy for an independent member of the Audit Committee occurred as Stephen Coates term is expiring on 31 December 2020. Mr Coates has been an independent member of the Audit and Risk Committee since 24 April 2018.

The selection panel to manage the recruitment process included the Internal Auditor (panel coordinator), General Manager and the Director of Corporate and Community Services.

The Office of Local Government advised that the NSW Government Pre-Qualification Panel is currently not open for councils as it is being amended. The vacancy was advertised on Council's recruitment webpage on 14 September 2020, as well as being advertised via SEEK, LinkedIn, the Newcastle Herald and the Institute of Internal Auditors, during September and October 2020. The EOI closed on 5 October 2020 with 22 applications received.

REPORT/PROPOSAL

The selection panel undertook a rigorous selection process based on Council's recruitment protocol and the preferred candidate was selected.

General Manager's Unit

Report No. GMU28/2020

General Manager's Unit



The position is for the period from January 2021 to December 2023 with a remuneration of \$7,500 per annum (ex GST), including travel, for all meetings.

The preferred candidate's CV is provided as a confidential enclosure for Councillors information.

The appointment will be made using an offer and acceptance letter, following a satisfactory Police history check.

OPTIONS

Nil

CONSULTATION

General Manager
Director Corporate and Community Services

STRATEGIC LINKS

a. Delivery Program

The Audit and Risk Committee is a crucial part of the organisation's governance framework. Appointment of an independent member will enable the committee continue to operate effectively. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

b. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

The selection process was conducted in accordance with section 5.4 of the Audit and Risk Committee Charter.

b. Financial Implications

Funds are available within the internal audit budget.

c. Legislative Implications

While not currently required, recent changes to the *Local Government Act 1993* mandate that Councils are to have an Audit Risk and Improvement Committee by March 2021.

d. Risk Implications

NIL

General Manager's Unit

Report No. GMU28/2020

General Manager's Unit



e. Environmental Implications

NIL

f. Other Implications

NIL

CONCLUSION

Council undertook a merit based selection process to appoint a replacement member to the Audit and Risk Committee. This report provides information to Council about that process and the preferred candidate.

ENCLOSURES

- 1** Confidential Attachment - Candidate CV - *This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



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

RESPONSIBLE OFFICER: *Internal Auditor - Arun Varghese*

RECOMMENDATION

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

***MINUTES OF AUDIT AND RISK COMMITTEE MEETING OF THE CESSNOCK CITY
COUNCIL HELD IN ANTE ROOM AND VIA ZOOM ON THURSDAY, 5 NOVEMBER 2020,
COMMENCING AT 9.29AM***

PRESENT: Mrs Jennifer Hayes – Independent Chair (via Zoom)
Mayor Pynsent
Councillor Dunn (via Zoom)
Mr Stephen Coates – Independent Member (via Zoom)
Ms Sheridan Dudley – Independent Member (via Zoom)

IN ATTENDANCE: Ms Lotta Jackson – General Manager
Mr Robert Maginnity – Director Corporate and Community Services
Mr Martin Johnson – Acting Director Planning and Environment
(Strategic Planning Manager)
Ms Katrina Kerr – Acting Director Works and Infrastructure
(Infrastructure Manager) (via Zoom)
Mr Andrew Glauser – Finance and Administration Manager
Ms Darrylen Allan – Human Resources Manager
Mr Arun Varghese – Internal Auditor
Mr Wayne Russell – External Auditor – Pitcher Partners (via Zoom)
Mrs Robyn Keegan – Minute Taker
Ms Melissa Andreska – Minute Taker

INVITEES: Mr Paul Grosbernd – Management Accountant
Ms Catherine Bradley – Infrastructure Accountant (via Zoom)
Mr Manav Sharma – Financial Accountant (via Zoom)
Mr Robert Wilson – Casual Financial Accountant (via Zoom)
Ms Teresa Chadwick – Governance Co-ordinator (via Zoom)
Ms Esma Eftimova – Senior Legal and Governance Officer (via Zoom)
Mr Steve Hepple – Information Technology Manager (via Zoom)
Ms Kelly McGowan – Operations Accountant (via Zoom)
Ms Donna Ladmore – Principal Integrated Planning and Reporting
Officer (via Zoom)
Ms Alison Chisholm – Community Engagement Officer (via Zoom)
Ms Kate Harris – Principal Recreation and Community Facilities
Planner (via Zoom)

General Manager's Unit

Report No. GMU29/2020

General Manager's Unit



APOLOGIES

Nil

The Committee was advised by Wayne Russell – Audit Partner at Pitcher Partners (External Audit Provider) that Mr Furqan Yousuf – External Auditor from the Audit Office as Delegate of the Auditor-General for NSW would not be in attendance.

The Committee raised their concerns that the Audit Office as External Auditors, did not attend the Audit and Risk Committee Meeting to comment and to be questioned on the Statement supplied by the Audit Office.

ACKNOWLEDGEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.

CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved:

Mayor Pynsent

Seconded:

Stephen Coates

RESOLVED that the Minutes of the Audit and Risk Committee held on 28 August 2020, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



DISCLOSURES OF INTEREST

COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI4/2020

SUBJECT: DISCLOSURES OF INTEREST

Independent Member – Stephen Coates advised of three standing conflicts:

1. President and Chair of the Board - Institute of Internal Auditors (IIA-Aust)
2. Executive Committee Asian Confederation of Institutes of Internal Auditors (ACIIA)
3. Member International Internal Audit Standards Board (IIASB)

Potential conflicts may arise between better practice internal audit, and the service provided at a particular local government.

BUSINESS ARISING FROM THE MINUTES

SUBJECT: BUSINESS ARISING FROM THE PREVIOUS MINUTES AND RESOLUTIONS OUTSTANDING

That the Audit and Risk Committee take the Resolutions and Actions from previous Audit and Risk Committee meetings as noted.

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM23/2020

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

MOTION **Moved:** Jennifer Hayes **Seconded:** Stephen Coates

RESOLVED

1. That the Audit and Risk Committee receive and endorse the audited 2019-20 Annual Financial Statements for presentation to Council and the public at the Ordinary Council Meeting of 18 November 2020.
2. That the Audit and Risk Committee note the Auditor Generals' report and the Engagement Closing Report.

CARRIED UNANIMOUSLY

Wayne Russell (External Auditor – Pitcher Partners) left the meeting, the time being 10.22 am.

LISTED MATTERS - COMMITTEE NO. ACCLM24/2020

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2020

MOTION **Moved:** Jennifer Hayes **Seconded:** Sheridan Dudley

RESOLVED

1. That the Audit and Risk Committee receives and endorses the September 2020 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2005.
2. That the Audit and Risk Committee 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.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM25/2020

SUBJECT: NSW AUDIT OFFICE REPORT - CREDIT CARD MANAGEMENT IN LOCAL GOVERNMENT

MOTION **Moved:** Jennifer Hayes **Seconded:** Mayor Pynsent

RESOLVED

That the Audit and Risk Committee notes:

- The NSW Auditor-General's Report on Credit Card Management in Local Government dated 3 September 2020;
- That Internal Audit and Finance carried out a self-assessment against the RESOLVEDs from the Report, which has indicated that 16 of the 17 RESOLVEDs are already in place;
- The action to address the remaining recommendation from the Report and seven other actions to improve the existing arrangements; and
- That Council aim to develop a replacement policy for the existing Corporate Credit Card Protocol, and have it presented to Executive Leadership Team and Audit and Risk Committee in February 2021 and subsequently adopted by May 2021.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM26/2020

SUBJECT: COMPLIANCE MANAGEMENT REGISTER 2019-2020

MOTION **Moved:** Jennifer Hayes **Seconded:** Mayor Pynsent

RESOLVED

That the Audit and Risk Committee notes the results of the Compliance Management Register for the 2019 – 2020 financial year.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM27/2020

SUBJECT: CUSTOMER SATISFACTION SURVEY - RESULTS AND ACTION PLAN

MOTION **Moved:** Jennifer Hayes **Seconded:** Sheridan Dudley

RESOLVED

1. That the Audit and Risk Committee notes:
 - Significant focus is being placed on community engagement and this includes utilising the feedback from all community engagement including the biennial customer satisfaction survey.
 - The feedback from the last Community Satisfaction Survey (2019) will be a key input into the Community Strategic Planning process. A planning process that will commence shortly.
 - Council's focus on enhancing community engagement generally (and community engagement as part of planning processes) will continue to result in significant changes to Council's capabilities and consequently an internal audit of these areas will achieve the greatest value by reviewing upgraded capabilities in 2022/23 rather than undertaking a review currently of processes that are being replaced or upgraded.
2. That the Audit and Risk Committee endorse the deferral of the Customer Satisfaction Survey and Community Engagement audit until after 2022-23.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM28/2020

SUBJECT: INFORMATION TECHNOLOGY UPDATE

MOTION ***Moved:*** Stephen Coates ***Seconded:*** Sheridan Dudley

RESOLVED

That the Audit and Risk Committee receives the report and notes the Information Technology risk reduction and security improvement initiatives:

- Multi-factor Authentication
- Sophos Firewall Upgrades
- Application Whitelisting
- Retirement of Windows Server 2012
- Covid-19 Pandemic response
- General Governance

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM29/2020

SUBJECT: INTERNAL AUDIT REPORT NOVEMBER 2020

MOTION **Moved:** Mayor Pynsent **Seconded:** Jennifer Hayes

RESOLVED

That the Audit and Risk Committee notes:

1. The Internal Audit Report for November 2020;
2. The update on internal audits not progressing being, *Customer Satisfaction, Sustainability of Grant and Non-Rate Income Streams* and *Asset Accounting*, as per the original scope proposed in previous audit plans;
3. That 26 RESOLVEDs were added and 6 RESOLVEDs were implemented during the period; and
4. That 26 RESOLVEDs are open as on 15 October 2020, with four overdue.
5. That the Roads Audit and Business Continuity Audit be included in the Agenda for February 2021.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU29/2020
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM30/2020

SUBJECT: DRIVES24 - INTERNAL AUDIT REPORT

MOTION **Moved:** Stephen Coates **Seconded:** Jennifer Hayes

RESOLVED

That the Audit and Risk Committee receives the DRIVES24 Internal Audit Report and notes that the audit is complete, in accordance with the Strategic Internal Audit Plan 2020-23 and that 13 RESOLVEDs were made.

CARRIED UNANIMOUSLY

Mayor Pynsent left the Meeting, the time being 11.31am.

LISTED MATTERS - COMMITTEE NO. ACCLM31/2020

SUBJECT: AUDIT AND RISK COMMITTEE FORWARD PLAN

MOTION **Moved:** Jennifer Hayes **Seconded:** Mayor Pynsent

RESOLVED

That the Audit and Risk Committee note the indicative calendar of reports for the next twelve months.

CARRIED UNANIMOUSLY

CORRESPONDENCE

Nil

The Meeting Was Declared Closed at 11.37am.

General Manager's Unit

Report No. GMU29/2020

General Manager's Unit



PRESENTATION

Crown Land Management	Presented by Principal Recreation and Community Facilities Planner – Kate Harris	Presentation only (10 minutes)
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The Presentation was finalised at 11.52am.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE45/2020

Planning and Environment



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

RESPONSIBLE OFFICER: **Acting Strategic Planning Manager - Iain Rush**

SUMMARY

Application Number	18/2020/5
Proposal	Amend the LEP to grant a dwelling entitlement to Lot 686 DP 619758, known as 58 Taylors Road, Black Hill
Property Description	Lot 686 DP 619758
Property Address	58 Taylors Road, Black Hill
Zone (Current)	RU2 Rural Landscape
Zone (Proposed)	RU2 Rural Landscape
Owner	B Beavan and J Tyler
Proponent	Perception Planning

Council has received a planning proposal to amend the *Cessnock Local Environmental Plan 2011* (the LEP) to grant a dwelling entitlement on land at Lot 686 DP 619758, known as 58 Taylors Road, Black Hill.

An assessment of the proposal has been undertaken against the regional, district and local strategic planning framework. It has been determined that the proposal is inconsistent with this framework and has no merit to proceed. Therefore, it is recommended that Council not support the request to prepare a planning proposal and, pursuant to clause 10A of the *Environmental Planning and Assessment Regulation 2000*, notify the applicant as soon as practicable in writing that the proposal is not supported.

The proposal has also flagged that mapping of dwelling entitlements in the LEP provides a mechanism to apply for dwelling entitlements that it was never intended to provide. Therefore, it is recommended that Council further investigate clause 4.2(A)(3)(e) of the LEP and associated mapping as part of the comprehensive LEP review, potentially providing this administrative function in the Cessnock Development Control Plan (DCP).

RECOMMENDATION

1. That Council not support this request to prepare a planning proposal; and
2. That Council, pursuant to Clause 10A of the *Environmental Planning and Assessment Regulation 2000* notify the applicant as soon as practicable in writing that Council does not support the proposal.

Planning and Environment

Report No. PE45/2020

Planning and Environment



3. That Council investigate clause 4.2(A)(3)(e) of the Cessnock Local Environmental Plan 2011 and associated mapping as part of the comprehensive LEP review.

BACKGROUND

Clause 4.2(A) of the LEP prohibits the erection of a dwelling on land in a zone unless the land meets certain criteria, including that the lot is at least the minimum lot size specified for that land by the Lot Size Map.

Council received a request on 23 October 2020 to amend the LEP to include land at Lot 686 DP 619758, known as 58 Taylors Road, Black Hill, on the dwelling entitlement map; thereby allowing council to consider a development application for a dwelling on that land.

REPORT/PROPOSAL

The LEP, like most NSW Planning Instruments, includes provisions that limit the permissibility of dwellings on undersized, rural-zoned land. Dwellings on lots below the minimum lot size are permissible with consent only where a dwelling entitlement exists. A dwelling entitlement exists only where the proponent can establish that the land satisfies one or more of the following conditions:

1. Where a dwelling has been legally constructed on the land.
2. The land was a lot created before the LEP commenced (i.e. 2011) and on which the erection of a dwelling house was permissible immediately before that commencement, or
3. The land was a lot resulting from a subdivision for which development consent (or equivalent) was granted before the LEP commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
4. The land is an existing holding, or
5. The land is identified as having a dwelling entitlement on the Dwelling Entitlement Map, or
6. It is a lot created under clause 4.1 (i.e. it satisfies the minimum lot size requirement).

The proponent for the current application cannot satisfy any of these criteria and therefore Council is unable to grant development consent for a dwelling under that clause. The proponent has requested that Council amend the LEP dwelling entitlement map to identify the site as having a dwelling entitlement and therefore enable Council to consider a development application for a dwelling on the site under item 5 above.

Having a dwelling entitlement map in an LEP is uncommon. The reason why the mapping was originally included in the LEP was for administrative purposes to record where dwelling entitlements had been identified through Council's 'Dwelling Entitlement Check' process. It was not anticipated to be a mechanism for Council to approve dwelling entitlements outside the criteria (1-4, 6) listed above.

As part of the Local Strategic Planning Statement (LSPS), Council had proposed to introduce a *sunset clause* to the LEP to allow those landholders with a valid entitlement to prove that they had the entitlement and commence construction of the dwelling. After the *sunset period* expired, no further opportunities would be provided for dwellings on lots below the minimum

Planning and Environment

Report No. PE45/2020

Planning and Environment



lot size. There was significant community concern expressed during the exhibition period of the LSPS and Council opted to remove the initiative from the LSPS and indicated that it would consider the issue further at a later time and as its own project. Any consideration of dwelling entitlements should be undertaken in a holistic, strategic manner; not on a site-by-site or ad hoc basis as is proposed in this application. Most importantly, there is considerable risk that this will set a significant precedent for others to apply for dwellings on undersized lots using this mechanism.

In addition to the above, any change to the CLEP needs to be consistent with the strategic framework that includes the Hunter Regional Plan 2036 (HRP 2036), the Greater Newcastle Metropolitan Plan 2036 (GNMP 2036) and the LSPS. The following discusses the proposal with reference to these three strategies.

Hunter Regional Plan 2036

The proposal is inconsistent with the following directions of the HRP 2036.

Direction 10 – Protect and enhance agricultural productivity

The use of rural land for primarily a residential purpose undermines the capability of the land to sustain rural uses. It also introduces the potential of existing or future land-use conflicts. The proponent has argued that the proposal is consistent with this direction on that basis that:

“This would be achieved by ensuring the land is not sterilised of agricultural capability and productivity. As detailed within this report, given the small Lot size, undulating topography in sections, soil profile and vegetated areas of the site, the land is not suitable for large scale agricultural use. The planning proposal will not result in incompatible development on the site that would otherwise pose negative impacts on the agricultural sector.”

The justification does not acknowledge existing and potential rural uses on the adjoining sites. The reference to ‘large scale agricultural use’ does not recognise that rural uses do not have to be large to be viable or the importance of the collective of small scale rural uses that contribute to the overall viability of certain agricultural and supporting rural industries in the region.

Direction 11 – Manage the ongoing use of natural resources

The site adjoins the Black Hill extractive mining operation. The HRP states “Mining activities have specific operational needs that can compete with other sensitive uses”. The operation of the mine has attracted ongoing complaints from adjoining neighbours. The proposal is inconsistent with this direction in that it would introduce an additional sensitive receiver into an area that is experiencing land-use conflicts.

Direction 13 – Plan for greater land use compatibility

The HRP states in relation to resource areas: “There is also potential for conflict if new housing encroaches into rural and resource areas, leading to increased management costs. Conflict could also affect the potential to sustain or grow rural and resource industries.” Given the proximity of the site to the existing extractive industry and the conflict that is occurring, it is inconsistent with the direction to allow another sensitive receiver into the area.

Planning and Environment

Report No. PE45/2020

Planning and Environment



Greater Newcastle Metropolitan Plan 2036

The proposal is inconsistent with the following outcomes and strategies identified in the GNMP 2036:

Strategy 13: Protect rural amenity outside urban areas

Rural areas in Greater Newcastle have a wide range of environmental, social and economic values. These rural areas need to be carefully planned for the future to provide a secure long-term future for productive and sustainable agriculture.

According to the HRP 2036 beef cattle contributes \$5.5M to the local economy. A significant proportion of this comes from the many small-scale beef cattle operations across Cessnock. The argument presented under direction 10 that the site is not suitable for a 'large scale agricultural use' does not acknowledge the significant contribution that the small scale agricultural uses collectively make to the local economy.

Local Strategic Planning Statement 2036

The proposal is inconsistent with the following planning priorities of the Cessnock LSPS:

Planning Priority 6: Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations.

In relation to rural residential development, this priority seeks to avoid existing and potential land-use conflict. As discussed above, the proposal would introduce an additional sensitive receiver into an area that is affected by an existing extractive industry and may undermine the potential of existing and future rural uses on adjoining sites.

Planning Priority 8: Our rural land is protected from incompatible development.

As above.

Planning Priority 22: Our rural landscape is retained and enhanced.

The rural landscape and amenity makes a significant contribution to the character of Cessnock. Arguably, dwellings on rural properties undermine the integrity of these qualities and therefore, should be minimised. The existing dwelling entitlement provisions in the LEP limit the number of dwellings that are permitted to those that have an existing dwelling entitlement. A decision to permit a dwelling via this mechanism in the LEP risks setting a significant precedent that could result in significantly more dwellings on undersized rural lots. A strategic, holistic review of the dwelling entitlement provisions across the entire city would result in a more robust, considered outcome.

OPTIONS

Council has the following options:

1. That Council does not support the request to prepare a planning proposal. *This is the recommended option.*

Planning and Environment

Report No. PE45/2020

Planning and Environment



2. That Council resolve to support the planning proposal and request a Gateway determination from the Department of Planning, Industry and Environment. This option is not recommended, as the proposal is inconsistent with the state and local policy framework and has no merit to proceed.

CONSULTATION

Acting Director Planning and Environment (Strategic Planning Manager)

Acting Strategic Planning Manager (Senior Strategic Planner)

STRATEGIC LINKS

a. Delivery Program

The recommendation supports Council's commitment to Objective 3.1: Protecting & enhancing the natural environment & the rural character of the area.

b. Other Plans

The following strategic plans are relevant to the proposal and are discussed elsewhere in this report.

- Hunter Regional Plan 2036
- Greater Newcastle Metropolitan Plan 2036
- Cessnock Local Strategic Planning Statement 2036

IMPLICATIONS

a. Policy and Procedural Implications

The proposal is inconsistent with the intent of clause 4.2(A)(3)(e) of the Cessnock Local Environmental Plan 2011. If the decision is made to support this proposal it would provide a significant precedent for other applications for dwelling entitlements on under-sized rural lots using this mechanism.

The recommendation of this report is consistent with Council's adopted LSPS.

b. Financial Implications

Nil

c. Legislative Implications

The proposal is inconsistent with the intent of clause 4.2(A)(3)(e) of the LEP. If the decision is made to support this proposal it would provide a significant precedent for other applications seeking dwelling entitlements on under-sized rural lots using this mechanism.

Planning and Environment

Report No. PE45/2020

Planning and Environment



d. Risk Implications

If the decision is made to support this proposal it would provide a precedence for other applications for dwelling entitlements on under-sized rural lots using this mechanism.

e. Environmental Implications

There is existing evidence of land-use conflict between rural residential lots in the vicinity of the Black Hill extractive industry. Supporting the proposal would result in an additional sensitive receiver in the immediate area of the operations.

f. Other Implications

Nil

CONCLUSION

An assessment of the proposal has been undertaken against the state, regional, district and local strategic planning framework. It has been determined that the proposal is inconsistent with this framework and has no merit to proceed. Any consideration of dwelling entitlements should be undertaken in a holistic, strategic manner; not on a site-by-site or ad hoc basis. Therefore, it is recommended that Council does not support this request to prepare a planning proposal and undertake additional measures to prevent the use of this mechanism in the future.

ENCLOSURES

- 1 [↓](#) Application for dwelling entitlement at 58 Taylors Road, Black Hill - Proponent Report - Provided Under Separate Cover

Placeholder for Enclosure 1

Planning and Environment No.

Application for dwelling entitlement at 58 Taylors Road,
Black Hill - Proponent Report - Provided Under
Separate Cover

Planning and Environment

Report No. PE46/2020

Planning and Environment



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

RESPONSIBLE OFFICER: **Acting Strategic Planning Manager - Iain Rush**

SUMMARY

The purpose of this report is to seek Council's endorsement to forward a Planning Proposal, which seeks to rezone part of Lot 10 DP 1085485, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size, to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway determination.

Application Number	18/2020/4
Proposal	Rezone part of Lot 10 DP 1085485 from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size map from 40 Ha to 450m ² .
Property Description	Lot 10 DP 1085485
Property Address	261 Averys Lane, Buchanan NSW 2323
Zone (Current)	RU2 Rural Landscape E2 Environmental Conservation
Zone (Proposed)	R2 Low Density Residential RU2 Rural Landscape E2 Environmental Conservation
Owner	Mrs C D Shearman
Proponent	Complete Planning Solutions

RECOMMENDATION

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

BACKGROUND

On 30 September 2020, Council received a Planning Proposal to rezone part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the associated minimum lot size map from 40 hectares to 450m². The proposal is considered to be consistent with the objectives of the Hunter Regional Plan 2036 (HRP 2036), Greater Newcastle Metropolitan Plan (GNMP 2036) and the Cessnock Local Strategic Planning Statement (the LSPS), as the subject land is proximate to the Kurri Kurri to Maitland urban 'growth corridor, and immediately adjacent to the Averys Rise Urban Release Area (URA)'.

Initially, the proponent is seeking to excise the proposed residential zoned portion of land from the balance, zoned RU2 Rural Landscape Zone and E2 Environmental Conservation Zone. This will enable the potential future subdivision of the residential zoned land consistent with regional and local strategies applicable to the area.

The portion of Lot 10 DP 1085485 that is subject to the planning proposal is identified in **Figure 1**, and is outlined in orange.



Figure 1: Approximate Land Application Area of Planning Proposal

REPORT/PROPOSAL

The objective of the Planning Proposal is to amend the *Cessnock Local Environmental Plan 2011* (the LEP) to achieve the following outcome:

- Rezone part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan, from RU2 Rural Landscape to R2 Low Density Residential and amend the associated minimum lot size map from 40 Ha to 450m².

Planning and Environment

Report No. PE46/2020

Planning and Environment



The LEP controls prevent the subdivision of Lot 10 DP 1085485 to less than 40Ha. Therefore, to allow for urban housing on part of Lot 10, an amendment to the LEP is required.

The Planning Proposal is supported on the basis that the subject allotment is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban 'growth area', identified in the HRP 2036, GNMP 2036 and LSPS. Land to the north of the site has approval for a 170 lot residential subdivision and is identified as an Urban Release Area in the LEP (forming part of Averys Rise URA). The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical extension to the residential component of the Buchanan locality. Furthermore, future development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to the subject land with minimal cost.

OPTIONS

Council has the following options:

1. Endorse the recommendation of this report and forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway determination. *This is the preferred option.*
2. Not endorse the recommendations of this report. This would mean that the Planning Proposal will not progress.

CONSULTATION

Formal consultation regarding the Planning Proposal will be carried out in accordance with Gateway determination, should Council resolve to endorse the recommendation of this report.

STRATEGIC LINKS

a. Delivery Program

The Draft Planning Proposal generally aligns with the themes and objectives of the Cessnock 2027 Community Strategic Plan (CSP).

b. Other Plans

Hunter Regional Plan 2036

The HRP 2036 provides the overarching strategic framework to guide development, investment and planning within the Hunter Region to 2036. This Planning Proposal is consistent with the objectives of the HRP 2036 in that it will deliver greater housing choice within an identified urban 'growth area'.

Planning and Environment

Report No. PE46/2020

Planning and Environment



Greater Newcastle Metropolitan Plan 2036

The subject site is located within the application area of the GNMP 2036. The GNMP 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle. The Planning Proposal is consistent with the desired outcomes of the GNMP in that it delivers housing close to jobs and services.

Cessnock Local Strategic Planning Statement 2036

The LSPS sets out the 20-year vision for land use in the local area. It establishes the special character and values of the LGA that are to be preserved and how change will be managed into the future.

It is considered that the proposed rezoning will have minimal impact on the area as the site adjoins the Averys Rise URA which is zoned R2 Low Density Residential and the portion of the site to be rezoned already has a dwelling constructed on it. The dwelling was approved under development consent '8/2005/955/1 - Replacement of Existing Dwelling (Previously Approved Managers Residence to be Demolished to Allow for F3 Freeway Extension)' and under the provisions of the *Cessnock Local Environmental Plan 1989*.

The Planning Proposal is generally consistent with the provisions of the LSPS. The Planning Priorities of the LSPS that are relevant to the proposal type and location are:

- Planning Priority 5: Infrastructure and services meet the needs of our community and are appropriately funded.

The relevant Planning Principles are:

4. Rezoning land for urban purposes will be prioritised in areas where existing infrastructure capacity exists.
- Planning Priority 7: Urban development is encouraged in areas with existing infrastructure.

The relevant Planning Principles are:

2. Our urban areas are compact and well serviced.
 3. Residential development is supported in unconstrained areas of the Cessnock to Maitland Growth Corridor.
 4. New growth is integrated with the existing residential areas and adequately serviced.
- Planning Priority 22: Our rural landscape is retained and enhanced

The relevant Planning Principles are:

2. The rural character and amenity of the land is preserved and enhanced.
4. Dwellings located in rural areas and areas of high environmental value are sited and designed to minimise the visual impact.

Planning and Environment

Report No. PE46/2020

Planning and Environment



6. The interface between urban areas and rural land or environmental land is managed to minimise visual impacts.

IMPLICATIONS

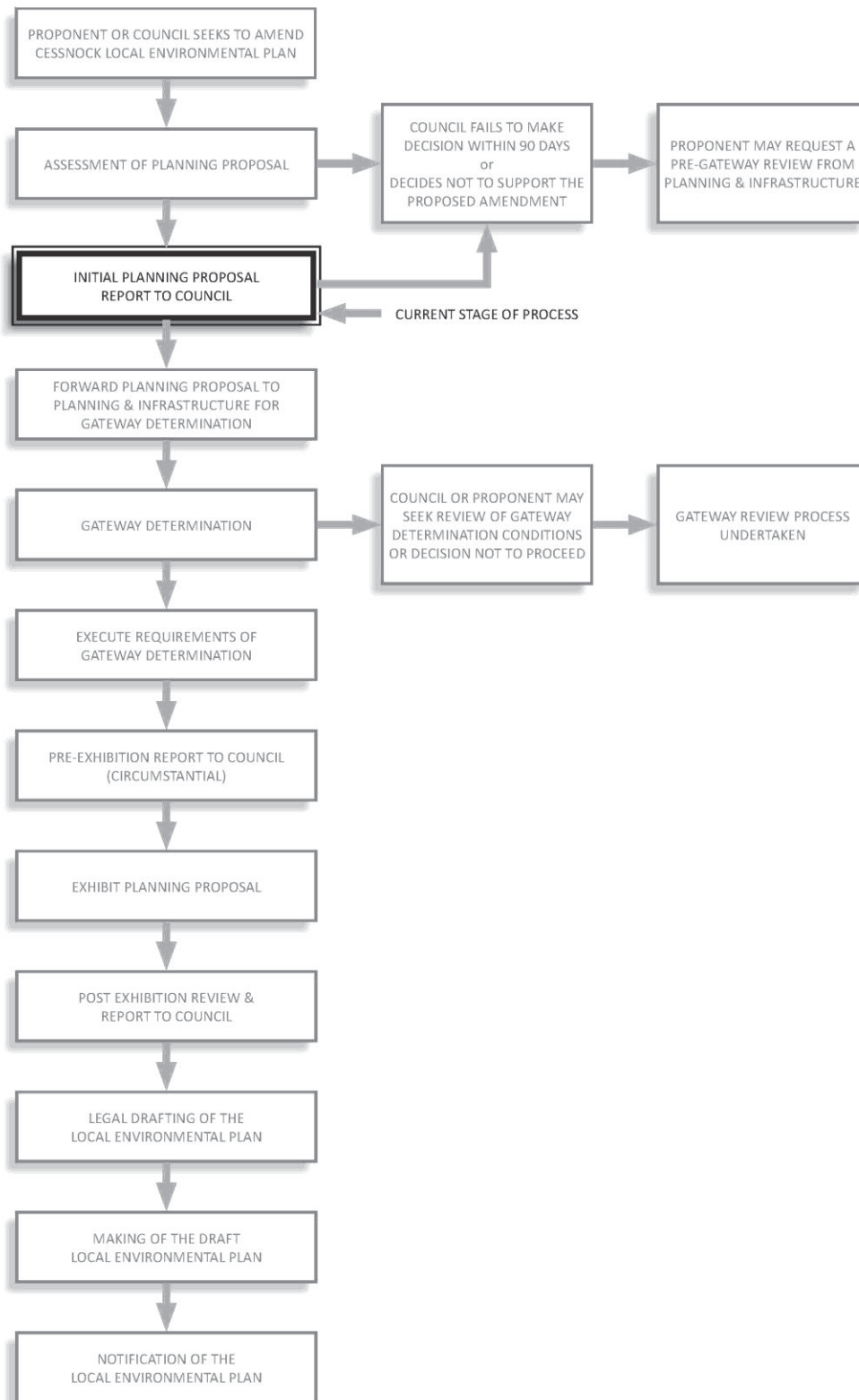
a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.

Planning and Environment
Report No. PE46/2020
Planning and Environment



PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



Planning and Environment

Report No. PE46/2020

Planning and Environment



b. Financial Implications

Planning Proposals require payment of fees as outlined in Council's Fees and Charges 2020/21. The Planning Proposal is considered Category B in accordance with the Fees and Charges. The next phase will be invoiced should Council endorse the Planning Proposal.

There are no financial implications to Council should it not proceed with the Planning Proposal.

c. Legislative Implications

The Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Department of Planning Industry and Environment's Guide to Preparing a Planning Proposal.

d. Risk Implications

DPIE has provided verbal advice that approval of the proposal will result in the allotment being designated as an Urban Release Area (URA) under Part 6 of the LEP. In the instance that the proponent seeks consent to then subdivide the residential portion of the allotment from the remainder of the allotment, the designation as a URA may require the payment of a Special Infrastructure Contributions levy and the preparation of a site specific DCP. This is likely to delay the land owner's intention to subdivide the land.

In addition, the planning proposal, if endorsed, will result in the creation of a split zoned portion of land. Should the proponent seek to subdivide the parent allotment, the provisions of Clause 4.1B of the LEP will apply. At subdivision, this clause requires one of the final allotments to contain:

- at least 450m² of the proposed residential land; and
- the balance of the land, zoned RU2 Rural Landscape and E2 Environmental Conservation.

The proponent has been made aware of these additional affectations that will apply at subdivision stage.

e. Environmental Implications

Bushfire

The majority of the site is identified as bushfire prone, referral to the NSW Rural Fire Service is likely to be a condition of the Gateway determination, should it be issued by DPIE.

Flooding

Part of Lot 10 DP 1085485 is significantly flood prone. However, the area of the proposed rezoning is outside the flood affected portion of the site. Referral to the Biodiversity and Conservation Division of DPIE may be a condition of the Gateway determination, should it be issued by DPIE.

Acid Sulfate Soils

A portion of the site is mapped as Class 4 Acid Sulfate Soils. The area of the proposed rezoning is outside the portion of the site affected by Acid Sulfate Soils.

Planning and Environment

Report No. PE46/2020

Planning and Environment



Energy Resource Audit

The site is identified as being within a 'medium confidence' potential energy resource area, subsequent referral may be required by DPIE should Gateway be issued.

Aboriginal Heritage Sensitivity

There are no aboriginal sites or places recorded on the subject property.

Biodiversity Values Map

The site is identified on the biodiversity values map as land with high biodiversity value that is sensitive to impacts from development and clearing. This triggers the requirement for determining whether the Biodiversity Offset Scheme (BOS) is applied to the proposed development.

A Biodiversity Assessment Report has been submitted with the Planning Proposal which found that there is no significant impact on any threatened species, Endangered Ecological Community, critical habitat or endangered populations by the proposed works on any NSW or nationally listed species under the *Environment Protection and Biodiversity Conservation Act 1999*, the *Biodiversity Conservation Act 2016* or *State Environmental Planning Policy (Koala Habitat Protection) 2019*.

However, given the significance of biodiversity within the site, subsequent referral may be required by DPIE should Gateway be issued.

f. Other Implications

The proposal will allow the landowners to subdivide the property, subject to the requirements of clause 4.1B and (likely) Part 6 of the LEP. Further intensification of the proposed R2 Low Density Residential zoned portion of the site would be possible and would need to be compliant with the 450m² minimum lot size proposed by this planning proposal. The maximum yield of that allotment would be 18-21 allotments.

CONCLUSION

The Planning Proposal, being a request to rezone a portion of the site from RU2 Rural Landscape to R2 Low Density Residential and amendment to the minimum lot size map from 40 Ha to 450m², is considered to have merit. For this reason, it is recommended that Council submit the Planning Proposal to DPIE for a Gateway determination.

ENCLOSURES

- 1 [↓](#) Planning Proposal to Rezone Part of Lot 10 DP 1085485 from RU2 Rural Landscape Zone to R2 Low Density Residential - Zone - Provided Under Separate Cover

Placeholder for Enclosure 1

Planning and Environment No.

Planning Proposal to Rezone Part of Lot 10 DP
1085485 from RU2 Rural Landscape Zone to R2 Low
Density Residential - Zone - Provided Under Separate
Cover

Planning and Environment

Report No. PE47/2020

Planning and Environment



SUBJECT: *EXHIBITION OF DRAFT BUILDING LINE POLICY*

RESPONSIBLE OFFICER: *Acting Strategic Planning Manager - Iain Rush*

SUMMARY

The purpose of this report is to seek Council's endorsement to place the Draft Building Line Policy on public exhibition until 31 January 2021 in line with Council's Community Participation Plan.

RECOMMENDATION

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

BACKGROUND

On 8 December 2017, the Executive Leadership Team adopted the Controlled Documents Protocol, which outlines the process for managing Council's policies, protocols, guidelines and procedures, as well as introducing new document templates. Since this time, staff have been progressively reviewing all Council's controlled documents, including the Building Line Policy, with the aim of having all these documents refreshed and adopted by Council by June 2021.

Council's Building Line Policy provides guidance regarding setbacks for new dwelling houses (including ancillary residential development) and industrial development in the Cessnock Local Government Area (LGA).

Ultimately, setbacks for all development will be contained in the Cessnock Development Control Plan (DCP). These changes will occur as a component of the comprehensive DCP review, which commenced in July 2020.

REPORT/PROPOSAL

Council's Building Line Policy was adopted in 1996 and has been amended on two occasions, most recently in 2013. The current policy is considerably dated. The policy references zones from the repealed *Cessnock Local Environmental Plan 1989*. The numerical standards contained in the existing policy are inconsistent with the standards specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (Codes SEPP).

Council's planning staff still refer to the Building Line Policy in relation to the assessment of new dwelling houses (including ancillary residential development) and industrial development in the LGA. This is primarily due to a lack of setback controls for those land-uses in the Cessnock DCP. Therefore, revoking the existing Building Line Policy is not an option in the short-term.

Planning and Environment

Report No. PE47/2020

Planning and Environment



Council's Strategic Planning Team has commenced a comprehensive review of the Cessnock DCP; however, the review is expected to take some time. Once the review is complete, setback controls for all development will be contained in the DCP. Consequently, it is anticipated that Council's Building Line Policy will have a relatively short lifespan and this review is effectively a 'stop gap' measure to assist Council's planning staff in assessing setbacks for new dwelling houses (including ancillary residential development) and industrial development until the comprehensive review is complete.

Given the age of the existing Building Line Policy, amendments have been made to the policy, including updates to land-use terminology, zones to reflect the Standard Instrument LEP (CLEP 2011), numerical development standards, technical definitions and general formatting. These amendments are necessary to ensure the policy aligns with the current local and state planning framework, including the *Cessnock Local Environmental Plan 2011* and Codes SEPP.

The revised Building Line Policy is included as **Enclosure 1** to this report. Due to the nature and extent of proposed amendments, it is recommended that the draft policy is placed on public exhibition for a period of 28 days. The outcomes from community consultation will be reported to Council at the conclusion of the exhibition period.

CONSULTATION

Council's Building Services Team were consulted in the review of the existing Building Line Policy. Of all Council departments, the Building Line Policy is most applicable to the Building Services Team who assess the majority of applications for new dwelling houses and ancillary residential development in the LGA.

The draft policy was also referred to Council's Development Services Team in relation to rural and industrial zoned land. However, the setback standards of 6 metres for industrial development and 18 metres for new dwelling houses and ancillary residential development on rural land are not proposed to be changed. On the basis of preliminary comments received from Development Services, a clarification has been included throughout the draft policy outlining that the document only applies to new dwelling houses (including ancillary residential development) and industrial development.

Council's Governance Team was also consulted in relation to the draft policy to ensure it conforms with the expected requirements of Council's standard policy template.

STRATEGIC LINKS

a. Delivery Program

This report aligns with Council's 2017-2021 Delivery Program and the Cessnock 2027 Community Strategic Plan, notably the objectives relating to creating a connected, safe and creative community and creating a safe and healthy environment.

Planning and Environment

Report No. PE47/2020

Planning and Environment



b. Other Plans

Cessnock Development Control Plan 2010

The DCP is the principal document that informs setbacks for development in the LGA. However, the DCP does not presently contain controls relating to setbacks for new dwelling houses (including ancillary residential development) and industrial development. Council's Building Line Policy is effectively a 'stop gap' measure assisting Council's planning staff in assessing these developments until the comprehensive DCP review is complete.

IMPLICATIONS

a. Policy and Procedural Implications

The Draft Building Line Policy will apply to the assessment of setbacks for new dwelling houses (including ancillary residential development) and industrial development. The policy is relevant, in addition to other plans, in assessing development applications. Having an adopted Building Line Policy will provide short-term clarification regarding setbacks for new dwelling houses (including ancillary residential development) and industrial development in the LGA. In the longer term, setback controls for all development will be contained in the DCP.

If Council endorses the recommendation in this report, the Draft Building Line Policy will be placed on exhibition until 31 January 2021.

b. Financial Implications

Nil

c. Legislative Implications

The Draft Building Line Policy will apply to the assessment of setbacks for new dwelling houses (including ancillary residential development) and industrial development. The policy is relevant, in addition to other plans, in assessing development applications. Having an adopted Building Line Policy will provide short-term clarification regarding setbacks for new dwelling houses (including ancillary residential development) and industrial development in the LGA. In the longer term, setback controls for all development will be contained in the DCP.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

Planning and Environment

Report No. PE47/2020

Planning and Environment



CONCLUSION

This report recommends that Council place the Draft Building Line Policy on public exhibition for until 31 January 2021 in line with Council's Community Participation Plan. Having an adopted Building Line Policy will provide short-term clarification regarding setbacks for new dwelling houses (including ancillary residential development) and industrial development in the LGA. In the longer term, setback controls for all development will be contained in the DCP.

ENCLOSURES

[1](#) Draft Building Line Policy



Cessnock City Council DRAFT Building Line Policy

Date Adopted: XX/XX/2020 Revision: 4

1. POLICY OBJECTIVES

- 1.1. The objectives of this policy are to ensure that new Dwelling Houses (including ancillary residential development) and industrial development:
 - 1.1.1. Enhance and make a positive contribution to the character of the streetscape.
 - 1.1.2. Establish appropriate design and are sensitive to the landscape and environmental characteristics of the locality.
 - 1.1.3. Reinforce the distinctive characteristics of the streetscape and/or environment in conservation areas.

2. POLICY SCOPE

- 2.1. This policy applies to new Dwelling Houses (including residential ancillary development) and industrial development in the Cessnock Local Government Area and should be read in conjunction with the relevant objectives, standards and controls in Cessnock Local Environmental Plan and Development Control Plan.

3. POLICY STATEMENT

- 3.1. Council is committed to ensuring that new Dwelling Houses (including residential ancillary development) and industrial development make a positive contribution to the streetscape and are sensitive to the landscape, local heritage and environmental characteristics of the immediate area in which they are located.

4. PRINCIPLES

- 4.1. Front setbacks of development to which this policy applies are generally consistent with those of adjoining development. Some variations to minimum setbacks may be considered particularly where such variations are used to improve streetscape, variety and interest.
- 4.2. Setbacks are consistent with the objectives and expected outcomes of the zone in which the development is located.
- 4.3. The scale and appearance of development to which this policy applies is compatible and sympathetic to existing adjacent development and development in the broader locality, particularly in instances where the site has heritage significance or distinctive character.
- 4.4. Parking and garages do not dominate the Primary Road frontage of the development to which this policy applies.
- 4.5. The maximum total width of all garages, carports and ancillary structures within the existing Building Line Setback shall be no more than 7 metres.



4.6. All new principal dwellings shall make provision for off-street parking.

4.7. Building Lines for development to which this policy applies, generally, shall be as prescribed by Table 1.

Table 1: Minimum Building Line Setbacks for Development to which this Policy Applies

ZONE OR SITUATION	MINIMUM BUILDING LINE SETBACK								
New Dwelling Houses, including residential ancillary development, constructed on Land in an Urban Release Area zoned: R2 Low Density Residential R3 Medium Density Residential RU5 Village	Minimum setback from Primary Road								
	<table><tr><th>Lot Size</th><th>Minimum Setback from Primary Road</th></tr><tr><td>900m² or less</td><td>4.5 metres</td></tr><tr><td>>900m² to 1,500m²</td><td>6.5 metres</td></tr><tr><td>>1,500m²</td><td>10 metres</td></tr></table>	Lot Size	Minimum Setback from Primary Road	900m ² or less	4.5 metres	>900m ² to 1,500m ²	6.5 metres	>1,500m ²	10 metres
	Lot Size	Minimum Setback from Primary Road							
	900m ² or less	4.5 metres							
	>900m ² to 1,500m ²	6.5 metres							
>1,500m ²	10 metres								
Minimum setback from Secondary Road									
<table><tr><th>Lot Size</th><th>Minimum Setback from Secondary Road</th></tr><tr><td><1,500m²</td><td>3 metres</td></tr><tr><td>>1,500m²</td><td>5 metres</td></tr></table>	Lot Size	Minimum Setback from Secondary Road	<1,500m ²	3 metres	>1,500m ²	5 metres			
Lot Size	Minimum Setback from Secondary Road								
<1,500m ²	3 metres								
>1,500m ²	5 metres								
New Dwelling Houses, including residential ancillary development, constructed on land zoned: R2 Low Density Residential R3 Medium Density Residential RU5 Village that is not within an Urban Release Area.	6 metres – from Primary Road 4 metres – from Secondary Road								
New Dwelling Houses, including residential ancillary development, constructed on land zoned: R5 Large Lot Residential	12 metres – from Primary Road 4 metres – from Secondary Road								
New Dwelling Houses, including residential ancillary development, constructed on land zoned: RU2 Rural Landscape E2 Environmental Conservation E4 Environmental Living	18 metres - from any road								
New Dwelling Houses, including ancillary development, constructed on land zoned: RU4 Primary Production (Small Lots)	Refer to Vineyards District DCP chapter								
IN1 General Industrial IN2 Light Industrial IN3 Heavy Industrial	6 metres – from Primary Road								
New Dwelling Houses, including residential ancillary development, constructed in a Cul-de-sac street ending (Residential Zones Only)	5 metres in the 'bulb' of the cul-de-sac								



5. APPLICATIONS TO VARY THE BUILDING LINE

- 5.1. Applications to vary the Building Line may be considered prior to the lodgement of a development application. If you elect to do this, the prescribed form must be completed and the relevant fee paid.
- 5.2. Adequate justification must be supplied with the prescribed application form to support a request to vary the provisions of this policy.
- 5.3. Council may provide 'concept approval' to vary the Building Line. The concept approval will only identify the location of a proposed structure in relation to the Building Line and is not development consent.
- 5.4. Assessment of each application shall include the following considerations:
 - 5.4.1. Can the Building Line be varied in accordance with the objectives and principles prescribed by Council's Building Line policy?
 - 5.4.2. Are there any examples of existing variations or setbacks on adjoining properties?
 - 5.4.3. Will approval of the application create an undesirable precedent within the neighbourhood?
 - 5.4.4. Will the amenity, aesthetics, harmony and streetscape be unduly effected?
 - 5.4.5. Are there any undesirable effects associated with effective site distances for vehicular traffic, particularly on Corner Allotments?
 - 5.4.6. Can the structure be reasonably located within the Building Line?
 - 5.4.7. Does the property lie within a conservation area and if so does it relate in an appropriate way to its historic/social environment?

6. RESPONSIBILITIES

6.1. General Manager

- 6.1.1. The General Manager is responsible for the implementation of this policy.

6.2. Directors and Managers

- 6.2.1. Directors and Managers are responsible for supporting Council officials to apply the strategies in this policy and for ensuring compliance with this policy.

6.3. Council Officials

- 6.3.1. Council officials are responsible for:
 - a) familiarising themselves with this policy; and
 - b) implementing the principles of this policy.

7. COMPLIANCE, MONITORING AND REVIEW

7.1. Reporting

- 7.1.1. No additional reporting is required.

7.2. Records management

- 7.2.1. Staff must maintain all records relevant to administering this policy in accordance with Council's [Records Management Policy](#).



8. POLICY DEFINITIONS

Building Line or Setback	means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and— (a) a building wall, or (b) the outside face of any balcony, deck or the like, or (c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.
Corner Allotment	means a lot that has 2 contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).
Dwelling House	means a building containing only one dwelling.
Primary Road	means the road to which the front of a Dwelling House, or a main building, on a lot faces or is proposed to face, and includes any road that intersects with that road at an angle of more than 135 degrees and with which the Dwelling House or main building has contiguous boundaries.
Secondary Road	means, in the case of a Corner Allotment that has boundaries with adjacent roads, the road that is not the Primary Road.
Urban Release Area	means an area of land shown hatched and marked "Urban Release Area" on the Urban Release Area Map that accompanies the Cessnock Local Environmental Plan.

9. POLICY ADMINISTRATION

Business Group:	Strategic Planning
Responsible Officer:	Strategic Planning Manager
Policy Review Date:	Three years from date of adoption unless legislated otherwise
Document Number:	DOC2020/168804
Policy Number:	
Relevant Legislation:	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> (NSW) • <i>Local Government Act 1993</i> (NSW)
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • Cessnock Development Control Plan 2010 • Cessnock Local Environmental Plan 2011



10. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Nil.	Nil

11. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	20 March 1996	Original Document (DES 20/1996 -130)
2	23 July 2001	
3	18 September 2013	Amendment (PM91/2013 – 581)
4	TBA	Updates to land-use terminology, zones to reflect the Standard Instrument LEP, numerical development standards, technical definitions and general formatting. These amendments are necessary to ensure the policy aligns with the current local and state planning framework, including the <i>Cessnock Local Environmental Plan 2011</i> and Codes SEPP.

Corporate and Community

Report No. CC111/2020

Corporate and Community Services



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

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

The purpose of this report is to consider and accept The Regional Procurement Tender for Supply and Delivery of Road Base Materials.

RECOMMENDATION

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

BACKGROUND

Council currently utilises Regional Procurement Contract (T371718HUN) for the Supply and Delivery of Road Base Materials. The contract was established for the period 1 January 2018 to 30 September 2019 with a one-year extension until 31 December 2020.

Regional Procurement has called an open Panel Source tender for a new contract to run from 1 January 2021 to 31 December 2022 with an option for a 12-month contract extension based on satisfactory supplier performance.

After conducting analytics on historical data, the estimated expenditure for the term of this contract is estimated to be \$2,000,000 for the three-year term.

TENDER PROCESS

Regional Procurement invited Tenders on Tenderlink on 02/06/2020 on the Regional Procurement e-tender portal, Tenderlink.

Corporate and Community

Report No. CC111/2020

Corporate and Community Services



Tenders closed on 10.00am on 29 September 2020 with four tenders received from the following suppliers to supply participating councils:

- **Boral Resources (NSW) Pty Ltd**
- **Buttai Gravel Pty Ltd t/a Daracon Quarries**
- **Hebden Quarries Pty Ltd t/a SCE Hebden Quarries**
- **Quarry Products (Newcastle) Pty Ltd**

The tender evaluation meeting was held via telephone with the Regional Procurement account manager on 11 November 2020 with Council officers present being:

- Team Leader Contracts and Tendering
- North Area Coordinator
- Construction Coordinator
- South Area Maintenance Coordinator

Technical difficulties prevented the representative from Regional Procurement attending the evaluation via zoom.

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

- No late tenders were received.
- All tenderers were noted as active on the ASIC website.
- All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.
- All tenders were deemed conforming to the Tender requirements.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

The Regional Procurement Evaluation Report is attached as ***Confidential Enclosure 1***

It is recommended that Council accepts the Regional Procurement Tender for the Supply and Delivery of Road Base Materials (T272021HUN) and appoints panel tenderers as preferred suppliers in no order of preference as follows, with information relating to the location of the companies provided for information:

- **Boral Resources (NSW) Pty Ltd**
Principle Business Address: Trinit, T2, 39 Delhi Road, North Ryde NSW 2113
Quarry/ Supply Address: 134 Italia Rd, Balickera & Egret St, Kooragang

Corporate and Community

Report No. CC111/2020

Corporate and Community Services



- **Buttai Gravel Pty Ltd t/a Daracon Quarries**
Principle Business Address: 20 Kullara Close, Beresfield NSW 2322
Quarry/ Supply Address: Station St, Martins Creek & Buttai Quarry, Old Buttai Rd, Buttai
- **Hebden Quarries Pty Ltd t/a SCE Hebden Quarries**
Principle Business Address: Pictons Lane, Hebden NSW 2330
Quarry /Supply Address Pictons Lane, Hebden & Ingall St, Mayfield
- **Quarry Products (Newcastle) Pty Ltd**
Principle Business Address: 1026 Lovedale Road, Keinbah NSW 2320
Quarry Address 1026 Lovedale Road, Keinbah

OPTIONS

Option 1

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

This is the recommended option.

Option 2

That Council decline to accept the Regional Procurement tender and that Council complete its own tender process.

This option is not the preferred option, as the Regional Procurement tender process achieved a suitable result. The period for Council conducting the tender process would likely negatively affect the completion of the Delivery Program. Council has benchmarked pricing and the results are not likely to be more competitive than the Regional Procurement tender has produced.

Corporate and Community

Report No. CC111/2020

Corporate and Community Services



CONSULTATION

The tenders were reviewed by Council operational staff:

- Works Engineer Works and Operations
- State Maintenance Coordinator Works Delivery
- Team Leader Contracts and Tendering, Financial Services

STRATEGIC LINKS

Acceptance of the tender will contribute to achieving the following objective of the Delivery Program 2017 – 21:

- 4.2 Improving the road network
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs

a. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Acceptance of Regional Procurement Tender is in accordance with:

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Guidelines,
- Tendering Guidelines for NSW Local Government 2009, and
- NSW Government – Code of Practice for Procurement 2005.

b. Financial Implications

Funding is available for acceptance of the tender via program budgets within Council's Operational Plan 2020-21.

c. Legislative Implications

Acceptance of Regional Procurement Tenders is in *accordance Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The tender process has followed the legislative provisions, referenced in Cessnock City Council Procurement Policy and Cessnock City Council Procurement Procedure, as follows:

- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

Corporate and Community

Report No. CC111/2020

Corporate and Community Services



1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
 - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

Council's exposure to business risks has been managed by Regional Procurement mandating provision of the following information to be included in the tender submission:

- Financial capacity,
- Previous experience,
- Management and staff resources,
- Quality assurance, and
- Work health & safety system and insurances.

This tender will be maintained in Council's VendorPanel program and contracts monitor systems.

Corporate and Community

Report No. CC111/2020

Corporate and Community Services



CONCLUSION

Acceptance of the Regional Procurement Tender for the Supply and Delivery of Road Base Materials (T272021HUN) and acceptance of the Panel source of four suppliers for the Cessnock Local Government Area is considered the most advantageous option for Council.

ENCLOSURES

- 1** Confidential Enclosure 1 T272021HUN Supply and Delivery of Road Base Materials
- *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

Corporate and Community

Report No. CC112/2020

Corporate and Community Services



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

AUTHOR: *Director Corporate and Community Services - Robert Maginnity*

SUMMARY

This report proposes the schedule of Ordinary Meetings of Council for 2021, incorporating the 2021 Local Government elections in accordance with section 365 of the *Local Government Act 1993* ("the Act"), and amendments to the Code of Meeting Practice – Clause 3.1 Timing of Ordinary Council Meetings, to hold only one meeting per month, with the exception of January and Clause 3.11 Giving Notice of Business to be Considered at Council to change the submission deadline for Notice Of Motions.

RECOMMENDATION

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

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

BACKGROUND

For planning purposes, Councillors are notified of the scheduled dates for the Ordinary Meetings of Council for 2021, inclusive of the 2021 Local Government Elections.

Council on 19 September 2020 adopted a temporary amendment to the Code of Meeting Practice to hold one monthly meeting in October and November as part of risk management for the COVID19 Pandemic and resolved to consider meeting dates and frequency for 2021 at the December Council meeting.

Corporate and Community

Report No. CC112/2020

Corporate and Community Services



Council needs to determine the meeting dates for 2021, and to consider whether to continue with the amendment to the Code of Meeting Practice and hold only one meeting per month or revert to meeting frequency in the Code of Meeting Practice.

REPORT

Council is required to adopt a schedule of meeting dates every year and the Act requires a council to meet a minimum of 10 times per year, each time in a different month.

Part 3 of Council's Code of Meeting Practice references meetings being scheduled on the first and third Wednesday of each calendar month at 6:30pm, with the exception that there is only one meeting scheduled for December and no scheduled meetings in January. Council can amend the frequency and/or times of meetings at a later date if required or make an amendment to the meeting schedule when it reviews its Code of Meeting Practice.

Council at the 19 Sept 2020 meeting considered Report CC83/2020 Schedule of Ordinary Meetings of Council for the Remainder of 2020 and up to the Local Government Elections in 2021 and resolved:

1. ***That Council temporarily amends clause 3.1 of the Code of Meeting Practice, which deals with the timing of Ordinary Meetings of Council, to hold one meeting per month for the months of October and November 2020, due to the ongoing uncertainty with COVID-19.***
2. ***That Council adopts the following schedule of Ordinary Meetings of Council for 2020:***

21 October 2020
18 November 2020
9 December 2020
3. ***That Council consider the schedule of Ordinary Meetings of Council for 2021 at the ordinary meeting on 9 December 2020.***
4. ***That the General Manager give consideration to a trial of providing meeting agendas to Councillors at least one week prior to the scheduled meetings with the agenda review meetings forming part of the scheduled Councillor briefings.***

As part of risk management during COVID-19, Council has on three occasions temporarily amended its Code of Meeting Practice and moved to one meeting per month, with this temporary amendment ending in November 2020.

With the need to set meeting dates for 2021, it is an opportune time for Council to consider its position in relation to the timing of Council meetings and whether it wishes to amend the Code of Meeting Practice and:

- move to a permanent monthly meeting schedule
- extend the temporarily amendment until the Council elections in 2021
- revert to the meeting schedule outlined in the Code of meeting Practice.

Corporate and Community

Report No. CC112/2020

Corporate and Community Services



Each option has relevant pros and cons. Some of these considerations include:

- agenda preparation, report authorisation process productivity savings
- logistical savings in printing and agenda distribution
- savings relating to catering and staff attendance at meetings
- potentially larger agendas (noting that this is dependent on the type and complexities of an individual report and not necessarily the number of reports)
- less time for Councillors to consider more complex and large agenda items
- potential delays in consideration of development applications and other urgent matters
- potential requirement for more extraordinary meetings.

Should there be urgent business arising during the month of January or outside of any scheduled calendar of meetings, and that business is outside the delegations of the General Manager and Mayor, an Extraordinary Council Meeting can be called.

To manage some of the impacts of a monthly meeting cycle the agenda preparation process has been modified with the agenda being distributed to Councillors and the public on the Wednesday the week prior to the meeting, rather than the Friday as the prescribed minimum period for notification under the Act. This was to allow Councillors additional time for preparation and review prior to the monthly Council meeting. Additionally, the normal Friday afternoon Councillor agenda review with the Executive has been held on the Wednesday. This process change has been able to be accommodated during the current monthly meeting schedule however logistically this may not be able to be accommodated if Council elects to revert to two meetings per month.

The 2021 NSW local government elections are scheduled for Saturday 4 September 2021, so the final scheduled meeting for this current term of Council is proposed to be 18 August 2021. A meeting is also scheduled for 22 September 2021, which is the fourth Wednesday of that month so as to allow time for finalisation for the election process and declaration of the polls to occur for the newly elected Council.

If Council elects to move to monthly meetings for 2021, it is proposed that clause 3.1 of the Code of Meeting Practice be updated to reflect the meeting schedule change. Also, with the timeframes for publishing of the Agenda currently being Wednesday in the week prior to the meeting for a monthly meeting schedule, the timeframes for submissions of Councillor Notices of Motions (Noms) will also have to be amended to allow for the proper consideration of Noms and inclusion in the business paper. It is proposed to change this from 12 noon on the Tuesday to 10am on the Monday. This will require a change to clause 3.11 of the Code of Meeting Practice.

OPTIONS

Option 1. - That Council set meeting dates in accordance with the Code of Meeting Practice

Wording required for adopting Option 1.

Corporate and Community

Report No. CC112/2020

Corporate and Community Services



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

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

Option 2. - That Council permanently amends the Code of Meeting Practice and moves to a monthly meeting schedule.

Wording required for adopting Option 2.

1. That Council amends the Code of Meeting Practice – 3.1 Timing of Ordinary Council Meetings, to hold only one meeting per month, with the exception of January.
2. That Council amends the Code of Meeting Practice – 3.11 Giving of Notice of Business to be Considered at Council Meetings, to reflect that a notice of motion must be submitted by 10am on the Monday of the week before the meeting is to be held.
3. That Council adopt the following schedule of Ordinary Meetings of Council for the remainder of 2020 and inclusive of the Local Government Elections in 2021:

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

CONSULTATION

General Manager

STRATEGIC LINKS

a. Delivery Program

This report is linked to the objectives of *Encouraging More Community Participation in Decision Making* and *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

Corporate and Community

Report No. CC112/2020

Corporate and Community Services



STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Council's Code of Meeting Practice clause 3.1 deals with the number of and timing of Council Meetings and clause 3.11 specifies the timelines for lodging of a notice of motion.

b. Financial Implications

N/A

c. Legislative Implications

Under section 365 of the Act, Councils are required to meet at least ten times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under section 365A.

Under section 9(1) of the Act, Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

d. Risk Implications

Monthly meetings can assist in the risk management for the COVID19 pandemic. Careful allocation of reports to meetings can manage the workloads for Councillors should a large Agenda be created and there remains the ability to call an Extraordinary meeting if an urgent matter needs to be considered by Council.

e. Other Implications

N/A

CONCLUSION

Council is required to adopt a schedule of meeting dates every calendar year and section 365 of the Act requires a council to meet a minimum of 10 times per year, each time in a different month.

This report seeks Council's consideration of the meeting schedule for 2021 inclusive of the local government elections in September 2021 and consideration of a change to the Code of Meeting Practice relating to frequency of meetings and the alteration of the timelines for lodging of notices of motion if Council elects to move to monthly meetings on a permanent basis.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC113/2020

Corporate and Community Services



SUBJECT: *COUNCIL RECESS PERIOD*

RESPONSIBLE OFFICER: *Governance and Council Support Coordinator - Teresa Chadwick*
Director Corporate and Community Services - Robert Maginnity

SUMMARY

This report seeks Council approval for recess arrangements and to provide the Mayor and/or Deputy Mayor, and the General Manager with delegations over the proposed recess period.

RECOMMENDATION

1. That Council be in recess from 10 December 2019 to the first Ordinary meeting of Council in February 2021.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of any matters considered under such delegated authority be submitted for Council's information to the first 2021 Ordinary Meeting of Council scheduled to be held in February 2021.

BACKGROUND

There are no meetings proposed to be held in January, so Council should consider and adopt a recess period, and determine what delegated authorities will be granted to the Mayor and/or Deputy Mayor, and the General Manager specific to the recess period.

REPORT/PROPOSAL

There may be development applications under the standard process which would require Council to determine between the last Ordinary Meeting of Council in 2020 and the first Ordinary Meeting of Council in 2021. In this regard, it is considered prudent to delegate authority to the Mayor and/or Deputy Mayor, and the General Manager to determine those applications that cannot wait until the first Ordinary Meeting scheduled in February.

In addition, any other function of Council should be delegated to ensure the effective and efficient operations of the Council during the recess period. This was in effect in previous years, and did not eventuate in any undue impact on operations, or use of the delegations.

It should be noted that the date for the first meeting in February is to be determined in a report to this meeting of Council.

Corporate and Community

Report No. CC113/2020

Corporate and Community Services



OPTIONS

1. That Council grants delegated authority to the Mayor and/or Deputy Mayor, and the General Manager.

This is the preferred option, and is reflected within the recommendation to this report.

2. That Council not grant delegated authority to the Mayor and/or Deputy Mayor, and the General Manager.

CONSULTATION

General Manager
Director Corporate & Community Services
Finance and Administration Manager

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

Section 377 of the *Local Government Act 1993* provides for delegations to the General Manager.

d. Risk Implications

N/A

e. Other Implications

N/A

Corporate and Community

Report No. CC113/2020

Corporate and Community Services



CONCLUSION

To ensure effective and efficient processing of development applications and other functions of Council during the recess period, delegated authority should be granted to the Mayor and/or Deputy Mayor, and the General Manager for the recess period.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC114/2020

Corporate and Community Services



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

RESPONSIBLE OFFICER: *Community and Cultural Engagement Manager – Natalie Drage*

RECOMMENDATION

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

Director Corporate and Community Services Commentary

As the meeting was inquorate the discussions and consensus points on the items in the agenda could not be presented to Council as a recommendation. It is at Council's discretion should it wish to include the consensus points relating to the items on the agenda including:

- That Council notes the resignation of Mr Craig Layer (community representative) and Ms Michelle Earl (community representative) as members of the Aboriginal and Torres Strait Islander Committee.
- That Council writes to Mr Craig Layer and Ms Michelle Earl to thank them for their contributions to the Aboriginal and Torres Strait Islander Committee.
- That Council notes that the Committee supports the use of the word "Kunarr", meaning a group of people that have a connection, such as a tribe or family, on the proposed youth centre information sign to be located at 49D Aberdare Road, Cessnock.
- That Council investigates the pronunciation of "Kunarr" and considers the inclusion of the phonetic spelling on the proposed youth centre information sign.

MEETING NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ON FRIDAY, 20 NOVEMBER 2020, COMMENCING AT 9.15AM

PRESENT: The Mayor, Councillor Pynsent
Councillor Doherty
Councillor Gray
Ms Tara Dever (Community Representative)
Ms Cheryl Kitchener (Community Representative)

Corporate and Community

Report No. CC114/2020

Corporate and Community Services



IN ATTENDANCE: Ms Natalie Drage - Community & Cultural Engagement Manager
Ms Johanna Dennis - Principal Community Planner
Ms Jo Miller - Community & Cultural Development Officer

INVITEES: Ms Niamh Walpole - Senior Youth Worker
Ms Emma McDermott - Acting Principal Strategic Planner
Mr Martin Johnson - Acting Director Planning and Environment
Chief Inspector Michael Gorman - Hunter Valley Police District

The meeting was chaired by Ms Tara Dever (Community Representative).

APOLOGIES

Ms Lotta Jackson - General Manager
Ms Sonia Sharpe (Community Representative)
Ms Tracey Skene (Community Representative)

ACKNOWLEDGEMENT OF COUNTRY

Acknowledgement of Country delivered by Ms Tara Dever (Community Representative).
A minute's silence was observed.

The meeting was inquorate. Below are notes from the meeting.

CONFIRMATION OF MINUTES

MINUTES: Minutes of the Aboriginal and Torres Strait Islander Committee held on 21 August 2020 were made available to Committee members.

DISCLOSURES OF INTEREST

Nil

Ms Emma McDermott, Acting Principal Strategic Planner, arrived at the meeting, the time being 9.20am.

Corporate and Community

Report No. CC114/2020

Corporate and Community Services



LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. AACLM10/2020

SUBJECT: RESIGNATION OF COMMITTEE MEMBERS - COMMUNITY REPRESENTATIVES

MEETING NOTES

1. That Council notes the resignation of Mr Craig Layer (community representative) and Ms Michelle Earl (community representative) as members of the Aboriginal and Torres Strait Islander Committee.
2. That Council write to Mr Craig Layer and Ms Michelle Earl to thank them for their contributions to the Aboriginal and Torres Strait Islander Committee.

Discussion:

Mayor Pynsent, Councillor Gray and Councillor Doherty noted the resignations of Mr Craig Layer and Ms Michelle Earl and acknowledged their contributions and guidance provided to Council during their Committee membership.

The next Committee Agenda will include an item for the development of a next action plan, review of items tabled to the Committee and items within the 2018-2020 Innovate Reconciliation Action Plan that remain outstanding. Mr Craig Layer and Ms Michelle Earl to be invited to the next Committee meeting to participate in the review.

LISTED MATTERS - COMMITTEE NO. AACLM11/2020

SUBJECT: BRIEFING BY HUNTER VALLEY POLICE

MEETING NOTES

That the Aboriginal and Torres Strait Islander Committee note the proposal from NSW Police for the establishment of a local Police and Aboriginal Consultative Committee.

Discussion:

Chief Inspector Michael Gorman discussed the establishment of local Police and Aboriginal Consultative Committee and encouraged community members to register their interest in being involved. Council staff will pass on Chief Inspector Gorman's contact details to the Committee members. The Committee commented positively on the value to the community for Police and Aboriginal Consultative Committee's.

Corporate and Community

Report No. CC114/2020

Corporate and Community Services



Chief Inspector Michael Gorman, Hunter Valley Police District, left the meeting, the time being 9.35am.

LISTED MATTERS - COMMITTEE NO. AACLM12/2020

**SUBJECT: ABORIGINAL CULTURAL HERITAGE STUDY (PHASE 2) -
PROGRESS REPORT**

MEETING NOTES

That the Committee notes the information contained within this report.

Discussion:

The Committee commented on the positive progress and achievements of the Aboriginal Cultural Heritage Study.

LISTED MATTERS - COMMITTEE NO. AACLM13/2020

SUBJECT: CESSNOCK CITY COUNCIL YOUTH ENGAGEMENT STRATEGY

MEETING NOTES

That the Aboriginal and Torres Strait Islander Committee note the report for the Cessnock City Council Youth Engagement Strategy.

Discussion:

Consultation for the development of the Youth Engagement Strategy ends 30 November 2020 and includes online survey, discussion panel, creative competitions and “pop-up” consultation sessions across the local High Schools.

Corporate and Community

Report No. CC114/2020

Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. AACLM14/2020

SUBJECT: CESSNOCK YOUTH CENTRE COMMUNITY FACILITY INFORMATION SIGN

MEETING NOTES

1. That the Aboriginal and Torres Strait Islander Committee supports the use of the word “Kunarr”, meaning a group of people that have a connection, such as a tribe or family, on the proposed youth centre information sign to be located at 49D Aberdare Road, Cessnock.
2. That Council investigates the pronunciation of the word “Kunarr” and considers the inclusion of its phonetic spelling on the proposed youth centre information sign.

Discussion:

With the design of the information sign it was discussed by the Committee that the word “Kunarr” be placed at the top of the sign and its font size be prominent.

LISTED MATTERS - COMMITTEE NO. AACLM15/2020

SUBJECT: REFURBISHMENT OF CESSNOCK PERFORMING ARTS CENTRE

MEETING NOTES

That the Aboriginal and Torres Strait Islander Committee notes the Cessnock Performing Arts Centre (CPAC) refurbishment project and opportunities for acknowledging the culture of First Nations People.

Discussion:

The Committee proposed additional suggestions for acknowledging the culture of First Nations People including:

- Furnishings and carpeting incorporating Aboriginal and Torres Strait Islander artwork and designs.
- Artwork in the courtyard adjoining CPAC subject to not impacting the loading dock access way.

Corporate and Community

Report No. CC114/2020

Corporate and Community Services



The Committee discussed the importance of ensuring local Aboriginal and Torres Strait Islander business were not impacted or in competition with any enterprise or proposed retail operations.

The family of the Late Uncle Les Elvin will be consulted in the first instance on the artworks held at CPAC by the Late Uncle Les Elvin for interpretation and display in the refurbished CPAC.

The inquorate Meeting Was Closed at 10.40am

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC115/2020

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTERESTS IN WRITTEN RETURNS*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

Clause 4.24 of Council's Code of Conduct requires the General Manager to keep a register of returns lodged by Councillors and designated persons and to table them at a meeting of Council.

Clause 4.21 of the Code of Conduct requires that such returns are to be lodged with the General Manager within 3 months after becoming a Councillor or a designated person.

The purpose of this report is to table returns received from designated persons for the period 1 August 2020 to 31 October 2020.

RECOMMENDATION

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

BACKGROUND

Part 4 of Council's Code of Conduct governs matters concerning pecuniary interests including receipt, designated persons, register of returns and presentation to Council.

REPORT/PROPOSAL

Clause 4.21 of the Code of Conduct requires Councillors and designated persons to lodge a written return in the form set out in schedule 2 of the Code within three months after becoming a Councillor or a designated person.

Clause 4.8 of the Code of Conduct provides that designated persons are:

- (a) *The General Manager;*
- (b) *Senior staff for the purposes of section 332 of the Act;*
- (c) *A person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;*
- (d) *A person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the*

Corporate and Community

Report No. CC115/2020

Corporate and Community Services



council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Clause 4.24 of the Code of Conduct requires the General Manager to keep a register of returns lodged with them and clause 4.25 requires the General Manager to table such returns at the first meeting of Council after the last day the return is required to be lodged.

The register of returns is available for public inspection at Council's Administration Centre at 62-78 Vincent St, Cessnock in accordance with the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act) and as prescribed by clause 4.27 of the Code of Conduct.

OPTIONS

N/A

CONSULTATION

All designated persons were provided the Self-Help Guide from the OLG to assist them in the completion of their returns.

STRATEGIC LINKS

a. Delivery Program

Completion of the written returns for the period 1 August 2019 to 31 October 2019 links to the community's desired outcome of "*Civic Leadership and Effective Governance*", and in particular, it links to:

- strategic direction 5.3.7 within the Delivery Program 2017-2018 – *continue to educate staff on statutory compliance obligations*, and
- strategic action 5.3.7.b within the Operational Plan 2017-2018 – *coordinate disclosures of interest returns*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Clause 4.24 of the Code of Conduct requires the General Manager to keep a register of returns lodged and clause 4.25 requires the General Manager to table such returns at the first meeting of Council after the last day the returns are required to be lodged.

On the day following the meeting, the register of returns may be accessed by members of the public (at Council's Administrative Centre) during business hours without an appointment.

Corporate and Community

Report No. CC115/2020

Corporate and Community Services



At all other times, the register of returns is available for inspection in accordance with the GIPA Act. Council requires a person to make an appointment to view the register of returns during business hours.

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

Failure to table the register of pecuniary interest returns would constitute a breach of Council's Code of Conduct.

e. Environmental Implications

N/A

f. Other Implications

Tabling the register of returns and allowing access to it demonstrates Council's commitment to openness and transparency, and is a crucial element of Council's civic leadership and effective governance.

CONCLUSION

Tabling of the register of returns satisfies Council's requirements under the Code of Conduct.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC116/2020

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - NOVEMBER 2020*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

RECOMMENDATION

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

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

BACKGROUND

The *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

I, Robert Maginnity, as Responsible Accounting Officer, hereby certify that this report is produced in accordance with Clause 212 of the *Local Government (General) Regulation 2005* and that all investments have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

General Investment Commentary

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment revenues to the end of November 2020 exceeded the benchmark in the Investment Policy with an actual level of return at 140.08 % of the year to date budget.

The Reserve Bank of Australia (RBA) official cash rate as at 30 November 2020 was 0.10%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The meeting held on 1 December 2020 retained the official cash rate at 0.10%.

Corporate and Community

Report No. CC116/2020

Corporate and Community Services



Interest rates remain at historical lows, with current investment rates being below 1% p.a. This will present challenges for Council to attain budgeted interest income levels during the 2020-21 financial year. This will continue to be monitored and any necessary adjustment to budgeted income will be reported in future quarterly budget reviews.

Investment Portfolio Information**Table 1** Total cash and investments held by Council as at 30 November 2020

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			0.00%	6,905
	Commonwealth Bank	At Call			0.05%	41
1243	AMP Bank	At Call			0.50%	500
1330d	National Bank	TD	309	04-May-21	0.94%	900
1341d	AMP Bank	TD	365	10-Nov-21	0.75%	1,000
1358c	National Bank	TD	357	29-Jun-21	0.95%	1,000
1361b	AMP Bank	TD	188	10-Dec-20	1.55%	1,000
1362b	AMP Bank	TD	189	16-Dec-20	1.55%	1,000
1369b	National Bank	TD	322	18-May-21	0.95%	1,000
1370b	IMB Bank	TD	208	19-Jan-21	0.85%	1,000
1371b	Members Equity Bank	TD	161	16-Feb-21	0.60%	1,000
1381a	Macquarie bank	TD	364	06-Apr-21	1.70%	1,000
1383a	Macquarie bank	TD	357	13-Apr-21	1.70%	1,000
1384a	Macquarie bank	TD	357	20-Apr-21	1.40%	1,000
1400	Macquarie bank	TD	290	14-Dec-20	1.55%	1,000
1401	Macquarie bank	TD	284	08-Dec-20	1.55%	1,000
1403	Macquarie bank	TD	286	22-Dec-20	1.65%	1,200
1405a	Suncorp Bank	TD	157	05-Mar-21	0.63%	1,000
1407a	Commonwealth Bank	TD	274	23-Mar-21	0.75%	1,000
1409	National Bank	TD	294	16-Mar-21	1.00%	1,000
1410a	National Bank	TD	308	29-Sep-21	0.50%	1,000
1411a	Westpac Bank	TD	193	09-Mar-21	0.70%	1,000
1412a	Westpac Bank	TD	161	09-Feb-21	0.70%	1,000
1413	ANZ Bank	TD	222	05-Jan-21	0.88%	1,000
1414	ANZ Bank	TD	244	27-Jan-21	0.90%	1,000
1416	Westpac Bank	TD	245	23-Feb-21	0.89%	1,200
1417a	Commonwealth Bank	TD	186	02-Feb-21	0.73%	1,000
1418	Westpac Bank	TD	314	15-Jun-21	0.88%	1,000
1419	Westpac Bank	TD	321	22-Jun-21	0.88%	1,000
1420	Westpac Bank	TD	231	30-Mar-21	0.87%	1,000
1421	Westpac Bank	TD	259	27-Apr-21	0.87%	1,000
1422	ANZ Bank	TD	264	11-May-21	0.80%	1,000
1423	ANZ Bank	TD	134	14-Jan-21	0.66%	1,000
1424	ANZ Bank	TD	280	09-Jun-21	0.73%	1,000
1425	ANZ Bank	TD	260	02-Jun-21	0.73%	1,000
1426	ANZ Bank	TD	287	29-Jun-21	0.73%	1,000
1427	ANZ Bank	TD	280	06-Jul-21	0.73%	1,000
1428	ANZ Bank	TD	287	13-Jul-21	0.73%	1,000
1429	Commonwealth Bank	TD	111	19-Jan-21	0.59%	1,000

Corporate and Community

Report No. CC116/2020

Corporate and Community Services



Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1430	Westpac Bank	TD	308	10-Aug-21	0.68%	1,000
1431	Westpac Bank	TD	315	17-Aug-21	0.68%	1,000
1432	Westpac Bank	TD	371	19-Oct-21	0.70%	1,000
1433	National Bank	TD	365	03-Nov-21	0.55%	1,000
1434	Macquarie bank	TD	309	22-Sep-21	0.50%	1,000
1435	National Bank	TD	286	09-Sep-21	0.50%	1,000
1436	National Bank	TD	292	15-Sep-21	0.50%	1,000
1437	National Bank	TD	310	06-Oct-21	0.50%	1,000
1438	National Bank	TD	317	13-Oct-21	0.50%	1,000
TOTAL						52,746

Table 2 Level of funds held and the percentage invested with financial institutions

Financial Institution	Rating	Maximum Counterparty	Amount \$'000	% of Portfolio
Commonwealth Bank	A1+	25%	9,946	18.84%
Westpac Bank	A1+	25%	10,200	19.34%
ANZ Bank	A1+	25%	9,000	17.06%
National Bank	A1+	25%	9,900	18.77%
Suncorp Bank	A1	25%	1,000	1.90%
Macquarie bank	A1	25%	7,200	13.65%
AMP Bank	A2	10%	3,500	6.64%
IMB Bank	A2	10%	1,000	1.90%
Members Equity Bank	A2	10%	1,000	1.90%
TOTAL			52,746	100.00%

Table 3 Investment types, risk assessment, amount and percentage invested compared to the total

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	45,300	85.88%
Cash/At Call Deposits	Low	Low	7,446	14.12%
TOTAL			52,746	100.00%

Corporate and Community

Report No. CC116/2020

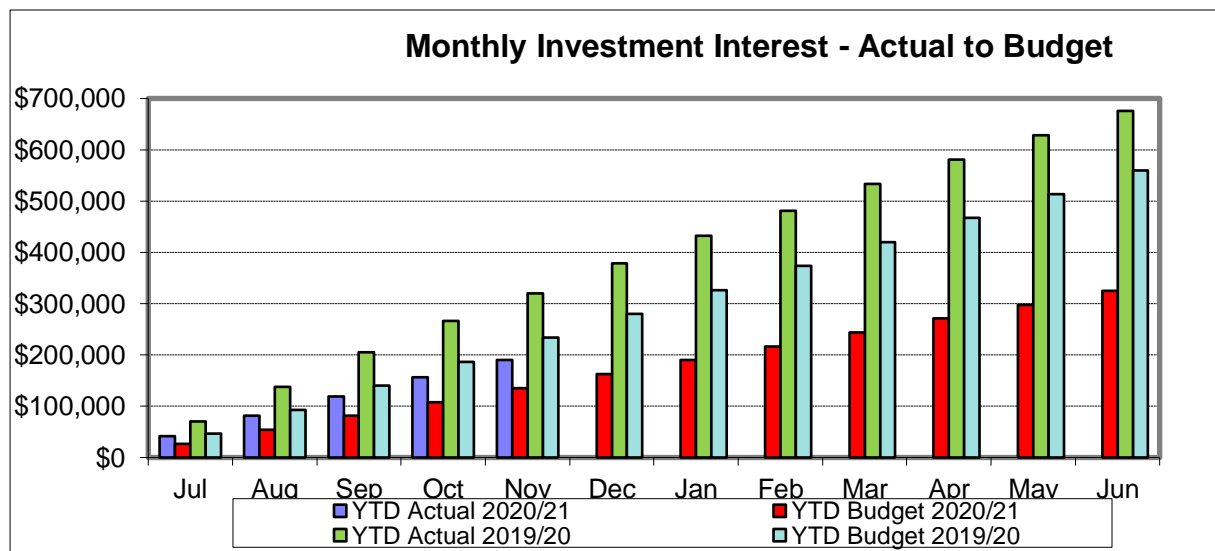
Corporate and Community Services

**Table 4** Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	0.99%	1.96%
BBSW Average Interest Rate (year to date) *	0.08%	0.97%
Actual Investment Interest Earned (for the month)	\$32,925	\$54,194
Actual Investment Interest Earned (year to date)	\$189,688	\$320,361
Budget Investment Interest (year to date)	\$135,415	\$275,000
Original Budget Investment Interest (Annual)	\$325,000	\$860,000
Revised Budget Investment Interest (Annual)	\$325,000	\$660,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$47,140,822	\$39,874,176
Month End Current Balance	\$52,745,618	\$41,837,495

- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

Graph 1 Actual interest earned to budget for this year and last year

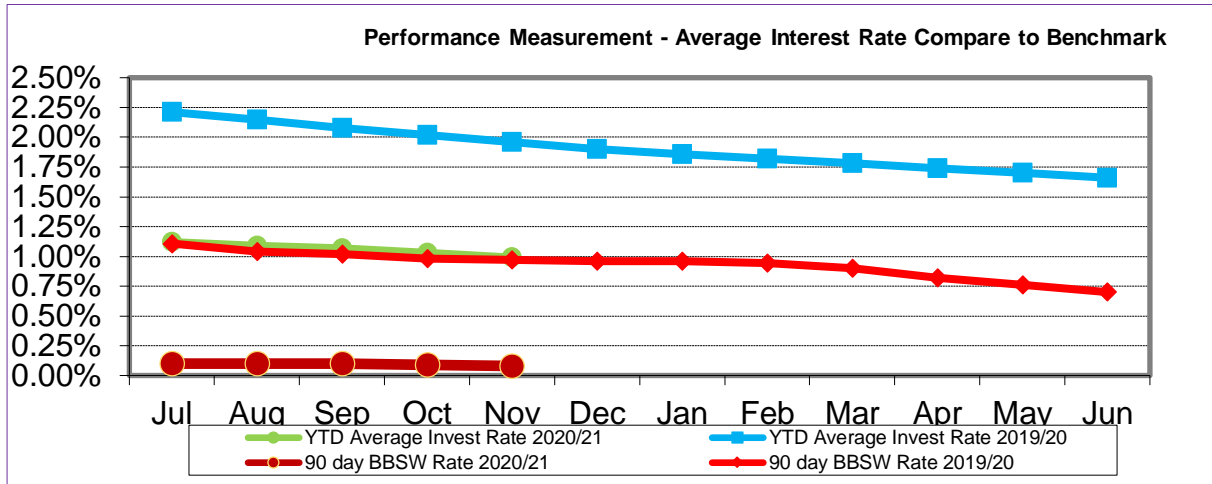
Corporate and Community

Report No. CC116/2020

Corporate and Community Services



Graph 2 Current year portfolio performance to prior year performance



Corporate and Community

Report No. CC116/2020

Corporate and Community Services

**Table 5** Internal and external restrictions over cash and investments held

Month End Totals \$'000	Nov 2020	Oct 2020	Sep 2020	Aug 2020	July 2020	June 2020
Developer contributions	10,750	12,400	12,512	12,444	11,428	13,895
Committed Developer contributions	4,895	3,580	3,580	3,580	3,580	1,130
RMS contributions	2,024	2,024	2,090	2,090	2,090	2,090
Specific purpose unexpended grants	4,995	2,951	2,718	2,718	5,855	3,732
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	774	837	852	854	461	21
External Restrictions	23,868	22,222	22,182	22,116	23,844	21,298
Month End Totals \$'000	Nov 2020	Oct 2020	Sep 2020	Aug 2020	July 2020	June 2020
Plant and vehicle replacement	1,745	1,613	1,963	1,770	1,680	1,694
Employees leave entitlement	2,891	2,891	2,891	2,891	2,891	3,076
Carry over works	1,242	1,319	1,392	495	495	495
Bridge replacement	561	501	566	1,067	711	909
Lawn cemeteries	0	0	0	0	0	69
Computer services	0	268	268	268	268	327
Energy efficiency	91	91	91	91	91	101
Insurance provisions	1,129	1,156	1,128	1,303	1,483	1,415
Miscellaneous and property	1,354	1,398	1,543	1,648	1,659	1,946
Financial Assistance Grant (in advance)	0	0	0	0	0	3,866
Grant Fund Leverage	674	722	757	769	795	768
Operations and programs	429	429	429	429	429	436
Property investment fund	710	721	628	628	439	862
Rezoning fees	85	85	85	85	85	85
Civil Works	1,664	1,815	1,677	1,827	599	599
Waste depot and rehabilitation	5,218	5,218	5,218	5,218	5,218	3,998
Unexpended loan funds	1,677	1,677	36	66	140	140
Committed projects(SRV)	1,077	1,165	1,331	1,633	336	970
Security deposits and bonds	3,031	5,602	5,605	-	-	-
Internal Restrictions	23,578	26,671	25,608	20,188	17,319	21,756
Unrestricted - Balance of funds	5,300	1,964	1,339	2,546	2,590	4,087
Total Cash & Investments	52,746	50,857	49,129	44,850	43,753	47,141

Corporate and Community

Report No. CC116/2020

Corporate and Community Services

The level of unrestricted funds has increased from the October reported figure by \$3.33m. This is due to receipts of second rates installment, pensioner rebate subsidy received (\$658k) and financial assistance grant instalment received in the month (\$876k). The overall level of cash and investments generally remains relatively stable with increases during months when rate instalments are due (September, November, February and May).

Other variations in income, which create exceptions to this general trend, will occur when grant funding is received which is not directly related to expenditure incurred in that month for the grant purpose. The Financial Assistance Grant forms a large part of Council revenue and is received in equal instalments in August, November, February and May each year, with the exception of any early prepayment made. Monthly expenditure is relatively static throughout the year, with the exception where major payments are made for such things as contracts, insurances or other significant payments.

It should be noted that the Grant Fund Leverage allocation has been fully committed:

Miller Park Masterplan – Cricket Infrastructure	\$95,000
New Strategic Planning Projects (<i>refer note 1 below</i>)	\$400,000
Resourcing review of Cessnock LGA Traffic & Transport Strategy & Implementation Program	\$140,000
Miller Park Community Hub	\$121,200
Branxton to Greta Cycleway (balance of funds)	\$39,250
Total	\$795,450

Note 1: Funds have been reserved for new Strategic Planning Projects as per council resolution for PE19/2020. This expenditure has not been included as part of the September QBRS as projects and estimated costs are still being determined.

OPTIONS

N/A

CONSULTATION

Director Corporate and Community Services
 Management Accountant
 Financial Accountant

STRATEGIC LINKS**a. Delivery Program**

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan.

Corporate and Community

Report No. CC116/2020

Corporate and Community Services



This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance*" and more specifically links to strategic direction:

5.3.7: Continue to educate staff on statutory compliance obligations.

5.3.8: Carry out governance functions to comply with legislation and best practice.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Investments are held in accordance with Council's Investment Policy.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds held from Developer Contributions, Domestic Waste Management, Property Investment Reserve and Security Deposit and Bond Reserve is not available for operational projects.

c. Legislative Implications

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2005* and the *Local Government Act 1993*.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

The report details investments held at month end and meets Councils reporting obligations.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC117/2020

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 10 November 2020 to .

RECOMMENDATION

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

ENCLOSURES

[1](#)

Outstanding Actions

[2](#)

Completed Actions from 10 November 2020 to 1 December 2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN24/2020	Ordinary Council 19/08/2020	Alexander, Michael	Business With Notice	Clean Up of Waste from Bushland	24/02/2021	
MOTION 1406 RESOLVED	Moved:	Kerr, Katrina Councillor Suvaal	Seconded:	Councillor Gray		
<p>1. That the General Manager investigate an external source of funding to assist the current work of the RID Squad in cleaning up waste illegally dumped on Council owned land in the Cessnock Local Government Area.</p> <p>2. That the General Manager speaks to Crown Land and Forestry Department to ask for assistance in cleaning up rubbish on their land as well.</p> <p>9 Sep 2020 - 1:03 PM - Michael Alexander Correspondence forwarded to RID Coordinator to seek collaborative meeting with stakeholders to determine best course of action 29 Oct 2020 - 3:21 PM - Michael Alexander Revised Target Date changed by: Alexander, Michael From: 16 Sep 2020 To: 27 Nov 2020 Reason: Further discussion with RID 29/10/20 and reference to similar activity carried out on Central Coast with multiple agency presence 30 Nov 2020 - 10:05 AM - Debbie Kellehear Discussed with RID Coordinator and a meeting to be convened in February 2021 with all stakeholders present. 30 Nov 2020 - 10:11 AM - Debbie Kellehear Revised Target Date changed by: Kellehear, Debbie From: 27 Nov 2020 To: 24 Feb 2021 Reason: Meeting to be convened in February.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN28/2019	Ordinary Council 6/11/2019	Harris, Kate	Business With Notice	Fenced Off Leash Dog Area	23/12/2020	
1056 MOTION 1056 RESOLVED	Moved:	Kerr, Katrina Councillor Fitzgibbon	Seconded:	Councillor Dagg		
<p>1. That Council wait for the delivery of the off leash dog exercise area strategy as identified in the 2019/20 Operational Plan.</p> <p>2. That the Carmichael Park Masterplan be considered in the Off Leash Dog Exercise Area Strategy.</p> <p>23 Jan 2020 - 3:22 PM - Nicole Benson Development of Off Leash Dog Exercise Strategy underway. Off Leash Dog Exercise area included in draft Carmichael Park Masterplan 23 Jan 2020 - 3:25 PM - Nicole Benson Revised Target Date changed by: Benson, Nicole From: 4 Dec 2019 To: 30 Jun 2020 Reason: To align with Operational Plan. 25 Jun 2020 - 12:26 PM - Kate Harris Revised Target Date changed by: Harris, Kate From: 30 Jun 2020 To: 28 Aug 2020 Reason: Additional time is required to complete the strategy due to staffing resources and prioritising the grant funded Richmond Vale Rail Trail specialist document. 27 Aug 2020 - 3:09 PM - Kate Harris Revised Target Date changed by: Harris, Kate From: 28 Aug 2020 To: 30 Oct 2020 Reason: The draft Strategy is currently being drafted but not yet finalised. 29 Oct 2020 - 12:07 PM - Natalie McCloy Revised Target Date changed by: McCloy, Natalie From: 30 Oct 2020 To: 18 Nov 2020 Reason: Review of submitted community survey(s).</p>						

9 Nov 2020 - 8:02 AM - Kate Harris

1. Development of the Off Leash Dog Exercise Area is ongoing with an update to be provided via a Councillor Briefing on 2 December 2020.
2. Complete - Provision of a fenced off leash dog exercise area was considered during the development of the Carmichael Park Masterplan. There was insufficient space to locate a fenced off leash area on site however provision has been made for inclusion of a fenced off leash area within the proposed district sporting facility at Bellbird North.

9 Nov 2020 - 8:33 AM - Kate Harris

Revised Target Date changed by: Harris, Kate From: 18 Nov 2020 To: 23 Dec 2020

Reason: The Off Leash Dog Exercise Area Strategy is still being drafted.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN32/2020	Ordinary Council 18/11/2020	Kerr, Katrina	Business With Notice	Unregistered Motorcycles on Local Roads	16/12/2020	
1513 MOTION 1513 RESOLVED	Moved:	Kerr, Katrina Councillor Olsen	Seconded:	Councillor Dunn		
<ol style="list-style-type: none"> 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. 						
<p>30 Nov 2020 - 11:45 AM - Katrina Kerr</p> <p>Item 1 – Sent correspondence to State Member, NSW Attorney, and local Police re Unregistered motorcycles.</p> <p>Item 2 – Arranged discussion re joint public education campaign.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2020	Ordinary Council 18/11/2020	Kerr, Katrina	Business With Notice	Laneway Access to Units/Granny Flats etc	16/12/2020	
1514 MOTION 1514 RESOLVED	Moved:	Kerr, Katrina Councillor Olsen	Seconded:	Councillor Dunn		
<p>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,</p> <ol style="list-style-type: none"> 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 						
<p>23 Nov 2020 - 11:38 AM - Yvonne Blake</p> <p>Action reassigned to Kerr, Katrina by: Blake, Yvonne for the reason: This report relates to Council Policy D5.3 - Development Applications Adjacent to Rear Lanes, which is the responsibility of the Roads, Bridges & Drainage Manager in W&I.</p> <p>30 Nov 2020 - 11:50 AM - Katrina Kerr</p> <p>Commenced drafting report to Council.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN34/2020	Ordinary Council 18/11/2020	Benson, Nicole	Business With Notice	Swimming Pool Entry	16/12/2020	
<p>MOTION 1515 RESOLVED</p> <p>Moved: Kerr, Katrina Councillor Suvaal</p> <p>Seconded: Councillor Dunn</p> <p>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</p> <p>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.</p> <p>3. Notes the use of the app of 1breadcrumb for contact tracing purposed which records patrons entry to and exit from aquatic facilities.</p> <p>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.</p> <p>5. That the General Manager be given the authority to update this policy as the COVID-19 situation requires.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC100/2020	Ordinary Council 21/10/2020	Rathborne, Michael	Corporate and Community	Authorisation for sale of land: • 26 Tulloch Street, East Braxton • 27 Aberdare Street, Kitchener • 29 Aberdare Street, Kitchener • 29 Cessnock Street, Kitchener • 31 Aberdare Street, Kitchener • 16A Stephen Street, Cessnock	26/02/2021	
<p>MOTION 1481 RESOLVED</p> <p>Moved: Maginnity, Robert Councillor Suvaal</p> <p>Seconded: Councillor Dunn</p> <p>1. That Council approves the sale of the following properties classified as operational land:</p> <p><input type="checkbox"/> 26 Tulloch Street, East Braxton</p> <p><input type="checkbox"/> 27 Aberdare Street, Kitchener</p> <p><input type="checkbox"/> 29 Aberdare Street, Kitchener</p> <p><input type="checkbox"/> 29 Cessnock Street, Kitchener</p> <p><input type="checkbox"/> 31 Cessnock Street, Kitchener</p> <p><input type="checkbox"/> 16A Stephen Street, Cessnock.</p> <p>2. That Council authorises the General Manager be delegated to negotiate each sale in accordance with not less than 90% of the independent valuation advice and execute documentation required to effect the transaction if the General Manager deems the sale is beneficial and at a timing deemed most beneficial to Council.</p> <p>3. That the proceeds of sale be allocated in accordance with the adopted Property Investment & Development Policy.</p>						

28 Oct 2020 - 2:49 PM - Robyn Keegan

Revised Target Date changed by: Keegan, Robyn From: 18 Nov 2020 To: 29 Jan 2021

Reason: Agents have been appointed, contracts prepared and marketing will commence this week.

25 Nov 2020 - 4:27 PM - Robyn Keegan

Revised Target Date changed by: Keegan, Robyn From: 29 Jan 2021 To: 26 Feb 2021

Reason: All properties have been sold and contracts exchanged except for 16a Stephen Street, which is being listed for sale this week.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC30/2019	Ordinary Council 1/05/2019	Rathborne, Michael	Corporate and Community	Acquisition of land for road widening - Sandy Creek Road, Mt Vincent	26/03/2021	
893 MOTION 893 RESOLVED	Moved:	Maginnity, Robert Councillor Suvaal	Seconded:	Councillor Fitzgibbon		
<p>1. That Council acquire the land part Lot 120 and part Lot 122 of DP 755244 being land currently comprised in Conveyance Book 3144 No 987 and Conveyance Book 3333 No 5 for road purposes and dedicate the land to the public as public road;</p> <p>2. That Council authorise the General Manager to negotiate compensation with the property owners by private agreement for acquisition of the Land subject to an independent valuation report and in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>;</p> <p>3. That in the event that negotiations with the property owners cannot be satisfactorily finalised, that Council make application to the Office of Local Government for approval of the Minister and the Governor to proceed with compulsory acquisition of the Land being part Lot 120 and Part Lot 122 DP 755244;</p> <p>4. That Council authorise the Common Seal of Cessnock City Council to be affixed to the plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244;</p> <p>5. That Council authorise the General Manager and Mayor/Councillor to execute the Plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244.</p>						
<p>4 Jun 2019 - 11:44 AM - Susanne Brinkworth Revised Target Date changed by: Brinkworth, Susanne From: 29 May 2019 To: 28 Jun 2019 Reason: Awaiting advice from landowner 9 Aug 2019 - 9:04 AM - Susanne Brinkworth Revised Target Date changed by: Brinkworth, Susanne From: 31 Jul 2019 To: 30 Aug 2019 Reason: Owner has agreed to compensation. Deed of agreement prepared and surveyor engaged to prepare plan of subdivision 3 Sep 2019 - 9:23 AM - Susanne Brinkworth Revised Target Date changed by: Brinkworth, Susanne From: 30 Aug 2019 To: 21 Sep 2019 Reason: Awaiting owner to execute agreement to lodge plan of subdivision 9 Mar 2020 - 3:41 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 31 Oct 2019 To: 31 Mar 2020 Reason: waiting on amendments to plans 12 Mar 2020 - 11:01 AM - Michael Rathborne Email sent to Solicitor for owners requesting owners consent, and agreement to be returned to CCC. 8 Apr 2020 - 10:50 AM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 31 Mar 2020 To: 30 Jun 2020 Reason: Still awaiting response from land owner. Additional letter sent to their solicitor 6.4.2020. 27 Apr 2020 - 12:38 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020 Reason: waiting on surveyors to identify the land in question so that the easement can be completed.</p>						

28 May 2020 - 3:21 PM - Michael Rathborne
 Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020
 Reason: Requested plans from surveyor to finalise the matter.
 4 Aug 2020 - 1:27 PM - Michael Rathborne
 Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Sep 2020
 Reason: MR contacted by owners who want this matter finalised. Surveyor has been contacted to respond asap.
 28 Oct 2020 - 2:46 PM - Robyn Keegan
 Revised Target Date changed by: Keegan, Robyn From: 30 Sep 2020 To: 27 Nov 2020
 Reason: Awaiting on ownership to be finalised by their Solicitor.
 25 Nov 2020 - 4:25 PM - Robyn Keegan
 Revised Target Date changed by: Keegan, Robyn From: 27 Nov 2020 To: 26 Mar 2021
 Reason: Owners solicitors have not responded to sorting out their ownership issues.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC4/2020	Ordinary Council 5/02/2020	Rathborne, Michael	Corporate and Community	Acquisition of land by boundary adjustment to add to Turner Park and granting an easement for stormwater within Turner Park Lot 501 DP 1108309	26/02/2021	
1139 MOTION 1139 RESOLVED	Moved:	Maginnity, Robert Councillor Doherty	Seconded:	Councillor Suvaal		
<p>1. That Council consents to the boundary adjustment and gaining that additional land marked on the attached plans:</p> <p>a) That Council authorises the General Manager to negotiate the agreement between the adjoining owners on Aberdare Road, Cessnock;</p> <p>b) That Council authorises for the Common Seal of Cessnock City Council to be affixed to the related documents between Cessnock City Council and the owner of Lot 3 Section 50 DP 758002, Aberdare Road, Cessnock</p> <p>c) That Council authorises the Mayor and the General Manager to execute all documents relating to the land transfer.</p> <p>2. That Council consents to the granting of an easement benefiting Lot 3 Section 50 DP 758002 burdening Council land being Lot 501 DP 1108309 for stormwater purposes subject to the following:</p> <p>a) The easement, of no greater than 1.5m wide to be located on the eastern boundary of Cessnock Tennis Courts Lot 501 DP 1108309 and in accordance with approved plans;</p> <p>b) That the stormwater drainage infrastructure be constructed underground within the easement;</p> <p>c) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement;</p> <p>d) That Council advises the applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;</p> <p>e) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and</p> <p>f) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.</p> <p>9 Mar 2020 - 3:43 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 4 Mar 2020 To: 31 Mar 2020 Reason: Almost completed. 8 Apr 2020 - 10:15 AM - Michael Rathborne Awaiting final plan from Surveyors, due 23.4.2020 28 May 2020 - 3:24 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020 Reason: Spoke with client 10 May and his surveyor will issue plans for easement and acquisition. 25 Jun 2020 - 11:52 AM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 30 Jun 2020 To: 30 Sep 2020 Reason: Waiting on the surveyor for the land owner to produce a plan for the boundary adjustment. Will follow up with him again 25/6/20. 4 Aug 2020 - 1:28 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Sep 2020 Reason: owner contacted council this week with plans of easement and land boundary adjustment to move towards finalisation. 5 Aug 2020 - 10:44 AM - Robyn Keegan</p>						

Updated plans received this week from the owner. He had been delayed due to some sewer issues on the site. CCC currently assessing the plans and will respond ASAP.

31 Aug 2020 - 12:32 PM - Robyn Keegan
CCC Property Officer spoke with the land owner in regards to the swap of land for easement last week and they are to meet onsite next week to resolve the placement of the easement so that his surveyor can finalise their plan and CCC can proceed with the transaction.

4 Sep 2020 - 11:56 AM - Michael Rathborne
Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Oct 2020
Reason: MR met with landowner 1.9.2020 to expedite the plans for council signature and lodgement.

30 Sep 2020 - 9:19 AM - Robyn Larsen
I received the final plans of easement yesterday that need to be reviewed and signed. Hopefully this should be signed, if correct, by the end of this week and returned for registration.

28 Oct 2020 - 2:47 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 30 Oct 2020 To: 27 Nov 2020
Reason: Plans being signed by Owner and then Council.

25 Nov 2020 - 4:27 PM - Robyn Keegan
Revised Target Date changed by: Keegan, Robyn From: 27 Nov 2020 To: 26 Feb 2021
Reason: Turner park boundary adjustment etc- Developer dropped in final plans this morning for Director C&CS to sign.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC6/2018	Ordinary Council 7/03/2018	Drage, Natalie	Deferred Business	Richmond Main Colliery - Remediation Plan	24/12/2020	
433 MOTION 433 RESOLVED	Moved:	Maginnity, Robert Councillor Fitzgibbon	Seconded:	Councillor Gray		
<p>1. That Council allocate funding of \$50,500 from the Miscellaneous and Property Reserve, for the preparation of a Remediation Action Plan, development application and continuation of temporary fencing at Richmond Main Colliery.</p> <p>2. That a further report be prepared for Council detailing the estimated costs of implementing the Remediation Action Plan once they are known.</p> <p>3. That any future Richmond Main Colliery reports include the cumulative total of expenditure since the September 2017 fire.</p> <p>4. That the General Manager prepare a report in consultation with the site users, including an inventory of equipment, and removal of non essential items from the historic site, with the view to improving visual site amenity, safety and security.</p> <p>13 Mar 2018 - 10:40 AM - Katrina Patch Request for Quote Documentation being prepared in order to engage consultancy to prepare the RAP.</p> <p>4 Apr 2018 - 12:09 PM - Katrina Patch The Request For Quote for the preparation of the Remediation Action Plan closes on Tuesday 10 April.</p> <p>7 May 2018 - 2:48 PM - Robyn Keegan GHD was the successful quote and has been engaged. Inception meeting occurred 2 May 2018, and the project has commenced.</p> <p>23 May 2018 - 5:25 PM - Natalie Drage A request for quote has been distributed for the appointment of an external site auditor and is a requirement in accordance with the Contaminated Land Management Guidelines (NSW EPA) and closes 28 May 2018.</p> <p>5 Jul 2018 - 12:17 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 4 Aug 2018 To: 31 Oct 2018 Reason: Engagement of vendor and preparation of RAP estimated to take 5 months.</p> <p>24 Jul 2018 - 3:10 PM - Natalie Drage The report to Council tabled 4 July 2018, included the cumulative total of expenditure since the September 2017 fire.</p> <p>Resolution 4 - the report to Council on the 4 July 2018 provided an update on the outcome of discussions to date with the Society regarding preparation of an inventory. The Society have been encouraged to commence the removal of non-museum items from the second floor of the museum building. This item will be incorporated into the Site Management Action Plan.</p> <p>6 Aug 2018 - 9:38 AM - Natalie Drage Site visit to Richmond Main occurred with the external auditor and consultant preparing the RAP on 1 August 2018. Consultation to occur with the Preservation Society to assist with understanding current and potential future land uses within Precinct C. This consultation process will be an agenda item for the next meeting with Council staff and the Society Board.</p>						

29 Aug 2018 - 2:43 PM - Natalie Drage

Consultant preparing the Remediation Action Plan met with Council staff and the Board of the Richmond Main Preservation Society on 22 August 2018. The consultation session considered Precinct C, its future uses and identification of priority locations.

5 Oct 2018 - 12:50 PM - Natalie Drage

Meeting held with GHD and Council staff to discuss the Remediation Action Plan and confirming the high priority areas at the site.

26 Oct 2018 - 11:44 AM - Natalie Drage

The Richmond Main Preservation Society at the meeting held with Council officers on 23 October 2018 tabled a report advising of site clean up activities undertaken to date within Precinct B.

21 Jan 2019 - 12:28 PM - Natalie Drage

The report to Council on 21 November 2018 included an update for clean up activities undertaken by the Richmond Main Preservation Society in improving the visual amenity of the site.

7 Feb 2019 - 3:59 PM - Natalie Drage

Costing options for soil sampling has occurred to inform the development of the Remediation Action Plan in consultation with GHD (consultant).

4 Mar 2019 - 10:52 AM - Natalie Drage

Soil sampling for Precinct C (Stage 1) to occur and will inform the actions of the RAP.

3 Apr 2019 - 11:48 AM - Natalie Drage

Awaiting outcome of soil sampling from consultant preparing the RAP.

2 May 2019 - 12:10 PM - Natalie Drage

Meeting held at Richmond Main Colliery with consultant preparing the RAP to confirm locations for soil sampling. Stage 1 Area Assessment Sampling, Analysis and Quality Plan (developed by Consultant) provided to external auditor for review and upon the completion of the review soil sampling will commence.

1 Jul 2019 - 4:08 PM - Natalie Drage

External auditor has reviewed and provided comments for Stage 1 Area Assessment Sampling, Analysis and Quality Plan. Consultant to commence soil sampling July 2019.

7 Aug 2019 - 2:46 PM - Natalie Drage

Soil sampling process commenced.

3 Sep 2019 - 2:30 PM - Natalie Drage

Soil sampling process completed.

2 Oct 2019 - 2:39 PM - Natalie Drage

With the soil sampling analysis now complete, the consultant is finalising the Remediation Action Plan.

23 Oct 2019 - 2:51 PM - Natalie Drage

Meeting held on 21 October 2019 with consultant preparing the Remediation Action Plan for overview of soil sampling findings.

3 Dec 2019 - 9:17 AM - Natalie Drage

Draft Preliminary Contamination Assessment of Stage 1 Area received by Consultant and forwarded to external site auditor for review.

4 Feb 2020 - 10:34 AM - Natalie Drage

External Auditor has reviewed the Draft Preliminary Contamination Assessment of Stage 1 Area and feedback is being incorporated into the document by the Consultant.

6 Mar 2020 - 11:14 AM - Natalie Drage

Amended Contamination Assessment of Stage 1 Area Report received and will be forwarded to External Auditor upon completion of staff review.

1 Apr 2020 - 9:11 AM - Natalie Drage

Draft Remediation Action Plan received. Both the Draft Remediation Action Plan and Contamination Assessment of Stage 1 Area Report received and forwarded to External Auditor for review.

28 Apr 2020 - 9:19 AM - Natalie Drage

Costings are being prepared by the Consultant for the Draft Remediation Action Plan.

13 May 2020 - 10:05 AM - Natalie Drage

Revised Target Date changed by: Drage, Natalie From: 29 May 2020 To: 31 Jul 2020

Reason: Review of Draft Remediation Action Plan by External Auditor pending.

25 Jun 2020 - 11:49 AM - Natalie Drage

Review of Draft Remediation Action Plan by External Auditor has occurred.

8 Jul 2020 - 9:41 AM - Natalie Drage

Review comments by the External Auditor has been forwarded to the Consultant for consideration.

27 Jul 2020 - 2:17 PM - Natalie Drage

Revised Target Date changed by: Drage, Natalie From: 31 Jul 2020 To: 30 Sep 2020

Reason: With the Remediation Action Plan finalised by the Consultant it will have a final review by the External Auditor.

30 Sep 2020 - 8:53 AM - Natalie Drage

The Remediation Action Plan is undergoing final review by the External Auditor seeking endorsement.

27 Oct 2020 - 5:03 PM - Natalie Drage

Revised Target Date changed by: Drage, Natalie From: 27 Nov 2020 To: 24 Dec 2020

Reason: Final review by the External Auditor complete.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC63/2019	Ordinary Council 7/08/2019	Holliday, Jennifer	Corporate and Community	Tender Evaluation Report for T1819-16 - Website Development and Implementation	28/02/2021	
939 MOTION 939 RESOLVED	Moved:	Maginnity, Robert Councillor Dagg	Seconded:	Councillor Gray		
<p>1. That Council accept the tender from OpenCities Pty Ltd for a lump sum of \$308,000 (including GST) for a period of up to five years, to develop, implement and provide ongoing maintenance for the following Council websites:</p> <ul style="list-style-type: none"> * Cessnock City Council corporate website; and * Three smaller satellite websites: <ul style="list-style-type: none"> <input type="checkbox"/> Building Certifiers <input type="checkbox"/> Cessnock Performing Arts Centre <input type="checkbox"/> Cessnock City Council Libraries <p>2. That the General Manager investigate the development and cost of a mobile device app to integrate into the updated Council website.</p> <p>14 Aug 2019 - 2:44 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 7 Aug 2019 To: 03 Jul 2020 Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019.</p> <p>14 Aug 2019 - 2:44 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 03 Jul 2020 Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019.</p> <p>14 Aug 2019 - 2:45 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 03 Jul 2020 Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019. 2. Request for Quotations to be address for mobile device app.</p> <p>7 Nov 2019 - 3:14 PM - Robyn Keegan OpenCities are developing the new Website. Quotations are being researched.</p> <p>6 Feb 2020 - 2:09 PM - Robyn Keegan Website being developed.</p> <p>28 Apr 2020 - 8:44 AM - Robyn Keegan New corporate website was delivered on 25 March 2020. The CPAC, Libraries and Building Certifiers sub-sites are now under development.</p> <p>25 Jun 2020 - 11:59 AM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 31 Dec 2020 Reason: Building Certifiers website - revised completion date of 31 July - Site will be delivered four weeks later than planned due to development delays.</p> <p>CPAC website - revised completion to 31 December - Site will launch in Q4 to coincide with re-opening of CPAC performances to public.</p> <p>Libraries website - revised completion to 30 September - Site launch delayed due to conflicting operational priorities</p> <p>4 Aug 2020 - 10:45 AM - Robyn Keegan Building Certifiers website - revised completion date of 14 August 2020.</p> <p>25 Nov 2020 - 4:21 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 31 Dec 2020 To: 28 Feb 2021 Reason: Building Certifiers site now LIVE.</p>						

25 Nov 2020 - 4:22 PM - Robyn Keegan

Revised Target Date changed by: Keegan, Robyn From: 28 Feb 2021 To: 28 Feb 2021

Reason: CPAC and Library Websites ongoing.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU18/2020	Ordinary Council 16/09/2020	Chadwick, Tony	General Manager's Unit	Hunter Valley Tourism Service Agreement	14/10/2020	
1420 MOTION 1420 RESOLVED	Moved:	Jackson, Lotta Councillor Suvaal	Seconded:	Councillor Burke		
<p>1. That Council endorses the creation of a tourism service agreement between Council and the Hunter Valley Wine and Tourism Association that represents the interests of tourism operators in the Hunter Valley;</p> <p>2. That Council delegates authority to the General Manager to create a tourism service agreement between Council and the Hunter Valley Wine and Tourism Association;</p> <p>3. That Council notes that there will be only one membership body with a form of tiered membership for tourism operators in the proposed agreement with the fees administrated by the Hunter Valley Wine and Tourism Association;</p> <p>4. That Council places the removal of tourism fees (4.a – 4.i) on public exhibition for a period of 28 days and provide public notice of the intention to remove the fees subject to consideration of submissions received;</p> <p>a) Fee For Service – Silver Deal b) Fee For Service – Gold Deal c) Fee for Service – Diamond Deal d) Fee for Service for Community – Not for Profit e) Visitor Guide and Map listing f) Fee For Service – Additional Brochure g) Early bird incentives h) Sequential Fee For Service: Multi packages i) Accommodation and Activity Bookings Commission</p> <p>5. If no submissions are received after public exhibition, adopt the Recommendation.</p> <p>8 Oct 2020 - 1:20 PM - Tony Chadwick The following actions have been taken.</p> <p>Item 2. Council has drafted a legal agreement that will form the contract between HVWTA and Council. Council has asked for feedback from HVWTA and HVWTA are seeking independent legal advice.</p> <p>Item 3. Create a tiered membership for tourism operators with the fees administrated by the Hunter Valley Wine and Tourism Association - A draft joint Tourism Service Prospectus has been developed and promoted for membership renewal.</p> <p>Item 4. Council have placed the tourism fees removal plan on public exhibition via Councils Website and in print advertising. Public exhibition closed on 28 Oct 2020 with no objections or submissions received.</p> <p>Item 5. If no submissions are received after public exhibition, adopt the Recommendation. The public exhibition period closed on 28 Oct 2020 at 5pm with no objections. Item 2 will be progressed to complete the resolution.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU23/2020	Ordinary Council 21/10/2020	Chadwick, Tony	General Manager's Unit	NSW Bushfire Community and Resilience Fund Grant Opportunity	18/11/2020	
1455 MOTION 1455 RESOLVED	Moved:	Jackson, Lotta Councillor Doherty	Seconded:	Councillor Dagg		
<p>1. That Council delegates authority to the General Manager to submit grant applications under Phase 2 of the Bushfire Community Recovery and Resilience Fund that align with the expectations of bushfire affected communities; and</p> <p>2. That Council receives a report with the projects that are submitted under Phase 2 of the Bushfire Community Recovery and Resilience Fund.</p> <p>27 Oct 2020 - 10:06 AM - Tony Chadwick</p> <p>Action 1.</p> <p>Bushfire Community Recovery and Resilience Fund Phase 2 Stream 1 grant application PJ-0000231 was submitted on 26 Oct 2020 for \$250,000. Council has been working with the fund manager to ensure projects submitted align with the fund guidelines and are waiting confirmation of successful projects.</p> <p>Bushfire Community Recovery and Resilience Fund (BCRRF) Phase 2 Stream 2 grant application PJ-0000230 for the 2021 Hunter Valley Airshow was submitted on 26 Oct 2020 for \$39,237.</p> <p>BCRRF Phase 2 Stream 2 grant application PJ-0000264 submitted for Hunter Valley Business Hub Business Disaster Preparedness, Marketing and Grants workshops with 1:1 assistance - \$104,195. Workshop locations will be Wollombi, Singleton, Cessnock, Kurri Kurri and Branxton (3 workshops in each location).</p> <p>BCRRF Phase 2 Stream 2 grant application PJ-0000311 submitted for Business and Tourism Networking Events with guest speakers (Events will be held at Wollombi, Pokolbin, Singleton, Cessnock, Kurri Kurri and Branxton – \$117,500.</p> <p>Letter of support provided for Reflex Social Services Responsive Recovery Program for Bushfire Recovery grant application.</p> <p>Letter of support provided for DSSN Tourism Mentoring Program for Bushfire Recovery grant application.</p> <p>Action 2.</p> <p>Once all applications are submitted a Council Report will be drafted detailing the projects that were submitted under Phase 2 of the Bushfire Community Recovery and Resilience Fund.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU25/2020	Ordinary Council 18/11/2020	Chadwick, Tony	General Manager's Unit	2019/2020 Economic Development Grants and Sponsorship Program Acquittal Report	16/12/2020	
1489 MOTION 1489 RESOLVED	Moved:	Jackson, Lotta Councillor Gray	Seconded:	Councillor Dagg		
<p>1. That Council notes the 2019/2020 Economic Development Grants and Sponsorships Program Acquittal Report.</p> <p>2. That all Chambers of Commerce, including Towns with Heart, be invited to brief Council in the first quarter of 2021.</p> <p>30 Nov 2020 - 9:22 AM - Tony Chadwick</p> <p>A Council Briefing date is yet to be determined. Once the date is set an invitation will be sent to all Chambers of Commerce, including Towns with Heart.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM9/2020	Ordinary Council 16/09/2020	Maher, Janine	Mayoral Minutes	Charities Discount for Temporary Events	11/12/2020	
1417 MOTION 1417 RESOLVED	Moved:	Johnson, Martin Councillor Pynsent				
<p>1. That the General Manager amends the Events DA Policy in the appropriate areas to reflect:</p> <p><i>“That Events run by Registered Charities, have all councils’ fees and charges applicable to Temporary Events Development Applications discounted by 50% of the adopted fees and charges”.</i></p> <p>2. That the 50% discounted fees be placed on public exhibition for 28 days and if no submissions are received, the 50% discount apply.</p> <p>23 Sep 2020 - 12:17 PM - Yvonne Blake Action reassigned to Rush, Iain by: Blake, Yvonne for the reason: Officer to update policy. Once completed to be reallocated to Andrew Glauser to update and exhibit the changes in current budget. 23 Sep 2020 - 4:16 PM - Tyler Borowiec Resolution added to Strategic Planning's DCP work program. 23 Sep 2020 - 4:19 PM - Tyler Borowiec Action reassigned to Glauser, Andrew by: Borowiec, Tyler for the reason: Reallocated to Finance for required fees and charges amendment. 19 Oct 2020 - 11:08 AM - Yvonne Blake Action reassigned to Maher, Janine by: Blake, Yvonne for the reason: Reduction of fees to be placed on exhibition prior to applying discount 19 Oct 2020 - 11:09 AM - Yvonne Blake Revised Target Date changed by: Blake, Yvonne From: 14 Oct 2020 To: 27 Nov 2020 Reason: Fee reduction to be placed on 28 day exhibition. 19 Nov 2020 - 9:38 AM - Yvonne Blake Revised Target Date changed by: Blake, Yvonne From: 27 Nov 2020 To: 11 Dec 2020 Reason: Exhibition closes 4 December 2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE25/2020	Ordinary Council 15/07/2020	McCauley, Hannah	Planning and Environment	Planning Proposal: Additional Permitted Use at The Vintage	31/12/2020	
1344 MOTION 1344 RESOLVED	Moved:	Johnson, Martin Councillor Doherty	Seconded:	Councillor Fitzgibbon		
<p>1. That Council requests a Gateway determination for the Planning Proposal – Residential Flat Buildings Additional Permitted Use at ‘The Vintage’ from the Department of Planning, Industry and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>2. That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</p> <p>3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</p> <p>4. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise, forward the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.</p> <p>27 Jul 2020 - 9:44 AM - Hannah McCauley 1. Planning Proposal sent to the DPIE on 24 July 2020 seeking Gateway determination. 27 Jul 2020 - 9:53 AM - Hannah McCauley</p>						

Revised Target Date changed by: McCauley, Hannah From: 31 Aug 2020 To: 30 Nov 2020
 Reason: Date revised to allow for processing times at the DPIE.
 1 Oct 2020 - 2:27 PM - Hannah McCauley
 Gateway determination received on 18 September. Staff working to satisfy the Gateway conditions.
 1 Oct 2020 - 2:27 PM - Hannah McCauley
 Revised Target Date changed by: McCauley, Hannah From: 30 Nov 2020 To: 31 Dec 2020
 26 Oct 2020 - 10:03 AM - Hannah McCauley
 Gateway conditions are being worked through, the Planning Proposal is with the RFS for referral comments.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE26/2020	Ordinary Council 15/07/2020	McCauley, Hannah	Planning and Environment	Planning Proposal: Reclassification and rezoning of Council owned land.	31/03/2021	
1345 MOTION 1345 RESOLVED	Moved:	Johnson, Martin Councillor Gray	Seconded:	Councillor Burke		
<p>1. That Council requests a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Cessnock, East Branxton, Greta, Pelaw Main, and Weston from the Department of Planning, Industry and Environment pursuant to the <i>and Assessment Act 1979</i>.</p> <p>2. That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</p> <p>3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</p> <p>4. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.</p> <p>5. That Item 7 Maitland Street and Part of 107 Lang St Kurri Kurri be moved as per resolution to operational Land, with the rezoning being deferred for a further briefing to Council regarding future options regarding this site.</p> <p>27 Jul 2020 - 9:50 AM - Hannah McCauley 1. Planning Proposal sent to the DPIE on 24 July 2020 seeking Gateway determination. 2. Staff are working on briefing. Currently assessing Strategic Planning workload and prioritising tasks. 27 Jul 2020 - 9:53 AM - Hannah McCauley Revised Target Date changed by: McCauley, Hannah From: 12 Aug 2020 To: 30 Nov 2020 Reason: Date revised to allow for processing times at the DPIE. 1 Oct 2020 - 2:28 PM - Hannah McCauley Revised Target Date changed by: McCauley, Hannah From: 30 Nov 2020 To: 31 Dec 2020 26 Oct 2020 - 10:04 AM - Hannah McCauley 1. Councillor Briefing was held on 14 October 2020. 2. Gateway determination not yet received. 26 Oct 2020 - 10:06 AM - Hannah McCauley Revised Target Date changed by: McCauley, Hannah From: 31 Dec 2020 To: 31 Mar 2021 Reason: The Gateway determination has not been received yet.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE36/2020	Ordinary Council 21/10/2020	Corken, Robert	Planning and Environment	Amended Planning Proposal for the Cessnock Commercial Precinct	21/04/2021	
1456 MOTION 1456 RESOLVED	Moved:	Johnson, Martin Councillor Gray	Seconded:	Councillor Fitzgibbon		
<p>1. That Council requests an amended Gateway determination from the Department of Planning, Industry and Environment for the Planning Proposal – Cessnock Commercial Precinct.</p> <p>2. That Council undertakes consultation with public authorities and the community as determined by the Department of Planning, Industry and Environment's amended Gateway determination.</p> <p>3. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning, Industry and Environment requesting the Plan be made.</p> <p>3 Nov 2020 - 10:35 AM - Robert Corken Sent to DPIE 27/10 for revised gateway determination.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE38/2020	Ordinary Council 18/11/2020	Forbes, Richard	Planning and Environment	Development Application 8/2020/359/1 proposing construction of a rural worker's dwelling 80 Pokolbin Mountains Road, Pokolbin	16/12/2020	
1491 MOTION 1491 RESOLVED	Moved:	Johnson, Martin Councillor Doherty	Seconded:	Councillor Burke		
<p>1. That:</p> <p>(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 <i>Environmental Planning and Assessment Act 1979</i>, subject to the conditions contained in this report.</p> <p>(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:</p> <p>a) The proposal is a permitted land use in the RU4 zone under <i>Cessnock Local Environmental Plan 2011</i>;</p> <p>b) The proposal is consistent with the objectives of the RU4 zone under <i>Cessnock Local Environmental Plan 2011</i>;</p> <p>c) The proposal is consistent with the relevant State Environmental Planning Policies;</p> <p>d) The proposal is compliant with the relevant provisions under Cessnock Development Control Plan 2010;</p> <p>e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;</p> <p>f) The proposal will not result in any adverse social or economic impacts;</p> <p>g) The site is considered suitable and appropriate within the rural landscape setting with minimal impacts on the rural amenity of the locality; and</p> <p>h) The proposal is considered to maintain the public interest.</p> <p>(iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>						

CONDITIONS OF CONSENT**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 Polkoben Mountains Road, Polkoben (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:

City Wide Infrastructure Contributions Plan 2020	
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
Total Contribution per dwelling	\$10,883.87.

A copy of the **City Wide Infrastructure Contributions Plan 2020** may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

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

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).

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) 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.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W118/2018	Ordinary Council 7/03/2018	Harris, Kate	Works and Infrastructure	Options for Cessnock Pool	31/12/2020	
441 MOTION 441 RESOLVED	Moved:	Kerr, Katrina Councillor Gray	Seconded:	Councillor Sander		
<p>1. That Council notes the Report and endorses Option C (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.</p> <p>2. That Council undertakes further work to determine the scope, design and cost of Option C (relocate to Turner Park), incorporating indoor and outdoor water and play features, with an estimated capital cost of up to \$20M to be partly funded through development contributions.</p> <p>3. That Council endorses Option B (upgrade at current location) as an interim strategic direction for Cessnock Pool.</p> <p>4. That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option B (upgrade at current location).</p> <p>5. That Council receives a further report on how Options B (upgrade at current location) and C (relocate to Turner Park) will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant at the existing Cessnock Pool.</p> <p>19 Mar 2018 - 3:19 PM - Rebecca Bailey Work on upgrade to current location has commenced. Work on scope design, and cost for relocation to Turner Park is presently unfunded. Report to Council on these matters scheduled for late 2018. Item 1: Complete Item 2: Pending budget allocation Item 3: Noted Item 4: Cessnock Pool Masterplan has been adopted. Detailed designs for the splashpad currently being prepared Item 5: Reliant on resolution 4 to be finalised 14 Jun 2018 - 9:52 AM - Kristy Meyers Ongoing. 31 Oct 2018 - 10:48 AM - Natalie McCloy Revised Target Date changed by: McCloy, Natalie From: 1 Nov 2018 To: 06 Mar 2019 Reason: Design Brief currently being developed with a view to finalise in November 2019 5 Mar 2019 - 11:44 AM - Vickie Stovell Revised Target Date changed by: Stovell, Vickie From: 6 Mar 2019 To: 29 Mar 2019 Reason: Design brief advertised and closes on 22 March 2019. Once a consultant has been engaged the timeframes will be added. 17 Apr 2019 - 12:43 PM - Natalie McCloy Revised Target Date changed by: McCloy, Natalie From: 29 Mar 2019 To: 19 Apr 2019 Reason: Design brief closed. Consultant to be engaged. 7 Jun 2019 - 8:40 AM - Natalie McCloy Revised Target Date changed by: McCloy, Natalie From: 19 Jun 2019 To: 19 Jun 2019 Reason: Facility Design Group has been engaged. Community engagement has commenced. 10 Jul 2019 - 9:17 AM - Nicole Benson Item 3: Complete Item 4: Works underway and report to Council due September 3 Sep 2019 - 12:20 PM - Nicole Benson Item 4: Council briefed on 28 August and report to be considered on 18 September 15 Oct 2019 - 7:22 AM - Kate Harris Item 4: Draft Cessnock Pool Masterplan placed on Public Exhibition. Exhibition period closes on 22 October 2019. 3 Nov 2019 - 10:25 AM - Kate Harris Item 4: Draft Cessnock Pool Masterplan placed on Public Exhibition. Submissions currently being collated with a view to report to Council before the end of the year.</p>						

<p>3 Nov 2019 - 10:26 AM - Kate Harris</p> <p>Revised Target Date changed by: Harris, Kate From: 31 Oct 2019 To: 06 Dec 2019</p> <p>Reason: Masterplan has not yet been adopted by Council</p> <p>21 Jan 2020 - 2:40 PM - Vickie Stovell</p> <p>Revised Target Date changed by: Stovell, Vickie From: 31 Mar 2020 To: 31 Mar 2020</p> <p>Item 4: Cessnock Pool Masterplan has been adopted. Detailed designs for the splashpad currently being prepared.</p> <p>2 Apr 2020 - 10:58 AM - Kate Harris</p> <p>Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate delayed by consultant until April 2020. R report continues to be drafted inclusive of funding options.</p> <p>2 Apr 2020 - 11:00 AM - Kate Harris</p> <p>Revised Target Date changed by: Harris, Kate From: 31 Mar 2020 To: 04 May 2020</p> <p>Reason: Detailed designs are currently being finalised.</p> <p>2 Apr 2020 - 11:11 AM - Kate Harris</p> <p>Revised Target Date changed by: Harris, Kate From: 4 May 2020 To: 30 Jun 2020</p> <p>Reason: Awaiting consultants to complete detailed designs</p> <p>28 May 2020 - 3:13 PM - Nicole Benson</p> <p>Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate reviewed by staff and back with consultants for final changes. Report continues to be drafted inclusive of funding options for July meeting.</p> <p>3 Aug 2020 - 6:54 AM - Kate Harris</p> <p>Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate are complete. A report was provided to Council outlining funding options in July 2020 and was deferred pending a Councillor briefing. A further report will be provided to Council in September following the briefing.</p> <p>3 Aug 2020 - 6:57 AM - Kate Harris</p> <p>Revised Target Date changed by: Harris, Kate From: 31 Jul 2020 To: 30 Sep 2020</p> <p>Reason: A councillor briefing is required.</p> <p>9 Oct 2020 - 11:56 AM - Nicole Benson</p> <p>Revised Target Date changed by: Benson, Nicole From: 30 Sep 2020 To: 30 Oct 2020</p> <p>Reason: Councillor briefing scheduled for 14 October and report included in 21 October Ordinary Council meeting agenda to address Item 4.</p> <p>29 Oct 2020 - 12:14 PM - Natalie McCloy</p> <p>Revised Target Date changed by: McCloy, Natalie From: 30 Oct 2020 To: 31 Dec 2020</p> <p>Item 1: Complete</p> <p>Item 4: Complete</p> <p>Item 2: Reliance on resourcing and workloads</p> <p>Item 5: Reliance on resourcing and workloads</p> <p>6 Nov 2020 - 1:48 PM - Nicole Benson</p> <p>1 Complete</p> <p>2 Reliant on a dedicated budget and additional resources</p> <p>3 Complete</p> <p>4 Complete</p> <p>5 Reliant on a dedicated budget and additional resources</p>

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI21/2020	Ordinary Council 4/03/2020	Conner, Martin	Works and Infrastructure	Minutes of Extraordinary Floodplain Management Committee 19 February 2020	16/12/2020	
1196 MOTION 1196 RESOLVED	Moved:	Kerr, Katrina Councillor Doherty	Seconded:	Councillor Suvaal		
<p>That the Minutes of the Extraordinary Floodplain Management Committee of 19 February 2020 be adopted as a resolution of the Ordinary Council.</p> <p>FLOCLM4/2020 - That Council notes that preparation of the Cessnock City Wide Flood Study is in progress.</p> <p>FLOCLM5/2020:</p> <p>1. That Council notes the findings of the Draft Heddon Greta Minor Study and Concept Design.</p>						

2. That Council endorses a grant application under the NSW Floodplain Management Program to fund flood mitigation works in the upper catchment to address over floor flooding in Clift Street, Heddon Greta.
3. That Council defers the previously planned drainage works lower in the catchment, which sought to address yard inundation in Cooper Street, Heddon Greta.
4. That Council renegotiates the existing Deed of Agreement with the owner of 12 Cooper Street, Heddon Greta.
5. That Council lists investigation and augmentation of street drainage between Main Road and Bowden Street for inclusion in the Delivery Program 2021-25 to alleviate over floor flooding in Trenchard Street, Heddon Greta.
6. That Council considers updating s10.7 Planning Certificates once the final *Heddon Greta Minor Study and Concept Design* is adopted.

9 Mar 2020 - 10:28 AM - Rachael O'Hara
 FLOCLM4/2020
 Item 1 - Noted

FLOCLM5/2020:
 Item 1 - Noted
 Item 2 - Prepared draft grant application for submission by April 2020.
 Item 3 - Deferred drainage works in Cooper Street, Heddon Greta.
 Item 4 - Arranged consultation with owner of 12 Cooper Street, Heddon Greta.
 Item 5 - Listed drainage in Trenchard Street, Heddon Greta for consideration in the Delivery Program 2021-25.
 Item 6 - Finalising Draft Heddon Greta Minor Study and Concept Design, preparing report and recommendation to Floodplain Management Committee endorsing exhibition of Final Study

2 Apr 2020 - 1:30 PM - Katrina Kerr

FLOCLM5/2020:
 Item 2 - Finalised draft grant application for submission by April 2020.
 Item 4 - Consulted with owner of 12 Cooper Street, Heddon Greta.
 Item 5 - Listed drainage in Trenchard Street, Heddon Greta for consideration in the Delivery Program 2021-25.
 Item 6 - Finalised Draft Heddon Greta Minor Study and Concept Design, preparing report and recommendation to Floodplain Management Committee endorsing exhibition of Final Study.

29 May 2020 - 1:38 PM - Rachael O'Hara

FLOCLM5/2020:
 Item 2 - Submitted grant.
 Item 4 - Negotiated unsuccessfully, proceeding with Works in Kind as per the Deed of Agreement.
 Item 5 - Listed drainage in Trenchard Street, Heddon Greta for consideration in the Delivery Program 2021-25.
 Item 6 - Finalised Draft Heddon Greta Minor Study and Concept Design, preparing report and recommendation to Floodplain Management Committee endorsing exhibition of Final Study.

4 Aug 2020 - 11:54 AM - Rachael O'Hara

Item 6 - Prepared and distributed Heddon Greta Flood Study and Concept Design for exhibition. Preparing lists of flood controlled lots.

8 Sep 2020 - 12:28 PM - Rachael O'Hara

Item 6 - Placed study on exhibition until 21 September. Following this a report will be presented to the Floodplain Management Committee and Ordinary Meetings in December 2020.

30 Nov 2020 - 9:46 AM - Rachael O'Hara

Item 6 - Prepared report for FPMC meeting 3 December 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI35/2017	Ordinary Council 21/06/2017	Kerr, Katrina	Works and Infrastructure	Hydro Aluminium Kurri Kurri Pty Ltd Proposed Road Closures	18/11/2020	
278 MOTION 278 RESOLVED	Moved:	Kerr, Katrina Councillor Burke	Seconded:	Councillor Sander		
<ol style="list-style-type: none"> That Council resolve to make an application to NSW Department of Industry - Lands to close those parts of Bishops Bridge Road, McGarva Avenue, Horton Road and Dickson Road (hereafter referred to as Proposed Closed Roads) as indicated in the Property Location Plan in accordance with the provisions of the Roads Act 1993. That Council comply with the provisions of Section 35 of the Roads Act 1993 and the Memorandum of Understanding entered into with the Department of Lands, now the NSW Department of Industry - Lands, with respect to notifications and advertising in the local newspaper. That provided no unresolved submissions are received following notifications and advertising, Council proceed under the provisions of Section 37 of the Roads Act 1993 to advise NSW Department of Industry - Lands to place a notice in the Government Gazette to close the Proposed Closed Roads. That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Road Closure if required. That Council authorise the Mayor and the General Manager to execute the Plan of Road Closure for the Proposed Closed Roads if required. That following successful Gazettal of the closed roads and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner. <p>8 Aug 2017 - 2:43 PM - Bruce Hughes Council has completed the first step in advertising the proposal and waiting 28 days for any submissions. The searches necessary to make application to Crown Lands have also been completed. Next step is to make application to Crown Lands for the proposed closure.</p> <p>10 Oct 2017 - 9:42 AM - Bruce Hughes Item 1 - Council has made an application to NSW Department of Industry - Lands to close the subject roads. Item 2 - Council has advertised the proposed road closures in the local newspaper and notified the necessary agencies. The Department requested Council notify two additional agencies. item 3 - Council is presently waiting the required minimum 28 days for any submissions from these agencies before proceeding. Item 4 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action. Item 5 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action. Item 6 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.</p> <p>6 Nov 2017 - 2:17 PM - Rachael O'Hara Item 2 - Council has advertised the proposed road closures in the local newspaper and notified the necessary agencies. item 3 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action. Item 4 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action. Item 5 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action. Item 6 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.</p> <p>12 Jul 2018 - 1:40 PM - Katrina Kerr Item 1 - Completed. Item 2 - Completed. Item 3 - Awaiting NSW Dept of Industry. Item 4 - Awaiting NSW Dept of Industry. Item 5 - Awaiting NSW Dept of Industry. Item 6 - Awaiting NSW Dept of Industry.</p> <p>8 Aug 2018 - 3:01 PM - Bruce Hughes Item 3 - Waiting on further information from the Applicant due to a change in legislation. Item 4 - Awaiting the resolution of submissions to be completed prior to this action. Item 5 - Awaiting the resolution of submissions to be completed prior to this action.</p> <p>25 Oct 2018 - 2:11 PM - Bruce Hughes</p>						

Item 3 - Followed up with applicant and still waiting for further information.

6 Mar 2019 - 11:41 AM - Bruce Hughes

Item 3 - Awaiting advice from applicant before proceeding

Item 4 - Item 3 needs to be completed before proceeding

Item 5 - Item 3 needs to be completed before proceeding

Item 6 - Item 3 needs to be completed before proceeding

3 May 2019 - 8:47 AM - Bruce Hughes

Item 3 - Followed up with applicant and awaiting advice before proceeding.

5 Jul 2019 - 11:43 AM - Bruce Hughes

Item 3 - Contacted applicant seven times. Awaiting advice before proceeding.

9 Sep 2019 - 11:45 AM - Bruce Hughes

Revised Target Date changed by: Hughes, Bruce From: 2 Oct 2019 To: 04 Dec 2019

Reason: Waiting on advice from Hydro before proceeding

9 Sep 2019 - 11:46 AM - Bruce Hughes

Item 3 - Contacted applicant in August. Awaiting advice before proceeding.

4 Nov 2019 - 12:59 PM - Bruce Hughes

Revised Target Date changed by: Hughes, Bruce From: 4 Dec 2019 To: 05 Feb 2020

Reason: Waiting on advice from Hydro before proceeding

13 Aug 2020 - 9:38 AM - Kelly Bates

Revised Target Date changed by: Bates, Kelly From: 15 Jul 2020 To: 30 Sep 2020

Reason: Awaiting advice from Hydro before proceeding

26 Nov 2020 - 3:15 PM - Yvonne Blake

Action reassigned to Kerr, Katrina by: Blake, Yvonne for the reason: Referred to A/SPM (Iain Rush) to provide advice in respect of this matter. However, InfoCouncil action to remain with W&I. Advice can be provided via e-mail or memo etc.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI40/2019	Ordinary Council 17/07/2019	Vandermeer, Warren	Works and Infrastructure	Minutes of the Local Traffic Committee of 24 June 2019	9/12/2020	
921 MOTION 921 RESOLVED	Moved:	Kerr, Katrina Councillor Sander	Seconded:	Councillor Fitzgibbon		
1.	That the Minutes of the Local Traffic Committee of 24 June 2019 be adopted as a resolution of the Ordinary Council, with the exception of TC20/2019 – Heddon Street, Kurri Kurri:					
1.	TC21/2019 - That Council authorise the temporary regulation of traffic for the winery running festival in accordance with the enclosed various roads Rothbury, winery running festival TCP's.					
2.	TC22/2019 - That Council authorise installation of line marking at the intersection of Sandy Creek Road and Wollong Road, Quorrobolong in accordance with the enclosed Sandy Creek Road Quorrobolong, signage and line marking diagram.					
3.	TC23/2019 - That Council authorise installation of line marking on Colliery Street, Aberdare in accordance with the enclosed Colliery Street Aberdare, line marking diagrams.					
4.	TC24/2019 - That Council authorise installation of bus zone signage on Vincent Street, Cessnock, in accordance with the enclosed Vincent Street Cessnock bus zone signage diagram.					
5.	TC25/2019 - That Council authorise installation of line marking at the intersection of Barton and Stanford Streets, Kurri Kurri in accordance with the enclosed Barton Street Kurri Kurri, line marking diagram.					
6.	TC26/2019 - That Council authorise installation of signage and line marking on Rugby and Olney Streets, Ellalong in accordance with the enclosed Rugby Street Ellalong, signage and line marking diagram.					
7.	TC27/2019 - That Council authorise installation of line marking on McDonalds Road Pokolbin, in accordance with the enclosed McDonalds Road Pokolbin, line marking diagram.					

2. TC20/2019 – Heddon Street Kurri Kurri – that this matter be referred to the General Manager for review to back to grass nature strip and further report back to Council

8 Aug 2019 - 9:27 AM - Nathan Goodbun

Item 1.1 - Provided approval to applicant 18 July 2019

Item 1.2 - Preparing detailed plans and CRM to works

Item 1.3 - Preparing detailed plans and CRM to works

Item 1.4 - Preparing detailed plans and CRM to works

Item 1.5 - Advised Development services of approval

Item 1.6 - Works currently being completed

Item 1.7 - Advised Development services of approval

Item 2 - Preparing report to Council

2 Sep 2019 - 2:16 PM - Nathan Goodbun

Item 1.2 - Issued CRM 16206/2019 to Works & Ops.

Item 1.3 - Scheduled for resurfacing prior to line marking.

Item 1.4 - Issued CRM 16213/2019 to Works & Ops.

Item 1.6 - Issued CRM 16149/2019 to Works & Ops.

Item 2 - Prepared report to Council.

5 Sep 2019 - 9:58 AM - Tracey Cocking

Item 2 - Allocation to Roads Officers to prepare report to Council.

5 Feb 2020 - 7:58 AM - Warren Vandermeer

Item 2 - Prepared Report W14/2020 to be considered at Ordinary Meeting of Council on 5 February 2020 providing update.

12 Mar 2020 - 2:43 PM - Katrina Kerr

Revised Target Date changed by: Kerr, Katrina From: 18 Mar 2020 To: 15 Apr 2020

31 Mar 2020 - 10:37 AM - Vivian Waugh

Item 1. Inspected by officer and instructions given in letters sent to developer

3 Apr 2020 - 2:35 PM - Vivian Waugh

Item 1 - Arranging for works to be undertaken by Council.

29 May 2020 - 6:18 PM - Warren Vandermeer

Item 1 - Followed up with developer to undertake reinstatement works.

13 Aug 2020 - 10:01 AM - Vivian Waugh

Item 1 - Sent letter 9 July for developer to undertake works

15 Sep 2020 - 2:27 PM - Vivian Waugh

Item 1. Developer has commenced reinstatement works

28 Oct 2020 - 4:02 PM - Vivian Waugh

Item 1. Reinstatement in progress

9 Nov 2020 - 2:26 PM - Linda Lewis

Revised Target Date changed by: Lewis, Linda From: 31 Oct 2020 To: 09 Dec 2020

Reason: Further instructions regarding the reinstatement of the shoulder was sent 6 November 2020. Follow up inspection to be undertaken 30 November to ensure reinstatement has occurred.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI46/2020	Ordinary Council 17/06/2020	Benson, Nicole	Works and Infrastructure	Community Resilience Funding Laguna and Wollombi Village	16/12/2020	
1321 MOTION 1321 RESOLVED	Moved:	Kerr, Katrina Councillor Doherty	Seconded:	Councillor Gray		
1.	That Council notes the information contained within the report.					
2.	That Council reallocates \$4,000 from the \$40,000 allocated through the Federal Government's Disaster Recovery Funding Arrangement (DRFA) to fund the purchase of a 23,000L water tank for the Wollombi Village.					
3.	That the installation of the tank be funded by the Wollombi community.					

1 Jul 2020 - 11:18 AM - Natalie McCloy

Report to Council 17 June 2020.

\$4,000 has been allocated to the Community Resilience Fund to purchase a water tank for the Wollombi Village. Council officers are currently investigating options for replacement of water tank at Wollombi on Council land.

3 Aug 2020 - 8:35 AM - Natalie McCloy

Revised Target Date changed by: McCloy, Natalie From: 15 Jul 2020 To: 30 Sep 2020

Reason: Council Officers have undertaken a site inspection with key stakeholders and are in the process of arranging for approvals and works to be completed.

9 Oct 2020 - 11:42 AM - Nicole Benson

Revised Target Date changed by: Benson, Nicole From: 30 Sep 2020 To: 27 Nov 2020

Reason: Suitable site for tank under investigation in conjunction with Progress Association.

30 Nov 2020 - 9:25 AM - Natalie McCloy

Revised Target Date changed by: McCloy, Natalie From: 27 Nov 2020 To: 16 Dec 2020

Reason: Tank has been ordered, location still under investigation.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI66/2020	Ordinary Council 19/08/2020	Donnelly, Patricia	Works and Infrastructure	Revolving Energy Fund Action Plan	26/05/2021	
1400 MOTION 1400 RESOLVED	Moved:	Kerr, Katrina Councillor Gray	Seconded:	Councillor Dagg		
<p>1. That Council utilises the Revolving Energy Fund to undertake the solar projects listed in Table 2 of this report in the 2020-21 Financial Year, being;</p> <ul style="list-style-type: none"> <input type="checkbox"/> Administration Building 60kW System <input type="checkbox"/> Cessnock Library Building 29.6kW System <input type="checkbox"/> Hunter Visitor Information Centre 26.4 kW System <p>2. That the General Manager explores the feasibility of refitting the Abermain School of Arts and other Council Community Buildings as part of future Light efficiency Projects</p> <p>3. That a further report be brought back to Council when the works are completed.</p> <p>10 Sep 2020 - 10:55 AM - Patricia Donnelly Request for Quote being prepared. DPIE have funded consultants to draft technical specifications and assess quotes independently.</p> <p>10 Sep 2020 - 10:58 AM - Patricia Donnelly Revised Target Date changed by: Donnelly, Patricia From: 16 Sep 2020 To: 26 May 2021 Reason: These works will take time to procure and install before reporting completion</p> <p>29 Sep 2020 - 9:29 AM - Patricia Donnelly Request for quote closes 15 October 2020</p> <p>29 Oct 2020 - 9:09 AM - Patricia Donnelly 10 quotes received and have been assessed by Consultants. Staff meeting to finalise selection to be held 2 November 2020.</p> <p>16 Nov 2020 - 10:26 AM - Patricia Donnelly Quote from OTI Power accepted. Detailed designs and timelines for works being developed.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W173/2020	Ordinary Council 16/09/2020	Conner, Martin	Works and Infrastructure	Hamilton Street Abernethy Petition Regarding Sewerage & Drainage	17/02/2021	
1445 MOTION 1445 RESOLVED	Moved:	Kerr, Katrina Councillor Dunn	Seconded:	Councillor Suvaal		
<p>1. That Council notes the petition lodged by residents of Hamilton Street, Abernethy.</p> <p>2. That Council notes the outcome of an investigation of septic seepage from properties adjoining Hamilton Lane.</p> <p>3. That Council includes investigation of drainage in Hamilton Street and Hamilton Lane, Abernethy and preparation of a proposal in the Operational Plan 2020-21.</p> <p>4. That the General Manager report back to Council once investigations and a proposal have been finalised.</p> <p>5. That the General Manager notifies the petition organiser of Council's decision.</p> <p>1 Oct 2020 - 3:21 PM - Rachael O'Hara Item 1 – Noted Item 2 – Noted Item 3 – Undertaken Preliminary investigation, identified immediate minor maintenance works and included potential long term works on prioritisation spreadsheet for inclusion in future Drainage Construction Program. Item 4 – Commenced draft report Item 5 – Prepared letter. 28 Oct 2020 - 4:03 PM - Rachael O'Hara Item 3 - Included in Quarterly review for December 2020 Item 4 - Drafted Report for Ordinary meeting. Item 5 - Sent letter. 30 Nov 2020 - 3:45 PM - Rachael O'Hara Item 4 - Drafted Report for future meeting date.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W174/2020	Ordinary Council 16/09/2020	Kerr, Katrina	Works and Infrastructure	Shared Pathways and Trails	14/10/2020	
1446 MOTION 1446 RESOLVED	Moved:	Kerr, Katrina Councillor Fitzgibbon	Seconded:	Councillor Gray		
<p>1. That Council notes the status of the design for the shared pathway along Wine Country Drive Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.</p> <p>2. That Council notes the total estimated costs of \$2,500,000 to progress to Preliminary Designs for the shared pathway along Wine Country Drive Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.</p> <p>3. That Council endorses the sources of funding identified as suitable to progress to Preliminary Designs with the further investigation and finalised scoping to inform the cost of Final Designs.</p> <p>4. Determining the feasibility of trails 1, 3, 6 and 7 are included as well as the Abermain to Weston link and the Chinaman's Hollow and Maybury Peace Park Trails as an action in the 2021/2022 Operational Plan</p> <p>5. A report back to Council with results of the feasibility study.</p>						

23 Sep 2020 - 12:33 PM - Katrina Kerr

Item 1 - Noted

Item 2 - Noted

Item 3 - Requested allocation of funding.

Item 4 - Listed Feasibility Study of Trails for inclusion in 2021-22 Operational Plan.

Item 5 - Commenced draft report for completion in fin year 2021-22.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI75/2020	Ordinary Council 21/10/2020	Benson, Nicole	Works and Infrastructure	Cessnock Pool Splash Pad	16/12/2020	
1466 MOTION 1466 RESOLVED	Moved:	Kerr, Katrina Councillor Dagg	Seconded:	Councillor Sander		
<p>1. That Council notes details of the final design of the Cessnock Pool Splash Pad.</p> <p>2. That Council notes the current cost estimate of \$1.5 Million plus or minus 10% and status of grant funding.</p> <p>3. That Council approves the use of up to \$420,300 of Developer Contributions as an alternate funding source for the Cessnock Pool Splash Pad in the event that the funding application under Resources for Regions Round 7 is unsuccessful.</p> <p>6 Nov 2020 - 1:45 PM - Nicole Benson Revised Target Date changed by: Benson, Nicole From: 18 Nov 2020 To: 27 Nov 2020 Reason: 1. Noted 2. Noted 3. Awaiting announcement of funding 30 Nov 2020 - 9:24 AM - Natalie McCloy Revised Target Date changed by: McCloy, Natalie From: 27 Nov 2020 To: 16 Dec 2020 Reason: Reason: 1. Noted 2. Noted 3. Awaiting announcement of funding</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI78/2020	Ordinary Council 21/10/2020	Harris, Kate	Works and Infrastructure	Multipurpose Half Courts and Outdoor Exercise Equipment in Council Open Space	23/12/2020	
1469 MOTION 1469 RESOLVED	Moved:	Kerr, Katrina Councillor Doherty	Seconded:	Councillor Dagg		
<p>1. That Council notes the outcome of the investigation into a multipurpose half court or outdoor exercise equipment in Ellalong Park.</p> <p>2. That the General Manager writes to the organiser of the petition regarding Ellalong Park to advise the outcome of the investigation.</p> <p>3. That Council lists construction of a pathway connecting the existing multipurpose half court at Ellalong Park for consideration in the Recreation Facilities Renewal Program of the 2021-22 Operational Plan.</p> <p>4. That Council lists preparation of an Open Space Guideline for Multipurpose Courts and Outdoor Exercise Equipment as an action for inclusion in the 2021-22 Operational Plan.</p> <p>5. That the General Manager prepares a report to present the completed Open Space Guideline for Multipurpose Courts and Outdoor Exercise Equipment including proposed locations and costs.</p>						

9 Nov 2020 - 11:20 AM - Kate Harris

1. Noted
2. A response has been drafted
3. To be completed when the 2021-22 Recreation Facilities Renewal Program has been drafted
4. To be completed when the 2021-2022 Operational Plan has been drafted
5. To commence following the completion of item 4.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI81/2020	Ordinary Council 21/10/2020	Conner, Martin	Works and Infrastructure	Minutes of the Floodplain Management Committee 2 September 2020	21/04/2021	
1472 MOTION 1472 RESOLVED	Moved:	Kerr, Katrina Councillor Doherty	Seconded:	Councillor Dagg		
<p>1. That the Minutes of the Floodplain Management Committee of 2 September 2020 be adopted as a resolution of the Ordinary Council.</p> <p>2. FLOCLM14/2020 2) That Council endorses public exhibition of the draft Cessnock City Wide Flood Study 2020.</p> <p>3. FLOCLM16/2020 2) That Council endorses an application for a grant under the NSW Floodplain Management Program for a new Cessnock Flood Study following adoption of a Climate Change Strategy to guide selection of an appropriate Australian Rainfall and Runoff climate change scenario.</p> <p>28 Oct 2020 - 4:10 PM - Rachael O'Hara Item 1 - Noted FLOCLM14/2020 Item 2.2 - Prepared for exhibition of the draft Cessnock City Wide Flood Study 2020. FLOCLM16/2020 Item 3.2 - Commenced grant application for April 2021 NSW Floodplain Management Program. 30 Nov 2020 - 3:46 PM - Rachael O'Hara FLOCLM16/2020 Item 3.2 - Commenced grant application for April 2021 NSW Floodplain Management Program.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI82/2020	Ordinary Council 21/10/2020	Conner, Martin	Works and Infrastructure	South Cessnock Flood Mitigation Scheme Update	21/04/2021	
1482 MOTION 1482 RESOLVED	Moved:	Kerr, Katrina Councillor Dagg	Seconded:	Councillor Lyons		
<p>1. That Council reallocates \$100,000 from the 2020-21 Drainage Construction Program to fund completion of the detail design and property acquisition to facilitate the South Cessnock Flood Mitigation Scheme.</p> <p>2. That Council accepts the discretionary offer made by Subsidence Advisory NSW towards the South Cessnock Flood Mitigation Scheme as discussed in this report.</p> <p>3. That the General Manager prepares for a further application under the 2020-21 NSW Floodplain Management Program for funding towards the South Cessnock Flood Mitigation Scheme.</p>						

28 Oct 2020 - 4:32 PM - Rachael O'Hara

Item 1 - Included in Quarterly review for December 2020

Item 2 - Noted

Item 3 - Commenced grant application for April 2021 NSW Floodplain Management Program.

30 Nov 2020 - 3:47 PM - Rachael O'Hara

Item 3 - Commenced grant application for April 2021 NSW Floodplain Management Program.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI85/2020	Ordinary Council 18/11/2020	Jeffery, Warren	Works and Infrastructure	Cycleways/Shared Pathways	16/12/2020	
1508 MOTION 1508 RESOLVED	Moved:	Kerr, Katrina Councillor Gray	Seconded:	Councillor Suvaal		
<p>1. That Council notes the three options for projects from the Cessnock Cycling Strategy 2016 in each of Council's 4 wards.</p> <p>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:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ward A: Millfield - Rose Hill Estate to Wollombi Road via Crawfordville Park, estimated cost \$360,000; <input type="checkbox"/> Ward B: Cessnock - Public School to Bridges Hill Park via Quarrybylong Street, estimated cost \$525,000; <input type="checkbox"/> Ward C: Greta - Railway Station to High Street via Nelson Street, estimated cost \$500,000; and <input type="checkbox"/> Ward D: Pelaw Main – Log of Knowledge Park to Neath Street, estimated cost \$514,000. <p>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.</p> <p>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.</p>						
<p>30 Nov 2020 - 11:39 AM - Katrina Kerr</p> <p>Item 1 – Noted</p> <p>Item 2 – Noted</p> <p>Item 3 – Awaited criteria for Local Roads and Community Infrastructure Extension Program.</p> <p>Item 4 – Listed projects on Capital Works Master Spreadsheet for future inclusion in Operational Plan pending outcome of successful grant funding.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI86/2020	Ordinary Council 18/11/2020	Rathborne, Michael	Works and Infrastructure	New England Highway, Greta - Easement for Stormwater	16/12/2020	
1509 MOTION 1509 RESOLVED	Moved:	Maginnity, Robert Councillor Doherty	Seconded:	Councillor Burke		
<p>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 3,227m² burdening Lot 61 DP809738 at 1951 New England Highway, Greta.</p> <p>2. That Council acquires, by agreement with the landowner in accordance with the independent valuation, land for the purpose of road widening comprising 645.4m² of part Lot 61 DP809738 at 1951 New England Highway, Greta.</p> <p>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.</p>						

30 Nov 2020 - 9:43 AM - Rachael O'Hara
Action to be transferred to Senior Property Officer for execution of documents.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI88/2019	Ordinary Council 11/12/2019	Jeffery, Warren	Works and Infrastructure	Traffic & Transport Strategy - Resourcing for Implementation Program	19/02/2021	
1111 MOTION 1111 RESOLVED	Moved:	Kerr, Katrina Councillor Doherty	Seconded:	Councillor Suvaal		
<p>1. That Council endorses the 12 month appointment of a Traffic Engineer and part time Technical Support Officer dedicated to developing an Implementation Program to deliver outcomes of the adopted <i>Cessnock LGA Traffic and Transport Strategy Report 2018 Technical Report</i>.</p> <p>2. That Council allocates \$140,000 from the funds reserved for potential leverage against grant funding opportunities to fund the temporary appointment of the dedicated staff as detailed in the report.</p> <p>4 Feb 2020 - 11:49 AM - Warren Jeffery Item 1 - Commenced drafting Position Descriptions for recruitment process. Item 2 - Scheduled allocation of \$140,000 in the 2020-21 Quarterly Budget Review. 4 Mar 2020 - 3:23 PM - Katrina Kerr Item 1 - Advertised and interviewed candidates 19/02/20. Item 2 - Complete. 1 Apr 2020 - 9:43 AM - Tracey Cocking Item 1 - Confirmed commencement of selected Traffic Engineer and commenced recruitment process for Technical Support Officer. 28 May 2020 - 3:40 PM - Tracey Cocking Item 1 - Employed Traffic Engineer and recruitment process for Technical Support Officer in progress. 6 Jul 2020 - 11:47 AM - Tracey Cocking Item 1 - Called for expressions of interest for temporary Technical Support Officer, closing 10 July 2020. 13 Aug 2020 - 11:59 AM - Tracey Cocking Item 1 - Appointed Traffic Engineer who is currently developing an implementation program. Recruitment of support officer in process. 23 Sep 2020 - 12:17 PM - Tracey Cocking Item 1 - Developing implementation program for priority treatments for community consultation. Received no internal expressions of interest, considering direct appointment. 19 Oct 2020 - 11:10 AM - Tracey Cocking Item 1 - Scheduled Briefing & subsequent report to Council for December 2020 to report implementation program for priority treatments for community consultation. Calling for expressions of interest for temporary Technical Support Officer both internally and externally. 12 Nov 2020 - 3:15 PM - Tracey Cocking Item 1 - Recruited Traffic Engineer who is currently working on the project. Councillor briefing and subsequent report to Council scheduled for February 2021.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI89/2020	Ordinary Council 18/11/2020	Vandermeer, Warren	Works and Infrastructure	Minutes of Roads Review Committee of 16 October 2020	9/12/2020	
1512 MOTION 1512 RESOLVED	Moved:	Kerr, Katrina Councillor Burke	Seconded:	Councillor Dunn		
<p>1. That the Minutes of the Roads Review Committee Meeting of 16 October 2020 be adopted as a resolution of the Ordinary Council.</p>						

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.**

26 Nov 2020 - 2:28 PM - Vivian Waugh

Item 1. Noted

Item 2. Noted

Item 1.1 Submit applications for grant funding of roads

Item 2.2 Preparing Funding report for Ordinary Meet February 2021

26 Nov 2020 - 2:29 PM - Vivian Waugh

Revised Target Date changed by: Waugh, Vivian From: 16 Dec 2020 To: 26 Feb 2021

Reason: Finalising revaluation data

26 Nov 2020 - 2:35 PM - Vivian Waugh

Revised Target Date changed by: Waugh, Vivian From: 26 Feb 2021 To: 04 Dec 2020

Reason: Revised Target Date changed by: Lewis, Linda From: 31 Oct 2020 To: 09 Dec 2020

Reason: Further instructions regarding the reinstatement of the shoulder was sent 6 November 2020. Follow up inspection to be undertaken 30 November to ensure reinstatement has occurred.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI90/2020	Ordinary Council 18/11/2020	Leayr, Renae	Works and Infrastructure	Paynes Crossing Bridge - Acquisition of Land	16/12/2020	
MOTION	Moved:	Kerr, Katrina 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 ² for the purpose of road widening over part of Lot 61 DP 755272 being an area of 3,710m ² and part of Lot 14 DP 664533 being an area of 868.9m ² being a total of 4,578m ² 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.					
30 Nov 2020 - 11:52 AM - Katrina Kerr						
Item 1 – Progressed acquisition.						
Item 2 – Awaited acquisition to execute documents.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN19/2019	Ordinary Council 21/08/2019	Alexander, Michael	Business With Notice	Bee Friendly Tree Giveaway	2/12/2020	16/11/2020
943 MOTION 943 RESOLVED	Moved:	Kerr, Katrina Councillor Stapleford	Seconded:	Councillor Fitzgibbon		
<p>That Council ask the General Manager to request a briefing with National Parks to discuss ways Council can improve the local ecology and biodiversity including threatened species such as Bees and Regent Honey Eaters.</p> <p>3 Sep 2019 - 12:20 PM - Michael Alexander Sustainability Officer to make contact with National Parks to determine availability or seek advice that provides response to the question/request 6 Dec 2019 - 12:58 PM - Carly Thompson National Parks have been contacted a number of time and response is they can do nothing until the fire season is over 31 Mar 2020 - 10:18 AM - Debbie Kellehear National Parks & Wildlife have been contacted and they are now deciding which agency is most appropriate to make a presentation to Council. National Parks & Wildlife or Department of Planning, Industry and Environment will come back to Council when a decision has been made. 4 May 2020 - 10:38 AM - Debbie Kellehear Revised Target Date changed by: Kellehear, Debbie From: 1 May 2020 To: 01 Jun 2020 Reason: National Parks and Wildlife have advised that they will be making the presentation to Council. A suitable date now needs to be arranged for the presentation to be conducted at a future Council meeting. 29 May 2020 - 9:43 AM - Carly Thompson Revised Target Date changed by: Thompson, Carly From: 1 Jun 2020 To: 01 Jul 2020 Reason: National Parks & Wildlife Service have advised that the Biodiversity Conservation Division of the Department of Planning, Industry and Environment are much better placed to prepare a presentation more relevant to the specific content (ecology, biodiversity, Regent Honeyeaters and bees) requested by council. The BCD have agreed to work closely with National Parks to prepare and make a presentation to Council. Councillor Briefing date to be set in the near future 10 Aug 2020 - 11:53 AM - Debbie Kellehear Department of Planning Industry & Environment to make a presentation to Councillor on Threatened Species Management in Cessnock. Briefing requested for 25 November 2020. 16 Nov 2020 - 11:54 AM - Michael Alexander Action completed by: Kellehear, Debbie Councillor briefing confirmed for Wednesday, 2 December 2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN20/2020	Ordinary Council 19/08/2020	Kerr, Katrina	Business With Notice	Nulkaba shared Pathway and Hunter Valley Wine country Vineyard Cycleway	16/09/2020	30/11/2020
1403 MOTION 1403 RESOLVED	Moved:	Kerr, Katrina Councillor Fitzgibbon	Seconded:	Councillor Dunn		
<ol style="list-style-type: none"> That Council advance and finalise the detailed design works, for the construction of the Off-road Nulkaba Shared Pathway via Wine Country Drive from Kerlew Street, Nulkaba to Broke Road, Pokolbin and the High Priority Works identified in the Pokolbin Cycling Improvements of the Section 7.12 Levy Contributions Plan. The design and cost will include suitable trees, identified in the Street Tree Strategy, along the paths, where suitable. That Council finalise the detailed design works for the 8 Council managed recreational trails across the Cessnock LGA as identified in the adopted Trails Strategy. That the Nulkaba Shared Pathway via Wine Country Drive, High Priority works identified in the Pokolbin Cycling Improvement 7.12 Contribution Plan and the 8 formalised Council managed Trails be added to the 20/21 Operational Plan subject to Grant Funding. That the General Manager bring back a report to the next meeting of Council with:- <ol style="list-style-type: none"> Estimated costs of the proposed design works for the projects listed 						

- b) Funds available in the 7.11 and 7.12 Contributions Plans suitable for the design works
 c) Recommendations for other funding sources if necessary.

4 Sep 2020 - 11:02 AM - Katrina Kerr

Item 1 - Reviewed status of designs for Nulkaba Pathway, Pokolbin Cycling Improvement, and 8 recreational trails.

Item 2 - Reviewed status of design of 8 recreational trails.

Item 3 - Listed inclusion of Nulkaba Pathway, Pokolbin Cycling Improvement, and 8 recreational trails in the Operational Plan 2020/212 for acceptance in the September Quarterly Review.

Item 4 - Drafted report.

30 Nov 2020 - 11:20 AM - Katrina Kerr

Action completed by: Kerr, Katrina

Item 4 - Presented report re Shared Pathways to Ordinary Meeting of Council 18/11/20.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN25/2020	Ordinary Council 19/08/2020	Davis, Colin	Business With Notice	Parking Policy Enforcement	30/01/2021	30/11/2020
1407 MOTION 1407 RESOLVED	Moved:	Johnson, Martin Councillor Olsen	Seconded:	Councillor Dunn		
<p>That the General Manager review Cessnock City Council Parking Enforcement Policy and under section 3.4 Footway Parking, Number 2 Vehicles must not double park be removed for clarity of all residents.</p> <p>26 Aug 2020 - 3:41 PM - Yvonne Blake Action reassigned to Davis, Colin by: Blake, Yvonne for the reason: Officer wrote report and is working on the updating the policy 31 Aug 2020 - 7:45 AM - Colin Davis Revised Target Date changed by: Davis, Colin From: 16 Sep 2020 To: 31 Oct 2020 Reason: Report being prepared on review of Parking Enforcement Policy in accordance with Operational Plan actions. This matter will be addressed at that time. 26 Oct 2020 - 10:21 AM - Colin Davis Revised Target Date changed by: Davis, Colin From: 31 Oct 2020 To: 18 Nov 2020 Reason: Report on amended draft Parking Policy being presented to Council Meeting on 18 November 2020 19 Nov 2020 - 12:06 PM - Colin Davis Policy to be exhibited for 28 days and brought back to Council first meeting in 2021 30 Nov 2020 - 10:48 AM - Colin Davis Action completed by: Hamilton, Grant Parking enforcement policy on public exhibition until 22 Dec 2020. Refer to Nov 18 meeting resolution and associated actions.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN27/2020	Ordinary Council 19/08/2020	Jeffery, Warren	Business With Notice	Cycleways/Share Pathways	23/12/2020	1/12/2020
1409 MOTION 1409 RESOLVED	Moved:	Kerr, Katrina Councillor Fitzgibbon	Seconded:	Councillor Sander		
<p>1. That the General Manager bring back a report in 3 months recommending 3 Options in each of the Local Government Area wards (12 projects/project segments), identified in the adopted Cycling Strategy, for Councils adoption of 1 project in each of the 4 Local Government area Wards (4 projects) for fast tracking.</p> <p>2. The 12 projects to be recommended on the basis of the following priorities:- a) Cost/Benefit b) Eligible for Developer contribution funds allocation</p>						

c) Connectivity to maximise increased use of existing facilities eg parks, schools, fields.

3. Projects chosen from the recommendation are to be added to the 20/21 Operational Plan subject to Grant Funding.

4 Sep 2020 - 11:11 AM - Katrina Kerr

Item 1 - Commenced draft report.

Item 2 - Considered 12 potential projects.

Item 3 - Commenced draft update to Operational Plan 2020/21 for acceptance in the December Quarterly Review.

23 Sep 2020 - 12:21 PM - Tracey Cocking

Item 1 - Conducted meeting of Infrastructure staff to identify suitable projects. Drafting report to Council.

Item 2 - Noted

Item 3 - Noted selected projects will be added to 20/21 Operation Plan after Council resolution grant funding dependant.

19 Oct 2020 - 11:19 AM - Tracey Cocking

Item 1 - Scheduled report to Council for December 2020.

Item 3 - Pending resolution of Council from December 2020 Ordinary meeting.

29 Oct 2020 - 12:45 PM - Tracey Cocking

Revised Target Date changed by: Cocking, Tracey From: 16 Sep 2020 To: 23 Dec 2020

Reason: Report scheduled for Decembers Ordinary meeting.

12 Nov 2020 - 3:13 PM - Tracey Cocking

Item 1 - Presentation of report scheduled for Ordinary meeting of 18 November 2020.

Item 3 - Pending resolution of council from Ordinary meeting of 18 November 2020.

1 Dec 2020 - 7:45 AM - Warren Jeffery

Action completed by: Larsen, Robyn

Report presented to Ordinary meeting 18 November 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN30/2020	Ordinary Council 21/10/2020	Davis, Colin	Business With Notice	Fact sheet for a Dangerous Dog Declaration	2/12/2020	19/11/2020
1473 MOTION 1473 RESOLVED	Moved:	Johnson, Martin Councillor Suvaal	Seconded:	Councillor Burke		
1.	That the General Manager develop a fact sheet to provide to residents following a dangerous dog declaration initially being made.					
2.	That the fact sheet include the following information:					
	<input type="checkbox"/> The process to be followed by the Council;					
	<input type="checkbox"/> The appeal rights and process for the dog owner;					
	<input type="checkbox"/> The compliance obligations and legal requirements of Council and the dog owner;					
	<input type="checkbox"/> Where the dog owner can source further information or assistance regarding compliance; and					
	<input type="checkbox"/> Any other relevant information.					
3.	That once developed a briefing on the fact sheet be provided to Councillors.					
26 Oct 2020 - 10:47 AM - Colin Davis						
Revised Target Date changed by: Davis, Colin From: 18 Nov 2020 To: 02 Dec 2020						
Reason: Briefing to be presented to Council on 2 December 2020						
19 Nov 2020 - 12:11 PM - Colin Davis						
Action completed by: Davis, Colin						
Briefing held. Fact Sheet amended in accordance with outcomes of briefing, completed.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC102/2020	Ordinary Council 18/11/2020	McGowan, Kelly	Corporate and Community	Procurement Policy	16/12/2020	24/11/2020
1497 MOTION 1497 RESOLVED	Moved:	Maginnity, Robert Councillor Doherty	Seconded:	Councillor Burke		
<p>That Council adopts the revised Procurement Policy.</p> <p>24 Nov 2020 - 11:29 AM - Kelly McGowan Action completed by: Larsen, Robyn Has been placed on the Intranet and Internet.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC103/2020	Ordinary Council 18/11/2020	McGowan, Kelly	Corporate and Community	Statement of Business Ethics	16/12/2020	24/11/2020
1498 MOTION 1498 RESOLVED	Moved:	Maginnity, Robert Councillor Suvaal	Seconded:	Councillor Gray		
<p>That Council adopts the revised Statement of Business Ethics.</p> <p>24 Nov 2020 - 11:29 AM - Kelly McGowan Action completed by: Larsen, Robyn Placed on Intranet, Internet and Vendor Panel.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC104/2020	Ordinary Council 18/11/2020	Grosbernd, Paul	Corporate and Community	Quarterly Budget Review Statements - September 2020	16/12/2020	23/11/2020
1499 MOTION 1499 RESOLVED	Moved:	Maginnity, Robert Councillor Burke	Seconded:	Councillor Suvaal		
<ol style="list-style-type: none"> 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. 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. 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. That Council approves the variations to the income, expenditure and capital budgets as detailed in the September 2020 Quarterly Budget Review Statements. <p>23 Nov 2020 - 11:13 AM - Paul Grosbernd Action completed by: Grosbernd, Paul Noted. Budget Review changes now updated to General Ledger.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC105/2020	Ordinary Council 18/11/2020	Ladmore, Donna	Corporate and Community	September 2020 Review of the 2017-21 Delivery Program	16/12/2020	23/11/2020
1500 MOTION 1500 RESOLVED	Moved:	Maginnity, Robert Councillor Doherty	Seconded:	Councillor Burke		
That Council notes the progress in implementing the 2017-21 Delivery Program as at 30 September 2020.						
CARRIED UNANIMOUSLY						
23 Nov 2020 - 8:48 AM - Donna Ladmore Action completed by: Ladmore, Donna No actions required. Noted.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC38/2020	Ordinary Council 15/04/2020	Rathborne, Michael	Corporate and Community	Sale of Council Land at 10 & 12 Quorrobolong Road, Cessnock	18/12/2020	25/11/2020
1265 MOTION 1265 RESOLVED	Moved:	Maginnity, Robert Councillor Suvaal	Seconded:	Councillor Dunn		
<ol style="list-style-type: none"> That Council sells the two parcels of land known as 10 Quorrobolong Road, Cessnock (being Lot 507 DP755215) and 12 Quorrobolong Road, Cessnock (being Lot 508 DP755215) by private treaty using agents listed on the Cessnock City Council Real Estate Panel; That Council authorises the General Manager to negotiate the sale of each property for no less than 90% of the independent valuation; That Council authorises the General Manager and Mayor to execute the Transfer documentation between Cessnock City Council and the purchasers. That Council allocates the proceeds of sale in accordance with the adopted Property Investment Fund Policy. 						
27 Apr 2020 - 12:43 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 13 May 2020 To: 18 Dec 2020 Reason: Approval granted to sell 15.4.2020. Two lots to be listed for sale after contracts prepared, then marketed for sale. 25 Jun 2020 - 11:55 AM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 18 Dec 2020 To: 18 Dec 2020 Reason: Deposits taken on both sites at \$190,000 and \$150,000 respectively pending finance and exchange of contracts. 4 Aug 2020 - 1:29 PM - Michael Rathborne Revised Target Date changed by: Rathborne, Michael From: 18 Dec 2020 To: 18 Dec 2020 Reason: 10 Quorrobolong st will settle 7 August 2020. 12 Quorrobolong is still being marketed. 5 Aug 2020 - 10:41 AM - Robyn Keegan 10 Quorrobolong Street will settle 7 August 2020, but 12 Quorrobolong Street, is still being marketed for sale. 31 Aug 2020 - 12:33 PM - Robyn Keegan As at 28/08/2020, Number 10 has settled now and 12 is currently under consideration of an offer received today. 30 Sep 2020 - 9:19 AM - Robyn Larsen 10 has settled, 12 has exchanged this week and is due to settle within 42 days 28 Oct 2020 - 2:47 PM - Robyn Keegan 10 has been settled and 12 will settle this week.						

25 Nov 2020 - 4:24 PM - Michael Rathborne
 Action completed by: Keegan, Robyn
 10 and 12 Quorrobolong Street sites have both settled and this matter is completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC85/2020	Ordinary Council 16/09/2020	Maginnity, Robert	Corporate and Community	Code of Conduct and Procedures for Administration of the Code of Conduct - Update to Reflect New Prescribed Models	15/11/2020	23/11/2020
1433 MOTION 1433 RESOLVED	Moved:	Maginnity, Robert Councillor Gray	Seconded:	Councillor Dunn		
<p>1. That Council adopts the Code of Conduct and Procedures for the Administration of the Code of Conduct, which align with the recently updated Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW.</p> <p>2. That the General Manager arranges a training session on the changes under the Model Code of Conduct for Local Councils in NSW.</p> <p>1. That Council notes the actions proposed to ensure Council staff are provided with suitable training and information regarding the revised Model Code of Conduct for Local Councils in NSW.</p> <p>2. That Council maintains Gifts and Benefits Token Value at \$50.00.</p>						
<p>22 Sep 2020 - 4:55 PM - Robert Maginnity Council website updated with revised Code of Conduct following the meeting 26 Oct 2020 - 1:31 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 14 Oct 2020 To: 15 Nov 2020 Reason: Waiting to confirm councillor training date. 23 Nov 2020 - 3:15 PM - Robert Maginnity Action completed by: Maginnity, Robert Training scheduled for December</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC96/2020	Ordinary Council 21/10/2020	Dennis, Johanna	Corporate and Community	Public Art Policy	24/11/2020	25/11/2020
1461 MOTION 1461 RESOLVED	Moved:	Maginnity, Robert Councillor Doherty	Seconded:	Councillor Dagg		
<p>1. That Council places the amended Public Art Policy on public exhibition for 28 days.</p> <p>2. That should public submissions be received, a further report be prepared and submitted to Council for consideration.</p> <p>3. That should no public submissions be received, the amended Public Art Policy is adopted by Council.</p>						
<p>27 Oct 2020 - 8:40 AM - Johanna Dennis Item 1 - Draft Public Art Policy placed on public exhibition on Monday 27 October 2020, submission closing on 23 November 2020, 5.00pm. 27 Oct 2020 - 9:37 AM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 18 Nov 2020 To: 24 Nov 2020 Reason: If no submissions are received this action will be closed 24/11/20. If submissions are received, a report will go back to Council in early February 2021.</p>						

27 Oct 2020 - 9:40 AM - Johanna Dennis

Revised Target Date changed by: Dennis, Johanna From: 24 Nov 2020 To: 24 Nov 2020

25 Nov 2020 - 12:41 PM - Johanna Dennis

Item 3 - Public exhibition of the Draft Public Art Policy ended 5pm, Monday 23 November. No public submissions were received, and consequently the Public Art Policy has been adopted by Council.

25 Nov 2020 - 1:04 PM - Johanna Dennis

Action completed by: Dennis, Johanna

Public Art Policy adopted 24 November 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU26/2020	Ordinary Council 18/11/2020	Chadwick, Tony	General Manager's Unit	2021 Hunter Valley Airshow	16/12/2020	30/11/2020
1490 MOTION 1490 RESOLVED	Moved:	Jackson, Lotta Councillor Dagg	Seconded:	Councillor Suvaal		
<p>1. That Council supports the proposed 2021 Hunter Valley Airshow to be held at the Cessnock Airport on 13 and 14 March 2021;</p> <p>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);</p> <p>3. That Council supports the proposed 2021 Hunter Valley Airshow by providing non-cash and in-kind sponsorship of \$20,339; and</p> <p>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.</p>						
<p>30 Nov 2020 - 9:58 AM - Tony Chadwick</p> <p>Action completed by: Chadwick, Tony</p> <p>Notification of Council Resolution 1490 has been send to Paul Bennett Airshows (refer DOC2020/185166). Council staff will assist Paul Bennett Airshows as necessary to support event delivery.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM13/2020	Ordinary Council 18/11/2020	Jackson, Lotta	Mayoral Minutes	Kurri Kurri Hospital Closure	16/12/2020	27/11/2020
1486 MOTION 1486 RESOLVED	Moved:	Jackson, Lotta Councillor Pynsent				
<p>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.</p>						
<p>27 Nov 2020 - 12:26 PM - Lotta Jackson</p> <p>Action completed by: Hottes, Kylie</p> <p>Correspondence sent to Chief Executive of Hunter New England Health DOC2020/182854 and confirmed Kurri Kurri Hospital Closure to be included as part of New Maitland Hospital Briefing being provied by Michael DiRienzo on 2 December 2020.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM14/2020	Ordinary Council 18/11/2020	Hottes, Kylie	Mayoral Minutes	LGNSW Annual Conference 2020 - Alternate Voting Delegate	16/12/2020	23/11/2020
1487 MOTION 1487 RESOLVED	Moved:	Jackson, Lotta Councillor Pynsent				
<p>That Council appoints Councillor Stapleford as a delegate to the LGNSW virtual Annual Conference 2020.</p> <p>23 Nov 2020 - 8:43 AM - Kylie Hottes Action completed by: Hottes, Kylie Councillor Stapleford added to attend the LGNSW Conference 2020 as a Voting Delegate in place of Councillor Burke.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE34/2020	Ordinary Council 16/09/2020	Davis, Colin	Planning and Environment	Abandoned or Unattended Shopping Trolley Policy Review	20/11/2020	19/11/2020
1425 MOTION 1425 RESOLVED	Moved:	Johnson, Martin Councillor Doherty	Seconded:	Councillor Suvaal		
<p>1. That Council places the revised Abandoned or Unattended Shopping Trolley Policy on public exhibition for 28 days.</p> <p>2. That following public exhibition, Council adopt the revised Abandoned or Unattended Shopping Trolley Policy if there are no unresolved submissions received during the exhibition period.</p> <p>29 Sep 2020 - 10:25 AM - Yvonne Blake Revised Target Date changed by: Blake, Yvonne From: 14 Oct 2020 To: 30 Oct 2020 Reason: Policy to be placed on exhibition 20 Oct 2020 - 8:33 AM - Colin Davis Revised Target Date changed by: Davis, Colin From: 30 Oct 2020 To: 20 Nov 2020 Reason: Draft Policy placed on exhibition, advertising closes on 16 November 2020, to be reassessed following exhibition. 19 Nov 2020 - 12:10 PM - Colin Davis Action completed by: Davis, Colin Exhibition closed no submissions, policy completed.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE39/2020	Ordinary Council 18/11/2020	Hamilton, Grant	Planning and Environment	Development Application 8/2020/20455/01 - New dwelling house and attached secondary dwelling - 26 Madeline Street, Heddon Greta	16/12/2020	30/11/2020
1492 MOTION 1492 RESOLVED	Moved:	Johnson, Martin Councillor Burke	Seconded:	Councillor Suvaal		
<p>1. That:</p> <p>(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</p>						

(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;
 - o Part C.1 – Parking and Access
 - o Part C.3 – Contaminated Lands
 - o 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 1TERMS 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.

Plan Reference	Drawn By	Dated
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
	Total	\$5,403.72

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.

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.

30 Nov 2020 - 10:46 AM - Grant Hamilton

Action completed by: Hamilton, Grant

Application determined in accordance with procedure and uploaded to NSW Planning Portal Fri 27th Nov 2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE40/2020	Ordinary Council 18/11/2020	Taylor, Holly	Planning and Environment	18/2018/1 - Planning Proposal to Rezone Land and Apply Additional Permitted Use at Stonebridge Drive Cessnock	16/12/2020	30/11/2020
1493 MOTION 1493 RESOLVED	Moved:	Johnson, Martin Councillor Suvaal	Seconded:	Councillor Burke		
<p>1. That Council does not proceed with the 'Stonebridge Drive Cessnock' Planning Proposal.</p> <p>2. That Council notifies the Department of Planning, Industry and Environment of its decision pursuant to Section 3.35 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>30 Nov 2020 - 9:23 AM - Holly Taylor Action completed by: Taylor, Holly Complete. Letter to Department requesting the Planning Proposal no longer be considered issued 20 November 2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE41/2020	Ordinary Council 18/11/2020	Taylor, Holly	Planning and Environment	18/2015/2 - Exhibition of Hydro Kurri Kurri Planning Proposal	16/12/2020	30/11/2020
1494 MOTION 1494 RESOLVED	Moved:	Johnson, Martin Councillor Doherty	Seconded:	Councillor Gray		
<p>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 <i>Environmental Planning and Assessment Act 1979</i> requesting a new Gateway determination.</p> <p>2. That Council undertakes consultation with the community as determined by the Department of Planning, Industry and Environment Gateway determination.</p> <p>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.</p> <p>30 Nov 2020 - 9:22 AM - Holly Taylor Action completed by: Taylor, Holly Completed. Request for a new gateway was sent to the Department on 23 November 2011</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE42/2020	Ordinary Council 18/11/2020	Rush, Iain	Planning and Environment	Revised Flood Risk Management Policy	16/12/2020	27/11/2020
1495 MOTION 1495 RESOLVED	Moved:	Johnson, Martin Councillor Doherty	Seconded:	Councillor Burke		
<p>That Council adopts the revised Cessnock City Council Flood Risk Management Policy.</p> <p>27 Nov 2020 - 9:47 AM - Iain Rush Action completed by: Rush, Iain Flood Risk Management Policy finalised and placed on Council's website.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE43/2020	Ordinary Council 18/11/2020	Hamilton, Grant	Planning and Environment	Review of Council Parking Enforcement Policy	16/12/2020	30/11/2020
1496 MOTION 1496 RESOLVED	Moved:	Johnson, Martin Councillor Dagg	Seconded:	Councillor Gray		
<ol style="list-style-type: none"> That Council places the revised Parking Enforcement Policy on public exhibition for a period of twenty eight (28) days; and That following public exhibition, a report come back to Council prior to adoption. 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. 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. 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. <p>30 Nov 2020 - 10:44 AM - Grant Hamilton Action completed by: Hamilton, Grant On public exhibition until 22 December 2020. A report on the results of the exhibition period as per Council resolution will be prepared for the Feb 2021 meeting</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE44/2020	Ordinary Council 18/11/2020	Maier, Janine	Planning and Environment	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...	16/12/2020	24/11/2020
MOTION	Moved:	Johnson, Martin 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.						
24 Nov 2020 - 11:49 AM - Janine Maier Action completed by: Maier, Janine Council's solicitors advised of resolution.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE56/2019	Ordinary Council 7/08/2019	Taylor, Holly	Planning and Environment	Strategic Land Use Plan - Heddon Greta, Cliftleigh	30/03/2021	30/11/2020
934 MOTION	Moved:	Johnson, Martin Councillor Gray	Seconded:	Councillor Burke		
934						
RESOLVED						
1.	That Council note the information contained within this report.					
2.	That Council progress the development of the Heddon Greta-Cliftleigh Strategic Land use Plan, noting that the project will require the engagement of a consultant to prepare the Plan.					
3.	That the Heddon Greta-Cliftleigh Strategic Land use Plan be funded from the Rezoning reserve and section 7.11 where appropriate.					
4.	That a further report on the progress of the development of the Strategic Land Use Plan be provided to Council within 6 months.					
15 Aug 2019 - 9:14 AM - Martin Johnson Revised Target Date changed by: Johnson, Martin From: 4 Sep 2019 To: 05 Feb 2020 Reason: Project status report due February 2020. Consultant and project brief to be prepared. Meeting with RMS arranged to discuss project. 4 Feb 2020 - 11:05 AM - Hannah McCauley Draft Corridor Strategy being prepared, draft anticipated to be available in mid 2020. 4 Feb 2020 - 11:07 AM - Hannah McCauley Revised Target Date changed by: McCauley, Hannah From: 5 Feb 2020 To: 30 Jun 2020 Reason: Working on drafting document. 1 Jun 2020 - 12:11 PM - Yvonne Blake Revised Target Date changed by: Blake, Yvonne From: 30 Jun 2020 To: 30 Sep 2020 Reason: Delays relating to Covid 29 Sep 2020 - 12:31 PM - Holly Taylor Revised target date due to DPIE funding additional modelling. Project has been pushed back to assess additional options and won't be available until early 2021 9 Oct 2020 - 2:11 PM - Tyler Borowiec Revised Target Date changed by: Borowiec, Tyler From: 30 Sep 2020 To: 30 Mar 2021 30 Nov 2020 - 9:25 AM - Holly Taylor						

Action completed by: Taylor, Holly
Matter on hold (revised target date set). TfNSW MR195 Corridor Plan has not yet been finalised. Update project once this is complete (anticipated early 2021)

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE7/2020	Ordinary Council 19/02/2020	Taylor, Holly	Planning and Environment	Heddon Greta and Clifftleigh Urban Corridor Masterplan Project Update	30/03/2021	30/11/2020
1164 MOTION 1164 RESOLVED	Moved:	Johnson, Martin Councillor Gray	Seconded:	Councillor Burke		
<p>1. That Council notes the update regarding the Heddon Greta Clifftleigh Urban Corridor Masterplan Project.</p> <p>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 Clifftleigh Urban Corridor Masterplan Project.</p> <p>6 Mar 2020 - 3:11 PM - Holly Taylor Movement and Place Workshop scheduled. Exhibition anticipated to occur mid year 1 Jun 2020 - 12:11 PM - Yvonne Blake Revised Target Date changed by: Blake, Yvonne From: 1 Jun 2020 To: 30 Sep 2020 Reason: Delays relating to Covid 28 Jul 2020 - 8:24 AM - Holly Taylor Report to Council once reviewed in accordance with the TfNSW regional corridor strategy. This has been delayed, however, revised release is for early October 29 Sep 2020 - 12:33 PM - Holly Taylor Revised Target date due to additional modelling work being undertaken. Will be publically available in early 2021 30 Nov 2020 - 9:25 AM - Holly Taylor Action completed by: Taylor, Holly Matter on hold (revised target date set). TfNSW MR195 Corridor Plan has not yet been finalised. Update project once this is complete (anticipated early 2021)</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W1100/2019	Ordinary Council 11/12/2019	Kerr, Katrina	Works and Infrastructure	Building Better Regions Fund - Round Four	31/12/2020	25/11/2020
1123 MOTION 1123 RESOLVED	Moved:	Kerr, Katrina Councillor Dagg	Seconded:	Councillor Suvaal		
<p>1. That Council endorses the submission of an application under the Building Better Regions Fund: <i>Infrastructure Projects Stream, Round Four – Drought Support</i> for the Branxton to Greta Cycleway project,</p> <p>2. That Council allocates a co-contribution of \$650,000 (25%) from within Council operational funding for cycleways, the grant funding leverage reserve and potential loans to fund the project, should the grant be successful.</p> <p>3. That the General Manager work towards ensuring that more projects are shovel ready from adopted strategies across the whole LGA.</p> <p>4. That Council write to the Federal Member for Hunter seeking his support.</p> <p>7 Feb 2020 - 12:46 PM - Katrina Kerr Item1 - Submitted grant application Dec 2019. Item 2 - Awaiting outcome of grant application. Item 3 - Progressed list of projects from adopted Strategies suited to future grant applications. Item 4 - Sent correspondence to Federal Member December 2019.</p>						

9 Mar 2020 - 5:59 PM - Katrina Kerr
 Item 2 - Awaiting outcome of grant application.
 Item 3 - Progressed list of projects from adopted Strategies suited to future grant applications.
 5 Jun 2020 - 11:50 AM - Katrina Kerr
 Item 3 - Progressed list of projects from adopted Strategies suited to future grant applications.
 8 Jul 2020 - 9:26 AM - Kelly Paterson
 Item 1 - Received advice of successful grant
 Item 2 - Requested allocation of funds
 Item 3 - Initiated log of projects suited to future grant applications with readiness status
 Item 4 - Sent correspondence to Federal Member December 2019
 13 Aug 2020 - 11:36 AM - Kelly Bates
 Revised Target Date changed by: Bates, Kelly From: 29 Jul 2020 To: 31 Dec 2020
 Reason: Item 3 - Added to log of projects suited to future grant application with readiness status
 23 Nov 2020 - 11:57 AM - Katrina Kerr
 Item 3 - Completed log of projects (our ref DOC2019/108887).
 25 Nov 2020 - 12:37 PM - Katrina Kerr
 Action completed by: Lewis, Linda
 Items 1 to 4 are now completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI59/2020	Ordinary Council 15/07/2020	Crosdale, Emma	Works and Infrastructure	Baddeley Park and Carmichael Park Masterplans	18/11/2020	24/11/2020
1357 MOTION 1357 RESOLVED	Moved:	Kerr, Katrina Councillor Stapleford	Seconded:	Councillor Fitzgibbon		
<p>1. That Council places the draft Baddeley Park and Carmichael Park Masterplans on public exhibition for a minimum period of 28 days and invite public submissions with the following amendments to the Baddeley Park Masterplan.</p> <p>a) The training field at the end of the sportsground be made into a second full sized ground.</p> <p>b) The carpark at the end of the sportsground have a connecting car bridge to the carpark across the creek.</p> <p>c) That a track be built along the creek bank and around the rest of the park joining up to the track on Cessnock Street behind the highschool.</p> <p>d) The main cricket ground be kept as a cricket ground and the second cricket ground be used as an extra soccer ground.</p> <p>2. That the following points be investigated by Council for possible inclusion at a later date:-</p> <p>e) A portion of the land across the road from the sportsground be acquire and made into a formalized carpark with three rows of 90 degree parking.</p> <p>f) The Old Southey Dam be acquired by Council as an alternative water supply to the sporting complex.</p> <p>3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final suite of Masterplans.</p> <p>28 Jul 2020 - 11:59 AM - Natalie McCloy Council Officers are liaising with the Consultant to amend the draft Masterplan for Baddeley Park, as per the Council resolution. Carmichael Park and Baddeley Park draft Masterplans will be placed on public exhibition once amendments are complete. 12 Aug 2020 - 2:59 PM - Vickie Stovell Revised Target Date changed by: Stovell, Vickie From: 19 Aug 2020 To: 19 Sep 2020 Reason: Going out on Public Exhibition 17/8/2020</p>						

27 Aug 2020 - 9:40 AM - Emma Crosdale

Revised Target Date changed by: Crosdale, Emma From: 19 Sep 2020 To: 30 Sep 2020

Reason: Masterplans are currently on public exhibition until 15 September 2020.

1 Oct 2020 - 2:11 PM - Natalie McCloy

Council officers reviewing public submissions with a further report to Council for adoption.

24 Nov 2020 - 12:08 PM - Emma Crosdale

Action completed by: McCloy, Natalie

Masterplans were adopted by Council at its ordinary meeting on 18 November 2020.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W183/2020	Ordinary Council 18/11/2020	Donnelly, Patricia	Works and Infrastructure	2020-25 Waste and Resource Recovery Strategy - General Waste Collection	16/12/2020	30/11/2020
1506 MOTION 1506 RESOLVED	Moved:	Kerr, Katrina Councillor Suvaal	Seconded:	Councillor Gray		
<p>1. That Council reinstate Action 3.4 into the adopted Waste and Reuse Recovery Strategy 2020-25 amended with:</p> <p style="padding-left: 40px;">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).</p> <p>2. That Council replace Action 3.4 sub-point a. with:</p> <p style="padding-left: 40px;">a. Develop options to provide those households with larger waste needs such as additional bins and/or weekly collection at a reasonable cost.</p> <p>3. That Council reinstate Action 3.4 sub-point b. with:</p> <p style="padding-left: 40px;">b. Develop and implement an education plan for the change to the general waste service.</p> <p>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.</p> <p>30 Nov 2020 - 9:33 AM - Patricia Donnelly</p> <p>Item 1 - Action 3.4 reinstated 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)."</p> <p>Item 2 - Action 3.4 sub-point a. replaced with "Develop options to provide those households with larger waste needs such as additional bins and/or weekly collection at a reasonable cost".</p> <p>Item 3 - Action 3.4 sub-point b. reinstated with "Develop and implement an education plan for the change to the general waste service".</p> <p>Item 4 - noted.</p> <p>30 Nov 2020 - 9:37 AM - Patricia Donnelly</p> <p>Action completed by: Donnelly, Patricia</p> <p>Completed</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W184/2020	Ordinary Council 18/11/2020	Donnelly, Patricia	Works and Infrastructure	Minutes of Dollar for Dollar Grants Committee Meeting of Cessnock City Council Held 14 October 2020	26/02/2021	30/11/2020
1507 MOTION 1507 RESOLVED	Moved:	Kerr, Katrina Councillor Doherty	Seconded:	Councillor Burke		
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
TOTAL				\$48,050	\$7,400	\$7,400
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
TOTAL				\$16,500	\$8,250	\$6,242
Note: Weston Heritage and Tidy Towns Committee have advised project can be completed with reduced funding support.						
Table 3 - Applications recommended for funding						
APPLICANT		PROJECT DESCRIPTION		TOTAL PROJECT COST	FUNDING SOUGHT	FUNDING PAYABLE
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
TOTAL			\$11,358	\$11,358

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.

30 Nov 2020 - 9:28 AM - Patricia Donnelly

Item 1 - Minutes of Dollar for Dollar Grants Committee held on 14 October adopted.

Item 2.1 - EFT requests to distribute funding to successful Community and Cultural Development Dollar for Dollar Grant applicants have been raised. An acquittal has been received from Towns with Heart for their 2019-20 project and 2020-21 funds have been distributed. Cessnock City Toastmasters Club withdrew their application for funding on 19 November 2020. Distribution of grant funds for Sculpture in the Vineyards is conditional on the receipt of a project acquittal for funds received in the 2019/20 funding round.

Item 2.2 - Community and Cultural Development Dollar for Dollar applicants have been advised of the outcome and thanked for their contribution to the development of community, arts and culture in the Cessnock Local Government Area.

Item 3.1 – All successful Schools Environment Dollar for Dollar Grants applicants have been notified and EFT/cheque requests are being raised when schools advise to the method of payment required.

Item 3.2 – A second round of Schools Environment Dollar for Dollar Grants has be scheduled for Tern 1, 2021.

Item 3.4 - Schools Environment Dollar for Dollar Grants applicants have been advised of the outcome and thanked for their contribution towards the enhancement of the local environment.

Item 4.1 - EFT requests to distribute funding to successful Sustainable Communities Tidy Towns Dollar for Dollar applicants have been raised.

Item 4.2 - A second round of Sustainable Communities Tidy Towns Dollar for Dollar Grants has be scheduled for February 2021.

Item 4.3 - Sustainable Communities Tidy Towns Dollar for Dollar Grants applicants have been thanked for their contribution towards the enhancement of the local environment.

Item 5.1 - EFT requests to distribute funding to successful Community Facilities Dollar for Dollar Grant applicants have been raised.

Item 5.3 - Unallocated budget of \$2,232 from the Community Facilities - Dollar for Dollar Grant Scheme has been transferred to the Sporting Facilities - Dollar for Dollar Grant Scheme to cover requests under that Scheme.

Item 5.4 - All applicants have been advised of the outcome of their application and were thanked for their ongoing support and commitment to the enhancement of Council's community facilities.

Item 6.1 - EFT requests to distribute funding to successful Sporting Facilities Dollar for Dollar Grant applicants have been raised.

Item 6.2 - Unallocated budget of \$2,232 from the Community Facilities - Dollar for Dollar Grant Scheme has been transferred to the Sporting Facilities - Dollar for Dollar Grant Scheme to cover requests under that Scheme.

Item 6.3 - All applicants have been advised of the outcome of their application and were thanked for their ongoing support and commitment to the enhancement of Council's sporting facilities.

30 Nov 2020 - 9:29 AM - Patricia Donnelly

Action completed by: Donnelly, Patricia

Completed

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI87/2020	Ordinary Council 18/11/2020	Crosdale, Emma	Works and Infrastructure	Baddeley Park & Carmichael Park - Adoption of Masterplans	16/12/2020	24/11/2020
1510 MOTION 1510 RESOLVED	Moved:	Kerr, Katrina Councillor Dagg	Seconded:	Councillor Doherty		
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.					

24 Nov 2020 - 12:09 PM - Emma Crosdale

Action completed by: McCloy, Natalie

Masterplans were adopted by Council at its ordinary meeting on 18 November 2020.

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure**SUBJECT: CAPITAL WORKS 2020-21 - PROGRAMMING****RESPONSIBLE OFFICER: Acting Infrastructure Manager - Renae Leayr****SUMMARY**

The purpose of this report is to provide scheduling and resource information to achieve completion of the increased 2020-21 Capital Works Program including substantial grant funded projects that will also be carried over into the financial year 2021-22.

RECOMMENDATION

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

BACKGROUND

The 2020-21 Capital Works Program is a substantial program of works, greater than Council's past programs.

The increase in the Program relates mainly to disaster and economic recovery with the government aiming to stimulate the economy after the COVID-19 pandemic. This level of external grant opportunities is above the usual and not expected to continue in the long term.

This report shows how the current program of work is scheduled and resourced to be delivered, including use of in-house and external resources.

REPORT/PROPOSAL**Total Capital Works Program**

Councils' average Capital Works Program expenditure on infrastructure, open space and community facilities over the last 4 years is shown in **Table 1** below.

In recent years, Council has enjoyed a high level of attraction of grants, which has seen the Capital Works Program grow in total value. Table 1 also shows the current budget for 2020-21.

Table 1 – Capital Works Programs

Year	Total Expenditure
2016-17	\$22.4M
2017-18	\$13.9M
2018-19	\$14.3M
2019-20	\$20.9M
	Total Budget
2020-21	\$30.M*

*Not including grants accepted since adoption of the Operational Plan 2020-21 budget totalling \$4,834,380.

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure



2020-21 Infrastructure Capital Works Program

Value: With significant grants and recovery stimulus funding, the 2020-21 Capital Works program for infrastructure is substantially higher. The majority of grant funds received are phased over several financial years to reflect multiyear projects. The program has substantial budget in the Bridge Construction Program and Road Construction Program in this financial year which is also reflected in the cash flow for next year as shown for the most significant major projects valued at over \$1M in **Table 2** below.

Table 2 – Cash Flow for Major Projects

Asset	2020-21 Value	2021-22 Value
Bridges	\$6,094,871	\$1,977,400
Roads	\$8,568,928	\$3,636,000
Traffic Facilities	\$4,193,368	\$0
Pathways	\$5,366,191	\$3,066,760
Total	\$24,223,358	\$8,680,160

Scheduling: It is appropriate to focus Council's resources on delivery of grant funded projects, and to engage contractors to deliver more routine works funded by Council such as the Local Road Renewal Program. The additional workload has required engagement of temporary engineers and Project Managers to prepare contract documents and to administer these contracts.

The current program of works has been scheduled to reflect external grant funding milestones with an emphasis on expending external funding ahead of Council general funds or development contributions.

A gant chart schedule showing the significant projects currently in progress is attached at **Enclosure 1**.

A summary schedule of the most significant major projects valued at over \$1M is shown in **Table 3** below.

Table 3 – Schedule of Major Projects

	Project:	Funding source		2020-21				2021-22			
		Grant	Co-contribution*	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1	Gingers Lane, Weston	\$1,059,353	\$1,787,338								
2	Tourist Signage	\$1,747,368	\$442,000								
3	Sandy Creek Road (Fosters bridge)	\$784,808	\$1,786,994								
4	Paynes Crossing Bridge	\$1,336,000	\$1,378,000								
5	Hart Road, Loxford	\$1,800,000	\$204,000								

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure



	Project:	Funding source		2020-21				2021-22			
6	Anvil Creek Bridge, Greta	\$690,800	\$1,466,022								
7	Camp Road, Greta	\$626,400	\$626,400								
8	Cessnock Shared Pathway	\$1,592,000	\$440,000								
9	Kurri Kurri Town Centre	\$3,630,141	\$806,000								
10	Yango Creek Bridge, Wollombi	\$1,176,500	\$1,176,500								
11	Branxton Greta Shared Pathway	\$1,950,000	\$650,000								
12	Oakey Creek Road	\$1,053,400	\$98,000								
13	Airport Upgrade	\$6,600,000	\$2,200,000								
14	Mitchell Ave, Kurri Kurri	\$1,777,500	\$392,500								
15	Kline Street Bridge, Weston	\$650,000	\$650,000								
16	Old Maitland Road	\$1,836,000	\$612,000								

* Co-contribution includes Council funds and other grant funds such as R2R.

Project priorities have necessarily changed to accommodate more recent grant announcements. The order and timing of the projects shown in Table 3 reflects the grant milestones.

Resources: Project Managers of Council's Infrastructure Unit, Design & Project Management Team have been appointed to projects relevant to their area of expertise, according to complexity, scale and grant milestones.

Project Managers are overseeing projects being delivered via a combination of in-house permanent and temporary officers and external consultants, and a partnership with NSW Public Works Advisory (PWA). PWA are a State government agency with significant capabilities in project management, procurement and consultant and contract administration, and construction management. PWA is providing services on Council's behalf as provided for under the *Local Government Act 1993*.

Temporary officers are guided in use of Council's Project Management Framework to consistently high standards of delivery and reporting as described below. The combination of in-house and external resources being utilised for the major projects is shown **Table 4** below.

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure**Table 4 – Resource Allocation**

		In house	External
Project Manager 1	Gingers Lane Hart Road Loxford Kurri Kurri Town Centre	✓ ✓ ✓	GHD GHD CARDNO
Project Manager 2	Tourist Signage Paynes Crossing Bridge Oakey Creek Road	✓ ✓ ✓	PWA
Project Manager 3 - Temp	Branxton Greta Shared Pathway Anvil Creek Bridge, Greta Yengo Creek Bridge, Wollombi	✓ ✓	PWA PWA
Project Manager 4 - Temp	Kline Street Bridge, Weston Old Maitland Road	✓ ✓	
Design Engineer 1	Sandy Creek Road (Fosters Bridge) Camp Road, Greta	✓	PWA
Design Engineer 2	Cessnock Shared Pathway Mitchell Ave, Weston	✓ ✓	

In addition to the above major projects, each in house Project Manager is also task manage a range of lesser scale projects scheduled over the year.

Project Management Methodology: Council's Infrastructure Unit, Design & Project Management Team utilise a Project Management Framework built on the Project Management Body of Knowledge (PMBOK) method of project management with its focus on five process areas of:

1. Initiating,
2. Planning,
3. Executing,
4. Monitoring and Controlling, and
5. Closing,

as well as the 10 knowledge areas, such as scope, time and cost management.

The Framework provides template documents and tools across a total of 13 knowledge and functional areas:

- 10 PMBOK knowledge areas, and
- 3 functional areas relevant to Local Government (safety, environment and record keeping)

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure

Book ended by integration and risk, which are functions that affect all other areas, the 13 knowledge and functional areas are set out in **Table 5** below:

Table 5 – Project Management Knowledge and Functional Areas

Integration		
Scope	Time	Cost
Safety	Environment	Quality
Resource Management	Communication	Stakeholder Management
Record Keeping	Procurement	
Risk		

Use of the Framework aims to ensure projects are consistently delivered to a standard suitable to the statutory environment of Government. The Project Manager, prepares a Monthly Report, and monitors a Project Schedule, Cost Plan and Risk Register.

Project Governance: In addition to use of the Project Management Framework, Projects are overseen by A Program Control Group, according to the Capital Works Program or asset class, and for major projects by a Project Control Group. The Project Manager reports monthly to, and receives direction from this oversight.

OPTIONS

Nil.

CONSULTATION

Internal Consultation: Internal consultation on this matter has occurred with Council officers as follows:

- Principal Engineer - Traffic & Transport, Infrastructure;
- Principal Engineer - Roads, Infrastructure;
- Principal Engineer – Environmental Infrastructure;
- Design Engineer, Infrastructure; and
- Engineering Officer - Traffic Infrastructure.

External Consultation: External consultation for preparation of this report has occurred with the various funding bodies to determine grant program guidelines and milestones.

STRATEGIC LINKS**a. Delivery Program**

Delivery Program 2017- 21: The recommendation of this report aligns with the following objectives:

Objective 1.3: Promoting Safe Communities – Our roads are safe for motorists and pedestrians
1.3.5 Improve the safety of the road network

Objective 2.3: Increasing tourism opportunities and visitation to the area

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure



2.3.4: Commence implementation of the Vineyard Signage Strategy.

Objective 4.1: Better transport links

4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.

4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.

Objective 4.2: Improving the road network

4.2.1: Develop prioritised capital works programs in line with adopted asset management plans.

4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other Plans

Community Strategic Plan - Cessnock 2027: The recommendation of this report aligns with the following objectives:

Objective 1.3 Promoting safe communities

- Our roads are safe for motorists and pedestrians.

Objective 2.3 Increasing tourism opportunities and visitation in the area

- Our local government area is attractive to visitors

Objective 4.2 Improving the road network

- We have a quality road network.
- We have managed the traffic impact of the Hunter Expressway on local communities.

Operational Plan 2020-21: The recommendation of this report aligns with the following outcomes and objectives:

- 2.3 Increasing tourism opportunities and visitation
- 3.1 Protecting and enhancing the natural environment and rural character of the area
- 4.1 Better transport links
- 4.2 Improving the road network

IMPLICATIONS

a. Policy and Procedural Implications

Project Management Framework: Council officers following Council's PM Framework utilise the Project Management Body of Knowledge method of project management with its focus on scope, time and cost management.

The Framework provides template documents and tools to ensure projects are delivered by a professional, best practice project management service.

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure



b. Financial Implications

Cost to the Community

Cost Management: Project budgets, expenditure, and cash flow are managed and monitored by way of a project Cost Plan updated monthly to track estimates and expenditure against budgets.

Grant Administration: With the substantial increase in grants, it has been necessary to allocate support staff effort to administer grant agreements and funds. To guard Council's reputation in successful grant delivery, it is appropriate that additional support staff be considered to ensure that all aspects of external grants are correctly executed, tracked and reported.

c. Legislative Implications

Local Government Act 1993: Project management is carried out in accordance with the relevant provisions of the *Local Government Act 1993*.

d. Risk Implications

Risk Assessment: Project risks are identified, assessed and mitigated by Council's Project Managers as required by use of a Project Risk Register under the Project Management Framework.

Financial Risk: Where projects deliver new infrastructure, the new infrastructure will require maintenance and renewal over time which is an impost on future operational and capital budgets.

Safety Risk: In house and external service providers for projects are required to manage safety risks and provide and implement safety management plans appropriate to the risk level of the project.

Opportunity Risk: Acceptance and use of grant funds when available mitigates the risk of lost grant opportunities.

Reputational Risk: There may be a need for adjustments to the adopted capital works program to accommodate the additional grant funded projects. If this occur, it may attract criticism from the community if planned works need to be delayed. Reputational Risk will be mitigated through communication management and community/stakeholder engagement currently implemented by Project Managers under Council's Project Management Framework.

e. Environmental Implications

Review of Environmental Factors: Environmental assessments are undertaken in the project investigation phase for all projects and in house and external service providers are required to provide and implement environmental management systems appropriate to the project.

Works and Infrastructure

Report No. WI91/2020

Works and Infrastructure



f. Other Implications

Nil.

CONCLUSION

Recovery stimulus and external grant opportunities have increased the funding available to Council to secure important infrastructure. This increase in the Capital Works Program is being managed across multiple financial years.

Numerous significant projects valued at over \$1M are being managed by Project Managers of Council's Infrastructure Unit, Design & Project Management Team, delivered via a combination of in-house and external consultants, including partnering with NSW Public Works Advisory.

ENCLOSURES

[1](#)  Capital Works Gant Chart

ID	Task Name	Start	Finish	Half 2, 2020										Half 1, 2021							Half 2, 2021							Half 1, 2022				
				M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J			
1	CBS 2017 004 _ Yango Creek Road Bridge	Mon 1/06/20	Fri 24/12/21																													
2	CBS 2017 005 _ Anvil Creek Bridge	Wed 30/01/19	Fri 30/04/21																													
3	CBS 2017 014 _ Colliery Street Aberdare Culvert	Mon 4/03/19	Fri 26/03/21																													
4	CBS 2018 005 _ Kline Street Bridge	Mon 5/04/21	Thu 23/06/22																													
5	CBS 2019 001 _ Paynes Crossing Bridge	Mon 19/03/18	Fri 26/02/21																													
6	CBD 2021 002 _ Abbotsford Street Bellbird Pedestrian Bridge	Mon 2/11/20	Wed 30/06/21																													
7	CDR 2020 003 _ Heddon Street Kurri Kurri	Mon 8/04/19	Thu 24/12/20																													
8	CDR 2020 006 _ Thomas Street, North Rothbury	Mon 4/02/19	Fri 30/04/21																													
9	CFT 2019 005 _ Weston Public School Precinct	Mon 2/11/20	Wed 30/06/21																													
10	CPW 2018 005 _ Branxton to Greta Cycleway	Wed 1/07/20	Mon 13/12/21																													
11	CPW 2020 001 _ Cessnock Shared Pathway	Mon 23/11/20	Wed 30/06/21																													
12	CPW 2021 005 _ Maitland Road Cessnock	Mon 11/01/21	Wed 30/06/21																													
13	CPW 2021 012 _ Merthyr Street Kurri Kurri	Mon 11/01/21	Wed 30/06/21																													
14	CPW 2021 013 _ Mitchell Avenue Kurri Kurri	Mon 11/01/21	Wed 30/06/21																													
15	CPW 2021 015 _ First Street Weston	Mon 11/01/21	Wed 30/06/21																													
16	CRL 2018 001 _ Sandy Creek Road Mt Vincent	Thu 4/06/20	Mon 8/03/21																													
17	CRL 2019 007 _ Gingers Lane Sawyers Gully	Mon 9/09/19	Fri 15/01/21																													
18	CRL 2020 001 _ Murrays Run, Laguna	Mon 7/09/20	Fri 28/05/21																													
19	CRL 2021 001 _ Hart Road Loxford Roundabout	Mon 5/10/20	Fri 19/03/21																													
20	CRR 2020 004 _ Sandy Creek Road Safer Roads Project	Mon 2/11/20	Fri 30/04/21																													
21	CRR 2021 006 _ Oakey Creek Road	Mon 7/09/20	Fri 24/12/21																													
22	CRV 2020 001 _ HVWC Tourist Signage	Mon 9/09/19	Thu 24/12/20																													
23	CSB 2020 001 _ CPTIGS 17-19 Various	Tue 23/06/20	Thu 24/12/20																													
24	CTB 2020 001 _ Branxton Stage 3 Upgrade (Church Street)	Mon 7/12/20	Wed 30/06/21																													
25	CTK 2020 001 _ Kurri Kurri Town Centre	Mon 1/07/19	Fri 12/11/21																													
26	RRL 2018 010 _ Mount View Road, Cessnock	Mon 2/11/20	Wed 30/06/21																													
27	RRL 2019 007 _ Heddon Street Kurri Kurri	Mon 7/09/20	Fri 30/04/21																													
28	RRL 2020 005 _ Aberdare Street Kitchener	Tue 1/09/20	Wed 17/02/21																													
29	RRL 2020 007 _ Scott Street Cessnock	Tue 1/09/20	Wed 17/02/21																													
30	RRL 2020 011 _ Quorrobolong Road Kitchener	Wed 1/07/20	Wed 30/06/21																													
31	RRL 2020 012 _ Deasys Road Pokolbin	Wed 1/01/20	Wed 9/12/20																													
32	RRL 2020 013 _ South Avenue Cessnock	Mon 4/05/20	Wed 30/06/21																													
33	RRL 2021 005 _ Congewai Road Paxton	Mon 2/11/20	Wed 30/06/21																													
34	RRL 2021 006 _ Sandy Creek Road Quorrobolong	Mon 4/01/21	Fri 27/08/21																													
35	RRL 2021 007 _ Shedden Street Cessnock	Tue 1/09/20	Wed 17/02/21																													
36	RRL 2021 008 _ Mansfield Street/Camp Road Greta	Mon 7/09/20	Wed 30/06/21																													
37	RRL 2021 009 _ Mitchell Avenue Kurri Kurri	Mon 16/11/20	Thu 30/06/22																													
38	RRL 2021 010 _ Government Road Weston	Mon 7/12/20	Fri 28/05/21																													
39	RRL 2021 011 _ Cessnock Road Weston	Mon 5/07/21	Thu 30/06/22																													
40	RRL 2021 012 _ Old Maitland Road Sawyers Gully	Mon 11/01/21	Thu 30/06/22																													
41	RRR 2021 003 _ Wollombi Road Millfield	Mon 14/12/20	Wed 30/06/21																													

Project: Capital Works _ Master Date: 13/11/2020	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



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

RESPONSIBLE OFFICER: ***Acting Infrastructure Manager - Renae Leayr***

SUMMARY

This report seeks Council's endorsement to submit eight applications for funding under the NSW Government Fixing Local Roads Round 2 2020 Program.

RECOMMENDATION

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

BACKGROUND

The NSW Government has committed \$500 million to a Fixing Local Roads program to improve council roads across rural and regional NSW. The Australian Government committed an additional \$191 million, as such a total amount of \$691 million is available for the Fixing Local Roads Program Round 2. This investment will help reduce the maintenance backlog for council, targeting roads that do not meet the freight significance or benefit to cost ratio (BCR) requirements of the current Fixing Country Roads (FCR) program.

Fixing Local Roads aims to fund improvements to local roads that will deliver smoother, safer, seamless and more reliable journey and aligns with Transport for NSW's Future Transport Strategy 2056 which recognises the need for a more integrated local and state road network.

Fixing Local Roads will support Council to repair and maintain those important local roads that will improve road safety and support freight, regional travel and connectivity.

Applications for funding opened on 2 November, 2020 and close on 11 December, 2020.

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



REPORT/PROPOSAL

Eligibility

Cessnock City Council is listed as one of 93 local Councils eligible to apply for the funding under Fixing Local Roads.

Eligible Projects: Transport for NSW's Future Transport Strategy 2056 also recognises the need for a more integrated local and state road network to provide seamless and safe journeys for all customers.

Fixing Local Roads will support Councils to repair and maintain those important local roads that will improve road safety and support freight and regional travel. Councils will be able to apply for grants to repair priority local roads.

Council Officers participated in the Fixing Local Roads Program Workshop webinar held on 19 November, 2020. The workshop provided information on the prioritisation of projects and weighted assessment criteria. The emphasis being on maintenance projects to improve pavement conditions, rather than major capital projects, to help councils reduce the maintenance backlog.

Eligible projects should meet the following criteria. The project must be:

- Located on a local road managed by council,
- Identifiable as a priority or important local road for local government area or region,
- Deliverable within 24 months of notification from Transport for NSW, and
- Maintenance driven such as repairing, patching, maintaining, or sealing existing roads.

Examples of eligible projects:

- Repairing pot holes on a key local road, or
- Sealing an unsealed road that will improve safety or improve access to services or industry, or
- Patching or repairing cracking on a key local road,

Non-Eligible Projects: Fixing Local Roads will not provide grant funding for projects such as:

- Widening shoulders or building new roads, or
- Any project on private roads, or
- Any project on the State or Regional road network.

Assessment Criteria

A multi-criteria assessment process will be used to assess council applications. This multi-criteria assessment is consistent with Transport for NSW Principles and Guidelines for Economic Appraisal of Transport Investments and Initiatives.

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure

Applications will seek detailed responses from Council to questions enabling the panel to make a determination of the following:

- Does the project meet the objectives of the program?
- Has the application provided measurable justification and/or evidence to demonstrate alignment to the program objectives?
- Are the cost, schedule, risk and assumptions of the project delivery well documented?
- Are there special considerations e.g. drought hardship, connecting Indigenous Communities?
- Is there a co-contribution funding source to optimise community outcomes?

Multi-criteria Assessment: Councils will be asked to address a number of criteria under each category that will be assessed on a score of 1 to 3. The scores will be combined into a single multi-criteria rating and contribute to the overall evaluation score.

The merit assessment evaluation criteria and weighting is shown in **Table 1** below.

Table 1 - Multi-criteria Criteria and Weightings

Program Outcomes	Program Objectives	Criteria Weighting	Evaluation Criteria
Outcome 1: The program promotes regional economic activity	Promotes regional development in rural communities	15%	The project is shovel ready commencing in FY20/21 The project will generate local jobs for regional and rural communities and supports community connections which further enable job generation and economic growth, e.g. freight, tourism, industry.
	Supports families in rural and remote areas	15%	The project enables improved access to one or more of the following: <ul style="list-style-type: none"> • Health care • Education • Access to social and community benefits
Outcome 2: The program enhances regional connectivity and sustainability	Improves the reliability of the local road network	15%	The project will significantly improve the current local road condition
	Assists councils to sustainably manage their assets	10%	The project forms part of an existing strategic asset management strategy and will directly minimize ongoing reactive maintenance costs
	Improves the resilience of the local road network	15%	The project will improve the productivity of the local road network by reducing frequency of road closures, speed restrictions building

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



Program Outcomes	Program Objectives	Criteria Weighting	Evaluation Criteria
			resilience to natural disasters/weather events/heavy vehicle damage.
Outcome 3: The program enables a safer regional road network	Improves local road safety	15%	The project/proposed solution contributes to a safer road network
Reasonableness & Deliverability	Credibility and integrity of the project application	5%	Application has sufficient detail to support the credibility and integrity of the project costs, schedule, risks and assumptions.
Special Considerations	Hardship Connects indigenous communities	5%	Yes/No
Co-contribution/other funding source	Contribution from Council or other party	5%	The amount of co-contribution council or a party other than council can make to the project.

Benefit to Cost Ratio: Fixing Local Roads will not require projects to meet a threshold benefit to cost ratio (BCR) for applications to be considered. This is consistent with the program objectives of delivering funding support to councils for projects that may have an economic, social or safety benefit, which may not be captured by a BCR assessment. Projects will still be assessed on a best value-for-money basis.

Assessment Panel

An assessment panel will be established by Transport for NSW and consist of relevant technical and policy subject matter experts. The assessment panel will review each application and make a recommendation to government on those projects that meet the criteria.

The government will then announce those projects that have been deemed successful and are to receive the funding.

The decision of government will be final. The government may also, in its absolute discretion, choose not to award funding to projects that may have met the criteria.

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure**Eligible Projects for Cessnock City Council**

A list of eligible projects, developed using the multi-criteria assessment is shown in **Table 2** below.

Table 2 – Prioritised List of Suitable Projects

	Road Name	From	To	Suburb	Proposed Works	Estimate
1	Sandy Creek Road	Quorrobolong Road	Fosters Bridge	Quorrobolong	Pavement Rehabilitation	\$2,160,000
2	Quorrobolong Road	Stanford Street	Mountain View Place	Kitchener	Pavement Rehabilitation	\$310,000
3	Mount View Road	Barrett Avenue	Links Avenue	Cessnock	Pavement Rehabilitation	\$405,000
4	Middle Road	Millfield Road	Wollombi Road	Pelton	Pavement Rehabilitation	\$438,000
5	South Avenue/Snape Street	Darwin Street	Vincent Street	Cessnock	Pavement Rehabilitation	\$210,000
6	Congewai Road	Millfield Road	CH500	Paxton	Pavement Rehabilitation	\$255,000
7	Old Maitland Road	Sawyers Gully Road	Majors Lane	Sawyers Gully	Pavement Rehabilitation	\$663,000
8	Northcote Street	Burns Street	Heddon Street	Kurri Kurri	Pavement Rehabilitation	\$559,000
					Total	\$5,000,000

It is noted that numerous other roads across the LGA meet some of the multi-criterion, however the eight identified in **Table 2**, meet all the criteria to a substantial extent and when assessed achieve a high score, and thereby represent the best value-for-money for Council and the community.

Timeframe

Applications for Round 2 of the Fixing Local Roads program close on 11 December, 2020.

Successful projects are expected to be announced in January 2021.

Projects that commence prior to 30 June, 2021 will be given priority to stimulate regional economies.

Council was 1 of 84 successful councils in Round 1 of the program, with 3 of the 253 projects announced. Councils may resubmit unsuccessful projects from Round 1 if they are able to start projects in the 2020/21 financial year. There is a requirement for the projects identified in Table 2 as priority 7 and 8 to be commenced prior to 30 June 2021, as they were unsuccessfully nominated in Round 1.

OPTIONS

N/A

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



CONSULTATION

Internal Consultation: Identification of the listed major infrastructure projects and the prioritisation of those considered eligible for nomination under the Fixing Local Roads Program involved consultation with the following internal stakeholders:

- Acting Director Works & Infrastructure (Infrastructure Manager)
- Acting Infrastructure Manager (Principal Engineer – Design and Project Management, Infrastructure.
- Principal Engineer – Road Infrastructure
- Principal Engineer – Traffic & Transport Infrastructure
- Manager Works & Operations
- Infrastructure Accountant
- North Area Maintenance Coordinator
- South Area Maintenance Coordinator

External Consultation: Consultation will occur with relevant external stakeholders during development of successful projects.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017-2021: The recommendation of this report aligns with the following objectives:

- 1.1 - Promoting social connections;
- 2.1 - Diversifying local business options;
- 2.3 - Increasing tourism opportunities and visitation in the area;
- 4.1 - Better transport links
- 4.2.1 - Develop prioritised capital works programs in line with adopted asset management plans.

b. Other Plans

The recommendation of this report is guided by the following Plans:

- Cessnock City Council Road and Road Infrastructure Network Asset Management Plan (2017)
- Cessnock LGA Traffic & Transport Strategy 2018
- Community Strategic Plan 2027

IMPLICATIONS

Nil.

a. Policy and Procedural Implications

Nil.

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



b. Financial Implications

The Program: Providing certainty of funding to councils as early as possible is a priority for the implementation of the Fixing Local Roads Program. The Program will look to councils to deliver best value for money for each dollar spent. This may involve councils providing matching funding (relevant to their financial position), seeking additional investment from third parties, such as commercial beneficiaries for the works and the Australian Government, or proposing innovative planning and construction solutions.

Funding limits and co-contributions: There is a maximum funding limit of \$5 million of state contribution per council per application. Applicants can apply for up to 100 per cent of the value of the project, but co-contributions from council are strongly encouraged and will be considered relevant to council's funding position. A general rule of thumb is a minimum co-contribution of 25 percent. Non-compliant proposals may be considered.

This suggests that Council would be required to co-contribute a minimum amount of \$1.25 million to apply for the full \$5 million.

Councils are strongly encouraged to source additional investment to support their applications and enhance their local road maintenance projects. This might include:

- Working with mining and forestry industries to gain co-contributions or applying for Australian Government funding.
- Leverage funding from other NSW Government programs to maximize community benefits from the project.
- Utilise existing funding from internal programs e.g. Local Road Renewal Program.

There is no limit to how many applications each applicant can submit; however, applicants are advised to prioritise and put forward their most strategically important projects.

Payment and reporting milestones: Payments will be made to councils at the start and end of the project to support councils to deliver the project, on time and within budget.

Councils will be required to report on the planning, progress and completion of projects and provide supporting information. Final payment will be made upon satisfactory project completion and receipt by Transport for NSW of a final project report. Unless otherwise agreed, payments to councils will be in accordance with the two milestones below:

- Reach agreement with Transport for NSW regarding the funding arrangements (start of project) – 70 percent.
- Certification and final report that the project has been completed and an audit by Transport for NSW (end of project) 30 percent.

Council Contribution: Council's contribution of \$1.25M may be drawn over 2 financial years from the Local Road Renewal Program. It is worth noting that a couple of projects are in the current financial year's delivery program, including, Mount View Road, Cessnock (\$405,000) and Congewai Road, Paxton (\$255,000) and with South Avenue / Snape Street Cessnock (\$210,000) and Quorrobolong Road, Kitchener (\$310,000) being carry-over projects from last year (2019/20), the co-contribution is achievable.

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



Should Council be successful with Old Maitland Road and Northcote Street there is a requirement for these projects to commence prior to 30 June 2021, as they were unsuccessfully nominated in Round 1.

To achieve the required cash flow, a number of projects, other than Quorrobolong Road, Mount View Road, South Avenue / Snape Street and Congewai Road, previously listed in the Local Road Renewal Program may be deferred for prioritisation in the Delivery Program 2021-25 to take full advantage of any external funding offered.

c. Legislative Implications

Nil.

d. Risk Implications

Financial Risk: There is a risk to Council's financial position if not willing to make an application under the Fixing Local Roads Round 2 Program as it would forego the opportunity of securing external funds to undertake significant infrastructure projects.

As local roads in poor condition continue to deteriorate, maintenance costs may increase causing further financial burden.

Reputational Risk: There is a risk to Council's reputation for not taking all available opportunities to improve the condition of the local road network.

Safety Risk: There is a risk that unimproved local roads will be left in a less safe condition.

e. Environmental Implications

Air Quality: Potholed pavements may contribute to reduced air quality through dust generation.

Water Quality: Potholed pavements may contribute to reduced water quality through dirty water run-off.

f. Other Implications

Nil.

CONCLUSION

Council has an opportunity to make application under the Fixing Local Roads Round 2 Program to potentially receive funds to support the undertaking of local road projects within the Cessnock LGA.

Works and Infrastructure

Report No. WI92/2020

Works and Infrastructure



The eight projects identified are suitable for applications to the maximum of \$5M as they meet all the criteria to a substantial extent and when assessed achieves a high score, and thereby represent the best value-for-money for Council and the community.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



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

RESPONSIBLE OFFICER: *Acting Infrastructure Manager - Renae Leayr*

RECOMMENDATION

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

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

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ANTE ROOM & VIA ZOOM ON MONDAY,
16 NOVEMBER 2020**

OPENING: The meeting was opened at 9.32am

PRESENT: Councillor Darrin Gray (in the Chair)
Senior Constable Amy Sweeney - NSW Police Force
Mrs Anne Lomas – NSW State Member Representative
Mr John Markulin – Transport for NSW

IN ATTENDANCE: Mr Nathan Goodbun – Engineering Officer Traffic & Transport
Mr Warren Jeffery – Principal Engineer Traffic & Transport
Mr Raymond McCarthy – Ranger
Alison Shelton – Road Safety Officer
Mrs Tracey Cocking (Minute Taker)

APOLOGIES

RESOLVED that the apologies tendered for unavoidable absence be accepted on behalf of:

Mr Clayton Barr MP – NSW State Member
Rena Leayr – Acting Infrastructure Manager

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Local Traffic Committee held on 21 September 2020, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

NIL

BUSINESS ARISING FROM PREVIOUS MINUTES

NIL

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



LISTED MATTERS

SUBJECT: **PAYNES CROSSING ROAD, WOLLOMBI
TEMPORARY REGULATION OF TRAFFIC
WOLLOMBI MARKETS**

REPORT NO.: **TC29/2020**

REFERENCE.: **46/2020/2/1**

MATTER: Council has received an application for the temporary regulation of traffic in connection with an existing development consent for the Wollombi Public Holiday Markets, and has assessed the application together with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Approval is sought from Transport for NSW under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Wollombi in connection with this application.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- Noted that applications in previous years were submitted on behalf of four individual community groups, each managing one market event; and
- Noted that due to internal arrangements between these groups, only two groups are included in this application. Representatives of the remaining groups are aware of the requirement to submit an application for the remaining two events.

RECOMMENDATION

That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Traffic Control Plan.

SUPPORT: **Unanimous**

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



SUBJECT: VICTORIA STREET, CESSNOCK
PEDESTRIAN REFUGE

REPORT NO.: TC30/2020

REFERENCE.:

MATTER: At its meeting of 20 January 2020, the Cessnock Local Traffic Committee considered item TC02/2020 which included the installation of a pedestrian refuge on Victoria Street, Cessnock, as part of the Cessnock Civic Precinct Revitalisation Program.

Revisions to the plans for the Bridges Hill Park upgrade necessitate the relocation of the previously approved pedestrian refuge to a location 30m south of the original proposed location.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the installation of a pedestrian refuge and associated signage and line marking on Victoria Street, Cessnock in accordance with the Victoria Street Cessnock _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

SUBJECT: WATER STREET, GRETA
NO STOPPING ZONE

REPORT NO.: TC31/2020

REFERENCE.: 8/2018/444/1

MATTER: The assessment of a recent application under the *Roads Act 1993* relating to a commercial development in High Street, Greta identified a non-compliant pedestrian refuge in Water Street at the intersection of High Street, Greta.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that Transport for NSW has provided concurrence to relocate the NO STOPPING sign on High Street, west of Water Street, to a location 12m west of Water Street, and make minor line marking amendments to minimise parking losses in the vicinity of the pedestrian refuge.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage on Water Street, Greta in accordance with the Water Street Greta _ Signage Diagram.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



SUBJECT: O'CONNORS ROAD, NULKABA
REGULATORY PARKING

REPORT NO.: TC32/2020

REFERENCE.: TC22/2018

MATTER: The recent completion of works on O'Connors Road Nulkaba, outside Nulkaba Public School, relating to Local Traffic Committee matter TC22/2018, resulted in the implementation of timed (8am – 9:30am & 2:30pm to 4pm SCHOOL DAYS) parallel parking on the northern side of O'Connors Road, adjacent the school.

The Principal of Nulkaba School has requested that the time restrictions be removed from the parallel parking on the north side of O'Connors Road, to provide all-day parking for school staff.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that residents in O'Connors Road have been involved in discussions regarding the timed parking, and understand and accept the need for such parking in close proximity the primary school entry; and
- The Committee was unanimous in the view that the timed parking should be retained to provide for equitable availability of these parking spaces for parents / carers and children using the adjacent Children's Crossing, on school days, during morning and afternoon school zone times.

RECOMMENDATION

That Council retain the timed regulatory parking, installed on O'Connors Road, Nulkaba as part of Local Traffic Committee recommendation TC22/2018.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



SUBJECT: MOUNT VIEW ROAD, MILLFIELD
PROPOSED BASIC RIGHT (BAR) TREATMENT

REPORT NO.: TC33/2020

REFERENCE.: 110/2020/9

MATTER: Development consent (8/2016/731/2) has been granted for a residential subdivision off Mount View Road, Millfield. Relevant conditions of consent are:

- The construction of a new intersection, incorporating a basic right turn (BAR) and left turn (BAL) treatment on Mount View Road to access the development; and
- The construction of a basic right turn (BAR) and Pedestrian Refuge Island at the intersection of Wollombi Road and Mount View Road.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- The TfNSW representative asked whether a Channelised Right Turn lane was considered for Wollombi Road. It was confirmed that the RMS Land Use Development Section recommended a BAR treatment during the development referral process.

RECOMMENDATION

That Council authorises installation of signage and line marking on Mount View Road and Wollombi Road, Millfield, in accordance with the Mount View Road Millfield _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



SUBJECT: **ABBOTTSFORD STREET, BELLBIRD
LINE MARKING**

REPORT NO.: **TC34/2020**

REFERENCE.: **8/2011/836/3**

MATTER: An approved, staged residential development on Ruby Street, Bellbird, has resulted in the construction of a culvert on Abbotsford Street to replace the existing timber bridge, requiring the installation of line marking.

DISCUSSION: The matter was described as per the report and discussed as follows:

- It was noted that a separate pedestrian bridge on the eastern side of the culvert is to be funded from S7.11 Developer Contributions.

RECOMMENDATION

That Council authorises installation of line marking on Abbotsford Street, Bellbird in accordance with the Abbotsford Street Bellbird _ Line Marking Diagram.

SUPPORT: **Unanimous**

Works and Infrastructure

Report No. WI93/2020

Works and Infrastructure



SUBJECT: O'CONNORS ROAD, POKOLBIN
INTERSECTION CONTROLS

REPORT NO.: TC35/2020

REFERENCE.:

MATTER: Council officers have identified the urgent need to alter the priority controls at the intersection of O'Connors Road and Ingles Lane, Pokolbin, as maintenance works have altered the appearance of the intersection such that the existing regulatory controls for the non-standard 'T' intersection configuration is no longer suitable.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the matter was considered out of sessions with all voting members concurring with the recommendation by email; and
- It was recommended that in addition to the proposed G1-207 Advance Side Street Road Name sign, a W2-4R Side Road Intersection on Straight (right symbolic) sign be installed east of Racecourse Lane, facing eastbound traffic.

RECOMMENDATION

That Council authorises the installation of regulatory signage on O'Connors Road and Ingles Lane, Pokolbin in accordance with the O'Connors Road Pokolbin _ Signage Diagram.

SUPPORT: Unanimous

CORRESPONDENCE

NIL

GENERAL BUSINESS

NIL

CLOSURE: The meeting was declared closed at 10.06am

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure
Report No. WI94/2020
Works and Infrastructure



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

RESPONSIBLE OFFICER: ***Environmental & Waste Services Manager - Michael Alexander***

SUMMARY

The purpose of this report is to seek Council's resolution to secure a biodiversity offset, for the landfill extension project, on Lot 1 DP1096161 and Lot 41 DP996992.

RECOMMENDATION

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

BACKGROUND

A condition of consent for the development of the landfill extension project at the Cessnock Waste Management Centre (CWMC) requires the establishment of a biodiversity offset area. Relevant conditions of development consent are included at **Enclosure 1**.

Council's adopted Delivery Program 2017-21 includes commencing construction of the landfill extension project. While construction of the landfill extension has been postponed, as additional capacity has been achieved by development of an additional lift on the existing landfill cell, securing the biodiversity offset remains a priority and is included in the 2020-21 Operational Plan.

REPORT/PROPOSAL

Identification of Suitable Land

A number of options were identified and ecological investigation undertaken, to identify a suitable parcel of land that would meet the requirements of the conditions of consent. The purchase of credits under the Biodiversity Offset Scheme were also considered, however the cost to purchase was estimated to be between \$488,000 and \$2,928,000.

From the options identified two portions of land within the CWMC site were considered most suitable.

A Biodiversity Offset Management Plan (BOMP) for the identified land was then developed in accordance with the Principles for the Use of Biodiversity Offsets in NSW.

Works and Infrastructure

Report No. WI94/2020

Works and Infrastructure



Approval by Department of Planning, Industry and Environment

The location of the site, and ongoing management proposed under the BOMP, were reviewed by the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (formerly the Office of Environment and Heritage).

In a letter titled "Biodiversity Offset for Landfill Extension Project at Cessnock Waste Management Centre" sent to Council on 23 July 2012, the Department of Planning, Industry and Environment states that the identified biodiversity offset "meets the requirements of BCD's concurrence conditions".

Development of Documents required under Section 88B

Positive and restrictive covenants to secure the site under Section 88B of the Conveyancing Act have been developed. The covenants reflect management requirements and restrictions for the land from the BOMP, as approved by the Department of Planning, Industry and Environment.

The positive and restrictive covenants, are included at **Enclosure 2**.

OPTIONS

Nil

CONSULTATION

Internal Consultation: This following Council officers were consulted:

- Property Officer - Corporate and Community Services

External Consultation: External stakeholders have been consulted including:

- Department of Planning, Industry and Environment.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017-21: The recommendations of this report align with the following objectives:

- 3.3.2. Commence construction of the landfill extension project.

b. Other Plans

Operational Plan 2020-21: The recommendations of this report align with the following objectives:

- 3.3.2.a Secure and commence management of Biodiversity Offset area.

Works and Infrastructure

Report No. WI94/2020

Works and Infrastructure



Waste and Resource Recovery Strategy 2020-25: The recommendations of this report align with the following objectives:

- 7.4 a. Secure and commence management of the biodiversity offset area.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Cost of Biodiversity Offset Scheme: Securing land within the CWMC site reduces the need for Council to purchase additional land or credits under the Biodiversity Offset Scheme. It was estimated that the purchase of credits would cost between \$488,000 and \$2,928,000.

Cost of Biodiversity Offset: Capital costs to manage the site, including fencing, signage and demolition of dwelling, are anticipated to be in the order of \$250,000. The capital works program 2020-21 includes funding of \$118,000, with the remaining funds to be included in the capital works program 2021-22.

Operational costs to manage the site are anticipated to be approximately \$35,000 for initial weed management and illegal dumping removal (included in 2020/21 operational budget), and approximately \$10,000 for each subsequent year.

Cost of Waste Levy: Securing the biodiversity offset allows Council to commence clearing of the landfill extension area to access operational cover material for the existing landfill. Winning operational cover on the site removes the waste levy contribution payable when this material is imported onto site. The waste levy cost for 2021/22 is anticipated to be approximately \$3 million if material is required to be imported onto site.

c. Legislative Implications

Conveyancing Act, 1919: The covenants will secure the land in perpetuity under Section 88B of the Conveyancing Act, 1919.

d. Risk Implications

Without securing a biodiversity offset there is a risk that the landfill extension project could be delayed.

e. Environmental Implications

The biodiversity offset land has been identified to contain over 25 ha of the endangered ecological community Lower Hunter Spotted Gum - Ironbark Forest, and three threatened species including:

- *Grevillea parviflora subsp. parviflora* (Small-flowered Grevillea),
- *Rutidosis heterogama* (Heath Wrinklewort), and
- *Callistemon linearifolius* (Netted Bottlebrush).

Works and Infrastructure

Report No. WI94/2020

Works and Infrastructure



Securing this site and the associated management of the land will result in improved biodiversity outcomes for the Cessnock community.

f. Other Implications

Nil

CONCLUSION

Securing the biodiversity offset is one of the final steps in ensuring all condition of consent for the landfill extension project are met. Complying with this condition allows Council to commence clearing of the area, to win daily cover for the current landfill operations, and will allow construction of the new landfill cell to commence as required.

To achieve a biodiversity offset for the proposed landfill extension, it is appropriate that Council places a positive and restrictive covenant under Section 88B of the *Conveyancing Act 1919*, on 38.75 ha of land comprising Lot 41 DP996992 and part of Lot 1 DP1096161.

ENCLOSURES

- 1 [↓](#) Excerpts For Development Consent
- 2 [↓](#) Draft Covenants for Biodiversity Offset - Provided Under Separate Cover

Excerpts for Development Consent Conditions

From Schedule 2

Integrated Approvals Department of Environment and Climate Change NSW

Vegetation and Biodiversity Offset Area

19. The DECCW requires further information regarding the proposed biodiversity offset area, including the following specific requirements:
 - a. A detailed habit / offset package must be prepared for the site and be submitted to the DECCW for review, with the opportunity for the DECCW to make comments and recommendations prior to the commencement of any vegetation clearing ("the Habitat Offset Package").
 - b. The Habitat Offset Package must be determined in accordance with the DECCW's 'Principles for the use of biodiversity offsets in NSW ("the offsetting principles").' This document is available on-line at <http://www.environment.nsw.gov.au/biocertification/offsets.htm>.
 - c. The Proponent will be required, prior to construction or preparation of the site commencing, to;
 - i. Secure the tenure of the offset land in perpetuity of the area identified in a DECCW approved Habitat Offset Package as per offsetting principle 7;
 - ii. Have the means of managing the offset land for conservation, as per offsetting principle 6,
 - iii. Ensure that the offset comprises appropriate vegetation that meets the requirement of 'like for like' as per offsetting principle 10; and
 - iv. Meet all other offsetting principles.

Schedule 4

Department of Environment and Climate Change NSW Concurrence Conditions

General

1. The mitigation measures proposed for the development are to be implemented in accordance with the development as proposed in the section 7.1 of the SIS. Where this concurrence makes additional conditions, the development must be undertaken in accordance with these conditions also. Where conditions mandated by the DECCW are in conflict with proposals in the SIS, the DECCW conditions will stand.

Reason: To ensure that the proposal is undertaken as described in the SIS and incorporates amelioration measures for threatened species as agreed to by the Director General of The Department of Environment, Climate Change and water in this Concurrence Report.

Offsets

2. That the proponent is to offer an area of twenty five (25) ha of woody remnant vegetation of Lower Hunter Spotted Gum – Ironbark Woodland LHRF either on site, or within five km of the Cessnock Waste and Reuse Centre. This woody remnant vegetation is to have the same, or better, biodiversity values as the vegetation intended to be cleared on site, including known local threatened species (*Grevillea parviflora* ssp. *Parviflora*) and threatened fauna habitat. This biodiversity offset is to be managed for conservation in perpetuity (see condition3). The offset area may be included in the Environmental Protection Areas provided all of DECCW's offsetting principles are met. This would ensure that the proposed development results in a net improvement in biodiversity over time.

Reason: To ensure that the proposed development would meet the requirements of the 'Principles for the Use of Biodiversity Offsets in NSW'.

3. That the offset land is secured by an appropriate mechanism. Such mechanisms include:
- entry into a Conservation Agreement under section 69 of the *National Parks and Wildlife Act, 1974*, or
 - placing a restrictive or positive covenant from sections 88B-E of the *Conveyancing Act 1919*) on the offset land, or
 - Entry into a Biobanking Agreement as per Division 2 of the *Threatened Species Conservation Act 1995*, or
 - Handing land over to the NPWS Estate with sufficient resources for its management.

Reason: To ensure that the offset land is enduring, and protected in perpetuity, and thus provide food and shelter resources for threatened fauna species on site.

Placeholder for Enclosure 2

Works and Infrastructure No.

Draft Covenants for Biodiversity Offset - Provided
Under Separate Cover

Notices Of Motion

Report No. BN35/2020

General Manager's Unit



NOTICES OF MOTION No. BN35/2020

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

COUNCILLOR: ***John Fagg***

MOTION

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

It is my intention to move the above motion at the next Ordinary Meeting of Council on 9 December 2020.

RATIONALE

Old North Road is located in Wards A & C has only one access into our LGA. Minor rainfall events in the Black Creek catchment submerge the Old North Road causeway multiple times each year. Minor rainfall events also affects the low lying area of Sweetwater road junction with Old North Road. Over 80 properties, along with paying guests and visitors, are often stranded from making their way onto Wine Country Drive and the remaining parts of our LGA. During flooding at least 30 properties cannot even access Hermitage Road, being the only other escape route but this time into the adjoining Singleton LGA.

The Black Creek Stage 2 Floodplain Risk Management Study and Plan (FRMSP) will examine flood risk downstream of urban Cessnock and evaluate flood risk management options. The Black Creek Stage 2 Flood Study 2015 identified the Old North Road, Rothbury causeway as a key location for review in a FRMSP.

SOURCE OF FUNDING:

The next round of the NSW Floodplain Management Program would require an application in 2021 for a FRMSP with Council's contribution funded within the Floodplain Management Program in 2021-22.

The FRMSP would assess the flood risks and develop a business case for a new bridge that mitigates the flood risks and reduces flood impacts on users of Old North Road, North Rothbury and Sweetwater Road, Rothbury.

OPERATIONAL PROGRAM:

To be included in the Operation Plan 2021/22.

Notices Of Motion

Report No. BN35/2020

General Manager's Unit



DELIVERY PROGRAM:

Undertaking the Black Creek (Stage 2) Floodplain Risk Management Study and Plan addresses the following objectives of the Delivery Program 2017-2021:

- *3.1.6 Manage the risks to climate change and improve resilience to extreme weather events, flooding, bushfire, mine subsidence and land contamination.*
- *3.1.9 Commence implementation of the priority recommendations from flood studies and risk management plans for major catchments in the local government area.*

Sgd: John Fagg

Date: 19 November 2020

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN36/2020

General Manager's Unit



NOTICES OF MOTION No. BN36/2020

SUBJECT: *MOLLY WORTHINGTON NETBALL COURTS REZONING*

COUNCILLOR: *Darrin Gray*

MOTION

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

It is my intention to move the above motion at the next Ordinary Meeting of Council on 9 December 2020.

RATIONALE

At the Ordinary Council meeting of 15 May 2019 as part of Council Report PE48/2019, Council resolved: That the reclassification and rezoning of the Kurri Kurri netball courts, be continued and run concurrently with the search for a suitable alternative netball site.

On Wednesday, 11 November 2020 Council received the Gateway determination from the Department of Planning, Industry and Environment (DPIE) for the rezoning stating: "The reclassification is considered premature at this time" that "support from the DPIE an alternative location for the Molly Worthington Netball Courts will need to be located and secured."

In the Parks & Reserves Recreation and Open Space Strategic Plan 11 December 2019 Report states to "Investigate the disposal of Booth Park (LS2) and retain a portion of Booth Park as a Local Park.

It is my belief that Booth Park is an ideal location for the netball courts going forward and worthy of investigation

SOURCE OF FUNDING:

N/A

DELIVERY PROGRAM:

Sgd: Darrin Gray

Date: 27 November 2020

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO18/2020

Corporate and Community Services



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

RESPONSIBLE OFFICER: *Director Corporate and Community Services - Robert Maginnity*

RECOMMENDATION

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

At its Ordinary Meeting of 19 August 2020 Council considered a Mayoral Minute MM8/2020 – Local Government Exclusion from National Cabinet and resolved:

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

Correspondence regarding Councils letter seeking support for the inclusion of Local Government in National Cabinet has been received from the Member for Cessnock, Clayton Barr MP. **Enclosure 1.**

Council has previously noted correspondence in relation to this matter as follows:

Council Meeting 21 October 2020:

- The Premier, the Hon Gladys Berejiklian MP
- Federal Member for Paterson, Meryl Swanson MP
- Federal Member for Hunter, the Hon Joel Fitzgibbon MP

A copy of the correspondence is attached to this report.

ENCLOSURES

- [1](#) Member for Cessnock - Clayton Barr MP

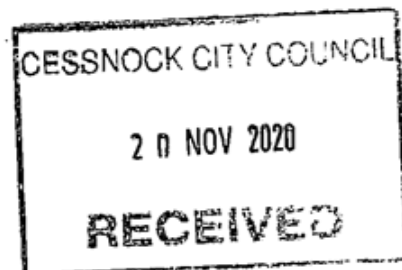
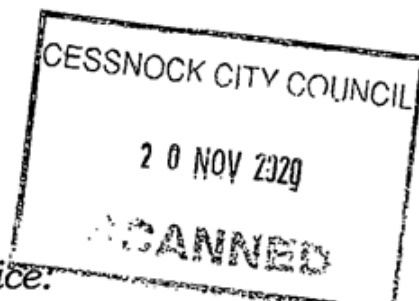


2 November 2020

For your information

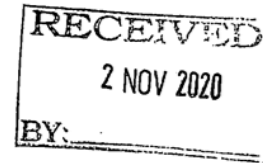
Forwarded With The Compliments Of

CLAYTON BARR, MP
STATE MEMBER FOR THE
ELECTORATE OF CESSNOCK



Electorate Office:
PO Box 242
Cessnock NSW 2325

Phone: (02) 4991-1466
or 1300 550 114



THE HON BEN MORTON MP
ASSISTANT MINISTER TO THE PRIME MINISTER AND CABINET

Reference: MC20-163170

Mr Clayton Barr MP
State Member for Cessnock
PO Box 242
CESSNOCK NSW 2325

Dear Mr Barr

Thank you for your letters of 24 and 25 September 2020 and 22 October 2020 to the Prime Minister, the Hon Scott Morrison MP, on behalf of Councillor Kay Fraser, Councillor Bob Pynsent and Ms Jackson, and Councillor Sue Moore, on the role of the Australian Local Government Association (ALGA) in Australia's intergovernmental architecture. The Prime Minister has asked me to respond on his behalf.

On 9 June 2020, the Prime Minister wrote to the President of ALGA, Mayor David O'Loughlin, confirming the decision of National Cabinet on 29 May 2020 to continue the National Cabinet, form the National Federation Reform Council (NFRC) and cease the Council of Australian Governments (COAG).

Under the new model, National Cabinet, the Council on Federal Financial Relations and ALGA will meet in person once a year as the NFRC, with a focus on priority national federation issues such as Indigenous affairs and women's safety. ALGA has made an important contribution through COAG for many years and we look forward to this continuing under the new NFRC.

I have copied this letter to the Minister for Regional Health, Regional Communications and Local Government, the Hon Mark Coulton MP, and Senator for New South Wales, Senator Hollie Hughes.

Thank you again for writing to the Prime Minister.

Yours sincerely

BEN MORTON

26/10/2020

Parliament House CANBERRA ACT 2600

Correspondence

Report No. CO19/2020

Corporate and Community Services



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

RESPONSIBLE OFFICER: *Director Corporate and Community Services - Robert Maginnity*

RECOMMENDATION

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

At its Ordinary Meeting of 15 July 2020 Council considered a Mayoral Minute MM7/2020 – Wollombi Coalmining Proposal and resolved:

- 1. That Council has recognised within its Local Strategic Planning Statement 2036 the unique heritage of national significance within the Wollombi Valley, and the importance of supporting and protecting the established and emerging tourism industry.***
- 2. That Council writes to the Deputy Premier, The Hon John Barilaro MP, outlining Council's concern that the historic Wollombi Valley has been included in "potential areas for release for coal exploration under the Strategic Release Framework".***
- 3. That Council requests a briefing from the Deputy Premier, The Hon John Barilaro MP, outlining the nature of the mining and the specific boundaries outlined.***
- 4. That Council acknowledges the importance and economic benefit, of coalmining within the Cessnock Local Government Area and supports its continuation and establishment in other more conducive locations.***

At the Council Meeting of 21 October 2020 when considering a correspondence report CO14/2020 relating to the response from The Hon. John Barilaro MP, Deputy Premier, Minister for Regional New South Wales, Minister for Industry and Trade, Council further resolved:

- 1. That Council notes the correspondence from the Deputy Premier, the Hon John Barilaro MP in relation to Council's concern that the historic Wollombi Valley has been included in "potential areas for release for coal exploration under the Strategic Release Framework".***
- 2. That the General Manager reply to correspondence from the Deputy Premier,***
 - Thanking him for his prompt correspondence,***
 - Noting that the Department of Regional NSW both hold and are in the process of relinquishing Mining Exploration Licenses, and***
 - That it is the preferred option for Cessnock City Council, that License AUTH263 be proposed for and ultimately relinquished.***

Correspondence

Report No. CO19/2020

Corporate and Community Services



- 3. *That The General Manager write to the Member for Cessnock and the Parliamentary Secretary for the Hunter seeking their support on the matter.***

Correspondence relating to Councils position regarding exploration within the Wollombi Valley has been received from the Member for Cessnock Clayton Barr, MP.

A copy of the correspondence is attached to this report.

ENCLOSURES

[1](#) Response - Clayton Barr MP



Clayton Barr, MP

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK



Our Ref: CB2-CessnockCityCouncil-Dep-20201103
Council's Ref: DOC2020/168791

3 November 2020

Ms Lotta Jackson
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear ^{Lotta}Ms Jackson

Thank you for your recent letter, on behalf of Cessnock City Council, advising of the resolution from the ordinary meeting of Council on 21 October 2020 with regards to the Wollombi coalmining proposal.

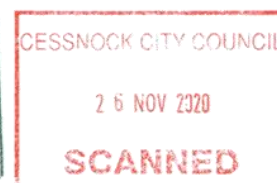
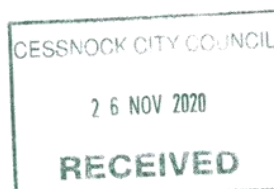
Whilst I am aware that Council have already written to the NSW Deputy Premier, the Hon John Barilaro, MP, I have the liberty on making representations to Mr Barilaro.

I shall contact Council once I have received a response to my representations.

Yours sincerely

CLAYTON BARR, MP

State Member for the Electorate of Cessnock
Shadow Minister for Water
Shadow Minister for Innovation, Science and
Tertiary Education
Shadow Minister for the Hunter



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Country Labor - thinking outside of the City