



13 April 2017

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, 19 April 2017 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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## ***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 3 February 2016. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to 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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 5 APRIL 2017, COMMENCING AT  
6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Manager Governance and Business Services  
Development Services Manager  
Media & Communication Officer  
Corporate Governance Officer  
General Manager's Acting Executive Assistant (Relief Executive Assistant)  
Health and Building Manager  
Building Services Team Leader  
Economic Development Manager  
Strategic Land Use Planning Manager  
Consultant Planning Engineer

**APOLOGY:** **NIL**

**MINUTES:****MOTION**

**Moved:** Councillor Burke  
**Seconded:** Councillor Stapleford

150

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15 March 2017, as circulated, be taken as read and confirmed as a correct record.

**FOR****AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI5/2017**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**PE13/2017 - Class 1 Appeal in the NSW Land and Environment against Council's refusal of Development Application 8/2016/337/1 proposing the conversion of a shed into a dwelling and associated alterations and additions** – Councillor Stapleford declared a Non Pecuniary – Significant Conflict for the reason that he is related to some of the people in the report. Councillor Stapleford advised that he would leave the Chamber and take no part in discussion and voting.

**WI21/2017 - Minutes of Dollar for Dollar Committee Meeting held 15 March 2017** – Councillor Gray declared a Non Pecuniary – Significant Conflict for the reason that the company that he worked for has business dealings with Kurri Kurri Football Club. Councillor Gray advised that he would leave the Chamber and take no part in discussion and voting.

**GMU3/2017 - Sponsorship Funding provided by Council to the Community** – Councillor Doherty declared a Non Pecuniary Less Than Significant Conflict for the reason that he is a Committee member of the Kurri Kurri District Business Chamber. Councillor Doherty advised that he will 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 has no financial interest in any of the requests in the report.

**GMU3/2017 - Sponsorship Funding provided by Council to the Community** – Councillor Lyons declared a Non Pecuniary Less Than Significant Conflict for the reason that he was the former independent Chair of the Cessnock Australia Postie Bike Grand Prix. Councillor Lyons advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

**WI21/2017 - Minutes of Dollar for Dollar Committee Meeting held 15 March 2017** – Councillor Dagg declared a Non Pecuniary Less Than Significant Conflict for the reason that she is a Committee member of the Branxton Playgroup. Councillor Dagg advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

**GMU3/2017 - Sponsorship Funding provided by Council to the Community** – Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he is involved in the Stomp Festival as MC. Councillor Burke 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 it will not affect the way he votes in the Chamber.

**WI21/2017 - Minutes of Dollar for Dollar Committee Meeting held 15 March 2017** – Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that his children attend the Cessnock Multi-Purpose Children's Centre. Councillor Burke 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 it will not impact his decision in the Chamber.

**Urgency Motion 1 – Alternate Representative for Joint Regional Planning Panel** – Councillor Sander declared a Non Pecuniary– Significant Conflict for the reason that she is a Member of the Joint Regional Planning Panel as Council's representative. Councillor Sander advised that she would leave the Chamber and take no part in discussion and voting.

**Urgency Motion 2 – James Street Planning Proposal** - Councillor Lyons declared a Non Pecuniary – Significant Conflict for the reason that he is a representative of the Joint Regional Planning Panel. Councillor Lyons advised that he would leave the Chamber and take no part in discussion and voting.

**BN15/2017 - Maximising Economic Opportunities from the V8 Supercars in Newcastle** – Councillor Fagg declared a Pecuniary Interest for the reason that he owns Tourist Accommodation. Councillor Fagg advised that he would leave the Chamber and take no part in discussion and voting.



## ***PETITIONS***

Councillor Dagg

### **Skate Park at Branxton**

Tabled a petition from the young people of Branxton calling on Council to build a skate park.

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

NIL

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

### **NOTICE OF INTENTION NO. NI1/2017**

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

**MM7/2017 MAYORAL MINUTE - MINUTES OF THE ORGANISATIONAL  
AND GENERAL MANAGER'S REVIEW COMMITTEE MEETING HELD  
ON 23 MARCH 2017**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
151  
**RESOLVED**

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2)(a) of the Local Government Act 1993:

Report No. MM7/2017 – Minutes of the Organisational and General Manager's Review Committee Meeting held 23 March 2017 as it deals with personal matters concerning particular individuals.

2. That Council request the Mayor in accordance with Section 253 of Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

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

**CARRIED UNANIMOUSLY**

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM6/2017**

**SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGER'S REVIEW COMMITTEE MEETING HELD 1 MARCH 2017**

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**MOTION**      **Moved:** Councillor Pynsent  
152  
**RESOLVED**

**That the Minutes of the Organisational and General Manager's Review Committee of 1 March 2017 be adopted as a resolution of the Ordinary Council.**

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

**CARRIED**

## **MOTIONS OF URGENCY**

### **MOTIONS OF URGENCY NO. MOU5/2017**

**SUBJECT:     MOTIONS OF URGENCY**

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Councillor Sander declared a Non Pecuniary – Significant Conflict for the reason that she is a Member of the Joint Regional Planning Panel as Council's representative. Councillor Sander left the Chamber and took no part in discussion and voting.

*Councillor Anne Sander left the meeting, the time being 6.47pm*

#### **RECOMMENDATION**

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

Councillor Burke

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

**That Council nominate an alternative Councillor representative to the Hunter and Central Coast Joint Regional Planning Panel for the James Street Planning Proposal**

#### **Rationale**

The James Street Planning Proposal is a matter that will be considered and determined by the Hunter and Central Coast Joint Regional Planning Panel (JRPP).

The James Street Planning Proposal is currently on exhibition until 11 April 2017 and therefore timing is tight for Council to consider whether to lodge a submission (via a separate urgency motion) and to appoint a new alternate Councillor representative.

Councillor representatives to the JRPP are currently the Mayor, Councillor Bob Pynsent, Councillor Anne Sander and Deputy Mayor, Councillor Allan Stapleford as alternate.

The new JRPP Code of Conduct effectively prevents any Councillor who has previously considered or voted at Council on the James Street Planning Proposal from attending or voting at the JRPP when the matter is being considered or determined.

Whilst Council has authorised the General Manager at its meeting of 9 December 2016 to appoint a staff representative as an alternate, the nature of the planning proposal requires an elected Councillor to fully represent the views of the elected Council when the matter is determined.

Council may now consider appointing a Councillor (who has not previously voted or considered the matter) as an alternate representative to ensure the views of the Council are represented when the James Street Planning Proposal is considered by the JRPP in the near future.

In order to ensure compliance with the JRPP code of conduct, Council's nominated alternate representative will also need to exclude themselves from voting on or considering any matter regarding the James Street Planning Proposal when it is before the Council, including any submission Council wishes to make before the exhibition closes on 11 April 2017.

For this reason the matter is urgent so that Council can ensure an alternate representative is appointed.

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

### **CARRIED UNANIMOUSLY**

*The Mayor ruled the matter as urgent and will be dealt with at the conclusion of the Ordinary Agenda.*

Councillor Burke

1. That Council reaffirm its opposition to the James Street Planning Proposal.
2. That Council submit an objection to the Hunter and Central Coast Joint Regional Planning Panel to the James Street Planning Proposal along the lines of its previous reasons for objecting/ not proceeding with the planning proposal and indicating that, based on the documentation provided with the exhibitions of the planning proposal, it does not believe that the issues previously raised have been adequately addressed. In particular:
  1. Inadequate supporting infrastructure to support the Planning Proposal
    - a) Inadequacy of existing local infrastructure in adjacent existing urban area, namely:
      - i. Lack of kerb and guttering.
      - ii. Lack of drainage and no future plans in Council's capital works program to upgrade existing drainage.
      - iii. Lack of traffic intersection upgrades (particularly at Wollombi Road).
      - iv. Treatment of intersection uncertain (future provision reliant on other development proceeding).
      - v. Sewerage backflow.

## **2. Impact of flooding**

- a) **Flooding of access roads and some proposed lots.**
- b) **Inadequacy of evacuation routes which are subject to flooding and existing drainage issues.**
- c) **Additional impact of flooding downstream (constrained downstream through Cessnock Central Business District - Hunter Water concrete drains).**

## **3. Impact on the local environment**

- a) **Loss of vegetation from site.**
- b) **Uncertainty of mine subsidence slumps/ sink holes (which are known to occur on site).**

## **4. It would not be in the public interest for the plan to proceed**

- a) **Concern for public safety due to the uncertainty of mine subsidence.**
- b) **Not comfortable with information provided by Mines Subsidence Board (local knowledge differs for Boards advice).**
- c) **Site inspection (by 8 Councillors, and approx. 20 objectors) reflection of community concerns.**
- d) **Public interest demonstrated by the number of written submissions, issues raised and significant verbal representation to elected representatives.**
- e) **Perceived exposure of Councillors, the Council as a whole and organisational reputation (due to the uncertainty of the extent of mine subsidence), particularly if a slump or sink hole were to occur.**
- f) **Concerns about liability in the event of an incident and who would be responsible if an incident occurred, given the uncertainty of the Mines Subsidence Board information.**

## **Rationale**

The James Street Planning Proposal is currently on exhibition until 11 April 2017.

The Hunter and Central Coast Joint Regional Planning Panel is the Relevant Planning Authority who will determine whether the proposal proceeds once the exhibition is closed and submissions are considered. Council is able to make a submission on the matter if it wishes the JRPP to consider its views on the proposal.

The timing of the exhibition deadline means that if the Council wishes to make a submission to the Hunter and Central Coast Joint Regional Planning Panel, then the Council's position and submission should be endorsed at the Council's ordinary meeting on 5 April 2017.

The draft submission provided in the urgency motion is based on Council's previous position regarding the proposal and does not support the proposal as it stands. It is considered that the additional information provided to the JRPP by the proponent does not address the previous concerns of the Council in relation to flooding, drainage, sewerage infrastructure, loss of vegetation and uncertainty over mining subsidence. It is also clear from previous community objections to Council regarding the planning proposal, that community concerns have still not been satisfactorily addressed. The motion is self-explanatory in this regard.

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

***CARRIED***

*The Mayor ruled the matter as urgent and will be dealt with at the conclusion of the Ordinary Agenda.*

*Councillor Sander returned to the meeting, the time being 6.50pm*

## RESCISSION MOTIONS

### RESCISSION MOTIONS NO. RM1/2017

**SUBJECT:** PLANNING PROPOSAL 49B ABERDARE ROAD, ABERDARE

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**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Doherty  
153  
**RESOLVED**

That the following motion in relation to report PE7/2017 Planning Proposal 49B Aberdare Road, Aberdare from the 15 March 2017 Ordinary Meeting of Council be rescinded:

1. That Council not proceed with the Planning Proposal for 49B Aberdare Road Aberdare.
2. That Council negotiate with the owner of the site with the aim of identifying suitable land use for the site which is compatible with the public recreation use of lands surrounding the site.
3. That a detailed report be provided to Council within 6 months outlining the outcomes of the negotiations.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Suvaal
Councillor Fagg	Councillor Lyons
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (3)</b>

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

#### New Motion

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

1. That Council request an amended Gateway determination from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* to reflect the Planning Proposal for B1 Neighbourhood Centre.



2. That a local clause under Part 7 Additional local provisions of Cessnock Local Environmental Plan 2011 be included within the Planning Proposal restricting the gross floor space of “*Restaurant or Café*” to 150 square metres and excluding the application of Clause 4.6 Exclusions to Development Standards.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal following consultation with the Community and State Government Agencies.

**AMENDMENT Moved:** Councillor Stapleford **Seconded:** Councillor Fagg

1. That Council request an amended Gateway determination from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* to reflect the Planning Proposal for B1 Neighbourhood Centre.
2. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
3. That Council receive a report back on the Planning Proposal following consultation with the Community and State Government Agencies.

FOR	AGAINST
Councillor Fagg	Councillor Olsen
Councillor Stapleford	Councillor Doherty
	Councillor Dunn
	Councillor Suvaal
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Dagg
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (11)</b>

The Amendment was **PUT** and **LOST**

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

**MOTION**      **Moved:**    Councillor Fitzgibbon    **Seconded:**    Councillor Doherty  
154

**RESOLVED**

1. That Council request an amended Gateway determination from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* to reflect the Planning Proposal for B1 Neighbourhood Centre.
2. That a local clause under Part 7 Additional local provisions of Cessnock Local Environmental Plan 2011 be included within the Planning Proposal restricting the gross floor space of “*Restaurant or Café*” to 150 square metres and excluding the application of Clause 4.6 Exclusions to Development Standards.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal following consultation with the Community and State Government Agencies.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Suvaal
Councillor Fagg	Councillor Lyons
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (3)</b>

**CARRIED**

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU3/2017**

**SUBJECT: SPONSORSHIP FUNDING PROVIDED BY COUNCIL TO THE COMMUNITY**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
155  
**RESOLVED**

1. That Council receive and note the report.
2. That Council undertake a review of current sponsorships and policies to ensure they are providing the appropriate returns to both the Council and community.
3. That Council consider a report on the review no later than May 2017.

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

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

**GENERAL MANAGER'S UNIT NO. GMU4/2017**

**SUBJECT: MINUTES OF THE AUDIT COMMITTEE MEETING HELD 31 JANUARY 2017**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
156  
**RESOLVED**

**That the Minutes of the Audit Committee Meeting of 31 January 2017 be adopted as a resolution of the Ordinary Council.**

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

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU5/2017**

**SUBJECT: 2018 SYDNEY ROYAL EASTER SHOW - EXHIBITION COSTS**

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

157

**RESOLVED**

1. That Council receive and note the information contained within the report.
2. That Councillors Fitzgibbon, Dunn and Fagg be appointed to the working Committee to consider the proposal.

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

**CARRIED**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE10/2017**

**SUBJECT:** **STANDING COMMITTEE ON THE ENVIRONMENT AND ENERGY  
REPORT ON FLYING-FOXES IN THE EASTERN STATES**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
158  
**RESOLVED**

1. That Council note the *Standing Committee on the Environment and Energy Enquiry Report into Flying Fox Management in the Eastern States* has released the final report titled “*Living with Fruit Bats*”.
2. That Council support in principle the recommendations from the final report of the *Standing Committee on the Environment and Energy Enquiry Report into Flying Fox Management in the Eastern States*, titled “*Living with Fruit Bats*” and that progress towards its implementation be monitored and periodically reported to Council.
3. That Council note that the *Standing Committee on the Environment and Energy Enquiry Report into Flying Fox Management in the Eastern States* has positively referenced the endorsed submission from Cessnock City Council and that the recommendations from the final report reflect the serious issues and concerns raised by Council and our impacted residents regarding East Cessnock Flying Fox Camp.
4. That Council contact Sunshine Coast Council regarding Canopy Sprinklers.

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

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE11/2017**

**SUBJECT: CONVERSION OF SHEDS INTO DWELLINGS IN THE CESSNOCK LGA**

---

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

159

**RESOLVED**

1. That Council note this Report.
2. That Council develop a Development Factsheet – ‘Converting a Shed to a Dwelling’ to inform the community of development obligations.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Stapleford
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (2)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE12/2017**

**SUBJECT: SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 2011/129 WHICH GRANTED APPROVAL FOR SEVEN (7) RESIDENTIAL UNITS. THE APPLICATION SEEKS TO MODIFY THE APPROVED DRAINAGE DESIGN**

**109-11 ALLANDALE ROAD, CESSNOCK**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Stapleford  
160

**RESOLVED**

That Council determine the Section 96(1A) Application (8/2011/129/2) proposing to modify Development Consent 2011/129, seeking amendments to the approved stormwater drainage design, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

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

**CARRIED**



**PLANNING AND ENVIRONMENT NO. PE13/2017**

**SUBJECT: CLASS 1 APPEAL IN THE NSW LAND AND ENVIRONMENT AGAINST COUNCIL'S REFUSAL OF DEVELOPMENT APPLICATION 8/2016/337/1 PROPOSING THE CONVERSION OF A SHED INTO A DWELLING AND ASSOCIATED ALTERATIONS AND ADDITIONS**

---

Councillor Stapleford declared a Non Pecuniary – Significant Conflict for the reason that he is related to some of the people in the report. Councillor Stapleford left the Chamber and took no part in discussion and voting.

*Councillor Stapleford left the meeting, the time being 7.38pm*

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

1. That Council note the advice received in relation to prospects and costs for defending NSW Land and Environment Court appeal No. 2017/81584.
2. That Council defend the NSW Land and Environment Court appeal No. 2017/81584.

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

161

**RESOLVED**

**That Council move into Confidential Session.**

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

**CARRIED UNANIMOUSLY**

**PROCEDURAL MOTION****Moved:**

Councillor Suvaal

**Seconded:**

Councillor Fitzgibbon

162

**RESOLVED****That Council move back into open session.****FOR****AGAINST**

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

**Total (0)****CARRIED UNANIMOUSLY****MOTION****Moved:**

Councillor Lyons

**Seconded:**

Councillor Gray

163

**RESOLVED**

1. **That Council note the advice received in relation to prospects and costs for defending NSW Land and Environment Court appeal No. 2017/81584.**
2. **That Council defend the NSW Land and Environment Court appeal No. 2017/81584.**

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Suvaal  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

Councillor Fitzgibbon  
Councillor Sander

**Total (2)****CARRIED****Councillor Stapleford returned to the meeting, the time being 7.52pm**

**PLANNING AND ENVIRONMENT NO. PE14/2017**

**SUBJECT: UPGRADE OF SIGNAGE PROHIBITING THE RIDING OF BICYCLES ON FOOTPATHS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
164  
**RESOLVED**

**That the report be received and noted.**

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

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC19/2017**

**SUBJECT:        NOMINATIONS FOR COMMUNITY REPRESENTATIVES TO THE  
ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE**

---

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Dagg  
165  
**RESOLVED**

**That Council accept all nominations for community representatives to the Aboriginal and Torres Strait Islander Committee.**

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC20/2017**

**SUBJECT: MINUTES OF THE COUNCIL INITIATED AWARDS COMMITTEE  
MEETING HELD ON 14 MARCH 2017**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
166  
**RESOLVED**

1. That the minutes of the meeting of the Council Initiated Awards Committee held on 14 March 2017 be adopted as a resolution of the Ordinary Council.
2. That Council accept the Terms of Reference for the Council Initiated Awards Committee.
3. That Mr Amos Ambrose Fogg posthumously be inducted into the City of Cessnock Hall of Fame in 2017.
4. That Mr William Noel Hicks be inducted into the City of Cessnock Hall of Fame in 2017.
5. That the Committee at an upcoming meeting be presented with revised 'Guidelines for Induction into the City of Cessnock Hall of Fame – Policy and Selection Criteria' and an updated nomination form.
6. That the nominations for the City of Cessnock Hall of Fame be called every second year.
7. That the unsuccessful nominations for the City of Cessnock Hall of Fame be considered by the Committee at a later date for a 2018 Australia Day Award.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC21/2017**

**SUBJECT: HEALTH AND WELL-BEING PLAN 2017-2021**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Fitzgibbon  
167  
**RESOLVED**

1. That Council place the draft Health and Well-being Plan 2017-2021 on public exhibition for 28 days.
2. That if no submissions are received during the 28 day public exhibition process, the Health and Well-being Plan 2017-2021 be adopted without a further report being provided to Council.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC22/2017**

**SUBJECT:     DISABILITY INCLUSION ACTION PLAN 2017-2021**

---

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

168

**RESOLVED**

1.     That Council place the draft Disability Inclusion Action Plan 2017-2021 on public exhibition for 28 days.
2.     That if no submissions are received during the 28 day public exhibition process, no further report be provided to Council and the Disability Inclusion Action Plan 2017-2021 be adopted and forwarded to the Disability Council NSW.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC23/2017**

**SUBJECT: 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT -  
CONSIDERATION OF MOTIONS AND COUNCILLOR NOMINATIONS TO  
ATTEND**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Stapleford  
169  
**RESOLVED**

1. That Council submit the resolution of 17 August 2016 as a motion to the 2017 National General Assembly of Local Government relating to "Provision of Funds to Local Government for Infrastructure Funding".
2. That the Mayor be Council's delegate to attend the 2017 National General Assembly of Local Government.
3. That the Mayor be Council's voting delegate for the 2017 National General Assembly of Local Government.

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

**CARRIED UNANIMOUSLY**



## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI19/2017**

**SUBJECT: GREEN WASTE COLLECTION SERVICE**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
170  
**RESOLVED**

**That Council receive and note the report.**

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI20/2017**

**SUBJECT: WINE COUNTRY DRIVE MEDIAN MAINTENANCE (HUNTLEE)**

---

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

171

**RESOLVED**

1. That Council support the embellishment of planted medians and verges in Wine Country Drive at the Huntlee Town Centre.
2. That Council hold further discussions with LWP Property Group seeking to incorporate a five (5) year maintenance period for the embellished median and verges into an amended Huntlee Planning Agreement.

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE NO. WI21/2017**

**SUBJECT: MINUTES OF DOLLAR FOR DOLLAR COMMITTEE MEETING HELD 15 MARCH 2017**

---

Councillor Dagg declared a Non Pecuniary Less Than Significant Conflict for the reason that she is a committee member of the Branxton Playgroup. Councillor Dagg remained in the Chamber and participated in discussion and voting.

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that his children attend the Cessnock Multi-Purpose Children's Centre. Councillor Burke remained in the Chamber and participated in discussion and voting.

Councillor Gray declared a Non Pecuniary Significant Conflict for the reason that the company that he worked for has business dealings with Kurri Kurri Football Club. Councillor Gray left the Chamber and took no part in discussion and voting.

*Councillor Gray left the meeting, the time being 8.03pm*

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Stapleford  
172

### **RESOLVED**

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 15 March 2017.
2. That Council write to all applicants advising them of the outcome of their applications and thank them for their ongoing support and commitment to the enhancement of Council's sporting facilities.
3. That Council fund all eligible projects, as per the 'Funding Provided' column in Table 1 of the Report, being;

FACILITY/ORGANISATION	DESCRIPTION	FUNDING PROVIDED (\$)
Abermain Weston Hawks Rugby League Football Club	Purchase of PA system,	289.98
Cessnock Minor Rugby League	Fertilising fields and installation of 10amp outlet for electronic scoreboard	2,000
Cessnock Rugby League Football Club	Ground Maintenance	2,500
Kurri Kurri Junior Football Club	Field Maintenance	3,000
Kurri Kurri Rugby League Football Club	Installation of pathway at the sportsground	2,000
Weston Bears Football Club	Maintain and prepare the main field, as well as the 2 training grounds. Poison, fertilise and top soil	2,500

Wollombi Valley Pony Club	Purchase and installation of stove	750
Valley Aquatic Club	Construction of shed/clubhouse	3,000
Cessnock District Hockey Association	Upgrade to kiosk	3,960

4. That the amount of \$1,781 from Branxton Croquet be allocated from Council's Top Dressing Program
5. That Council funds 10 further eligible applications for the Community Facilities Dollar for Dollar Grant Scheme and remain within the allocated budget, as detailed below;

FACILITY/ORGANISATION	DESCRIPTION	FUNDING PROVIDED (\$)
Abermain Plaza Hall	Purchase of stove	567.73
Branxton Community Hall	Purchase of chair trolley, dishwasher, block out blinds and sound system	2,000
Branxton Playgroup	Garden revitalisation	109.09
Cessnock Multi-Purpose Children's Centre	Maintenance of existing art studio	3,000
Kurri Kurri Early Childhood Centre	Installation of new vinyl flooring	3,000
North Cessnock Community Hall	Purchase of chairs for hall to replace existing chairs	1,000
Richmond Vale Railway Museum	Purchase and installation of a commercial oven	1,000
Weston Civic Centre	Purchase of floor scrubber	3,000
Weston Community Pre School	Repair and upgrade sandpit	3,000
Wollombi Valley Progress Association	Installation of concrete/paver path at side of hall, paint cement water tanks, pump cover and repair and stain window facades and handrails at Laguna Community Hall	3,000

6. That the amount of \$6,695 for the Greta Community Pre School Project be funded from the Community Buildings Renewal Program.
7. That Council adopt the amended application form, guidelines and project acquittal for the Community Cultural Dollar for Dollar Grant Scheme.
8. That Council adopt the revised objectives and guidelines for the Schools Environment Grant Program.

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

***CARRIED UNANIMOUSLY***

*Councillor Gray returned to the meeting, the time being 8.04pm*

**WORKS AND INFRASTRUCTURE NO. WI22/2017**

**SUBJECT: RESTART NSW REGIONAL GROWTH - ENVIRONMENT AND TOURISM  
- EXPRESSION OF INTEREST GUIDELINES**

---

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Burke  
173  
**RESOLVED**

1. That Council endorse the submission of an application under the NSW Government's Restart NSW - Regional Growth – Environment and Tourism Program for the Cessnock LGA Hunter Valley Wine Country Signage Strategy Implementation.
2. That the General Manager investigate the suitability of including the Richmond Vale Rail Trail regional cycleway as a second application under the NSW Government Restart NSW - Regional Growth – Environment and Tourism Program and that a report be prepared for Council consideration at its 19 April 2017 Council meeting.

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

**CARRIED UNANIMOUSLY**

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

### ***BUSINESS WITH NOTICE NO. BN13/2017***

**SUBJECT:      REPORTING ON THE STATUS OF NOTICE OF MOTIONS**

---

**MOTION**            **Moved:**    Councillor Fitzgibbon    **Seconded:**    Councillor Fagg  
174  
**RESOLVED**

1.     That the General Manager provide a report to be presented to Council at the first meeting of every second month, on the status of all resolutions, which were the result of notices of motion submitted by Councillors.
2.     That the first report be included in the June 2017 Council meeting agenda.
3.     That the report includes information on all resolutions based on Councillor notice of motions since the September 2016 Local Government Election.

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN14/2017**

**SUBJECT: NEW LOWER HUNTER HOSPITAL TO BE MOVED TO GREENFIELD  
SITE HYDRO ALUMINIUM**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Fagg  
175  
**RESOLVED**

1. That Council write to the State Minister for Health, Hon Brad Hazzard MP, the Parliamentary Secretary for the Hunter Scot MacDonald MLC, the State Member for Cessnock Clayton Barr MP, Duty MLC for the Hunter, Hon Michael Gallacher and the Hydro Aluminium Kurri Kurri, Managing Director Richard Brown, indicating our desire for the new Lower Hunter Hospital facility proposed for Metford, to be moved to a vacant 40 hectare greenfield site adjacent to the Hunter Expressway.
2. That Council actively lobbies for the new Lower Hunter Hospital to be built alongside the Hunter Expressway, with a view that the site is available and has the ability for multi-service delivery with other emergency services:
  - a. by writing to the Minister for Planning, Anthony Roberts, and the Parliamentary Secretary for Planning, Scot Macdonald, requesting the site be identified/recognised in the Metropolitan Plan for the Greater Newcastle Area, as a location for a regional emergency services hub.
  - b. by requesting a meeting with the Minister for Health, being represented by a delegation of, Councillors Dunn, Doherty and Gray, the Mayor and the General Manager, as soon as can be arranged.
3. That Council indicates its preference for a fully funded public hospital to be established at that site.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**



## **BUSINESS WITH NOTICE NO. BN15/2017**

**SUBJECT:       MAXIMISING ECONOMIC OPPORTUNITIES FROM THE V8  
SUPERCARS IN NEWCASTLE**

---

Councillor Fagg declared a Pecuniary Interest for the reason that he own Tourist Accommodation. Councillor Fagg left the Chamber and take no part in discussion and voting.

*Councillor Fagg left the meeting, the time being 8.22pm*

**MOTION           Moved:**   Councillor Suvaal       **Seconded:**   Councillor Dagg  
176  
**RESOLVED**

1.     **That Council, in consultation with the Hunter Valley Wine and Tourism Alliance, contact the V8 Supercars about the possibility of hosting one or more teams in the Cessnock LGA while they are in the Hunter region for the Coates Hire 500 race in Newcastle this November.**
2.     **That Council work with the Hunter Valley Wine and Tourism Alliance and local accommodation, transport and tourism operators to promote our LGA as a place for visitors to stay and travel to the race instead of staying in Newcastle.**

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

**CARRIED UNANIMOUSLY**

*Councillor Fagg returned to the meeting, the time being 8.22pm*

## ***ANSWERS TO QUESTIONS FOR NEXT MEETING***

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ42/2017***

***SUBJECT: ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE***

---

The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ43/2017***

***SUBJECT: CESSNOCK PENSIONERS HALL***

---

The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ44/2017***

***SUBJECT: MAITLAND STREET, BRANXTON - UPDATE ON STATUS***

---

The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ45/2017***

***SUBJECT: PRIVATE CERTIFIERS***

---

The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ46/2017***

***SUBJECT: CESSNOCK SIGN ON HUNTER EXPRESSWAY BRANXTON***

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ47/2017***

***SUBJECT: IVAN STREET, WEST CESSNOCK - ILLEGAL U TURNS***

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ48/2017***

***SUBJECT: TIMBER BRIDGE REPLACEMENT SCHEME***

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ49/2017***

***SUBJECT: ROADS SURVEY SYSTEM***

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ50/2017***

***SUBJECT: TENDERING OF ROADWORKS - STAFFING***

---

The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Anne Sander*

### **ASSISTANT FIRE COMMISSIONER ADDRESS TO COUNCIL**

Councillor Sander asked whether Council has had any consultation with the Assistant Fire Commissioner in regard to him addressing Council.

The General Manager advised that yes, Council has consulted and the General Manager has asked staff to enquire as to how soon the person can come to address Council indicating that Council will accommodate as best we can.

*Councillor Paul Dunn*

### **GUM TREES - STONEBRIDGE GOLF CLUB**

Councillor Dunn asked what the process was with regard to the Gum Trees being planted (surplus stock) instead of the Maple Trees.

*Councillor Rod Doherty*

### **GMU3/2017 - TOURISM FUNDING ALLOCATION**

Councillor Doherty asked how much money is left in the current account of Tourism Funding of \$97,600 and what has the money been spent on?

*Councillor Mark Lyons*

### **GRAFFITI IN THE CITY**

What schemes/proposals/plans to mitigate graffiti in the City?

*Councillor Mark Lyons*

### **CROSSINGS OF WOLLOMBI ROAD, WEST CESSNOCK CITY COUNCIL**

Councillor Lyons asked where he would find the Pedestrian Progress Plan that was mentioned at a site inspection regarding the crossings?

*Councillor Ian Olsen*

### **VERNON STREET NETBALL COURTS**

Councillor Olsen asked if a staff member could contact Denise Burke regarding questions that she has submitted to Council in relation to a Gala Day that was coming up.

*Councillor Ian Olsen*

## **CODE OF MEETING PRACTICE**

Councillor Olsen asked why we do not have “Business Arising from Previous Minutes”?

*Councillor Melanie Dagg*

## **TIMER FOR COUNCILLORS**

Councillor Dagg asked if a clock could be placed at the front of the Chamber so that they can see the countdown on the timer?

## ***COUNCILLOR REPORTS***

Councillor Sander

North Rothbury Tidy Towns

Councillor Sander reported on her attendance at the North Rothbury Tidy Towns Committee and advised that the Committee are very supportive of Council, they are a great group and their major concern is Hunter Water and getting their little township connected to sewer. Concerned with getting township connected to sewer sooner rather than later. They are a very determined group with regard to what they will do in the village and have spoken to Council in regard to footpaths through the township, clean-ups, shade for playground and park areas. They are also fully aware of Council's constraints with regard to funding and Council has been very productive in going out and answering their questions.

Councillor Doherty

Coal Face Pedal 2017

Councillor Doherty reported that last Sunday Coalface Pedal in Kurri Kurri which was supported by the Rotary Club and the Westpac Rescue Helicopter. They had 297 riders which is singularly the largest Mountain Bike event outside of the one at Wollombi.

## **MOTIONS OF URGENCY**

**MOTION**  
177

**Moved:** Councillor Burke

**Seconded:** Councillor Suvaal

### **RESOLVED**

**That Councillor Lyons be appointed as the alternate Councillor representative to the Hunter and Central Coast Joint Regional Planning Panel for the James Street Planning Proposal.**

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

### **CARRIED UNANIMOUSLY**

*Councillors Sander and Lyons left the meeting, the time being 8.31pm*

**MOTION**

178

**Moved:** Councillor Burke**Seconded:** Councillor Stapleford**RESOLVED**

1. That Council reaffirm its opposition to the James Street Planning Proposal.
2. That Council submit an objection to the Hunter and Central Coast Joint Regional Planning Panel to the James Street Planning Proposal along the lines of its previous reasons for objecting/ not proceeding with the planning proposal and indicating that, based on the documentation provided with the exhibitions of the planning proposal, it does not believe that the issues previously raised have been adequately addressed. In particular:
  1. Inadequate supporting infrastructure to support the Planning Proposal
    - a) Inadequacy of existing local infrastructure in adjacent existing urban area, namely:
      - i. Lack of kerb and guttering.
      - ii. Lack of drainage and no future plans in Council's capital works program to upgrade existing drainage.
      - iii. Lack of traffic intersection upgrades (particularly at Wollombi Road).
      - iv. Treatment of intersection uncertain (future provision reliant on other development proceeding).
      - v. Sewerage backflow.
  2. Impact of flooding
    - a) Flooding of access roads and some proposed lots.
    - b) Inadequacy of evacuation routes which are subject to flooding and existing drainage issues.
    - c) Additional impact of flooding downstream (constrained downstream through Cessnock Central Business District - Hunter Water concrete drains).
  3. Impact on the local environment
    - a) Loss of vegetation from site.
    - b) Uncertainty of mine subsidence slumps/ sink holes (which are known to occur on site).
  4. It would not be in the public interest for the plan to proceed
    - a) Concern for public safety due to the uncertainty of mine subsidence.
    - b) Not comfortable with information provided by Mines Subsidence Board (local knowledge differs for Board's advice).
    - c) Site inspection (by 8 Councillors, and approx. 20 objectors) reflection of community concerns.
    - d) Public interest demonstrated by the number of written submissions, issues raised and significant verbal representation to elected representatives.
    - e) Perceived exposure of Councillors, the Council as a whole and organisational reputation (due to the uncertainty of the extent of mine subsidence), particularly if a slump or sink hole were to

- occur.**
- f) **Concerns about liability in the event of an incident and who would be responsible if an incident occurred, given the uncertainty of the Mines Subsidence Board information.**

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

***CARRIED***

*Councillors Sander and Lyons returned to the meeting, the time being 8.31pm*



8.32 PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Stapleford    **Seconded:**    Councillor Suvaal  
179  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

**9.22PM**

**Open Session**

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

## MAYORAL MINUTES

### MAYORAL MINUTES NO. MM7/2017

**SUBJECT:** **MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS REVIEW COMMITTEE MEETING HELD 23 MARCH 2017**

*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.*

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

180

**RESOLVED**

**That the Minutes of the Organisational and General Managers Review Committee of 23 March 2017 be adopted as a resolution of the Ordinary Council.**

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

**CARRIED**

*The Meeting Was Declared Closed at 9.23pm*

**CONFIRMED AND SIGNED** *at the meeting held on 19 April 2017*

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI6/2017**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Manager Governance and Business Services - Kim Appleby*

**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. MOU6/2017**

**Corporate and Community Services**

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**SUBJECT:                                *MOTIONS OF URGENCY***

**RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby***

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**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.

Planning and Environment

Report No. PE15/2017

Planning and Environment

**SUBJECT:** *PLANNING PROPOSAL - CLIFTLEIGH***RESPONSIBLE OFFICER:** *Strategic Land Use Planning Manager - Martin Johnson***SUMMARY**

<b>APPLICATION NUMBER:</b>	18/2016/1
<b>PROPOSAL:</b>	Planning Proposal - Cliftleigh
<b>PROPERTY DESCRIPTION:</b>	Part Lot 200 DP 1196167 and Part Lot 20 DP 1175757
<b>PROPERTY ADDRESS:</b>	21 Main Road and 43 Main Road Cliftleigh
<b>ZONE: (CURRENT)</b>	RE2 - Public Recreation Zone
<b>ZONE (PROPOSED)</b>	R2 - Low Density Residential Zone
<b>OWNER:</b>	Winten (No. 23) P/L
<b>PROPONENT:</b>	Monteath and Powys P/L

The purpose of this Report is to provide an overview of the Planning Proposal which seeks to rezone part of Lot 200 DP 1196167 and part of Lot 20 DP 1175757 currently zoned RE1 - Public Recreation to R2 - Low Density Residential and apply a corresponding 450m<sup>2</sup> minimum lot size at Cliftleigh.

This Report also seeks Council's approval to submit this Planning Proposal to the Department Planning and Environment for a Gateway determination and to seek to exercise the functions of the Minister for Planning under section 59 of the Environmental Planning and Assessment Act 1979 to make the Local Environmental Plan.

**RECOMMENDATION**

1. That Council request a Gateway determination for the Planning Proposal - Cliftleigh from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* in relation to the Planning Proposal in Attachment 1.
2. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal - Cliftleigh if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

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Chronology

Date	Brief Description
11/10/2016	Planning Proposal lodged with Council
20/1/2017	Additional information requested
20/1/2017	Internal referral to Strategic Recreation and Community Facilities
3/2/2017	Response to additional information request
17/2/2017	Response to referral from Strategic Recreation and Community Facilities

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Location Map:





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Aerial View:





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**BACKGROUND**

The Planning Proposal seeks to provide residential opportunity for the subject site within the Cliftleigh Urban Release Area (URA). The site is approximately 1.06ha in size and is unoccupied, containing a disused shed. The adjacent site to the north-west is zoned R2 Low Density Residential, with the vegetation to be removed as part of works associated with Stage 9A of the Cliftleigh URA.

As part of the rezoning of the Cliftleigh URA, the site was identified for residential purposes, with the Structure Plan exhibited with the draft LEP, indicating conventional lots 450-600m<sup>2</sup> in this location. However, Council at its meeting of 24 July 2007, resolved (in part) to amend draft LEP (Amendment No 120), relating to the Cliftleigh precinct to:

- a) Include a 40 metre wide strip of 6(a) Open Space land along the rear boundaries of the residential properties fronting Main Road 195, and backing onto the subject land.*

While zoned RE1 - Public Recreation, the land has not been dedicated to Council and therefore does not need to be reclassified. The supporting Cliftleigh Planning Agreement (PA), which was amended to accommodate Council's resolution, requires the dedication of this land to Council prior to the issuing of the Subdivision Certificate that creates the 400<sup>th</sup> Residential Lot in the Cliftleigh URA development.

**REPORT/PROPOSAL**

The Planning Proposal seeks to rezone the subject site from RE1 - Public Recreation to R2 - Low Density Residential zone. It is proposed that an additional 13 allotments will be available for development within the Cliftleigh area if this Planning Proposal is pursued.

The RE1 zone was added by Council as part of the final consideration of the initial rezoning proposal. The site comprises a 40 metre wide strip between existing houses on the western side of Maitland Road to address concerns residence expressed in relation to the need for a visual screen to the (then) new Cliftleigh development. However, given the size of these lots and the reality that they are effectively surrounded by a residential zone, they were rezoned from rural to residential to be consistent with the zoning in the Cliftleigh URA. This makes Maitland Road the boundary between rural and residential zones in this location.

In determining the recreational and open space value of this land, the recommendations of Council's Recreation and Open Space Strategic Plan (ROSSP) 2009, Cycling Strategy 2016 and Recreation Needs Analysis (RNA) 2017 have been considered.

The subject site falls within the Kurri Kurri Planning Area, which includes Neath, Abermain, Weston, Mulbring, Heddon Greta and Cliftleigh, for which Council's ROSSP 2009 identifies a shortfall of recreation and open space facilities. However, the Cliftleigh URA provides an opportunity to address this, with the Testers Hollow District Park inclusive of an informal kick-a-bout area. In addition, regional sportsground facilities are anticipated to be delivered as part of the Hydro Planning Proposal, which will also address sporting facility shortfalls in this area.

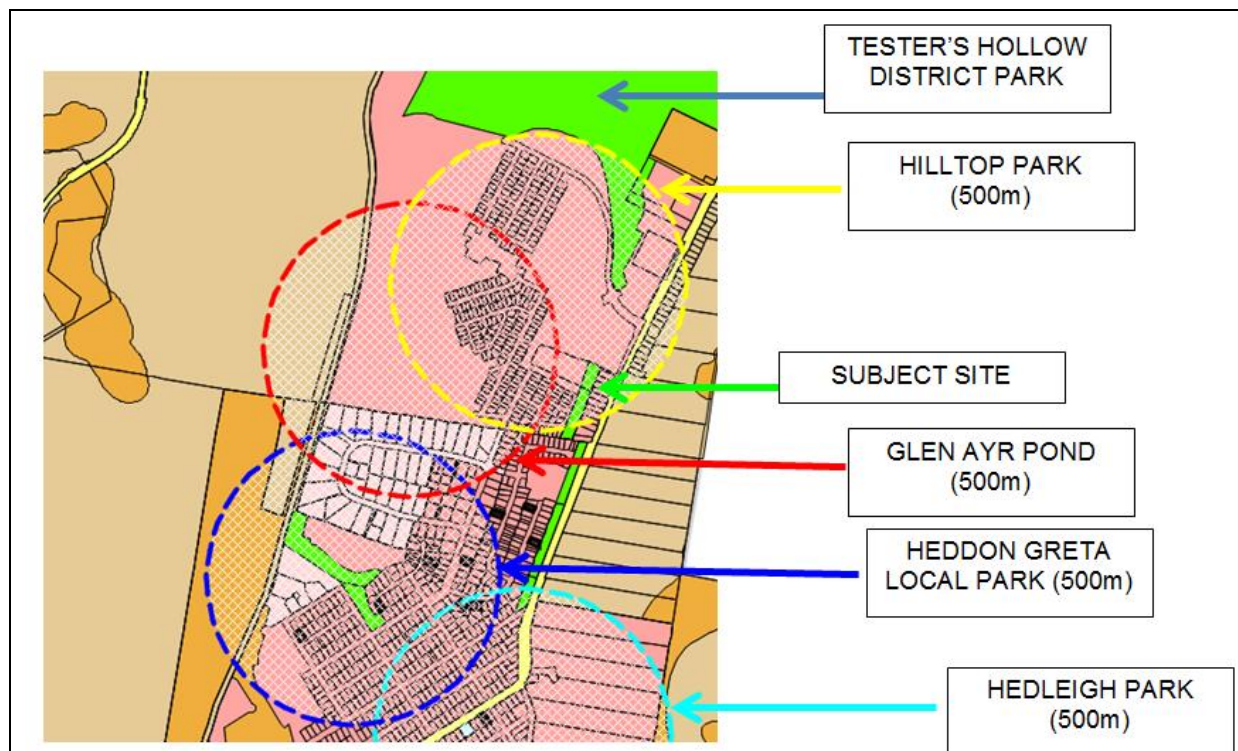
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Council's RNA aims to provide 'developed' open space within 500m of most residents. Developed open space includes passive, local, district and regional facilities. Figure 1 shows existing and proposed open space in the immediate vicinity of the subject site.



**Figure 1: Existing and proposed developed open space**

Whilst there is a portion of residents south of the subject site that fall outside the 500m open space area, it is considered that the broader planning area, incorporating Heddon Greta, Cliffeigh, Hedleigh Park and the proposed Hydro residential site, is currently or will be well serviced.

Notwithstanding these provisions, it is considered that the subject site is of limited recreational value due to the linear shape not being ideal for the development as a local park in accordance with Open Space Design Guidelines of the ROSSP. Further, it is an isolated parcel of passive open space that has no connectivity to other open space corridors or existing and/or proposed cycleway networks and increases the potential for anti-social behaviour.

In addition to the above considerations, the ongoing management and maintenance of the site will also need to be considered. While the site will have all weeds and rubbish removed by the developer prior to dedication, the ongoing maintenance, inclusive of all management costs, will fall to Council and this will impact on Council's existing maintenance program and current and future maintenance levels of open space in the area.

The exclusion of the subject site as open space will have minimal impact on the overall recreation provisions within the Cliffeigh urban precinct. In all, some 53 hectares (approximately 39 percent of the total Cliffeigh URA) has been designated for passive and active open space through the Testers Hollow District Park, Glen Ayr Pond Park and Hilltop Park.

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**OPTIONS**

1. Council resolve to support the recommendations of this Report and submit a planning proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option may delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

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*(To be provided by Council).*

**CONSULTATION**

The Planning Proposal is considered to be a low impact proposal and is proposed to be publicly exhibited for a minimum of 14 days in accordance with the Department's LEP Guide "A guide to preparing local environmental plans".

A low impact planning proposal is a planning proposal that is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal Local Environmental Plan;
- does not reclassify public land.

All adjoining property in addition to property owners in Tarrango Street, Taminga Road, and Cienna Street will be notified in writing of the Planning Proposal.

The exhibition material will be available from the following locations:

- Council's Administration Building;
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's Website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

It is not proposed to consult with any government authorities or agencies due to the minor nature of this Planning Proposal.

The Department's Gateway determination may make prescriptions relating to government authority and/or agency consultation.

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***STRATEGIC LINKS***

**a. Delivery Program**

A Sustainable and Healthy Environment: Objective 3.1, Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

**b. Other Plans**

The recommendations of Council's Recreation and Open Space Strategic Plan (ROSSP) 2009, Cycling Strategy 2016 and Recreation Needs Analysis 2017 were considered in this Report.

***IMPLICATIONS***

**a. Policy and Procedural Implications**

The current status of the Planning Proposal is identified in the process map below.

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**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**b. Financial Implications**

The finalisation of the Planning Proposal will be met through rezoning fees. This Planning Proposal is considered to be a Category A rezoning request and attracts a phase 1 fee of \$3,580.00.

**c. Legislative Implications**

This Report has regard to the provisions of the Environmental Planning and Assessment Act and its Regulations.

**d. Risk Implications**

There are considered to be minimal risk implications to Council with processing this amendment arising from the recommendation of this Report.

**e. Environmental Implications**

There are two on site Endangered Ecological Communities - Lower Hunter Spotted Gum - Ironbark Forest and Kurri Sand Swamp Woodland. However, the removal of this vegetation has previously been offset under a Biodiversity Agreement with the Office of Environment and Heritage in the consideration of the original rezoning of the Cliftleigh URA in 2007.

**f. Other Implications**

The difficulty with this site will be the ongoing management and maintenance of a relatively isolated parcel of open space of limited recreational value. While the site will have all weeds and rubbish removed by the developer prior to Council dedication, the ongoing maintenance, inclusive of all management costs, will subsequently fall to Council. This will have an impact on Council's existing maintenance program and current and future maintenance levels of open space in the area.

**CONCLUSION**

The recreational and open space value of this site is limited due to size and location of the site and the proximity of other open space within the Cliftleigh URA. The proposed rezoning is consistent with the surrounding development and it is considered that the potential for anti-social behaviour on the site will be minimised and ongoing Council maintenance costs reduced.

Should Council determine to support the recommendation of this Report, a Planning Proposal will be forwarded to the Department of Planning and Environment for a Gateway determination.

A further report in relation to the Planning Proposal will be presented to Council following public exhibition advising of the outcomes of the public consultation, if unresolved objections are received.

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***ENCLOSURES***

- [1](#) Planning Proposal - Cliftleigh RE1 Public Recreation to R2 Low Density Residential

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**SUBJECT:** ***CESSNOCK COMMERCIAL PRECINCT PROJECT -  
PLANNING PROPOSAL AND PUBLIC EXHIBITION OF  
DRAFT DEVELOPMENT CONTROL PLAN, PUBLIC DOMAIN  
PLAN AND IMPLEMENTATION PLAN***

**RESPONSIBLE OFFICER:** ***Strategic Land Use Planning Manager - Martin Johnson***

<b>+APPLICATION NUMBER:</b>	18/2017/1
<b>PROPOSAL:</b>	Planning Proposal – Cessnock Commercial Precinct
<b>PROPERTY DESCRIPTION:</b>	Various Lots within the Commercial Precinct of Cessnock City. (Refer to Location Map)
<b>PROPERTY ADDRESS:</b>	Various Addresses within the Commercial Precinct of Cessnock City. (Refer to Location Map)
<b>CURRENT ZONE:</b>	B3 Commercial Core, B4 Mixed Use, B7 Business Park and RE1 Public Recreation
<b>PROPOSED ZONE:</b>	B3 Commercial Core, B4 Mixed Use and RE1 Public Recreation
<b>OWNERS:</b>	Various owners within the Commercial Precinct of Cessnock City
<b>APPLICANT:</b>	Council

## **SUMMARY**

The purpose of this Report is to:

- Obtain Council's agreement to exhibit a draft Development Control Plan, Public Domain Plan and Implementation Plan for the Cessnock Commercial Precinct; and
- Obtain Council's agreement to submit a Planning Proposal for a Gateway determination to the Department of Planning and Environment.

The draft Development Control Plan provides detailed locality specific development guidelines to complement those of the Cessnock Development Control Plan 2010. It also identifies sites within the commercial precinct that are poised to act as catalysts in growing the city as a regional centre and gateway to the Vineyards District, in some instances providing development incentives for certain types of development.

The draft Public Domain Plan provides a framework for public domain infrastructure upgrades within the Cessnock Commercial Precinct to improve the cohesiveness and attractiveness of the streetscapes and general public domain. In particular, the Public Domain Plan introduces a town square that will become the future heart of the city, bringing improved life and vitality.

The Implementation Plan provides a framework for implementing infrastructure upgrades identified in the Public Domain Plan, and recommends amendments to the Cessnock Local Environmental Plan 2011 supporting the implementation of the Development Control Plan.



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In combination with the Implementation Plan, the Public Domain Plan will support future grant funding applications for infrastructure upgrades. In addition, these two documents will significantly improve Council's ability to program and coordinate the identified works.

The Planning Proposal actions the amendments to the Cessnock Local Environmental Plan 2011 recommended by the Implementation Plan.

Together, the aforementioned documents provide a suite of strategic documents that provide a vision for the Cessnock Commercial Precinct. A vision that is informed by its community and users alike. In its absence, the future direction of the Cessnock Commercial Precinct is unknown and at the mercy of ad-hoc development. The documents also enable Council to be proactive in seeking grant funding, rather than reacting as opportunities arise.

**RECOMMENDATION**

1. That Council place the following documents on public exhibition for a minimum period of six weeks:
  - Draft Cessnock Commercial Precinct chapter of the Cessnock Development Control Plan 2010 (Enclosure 1);
  - Cessnock Commercial Precinct Project Report (Enclosure 2);
  - Cessnock Commercial Precinct Project Background Reports (Enclosure 3); and
  - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report (Enclosure 4).
2. That Council receive a report back on the exhibition material following the public exhibition period.
3. That Council request a Gateway determination for the Planning Proposal Cessnock Commercial Precinct at Enclosure 5 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
4. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
5. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
6. That Council receive a report back on the Planning Proposal Cessnock Commercial Precinct if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

**BACKGROUND**

The Cessnock Commercial Precinct Project provides a suite of strategic planning documents that will guide and coordinate future development. These documents seek to execute

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actions identified in the Cessnock CBD Masterplan adopted by Council on 12 December 2012, and complement the Hunter Regional Plan 2036 in its vision for the City of Cessnock as a strategic centre.

**Chronology**

<b>Date</b>	<b>Brief Description</b>
<b>12/12/2012</b>	Council resolved at its Ordinary Meeting held 12 December 2012 to adopt the Cessnock CBD Masterplan.
<b>16/03/2016</b>	Council resolved at its Ordinary Meeting held 16 March 2016 to review the current parking arrangements in Vincent Street, Cessnock in conjunction with the Cessnock Commercial Precinct Project, with a view to looking at opportunities to consolidate the provision of car parking spaces, and to identify a site for the location of public toilets with access from Vincent Street Cessnock.
<b>6/04/2016</b>	Council resolved at its Ordinary Meeting held 6 April 2016 to undertake the Cessnock Commercial Precinct Project.
<b>26/04/2016</b>	Consultants engaged to undertake Cessnock Commercial Precinct Project.
<b>10/06/2016 to 13/07/2016</b>	Online and hard copy surveys invited and completed. Online and large format interactive mapping used to engage the community.
<b>17/06/2016 &amp; 28/06/2016</b>	Intercept surveys and community mapping undertaken at Businesses within the Cessnock Commercial Precinct.
<b>18/06/2016</b>	Intercept surveys and community mapping undertaken at Funky Junk Markets, Cessnock.
<b>28/06/2016</b>	Intercept surveys and community mapping undertaken at Hunter Valley Wine Country Business Network Event.
<b>12/07/2016, 4/08/2016, 9/08/2016, 15/08/2016, 15/09/2016, 19/09/2016, 20/09/2016, 29/09/2016, 23/02/2017, and 21/03/2017</b>	Consultation with various key stakeholders.
<b>6/09/2016</b>	Consultation with Hunter Water.
<b>29/04/2017</b>	Councillors were briefed on the Cessnock Commercial Precinct Project.

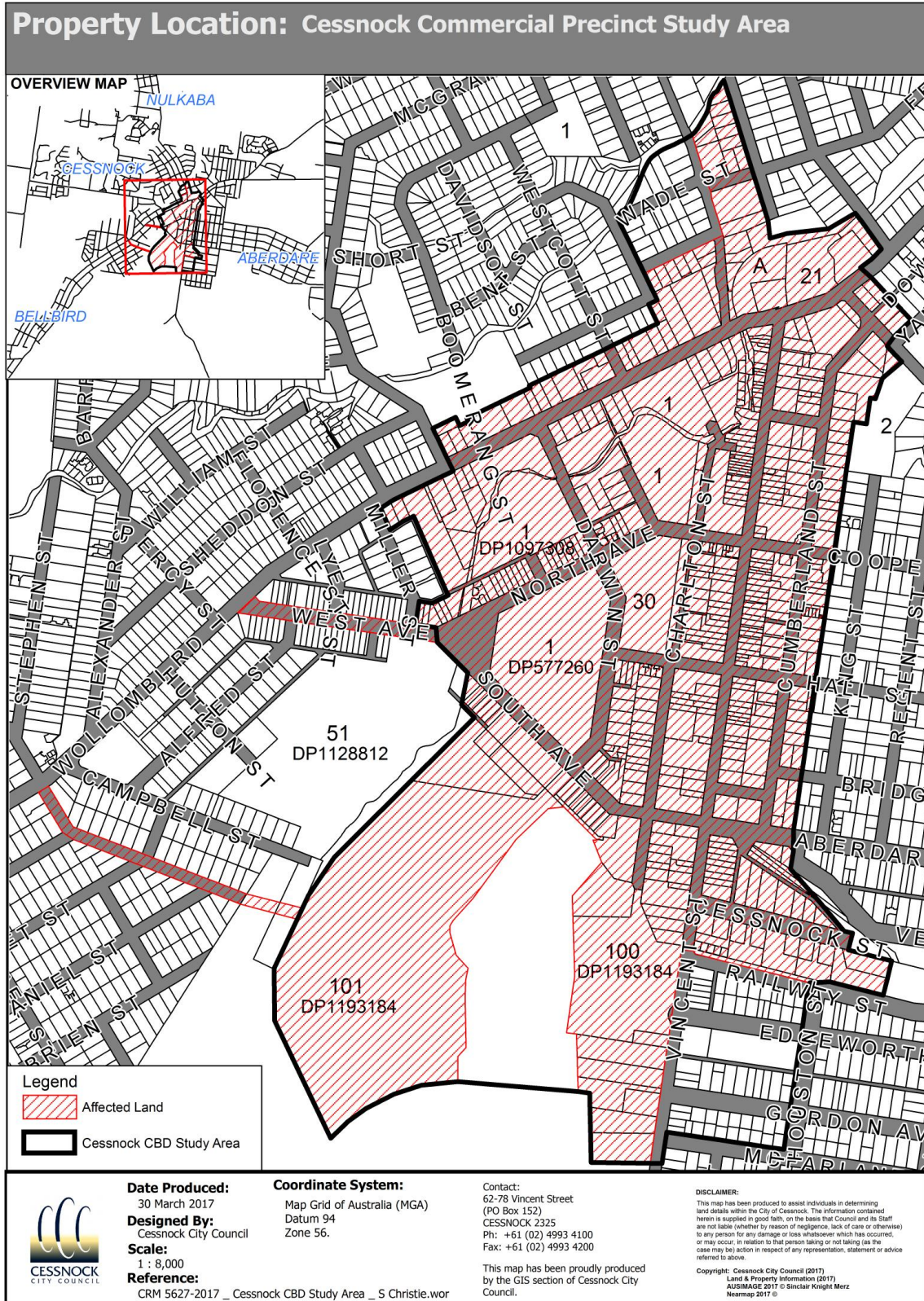
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Location Map:





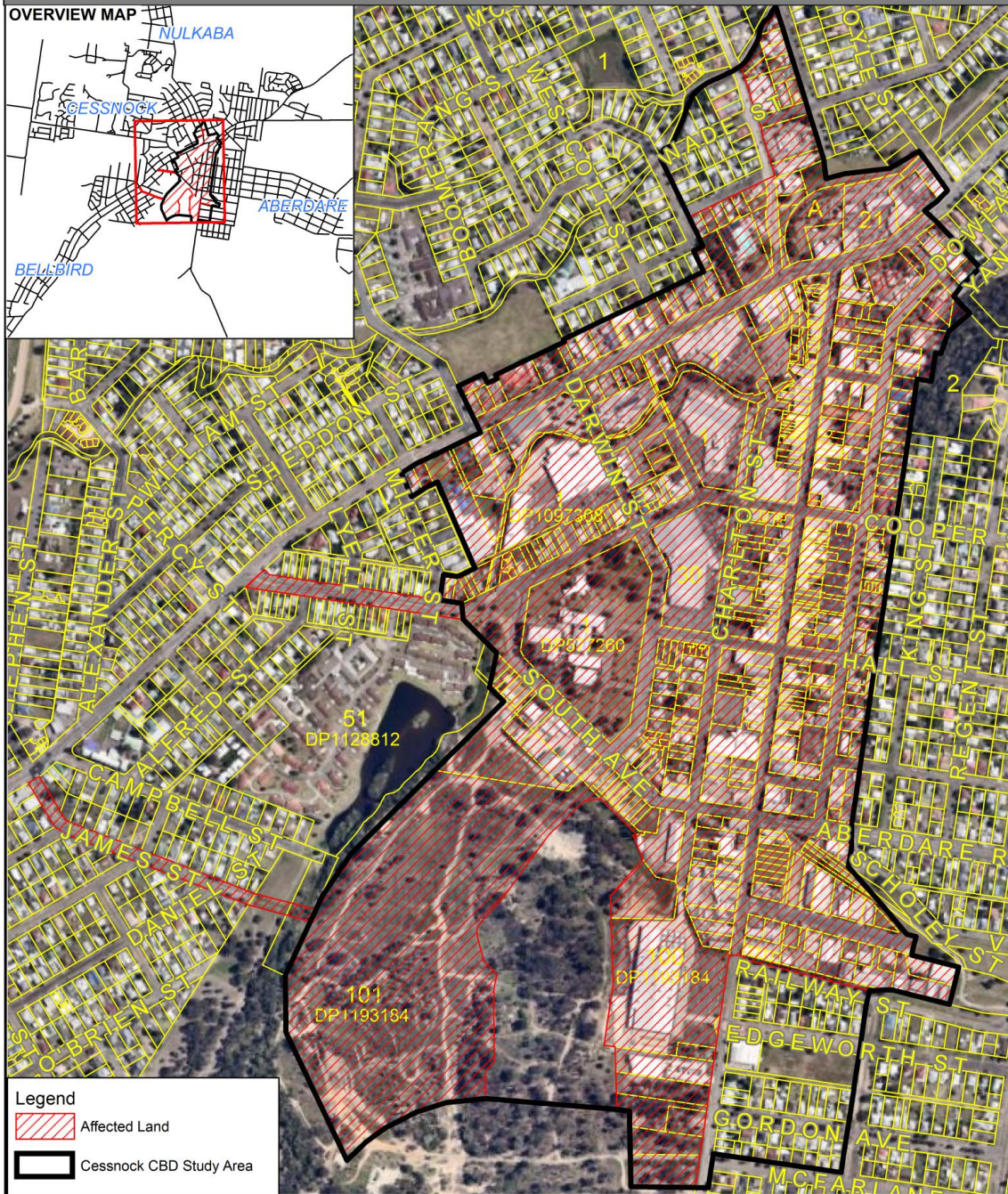
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## Aerial Location Plan: Cessnock Commercial Precinct Study Area



**Legend**  
 Affected Land  
 Cessnock CBD Study Area



**Date Produced:**

30 March 2017

**Designed By:**

Cessnock City Council

**Scale:**

1 : 8,000

**Reference:**

CRM 5627-2017 \_ Cessnock CBD Study Area \_ S Christie.wor

**Coordinate System:**

Map Grid of Australia (MGA)

Datum 94

Zone 56.

**Imagery**



2017 8cm Imagery  
 Copyright : Nearmaps (2017)

**Contact:**

62-78 Vincent Street  
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CESSNOCK 2325

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**REPORT/PROPOSAL**

The success of Cessnock's growth as a strategic centre will be dependent on its ability to attract and retain patrons. Patrons are attracted to a city by the type and quality of buildings and spaces offered.

To encourage the success of Cessnock as a major regional centre, the Draft Development Control Plan (**Enclosure 1**), Public Domain Plan (Refer Section 10 **Enclosure 2**) and Planning Proposal (**Enclosure 5**) seek to:

- Encourage high quality development at key locations within the Cessnock Commercial Precinct;
- Enable and encourage residential flat buildings to be constructed within the B3 Commercial Core Zone;
- Make improvements to the public domain including a public town square in the heart of the city.

In determining appropriate development guidelines, development incentives and public domain infrastructure required to achieve a centre that will attract and retain patrons, a supply and demand analysis, urban form analysis and economic analysis was undertaken (refer **Enclosure 3**). Key findings of the analysis are provided following:

*Employment Floor Space*

Parts of Vincent Street, the traditional retail strip of Cessnock, currently suffer from a relatively high (up to 15 percent) level of vacancy. The major factor contributing to this vacancy is the oversupply of employment floor space. A recent floor space survey undertaken by SGS Economics in 2016 identified that the Cessnock Commercial Precinct has 171,960 m<sup>2</sup> of employment floor space for a demand of 157,106 m<sup>2</sup>. This equates to an oversupply of approximately 14,800 m<sup>2</sup> of employment floor space (refer **Enclosure 3**). Other factors hindering the success of Vincent Street as a retail strip are:

- The three major shopping centres (Cessnock Plaza, Cessnock City Centre and Cessnock Market Place) draw retail trade away from Vincent Street. This is exacerbated by a lack of pedestrian connections linking the three major shopping centres to Vincent Street;
- The length of Vincent Street dilutes the effectiveness of its retail offerings;
- Presentation of the public domain in certain parts of the Precinct is poor; and
- Competition from higher order centres draws residents away from Cessnock where they have their comparison shopping, entertainment and leisure needs met.

Retail / commercial centres are most successful when clustered or consolidated in one location creating a vibrant and active area. This is observed in and to the west of Vincent Street where there is a high concentration of activity.

The strengths of the Cessnock Commercial Precinct are:

- Its dominant position in its trading area. It is the largest centre within the Cessnock LGA and easily accessible to local residents;

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- The presence of community assets: Council Administration Building, Library, Community Performing Arts Centre and Regional Art Gallery;
- Strong food offer. All the major supermarkets are represented including two full-line stores;
- Reasonable non-food offer including high street retailers;
- Well located to capitalise on the Hunter Region tourists, particularly those travelling to or from the vineyards.

Visitation to the Precinct is dominated by local residents and workers as well as visitors whose primary purposes to visit is for work or the Hunter Valley. The Precinct is therefore considered more of an 'internal retail community' rather than a destination retail location.

*Urban Form*

Informed by the Cessnock CBD Masterplan and a supply and demand analysis, an urban form analysis was undertaken to determine the most appropriate development controls for the future Cessnock Commercial Precinct. Other key considerations of the urban form analysis include:

- Building heights;
- Floor space ratios;
- Heritage; and
- Constraints and opportunities presented by the precinct.

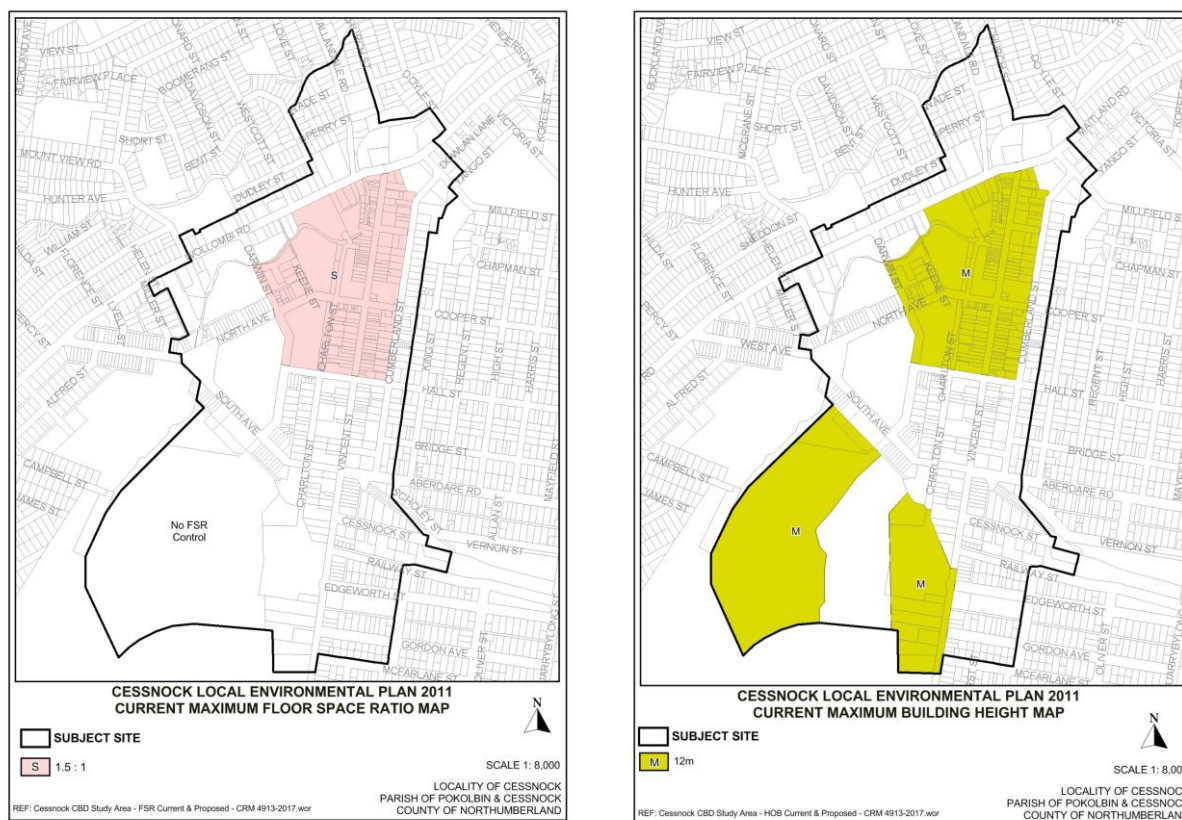
Currently, the majority of the Cessnock Commercial Precinct is not restricted by height of building or floor space ratio controls (refer **Figure 1**). The controls that do apply consist of a 12m height limit to the B7 Business Park zoned land in the south of the precinct, a 12 m height limit to the majority of the B3 Commercial Core zoned land in the centre of the precinct and a floor space ratio of 1.5:1 applying to the majority of the B3 Commercial Core zoned land only.



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**Figure 1: Existing Maximum Floor Space Ratio and Building Height**

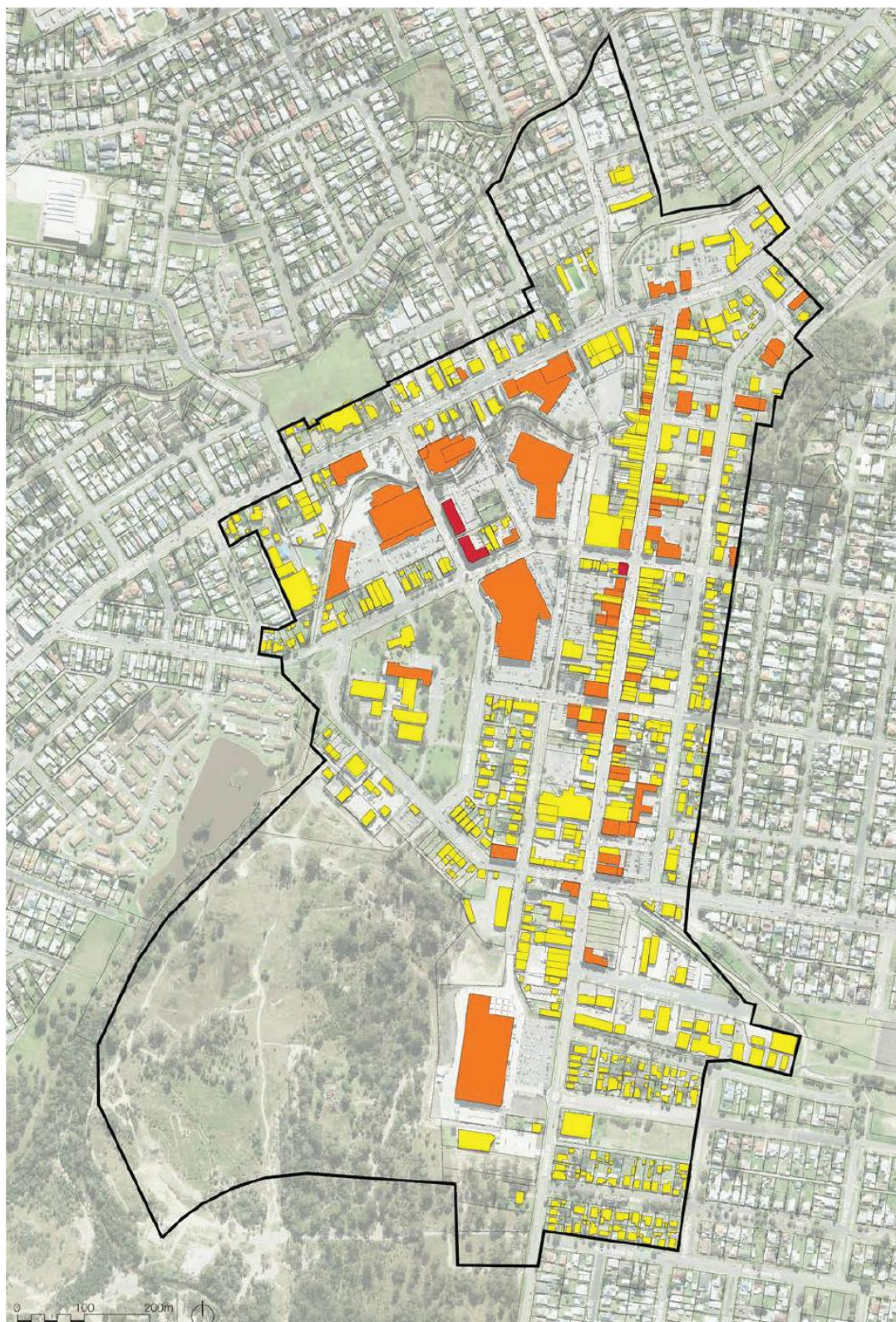
Despite limited restrictions to building heights within the Cessnock Commercial Precinct, only three buildings achieve a height above 9m (refer **Figure 2**), two of which are mixed use developments that provide permanent residential accommodation above commercial floor space, the other being a motel. These uses are commensurate with the demand for land uses within the precinct, illustrating that there is more opportunity for higher density residential development than commercial.



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**Legend**

- 3-4 metres
- 6-8 metres
- 9-12 metres



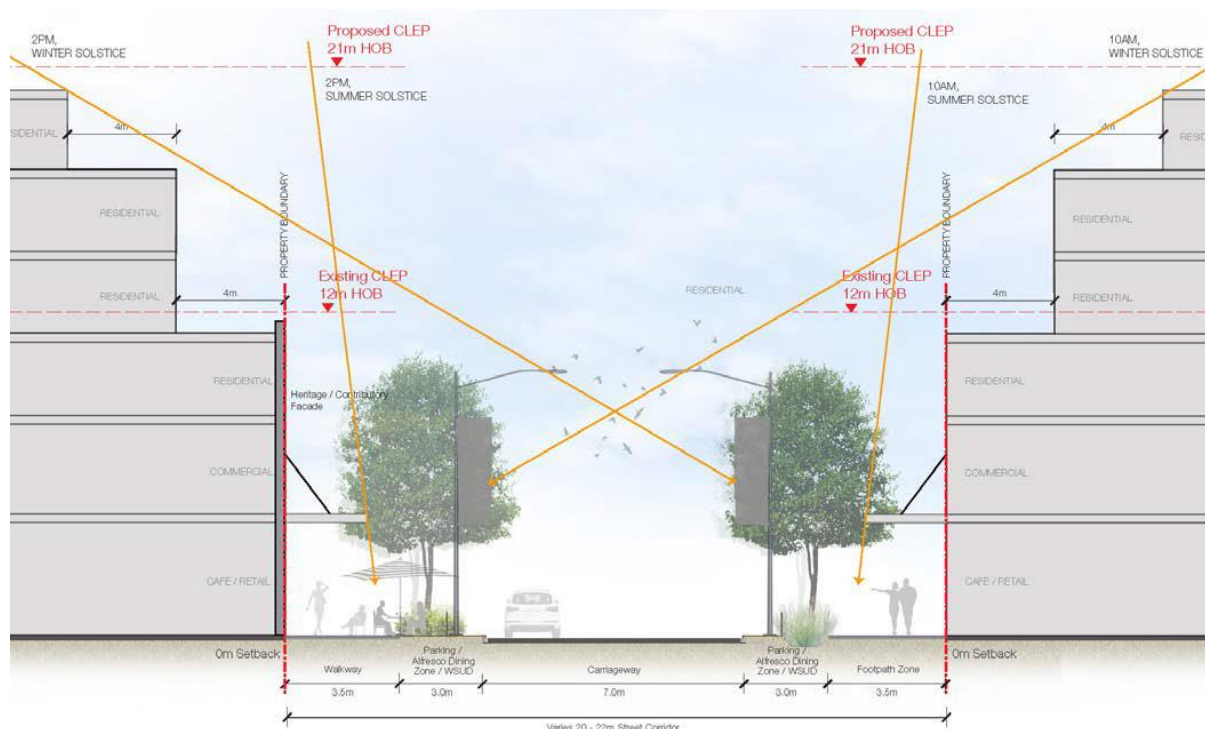
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**Figure 2: Existing Building Heights**

A reasonably uniform street scale, often marked by older building parapet details, exists along Vincent Street extending into some side streets. The Draft Cessnock Commercial Precinct Development Control Plan (**Enclosure 1**) proposes built form controls that will maintain and respect the heritage character and built form of the existing streetscape, while allowing for higher density development (refer **Figure 3** below).

**Figure 3: Vincent Street Cross Section****Best Practice Urban Design**

Building height, development density or land use are not useful tools to incentivise best practice Urban Design outcomes in the Cessnock Commercial Precinct, due to weaknesses in current market conditions. However, there is the potential to incentivise desirable development outcomes through permitting lower car parking rates in new developments that achieve Design Excellence.

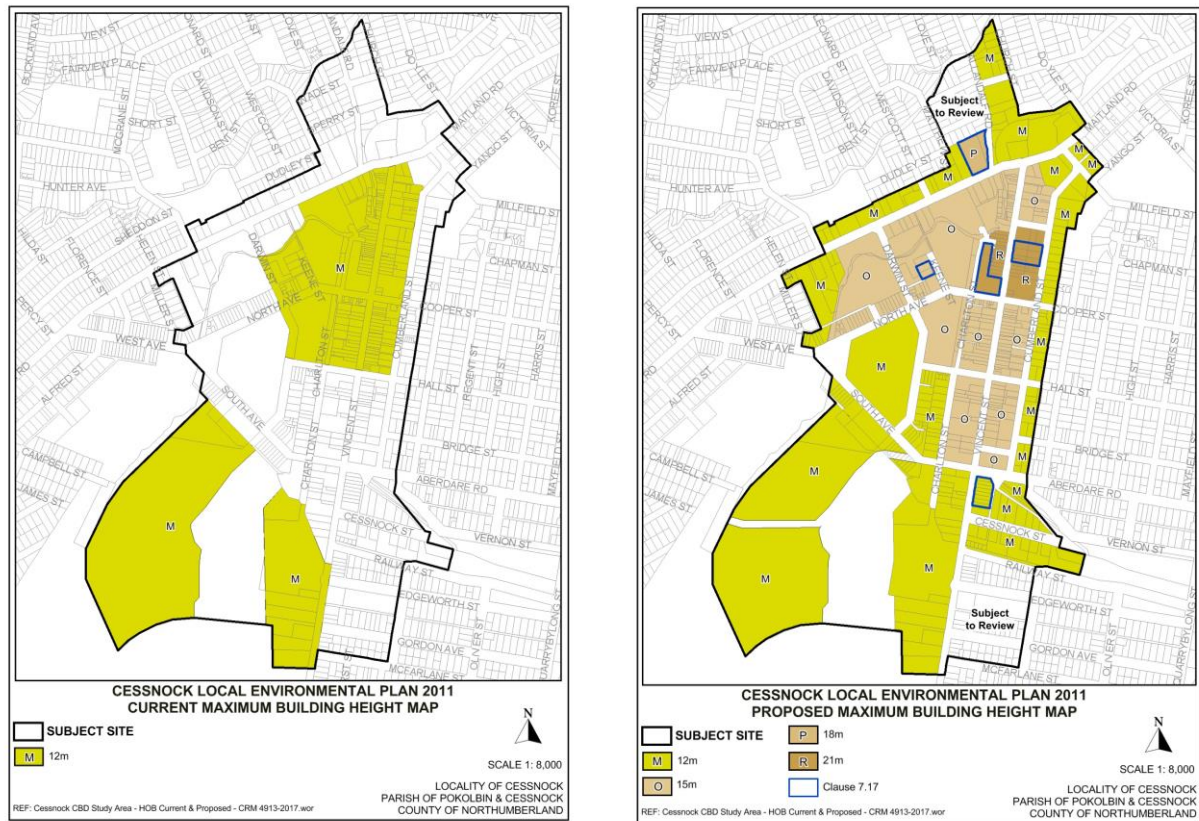
Additional height limits (refer **Figure 4**) in conjunction with floor space ratio controls (refer **Figure 5**) are proposed, not as an incentive, but rather to:

- Reinforce the Vincent Street commercial 'spine' and the retail 'core' of the Precinct;
- To build-in a degree of flexibility to the planning controls, and to not preclude taller development if particular site-specific economic factors support it; and
- To encourage taller buildings to be constructed in the form of towers rather than a solid building mass consuming the entire building envelope (refer **Figure 6**).

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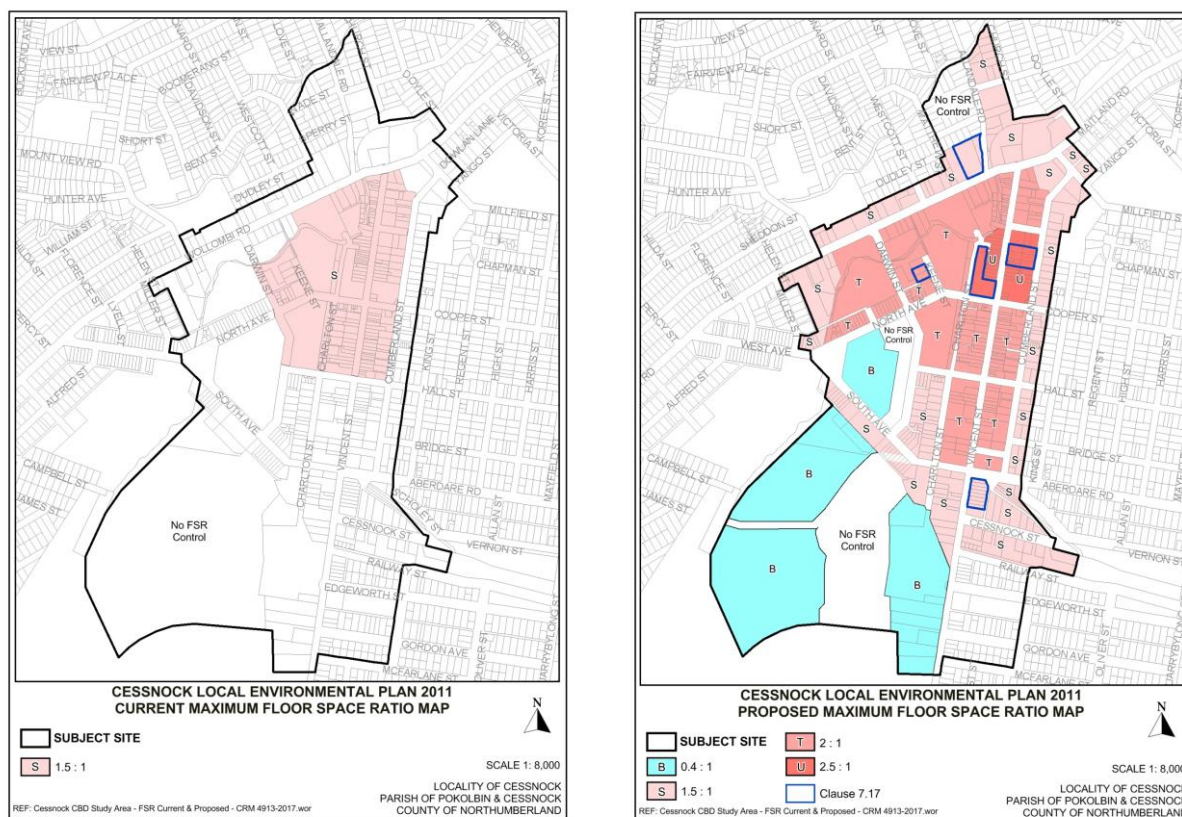
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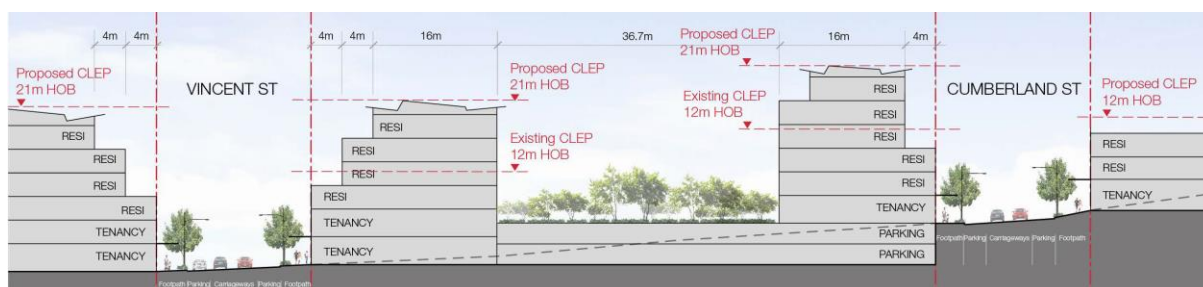


**Figure 4: Existing and Proposed Height of Building Controls**

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**Figure 5: Existing and Proposed Floor Space Ratio Controls**



### Development Feasibility

The feasibility of increased densities within the Cessnock Commercial Precinct have been considered in establishing appropriate development controls for the future of the precinct. In particular, it is understood that the fragmentation of land within the precinct presents complications in consolidating land for higher density development. It is only where land is either free from improvements, or is already consolidated that developing the land for higher density development becomes feasible.

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### Catalyst Sites

Thirteen sites within the Cessnock Commercial Precinct have been identified as catalyst sites due to their potential in shaping the future of Cessnock. These sites have been selected based on the following characteristics or offerings:

- Location;
- Size;
- Existing and potential use;
- Feasibility for targeted development types; and
- Significance to the context of the overall city and its vision.

Development objectives for each of the sites have been established in the Cessnock Commercial Precinct Draft Development Control Plan (refer **Enclosure 1**), five of which have been further selected as “key sites”, whereby development incentives are offered to developments that effectively meet the catalyst site objectives of the Development Control Plan and demonstrate design excellence in accordance with the proposed “Design Excellence” clause of the Cessnock Local Environmental Plan 2011 (refer **Enclosure 5**).

The incentives offered have been drafted to encourage catalyst developments at strategic locations (key sites) within the precinct and include:

- Reduced car-parking requirements for commercial floor space, increased to a higher reduction rate where residential flats comprise 50 percent or more of the developments floor place;
- Increased floor space ratio; and
- Increased building height.

### *Town Square*

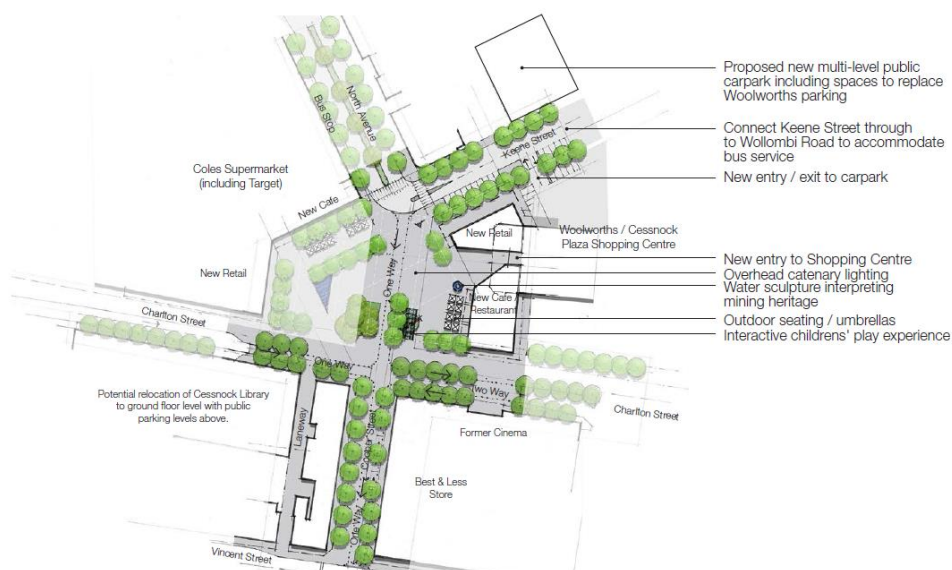
Currently, the Cessnock Commercial Precinct is stretched out along Vincent Street, with three major shopping centres to the north-west. Retail or commercial centres are most successful when clustered in one location, creating a vibrant and active area. The precinct is also lacking a shady public place for locals or visitors to sit, linger, read or converse in a pleasant outdoor area. The suite of documents subject of this Report introduce a public town square in three stages (refer **Figure 7, 8 and 9**) in the heart of the Cessnock Commercial Precinct that will act as an anchor for pedestrians using the city and its services. Chosen because of its accessibility to both Vincent Street and the three major shopping centres, the proposed town square will enable people to linger and add vibrancy to the city, in turn generating additional demand for retail and adding to the vitality of the commercial precinct



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**Figure 7: Town Square Concept Stage 1**



**Figure 8: Town Square Concept Stage 2**

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**Figure 9: Town Square Concept Stage 3**

### *Reduced Car Parking*

In combination with the floor space ratio and height of building incentives, reduced car parking has been chosen as a suitable incentive to introduce high quality design outcomes within the precinct. Reduced car parking incentives relate only to land uses that are of a public nature, and are able to be offset with Council owned public car parking. The level of reduction has been determined based on offsetting the additional cost of achieving a 5 Star Green Star rated building. The current and projected economic climate for development in Cessnock would not otherwise permit such a high quality design outcome, and it is considered that these projects would have a significant impact as catalysts influencing improved design outcomes throughout the broader city.

### **Exhibition Material:**

The exhibition material consists of:

- Draft Cessnock Commercial Precinct Development Control Plan;
- Draft Cessnock Commercial Precinct Public Domain Plan; and
- Draft Cessnock Commercial Precinct Implementation Plan; and
- Supporting information including:
  - Cessnock Commercial Precinct Project Background reports; and
  - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes report.

### *Draft Cessnock Commercial Precinct Development Control Plan*

The draft Development Control Plan provides detailed locality specific development guidelines to complement those of the Cessnock Development Control Plan 2010 and the proposed amendments to the Cessnock Local Environmental Plan 2011 (**Enclosure 6**).

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It identifies sites within the commercial precinct that are poised to act as catalysts in growing the city as a regional centre and gateway to the Vineyards District, in some instances providing development incentives for certain types of development.

*Draft Cessnock Commercial Precinct Public Domain Plan*

The draft Public Domain Plan provides a framework for public domain infrastructure upgrades within the Cessnock Commercial Precinct to improve the cohesiveness and attractiveness of the streetscapes and general public domain. In particular, the Public Domain Plan introduces a town square that will become the future heart of the city, bringing improved life and vitality.

In combination with the Implementation Plan, the Public Domain Plan will support future grant funding applications made by Council in securing funding for future public domain infrastructure upgrades identified in the plan.

*Draft Cessnock Commercial Precinct Implementation Plan*

The draft Implementation Plan provides a framework for implementing infrastructure upgrades identified in the Public Domain Plan, and recommends amendments for the Cessnock Local Environmental Plan 2011 supporting the implementation of the Development Control Plan. In combination with the Public Domain Plan, the Implementation Plan will significantly improve Council's ability to secure grant funding in the longer term, while supporting Council's ability to program and coordinate the identified works.

*Supporting Information*

The supporting information consists of the background reports and community engagement outcomes report used to support decisions made in the draft of the Draft Development Control Plan and Draft Public Domain Plan.

**Planning Proposal:**

The Planning Proposal actions the proposed recommendations by the Implementation Plan by proposing to amend the Cessnock Local Environmental Plan in the following ways:

- Rezone from:
  - *Note: To enable consistent zoning of the commercial core and reflect existing land uses.*  
B4 Mixed Use to B3 Commercial Core – Lot 22 DP 579269, Lot 4, 7 & 8 DP 38740, Lot 56 DP 614109, Lot 1 DP 112703, Lot 1 DP 721821, Lot 1 DP 979574, part of Lot 1 DP 1097308 and part of Lot 1 DP 340072;
  - *Note: To enable the current Cessnock Aquatic Centre site to be developed following the Aquatic Centre's relocation in the longer term.*  
RE1 Public Recreation to B4 Mixed Use – Lot 16 DP 48151 and Lot 261 DP 666805;
  - *Note: To enable the development of a town square straddling Cooper Street between Charlton Street and Keene Street, and the creation of a*

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*recreational space adjoining a proposed new road connecting Charlton Street to Allandale Road.*

B3 Commercial Core to RE1 Public Recreation – Part of Lot 1 DP 450874, part of Lot 11 DP 613614, part of Lot 1 DP 1114018, part of Lot H DP 384894, part of Lot G DP 347929, part of Lot F DP 354733, part of Lot D DP 339311, part of Lot E DP 384895, part of Lot 2 DP 1114018, part of Lot 41 DP 617668, part of Lot 30 DP 1013326, part of Lot 2 DP 1013378, part of Lot 1 DP 1100097 and Lot 1 DP 1013378;

- *Note: To enable the embellishment and use of open space within the Cessnock TAFE site to be used as a recreational space servicing the city of Cessnock and its users and to secure land connecting pedestrians between Cumberland Street and the recreational space of Bridges Hill Park.*

B4 Mixed Use to RE1 Public Recreation – part of Lot 1 DP 577260 and Lot 7009 DP 1030585.

- Amend the Floor Space Ratio Map pertaining to land within the Cessnock Commercial Precinct from a Floor Space Ratio of 1.5:1 or no Floor Space Ratio to a Floor Space Ratio of 0.4:1, 1.5:1, 2.0:1 and 2.5:1;
- Amend the Height of Building Map pertaining to land within the Cessnock Commercial Precinct from a 12m or no Height of Building control to a Height of Building control of 12m, 15m, 18m and 21m; and
- Amend the Land Reserved for Acquisition Map to include Land Reserved for Acquisition within the precinct for the purposes of Classified Road (SP2) and Local Open Space (RE1).
- Introduce a new clause to allow residential flat buildings in zone B3 Commercial Core;
- Introduce a new clause to encourage design excellence on key sites identified within the Cessnock Commercial Precinct; and
- Introduce Key Sites mapping in association with the introduction of the design excellence clause.

The proposed rezoning will:

- Create a consistent boundary to the Commercial Core zoning that reflects existing land uses;
- Enable a gateway development of relative significance to occur following the potential relocation of the Cessnock Aquatic Centre in the longer term;
- Enable the development of a town square straddling Cooper Street between Charlton Street and Keene Street;
- Enable the creation of recreational space adjoining a proposed new road connecting Charlton Street to Allandale Road;
- Enable the embellishment and use of open space within the Cessnock TAFE site to be used as a recreational space servicing the city of Cessnock and its users; and



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- Secure land for public recreational purposes connecting pedestrians between Cumberland Street and the recreational space of Bridges Hill Park.

**OPTIONS**

Council has the following options:

1. Resolve to support the recommendations contained in this Report, placing the exhibition material on public exhibition and submitting a Planning Proposal to the Department of Planning and Environment for a Gateway determination  
***This is the preferred option.***
2. Request changes to the exhibition material or Planning Proposal. This option will delay the progress.
3. Not support the recommendations of this report for the following reasons

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(To be provided by Council).

**CONSULTATION**

This project is a continuation of the Cessnock CBD Masterplan, whereby significant consultation with the community was undertaken. The Background Reports document provided as **Enclosure 3** to this report contains a review of the Cessnock CBD Masterplan, ensuring that key components of the Masterplan, commensurate with the community's vision, are brought forward into this Project.

Further community consultation specific to this Project was also undertaken in the form of:

- Online and intercept surveys with local businesses and residents (87 completed);
- Interactive mapping in the form of online mapping and a large printed map placed in the foyer of Council's Administration Building and Cessnock Library (135 comments);
- Community workshop (29 attendees); and
- Council staff workshop

Valuable information from the community was gathered during the consultation phases of this project, this information has been used to inform the development of the draft documents.

Key finding of the consultation are provided in **Enclosure 4**.

The following Council officers or teams were consulted in preparation of this Report:

- Open Space and Recreation Services;

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- Development Services;
- Community Services;
- Strategic Assets; and
- Design Delivery.

The following external parties were consulted in preparation of this Report:

- Cessnock TAFE.

In combination with targeted consultation involving digital media and drop in sessions, the exhibition material is proposed to be publicly exhibited for a minimum of six weeks in accordance with Council's Advertising and Notification Requirements.

The exhibition material will be available from the following locations:

- Council's Administration Building;
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's Website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

Initial consultations with RMS have taken place concerning the implementation of a shared zone along Cooper Street. Although the consultation has not been conclusive, the documentation subject of this Report reflects the outcomes of that consultation.

**STRATEGIC LINKS**

**a. Delivery Program**

This Report seeks to progress:

- Objective 2.1 – Diversifying local business options:
  - Our Local Government Area is attractive and supportive of business.
  - We have a diversity of business and industries across the Local Government Area.
  - Our planning controls provide for adequate industrial and commercial land.
- Objective 2.2 – Achieving more sustainable employment opportunities:
  - We have learning opportunities for people of all ages.
  - We have employment opportunities in the Local Government Area:
- Objective 2.3 – Increasing tourism opportunities and visitation in the area:
  - We have a range of diverse visitor experiences across the entire Local Government Area.
  - Our Local Government Area is attractive to visitors.
- Objective 3.2 – Better utilisation of existing open space:

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- Our open spaces are distributed where people live.
  - We have green corridors connecting our open space areas.
  - Our open spaces have suitable amenities and plenty of shade.
- Objective 4.1 – Better Transport Links:
  - We have access to a range of public and community transport within the Local Government Area.
  - We have access to a range of public and community transport beyond the Local Government Area.
- Objective 4.2 – Improving the Road Network:
  - We have a high quality road network.

**b. Other Plans**

The documents subject of this Report have been coordinated with, or informed by, the following:

- Hunter Regional Plan;
- Cessnock City Wide Settlement Strategy;
- Traffic and Transport Strategy;
- Recreation and Open Space Strategic Plan 2009;
- Recreation Needs Analysis 2017;
- Aquatic Needs Analysis 2014;
- Cessnock Aquatic Centre Feasibility and Design; and
- Cessnock Cycling Strategy 2016.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

The Planning Proposal's current status is illustrated in the following flow chart:

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**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**b. Financial Implications**

The original budget for the Cessnock Commercial Precinct Project comprised of \$266,120.00 (incl. GST), of which \$110,000.00 (incl. GST) is funded by the Department of Planning and Environment NSW towards consultancy services. The project, now in its final stages, remains within the budget.

The works proposed by the Draft Public Domain Plan and Draft Implementation Plan will be considered in a revision of the Section 94 Contributions Plan for Car Parking in the Cessnock Central Business District, to be undertaken prior to the adoption of the Draft Cessnock Commercial Precinct Development Control Plan. The Section 94 Plan will enable a small portion of the works proposed by the Draft Public Domain Plan and Draft Implementation Plan to be levied for and constructed, however a majority of the works proposed will need to be funded through Government grants or other forms of funding. Such works will remain as works to be completed until those funds are sought, or the works are completed through other means such as works in kind.

Importantly, the works identified by the Public Domain Plan and Implementation Plan will significantly improve Council's ability to secure grant funding in the longer term.

**c. Legislative Implications**

This Report has regard to the provisions of the *Environmental Planning and Assessment Act 1979*, its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006 (as amended)*.

Public exhibition of the Cessnock Commercial Precinct Draft Development Control Plan for a minimum period of six weeks is consistent with Council's statutory responsibilities under the *Environmental Planning and Assessment Act 1979*.

Cessnock Local Environmental Plan 2011

The Planning Proposal will amend Cessnock Local Environmental Plan 2011 as outlined in this report.

State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). As Assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Section 117 Ministerial Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* enables the Minister for planning proposal to amend a Local Environmental Plan. An assessment of relevant s.177 Directions is provided in the accompanying Planning Proposal. The proposal is considered to be consistent with the relevant Ministerial Directions.

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**d. Risk Implications**

The recommendations provided by this Report will support the commercial precinct of Cessnock's growth as a major regional centre, attracting and retaining patrons to create prosperity and vitality. Risk implications resulting from the recommendations of this Report are considered to be minimal.

**e. Environmental Implications**

Nil.

**f. Other Implications**

Nil.

**CONCLUSION**

The Draft Development Control Plan, Public Domain Plan and Implementation Plan for the Cessnock Commercial Precinct proposed to be exhibited by this Report together with the proposed Planning Proposal at **Enclosure 5**, will provide a comprehensive strategic framework that will guide and coordinate future development in the Cessnock Commercial Precinct. Amongst significant improvements to streetscapes within the precinct, it will encourage high quality catalyst developments at strategic locations and aim to deliver a new heart to its commercial core that will ensure Cessnock will be maintained and grow as a strategic centre.

**ENCLOSURES**

- 1 Draft Cessnock Development Control Plan 2010 - E16: Cessnock Commercial Precinct
- [2](#) Draft Cessnock Commercial Precinct Project Report
- 3 Cessnock Commercial Precinct Project Background Reports
- 4 Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report
- 5 Planning Proposal - Cessnock Commercial Precinct

**SUBJECT:** *HERITAGE LISTING PROCESS FOR WOLLOMBI PUBLIC SCHOOL (FORMER)*

**RESPONSIBLE OFFICER:** *Strategic Land Use Planning Manager - Martin Johnson*

## **SUMMARY**

The purpose of this Report is to provide information on the process and costs involved in nominating the former Wollombi Public School for listing on both the National and State Heritage Register. This Report also provides an update on the actions that have been completed following the Council Resolution on 14 December 2016 in relation to the former Wollombi Public School.

## **RECOMMENDATION**

1. That Council determine its position on whether to pursue the State Heritage listing of the Wollombi Conservation Area given there is no funding available;
2. That in the event Council determines to pursue the State Heritage listing of the Wollombi Conservation Area, a further report be provided to Council investigating funding options.

## **PROGRESS SINCE COUNCIL MEETING ON 1 MARCH 2017**

On 1 March 2017 Council resolved to defer the Report for at least six weeks. In this time, Council has received correspondence from the Department of Environment and Energy acknowledging the nomination for the Wollombi Public School for National Heritage listing (**Enclosure 1**). A limited number of sites are assessed each year for National Heritage Listing. Council will be advised in July if the Wollombi Public School (former) is shortlisted for assessment for National Heritage listing.

## **BACKGROUND**

The Wollombi Public School ceased operating as a School in December 2014. Since then, the site has been used by Community groups in the Wollombi region. The site is currently owned by the NSW Department of Education. In late 2016, the Department of Education stated that a Property Disposal Plan was being prepared for the Wollombi Public School site.

At the Council Meeting on 14 December 2016, Council resolved:

1. That Council reinforces its resolution of 10 December 2014 that the Wollombi School should remain in public ownership in perpetuity for use by the community at no financial impost to the ratepayers of the Cessnock LGA.
2. That Council commences actions to have the Wollombi School site included on the National Heritage Register and the State Heritage Register.

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3. That Council request the Minister for Education and the Education Department to delay any further action regarding disposal of the Wollombi School site and investigate opportunities for the retention of the site in community ownership.
4. That Council seeks the support of the Member for Cessnock Clayton Barr MP, the Parliamentary Secretary for the Hunter Scott McDonald MLC and the Member for Hunter, Joel Fitzgibbon MP in progressing the resolutions regarding retention of the Wollombi School in public/community ownership.

Part 3 and 4 of the Resolution from 14 December 2016 have now been completed with letters being sent to the following:

- Adrian Piccoli – Minister for Education
- Clayton Barr – State Member for Cessnock
- Scott McDonald – Parliamentary Secretary for the Hunter and Central Coast
- Joel Fitzgibbon – Federal Member for the Hunter

To date no response to Council's letters has been received.

**REPORT/PROPOSAL**

The Wollombi Public School site is currently listed in the Cessnock Local Environmental Plan 2011 (LEP) as a Heritage Item of local significance and is located in the Wollombi Heritage Conservation Area. Being a Heritage Item of local significance and located in a Heritage Conservation Area means that any development application on the site needs to consider the effect a proposed development will have on the heritage significance of the item and the Conservation Area. A development application would be required for any modification to the building, including relocation or demolition. A comprehensive heritage report prepared by a suitably qualified Heritage Expert would need to be lodged with the application.

Heritage items can either be of Local, State or National significance. Each level of heritage significance has different criteria that must be met in order to be listed. Council resolved on 14 December 2016 to commence proceedings to have the Wollombi Public School listed on the State and National Heritage Register. State and National Heritage listing are two separate processes.

**National Heritage Register**

Nominations for National Heritage listing are coordinated by the Federal Department of Environment and Energy. Nominations for National heritage listing are open once a year, with 2017-2018 nominations opens from 13 December 2016 to 17 February 2017.

Ideally an expert Heritage Consultant would be engaged to prepare justification for the National Heritage listing. However, due to time constraints and nominations closing on 17 February 2017 there was no opportunity to engage a Heritage Consultant. In order to meet the 17 February closing date Council has completed the National Heritage listing nomination with the information already available to Council as part of the local heritage listing in the LEP (**Enclosure 2**). The nomination was submitted on 17 February 2017. Any additional information that is sourced as part of the State listing process for Wollombi School will be forwarded to the Department of Environment and Energy to further add to the justification for the National nomination of Wollombi Public School.



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Following the close of the nomination period, the Department of Environment and Energy will prioritise nominations for assessment. It is unknown when the Wollombi Public School application will be assessed.

**State Heritage Register**

State Heritage listings are managed by the NSW Office of Environment and Heritage. Applications are open all year round and require an application form and supporting justification demonstrating that the item or area meets the criteria for State Heritage listing. Applications need to demonstrate that the site is of historical significance to the entire State. For example the Great North Road is an item of State Significance because of the important role it played in facilitating trade routes across New South Wales. Shepards Hill Military installations in Newcastle are an item of State Significance because of the role the site played in Australia's coastal defence over six decades. It should be noted that the level of justification needed for a State heritage listing is significant. To adequately justify that an item or area meets the State Heritage criteria an assessment needs to be completed by a qualified Heritage Consultant.

Preliminary advice indicates that it may be difficult to meet the high standard of State listing requirements if the school site is considered in isolation. However, if considered in the context of the role the Wollombi Village has played in the hierarchy of the State and the intact collection of buildings in Wollombi, there may be greater merit for a State listing as part of a broader listing. The boundary of the listing could be the same as that established by the current Heritage Conservation Area. The Wollombi Conservation Area is a broad cultural landscape that has the potential to address a number of the State Heritage criteria. Wollombi was a key administrative centre for trade on the Great North Road and a number of the key administrative buildings such as the post office and police station remain intact. Nomination of the Wollombi Conservation Area would capture the significance of Wollombi Public School as part of a significant cultural landscape.

**Ownership of the site**

The heritage listing of a site, whether it be of National, State or Local significance, does not prevent a site from being sold or changing ownership. A Heritage listed site can be sold through the same process as any parcel of land, regardless of the level of heritage significance.

As part of the nomination process for both National and State heritage listing the property owner will have the opportunity to comment.

**OPTIONS**

Council has the following options available to it:

**Option 1**

That Council determines whether it wishes to pursue the State Heritage listing of the Wollombi Conservation Area.

Given the specialised nature of the work required to pursue this option, the cost is estimated at approximately \$55,000 to procure the resources needed to carry out the work. There is no funding provided in the adopted 2016/17 budget for this work. To carry out this work in the current financial year would require redirection of funds from an existing project and would impact on the adopted delivery of whichever project was identified to source the funding.

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from. Staff do not recommend redirecting funds or delaying the existing program. Whilst Council has carried out a budgeting process for Council to consider for the 2017/18 financial year, a source of funds has not been identified at this time.

If Council was to pursue the listing of the conservation area, a further investigation on funding options would be needed for Council to consider. This is the preferred option.

**Option 2**

That Council resolves to pursue the State Heritage listing of the Wollombi Public School independent of the listing of the Conservation Area.

This is not recommended given preliminary reviews demonstrate it is unlikely to qualify as a stand-alone heritage item and consequently may be difficult to justify funding in that regard

**Option 3**

That Council does not proceed with the nomination for State Heritage listing for the Wollombi School site or the Wollombi Conservation Area.

**CONSULTATION**

Community consultation regarding the State Heritage nomination has not yet been undertaken at this early stage of the process. If there is sufficient justification for the site to be considered as an item of State Heritage significance, the Office of Environment and Heritage will conduct community consultation.

The Department of Education has been advised in writing that Council has resolved to commence proceedings to have the site added to the State and National Heritage Register. No response has been received from the Department of Education.

Internal consultation included:

Strategic Land Use Planning Manager  
Director Planning and Environment  
Acting General Manager

**STRATEGIC LINKS**

**a. Delivery Program**

The nomination of the Wollombi Public School or Wollombi Conservation Area to the State Heritage Register is consistent with the following objectives in the Community Strategic Plan:

A sustainable and prosperous economy

Objective 2.3 Increasing tourism opportunities and visitation to the area.

A sustainable and healthy environment

Objective 3.1 Protecting and enhance the natural environment and the rural character of the area.

A connected, safe and creative community

Objective 1.4 Fostering and articulate and creative community.

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**b. Other Plans**

Nil

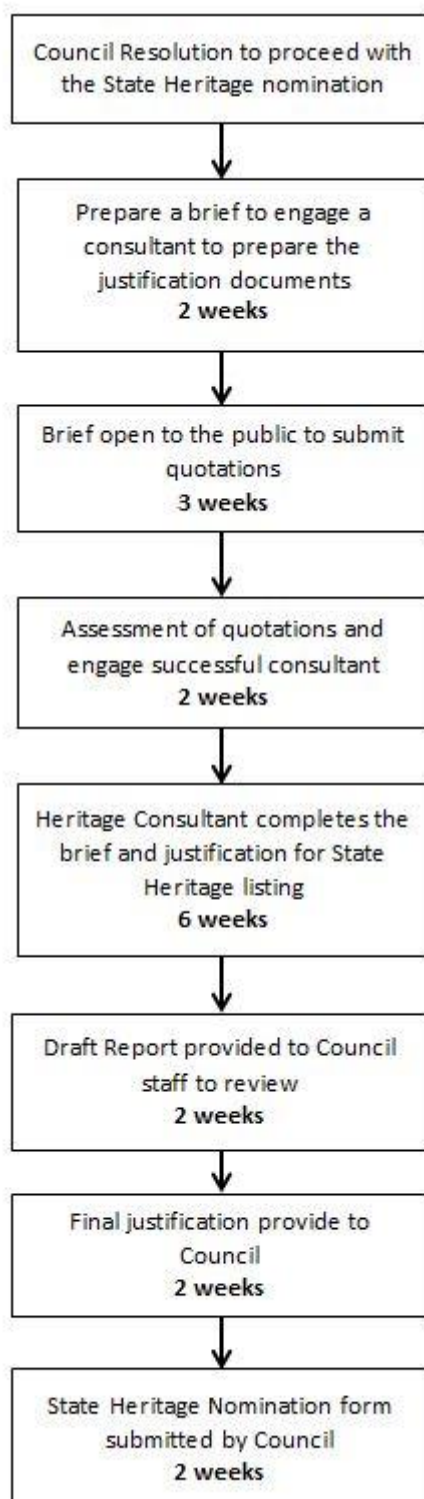
**IMPLICATIONS**

**a. Policy and Procedural Implications**

If Council resolves to proceed with the nomination for the State Heritage Register, a Heritage Consultant will be engaged to undertake an assessment of the site or area and prepare justification for the nomination. It is estimated that this would take a minimum of 19 weeks (**Figure 1**). The nomination application will then be submitted by Council to the NSW Office of Environment and Heritage. It is unknown when the application will be assessed.

The information in the nomination is then assessed by the Office of Environment and Heritage. If it is determined that the site or area should be of State significance, the property owners and community are consulted before the application is presented to the Heritage Council and Minister for Planning for a decision.

**Figure 1:** An estimate of the time required to prepare a Heritage Report in support for the nomination of Wollombi Public School to the State Heritage Register.



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**b. Financial Implications**

Council does not have the in-house specialist skills to undertake the heritage assessment of Wollombi Public School, or the Wollombi Conservation Area for nomination to the State Heritage Register. An expert Heritage Consultant would be required for this project to provide the comprehensive justification for the State Heritage listing. Two initial quotes have been received to provide an indication of the costs for this specialised work to be undertaken (**Table 1**). It should be noted that due to the costs identified, additional quotes would be required under Council's Procurement Policy.

**Table 1: The cost associated with the preparation of justification for the State Heritage listing nomination.**

Item/area to be reviewed for nomination to the State Heritage Register	Cost to prepare justification documents
Wollombi Public School	\$21,180 (exc GST)
Wollombi Heritage Conservation Area (including Wollombi Public School)	\$33,540 (exc GST)

Funds have not been allocated in the Council Budget for the review of the heritage status of the Wollombi Public School or the Wollombi Conservation Area. There are no grants available for this project. Funds in the Strategic Land Use Planning Budget have already been committed through contracts to existing projects such as the Cessnock City Planning Strategy Project, Kurri Kurri District Strategy and Cessnock Commercial Precinct Project. Reallocation of funds in the Strategic Land Use Planning Budget will mean that these projects would be delayed. In addition to this, Staff time will have to be reallocated from these projects to manage the Wollombi Public School project.

For this project to proceed, additional funds will need to be allocated or projects such as the Cessnock City Planning Strategy Project, Kurri Kurri District Strategy and Cessnock Commercial Precinct Project will be impacted.

**c. Legislative Implications**

Sites or areas that are listed as Heritage Items of local significance are legally protected by the heritage provisions in the *Cessnock Local Environmental Plan 2011*. A development that affects a Heritage Item of local significance generally requires the approval of Council.

Sites or areas that are listed on the State Heritage Register are legally protected under the NSW *Heritage Act 1977*. Major development on a State Heritage listed site requires approval from the NSW Heritage Council. If Council proceeds with the nomination of the Wollombi Conservation Area for State Heritage listing, and is successful, it will mean that significant Development Applications in the Conservation Area will be referred to the NSW Heritage Council. This has the potential to increase the assessment time and add costs to a development.

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**d. Risk Implications**

If Council proceeds with the nomination for State Heritage listing for either the Wollombi school or the Wollombi Conservation Area funds and staff resources will have to be reallocated which will potentially delay the delivery of the existing work program including Cessnock City Planning Strategy Project, Kurri Kurri District Strategy and Cessnock Commercial Precinct Project.

If the nomination for State Heritage listing is successful, it will not prevent the site from being sold. A Heritage listed site can be sold through the same process as any parcel of land, regardless of the level of heritage significance.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

The Wollombi Public School is a Heritage Item of local significance and is located in the Wollombi Heritage Conservation Area. Following the Council Resolution on 14 December 2016 to nominate the School for listing on the State Heritage register, a further decision is needed from Council on how to proceed with the nomination. To have a comprehensive nomination completed, an expert Heritage Consultant is needed to prepare justification for the nomination. If Council proceeds with the State Heritage nomination, funds need to be sourced to engage a Heritage Consultant and works associated with the nomination will impact on the delivery of the Strategic Land Use Planning Work Program including the Cessnock City Planning Strategy Project, Kurri Kurri District Strategy and Cessnock Commercial Precinct Project.

**ENCLOSURES**

- 1** Acknowledgement of the nomination of the Wollombi Public School (former) for National Heritage Listing
- 2** National Heritage Nomination for the Wollombi Public School

Corporate and Community

Report No. CC24/2017

Corporate and Community Services



**SUBJECT:** *CLASSIFICATION OF COUNCIL OWNED LAND IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1993*

**AUTHOR:** *Senior Property Officer - Susanne Brinkworth*

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## **SUMMARY**

Authority is sought to classify the following public land as operational land in accordance with the *Local Government Act 1993*:

- a) 16/13687 – 32 Bennett Street, Millfield; and
- b) 17/13687 – 34 Bennett Street, Millfield

## **RECOMMENDATIONS**

**That Council classify public land; Certificates of Title 16/13687 and 17/13687 as “operational” land in accordance with section 31 of the *Local Government Act 1993*.**

## **BACKGROUND**

At its meeting of 21 October 2015, Council resolved to acquire Lots 16 and 17 DP 13687 for drainage purposes and propose to classify the land as operational land for the purposes of the *Local Government Act 1993* (The Act).

Council authorised the General Manager to negotiate the acquisition and the land was acquired on 8 March 2017.

## **REPORT/PROPOSAL**

This report concludes the matter of acquisition of Lots 16 and 17 DP 13687 (the Land) by classifying the Land as operational land for the purposes of The Act. Section 25 and 26 of the Act requires Council to classify all public land either as “community” or “operational” land. Land classified as “community” must have a Plan of Management and may not be sold; (unless it is added to a Crown Reserve or National Park) however, no such restriction applies to land classified as “operational”.

Section 31 subsection (2) of the Act states that before a Council acquires land or within three months after it acquires land, a Council may resolve (in accordance with this part) that the land be classified as community land or operational land. Section 31 subsection (2 A) of the Act also provides that any land acquired by a Council that is not classified under subsection 2 is, at the end of the period of three months, taken to have been classified as community land under a Local Environmental Plan.

Section 34 of the Act requires Council to give public notice of not less than 28 days (during which submissions may be made) of a proposed resolution to classify public land. Section 706 of the Act requires Council to consider all submissions before determining the matter notified.

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The table below identifies the land acquired by Council that is required to be classified:

<b>The Land</b>	<b>Address</b>	<b>Date Council resolved to Acquire the Land</b>	<b>Date the Land was acquired</b>
16/13687	32 Bennett Street, Millfield	21 October 2015	8 March 2017
17/13687	34 Bennett Street, Millfield	21 October 2015	8 March 2017

The proposal to classify the land as operational land was advertised in the Cessnock Advertiser on 9 December 2015, allowing 28 days for submissions to be received. Council is required to consider all submissions before determining the matter notified.

Section 31 of the Act provides that Council must resolve that the land be classified as operational land within three months of acquiring the land.

No submissions have been received and subsequent to the land being acquired on 8 March 2017; Council may now resolve to classify the Land as operational land.

**OPTIONS**

Council acquired the Land on 8 March 2017 and must classify the land as operational land within 3 months (prior to 7 June 2017).

Option 1: Classify the Land as operational land in accordance with the Act. Council has notified the proposal in accordance with the Act and no submissions have been received. This option provides greater flexibility and there are no restrictions on Council for management of the land

Option 2: Do nothing. Should Council do nothing, the land will automatically be classified as community land after 7 June 2017. This option will result in restrictions on how Council may manage the land and the land may not be sold (unless it is added to a Crown Reserve or National Park).

Option 1 is the preferred option.

**CONSULTATION**

Manager Governance & Business Services  
Chief Financial Officer  
Strategic Asset Planning Manager  
Director Corporate & Community Services  
The community through the public notification process

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Operational Plan, Objective 5.3 "Making Council More Responsive to the Community" and specifically cl 5.3.5, to carry out governance functions to comply with legislation and best practice.



**Corporate and Community**

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**b. Other Plans**

This report is linked to the Community Strategic Plan Cessnock 2023 “Civic Leadership and Effective Governance”.

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The cost to notify and advertise the proposal to classify the land is approximately \$500.00 and is included in the acquisition process.

**c. Legislative Implications**

Council may classify public land in accordance with the Act. Section 25 of the Act requires that “all public land must be classified in accordance with this Part”. Section 26 provides that public land is classified as either “community” or “operational”. Section 27 (2) provides that the classification of public land may also be made by a resolution of the Council under s31, s32 or s33. Section 31 of the Act provides for the classification of land acquired after 1 July 1993. Section 34 provides that Council must give public notice of a proposed resolution to classify public land.

**d. Risk Implications**

Should Council not resolve to classify the land as operational land within three months of acquisition, the land will be classified as community land.

**e. Other Implications**

N/A

**CONCLUSION**

By adopting the recommendation, Council is able to determine how the public land is to be managed. Land classified as “community” is required to have a Plan of Management and restrictions apply to the day to day management of the land. Further, land classified as “community” cannot be sold unless it is added to a Crown Reserve or National Park. The proposal to classify the land as “operational” will allow Council greater flexibility in the management of the land.

**ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC25/2017

Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - MARCH 2017*

**RESPONSIBLE OFFICER:** *Chief Financial Officer - John Oliver*

### **SUMMARY**

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

### **RECOMMENDATION**

**That Council receive the report and note the information.**

### **BACKGROUND**

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

### **REPORT**

#### **Statement by the Responsible Accounting Officer**

I, John Oliver, 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.

The Reserve Bank of Australia (RBA) official cash rate as at 31 March 2017 was 1.50 percent. 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 April meeting held on 4 April 2017 retained the official cash rate at 1.50 percent.

Investment revenues to the end of March 2017 exceeded budget and the adopted benchmark in the Investment Policy, with an actual level of return 7.41 percent more than budget.

As the financial year draws into the final quarter, an increase in the on-hand cash balances is necessary to ensure adequate funds are available to meet increasing payment demands. Historically there is an increase in cash requirements at this time of year and in the low interest environment a conservative approach which is resulting in a slightly higher end of month cash balance than would occur at other times of the financial year cycle.

## Corporate and Community

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## Corporate and Community Services

**Investment Portfolio Information**

Total cash and investments held by Council as at 31 March 2017 are:

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			1.15%	4,557
	Commonwealth Bank	At Call			0.60%	41
1243	AMP Bank	At Call			2.05%	500
1233o	Suncorp Bank	TD	189	20-Sep-17	2.55%	700
1255n	ANZ Bank	TD	181	18-Jul-17	2.45%	800
1256j	National Bank	TD	245	07-Jun-17	2.71%	900
1258m	ANZ Bank	TD	184	16-Aug-17	2.40%	700
1260h	National Bank	TD	212	11-May-17	2.72%	1,000
1262m	Newcastle Permanent Building Society	TD	274	02-Jun-17	2.70%	600
1263i	Westpac Bank	TD	181	23-Aug-17	2.53%	600
1264j	IMB Bank	TD	245	18-Oct-17	2.60%	600
1269g	Maitland Mutual Building Society	TD	217	13-Sep-17	2.70%	900
1270m	Bendigo & Adelaide Bank	FRN	90	15-May-17	3.05%	500
1273g	Members Equity Bank	TD	154	24-May-17	2.85%	600
1276k	Newcastle Permanent Building Society	TD	146	03-May-17	2.75%	800
1277l	Greater Building Society	FRN	89	24-May-17	3.23%	500
1281f	National Bank	TD	273	22-Nov-17	2.59%	700
1282e	Maitland Mutual Building Society	TD	203	27-Sep-17	2.70%	500
1284e	National Bank	TD	273	05-Jul-17	2.73%	800
1285e	National Bank	TD	217	19-Jul-17	2.68%	600
1286f	IMB Bank	TD	195	13-Sep-17	2.60%	900
1287h	IMB Bank	TD	184	17-May-17	2.50%	700
1288e	Members Equity Bank	TD	189	13-Sep-17	2.57%	800
1289d	Suncorp Bank	TD	181	24-May-17	2.76%	800
1290h	Newcastle Permanent Building Society	TD	183	06-Jun-17	2.75%	700
1292d	Suncorp Bank	TD	184	16-Aug-17	2.63%	700
1293c	Maitland Mutual Building Society	TD	270	09-Apr-17	2.80%	800
1295g	Newcastle Permanent Building Society	TD	196	04-Oct-17	2.50%	900
1297d	Members Equity Bank	TD	189	20-Sep-17	2.57%	900
1298f	Newcastle Permanent Building Society	VRD	90	03-Apr-17	2.60%	800

## Corporate and Community

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Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1301c	Maitland Mutual Building Society	TD	210	25-Oct-17	2.75%	800
1302c	Suncorp Bank	TD	216	27-Sep-17	2.60%	900
1303c	IMB Bank	TD	191	06-Sep-17	2.60%	700
1304c	AMP Bank	TD	203	11-Oct-17	2.75%	800
1305c	Commonwealth Bank	TD	154	26-Apr-17	2.63%	900
1306b	Suncorp Bank	TD	202	05-Apr-17	2.62%	900
1307d	Bankwest	TD	155	17-May-17	2.62%	800
1308d	Bankwest	TD	183	20-Apr-17	2.55%	900
1311b	Bankwest	TD	183	19-Apr-17	2.55%	600
1312a	Newcastle Permanent Building Society	TD	212	13-Sep-17	2.60%	700
1313	Commonwealth Bank	TD	216	26-Apr-17	2.61%	800
1314	Newcastle Permanent Building Society	TD	127	12-Apr-17	2.75%	800
1315	IMB Bank	TD	216	12-Jul-17	2.60%	600
1316a	Bankwest	TD	34	02-May-17	2.25%	2,000
<b>TOTAL</b>						<b>37,098</b>

The following table provides information on the level of funds held and the percentage invested with financial institutions in the investment portfolio:

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank	6,298	16.98%
Newcastle Permanent Building Society	5,300	14.29%
Bankwest	4,300	11.59%
National Bank	4,000	10.78%
Suncorp Bank	4,000	10.78%
IMB Bank	3,500	9.43%
Maitland Mutual Building Society	3,000	8.09%
Members Equity Bank	2,300	6.20%
ANZ Bank	1,500	4.04%
AMP Bank	1,300	3.50%
Westpac Bank	600	1.62%
Greater Building Society	500	1.35%
Bendigo & Adelaide Bank	500	1.35%
<b>TOTAL</b>	<b>37,098</b>	<b>100.00%</b>

## Corporate and Community

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## Corporate and Community Services



The following table provides information on investment types including a risk assessment and the amount and percentage invested compared to the total investment portfolio:

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	30,200	81.41%
Cash/At Call Deposits	Low	Low	5,098	13.73%
Variable Rate Deposit	Low	Low	800	2.16%
Floating Rate Notes	Low	Low	1,000	2.70%
<b>TOTAL</b>			<b>37,098</b>	<b>100.00%</b>

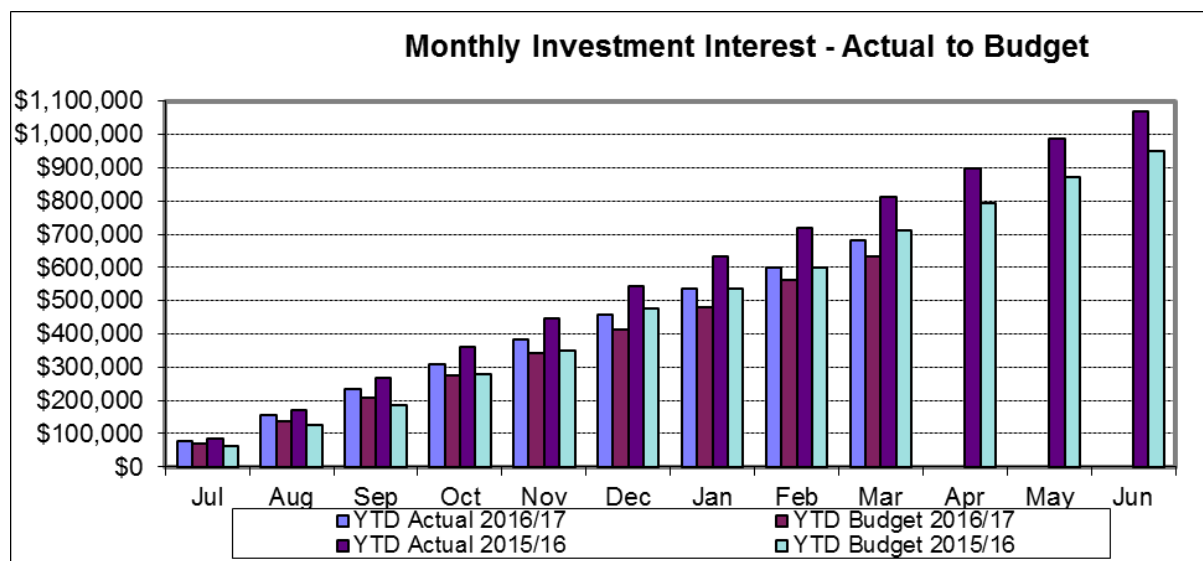
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.51%	2.76%
BBSW Average Interest Rate (year to date) *	1.78%	2.17%
Actual Investment Interest Earned (year to date)	\$680,740	\$812,665
Budget Investment Interest (year to date)	\$633,744	\$712,494
Original Budget Investment Interest (Annual)	\$825,000	\$650,000
Revised Budget Investment Interest (Annual)	\$845,000	\$950,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$37,684,000	\$37,253,000
Month End Current Balance	\$37,097,554	\$38,554,000

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

The following graph compares actual interest earned to budget for this year and last year.



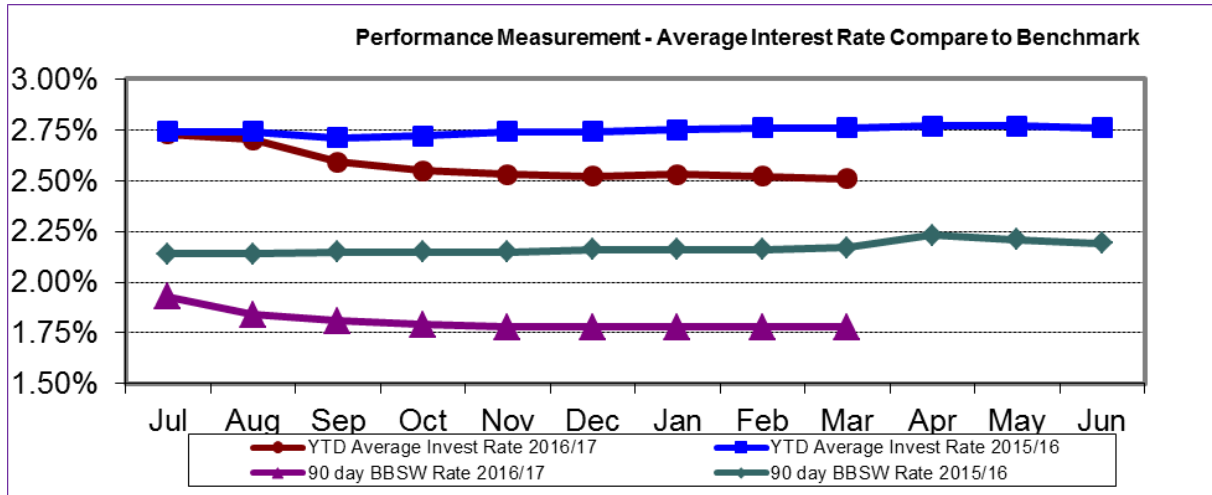
## Corporate and Community

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## Corporate and Community Services



The following graph compares current year portfolio performance to prior year performance.

**OPTIONS**

N/A

**CONSULTATION**

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.

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.*"

**b. Other Plans**

N/A

**IMPLICATIONS****a. Policy and Procedural Implications**

Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.

**Corporate and Community**

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**Corporate and Community Services**

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**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 and Property Investment Reserve and 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 and meets statutory and policy reporting obligations.

***ENCLOSURES***

There are no enclosures for this report.

**SUBJECT:** *REFLECT RECONCILIATION ACTION PLAN*

**RESPONSIBLE OFFICER:** *Acting Community & Cultural Engagement Manager -  
Natalie Drage*

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## **SUMMARY**

Council, with encouragement and support from the previous Aboriginal and Torres Strait Islander Advisory Committee, developed a Reconciliation Action Plan (RAP). Reconciliation Australia is the endorsing body for RAPs and Council collaborated with this organisation, along with the previous Committee, to develop its introductory RAP, which Reconciliation Australia refers to as the Reflect RAP. A Reflect RAP is a one year Plan and was adopted by Council on the 9 December 2015 and endorsed by Reconciliation Australia on the 14 December 2015. With the conclusion of the one year Plan, this report has been prepared to inform Council of the outcomes and achievements of the Reflect RAP.

## **RECOMMENDATION**

**That Council note the conclusion and outcomes of the one year Cessnock City Council Reflect Reconciliation Action Plan.**

## **BACKGROUND**

A RAP is a business plan that uses a holistic approach to create meaningful relationships, enhanced respect and promote sustainable opportunities for Aboriginal and Torres Strait Islander Australians.

Reconciliation Australia supports corporate entities, the not-for-profit sector and government organisations to develop a reconciliation action plan. Reconciliation Australia is an independent, national not-for-profit organisation promoting reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

The benefits for Council in having an endorsed RAP from Reconciliation Australia includes:-

- Access to an evidence based program that has demonstrated success in working towards and achieving reconciliation.
- Utilisation of an established framework for action. In establishing this framework, consultation has occurred with Aboriginal and Torres Strait Islander communities and organisations including government and corporate Australia.
- Placement of the RAP on the Reconciliation Australia website which demonstrates to the community that Council is:-
  - A dynamic, innovative and diverse workforce
  - A culturally safe and respectful workplace
  - Continually improving its service delivery to Aboriginal and Torres Strait Islander peoples and communities.



## Corporate and Community

Report No. CC26/2017

## Corporate and Community Services

**REPORT/PROPOSAL**

Council's Reflect RAP is grouped into 4 key themes; Relationships, Respect, Opportunities and Tracking Progress. The RAP comprises 13 actions and within these actions are 35 deliverables.

With Council now moving into the development phase of its next RAP, which Reconciliation Australia refers to as the Innovate RAP, it is necessary to report the outcomes of the introductory Reflect RAP. Reporting the outcomes to Council also completes the Tracking Process deliverable "An Evaluation of the RAP will be conducted in 2016 with the outcome reported to Council".

In evaluating the Reflect RAP, all 13 actions listed have been addressed. It is important to note that some of the deliverables listed are framed in the RAP as "continue to...." meaning they require ongoing work and will likely be included in the Innovate RAP.

In evaluating Council's implemented Reflect RAP, its key outcomes include:-

Themes	Outcomes
Relationships	<ul style="list-style-type: none"> <li>An internal working party was established and met 6 times to monitor and track the implementation of the Plan.</li> <li>For National Reconciliation Week 2016, a morning tea was held in the Council Administration Building with Aboriginal Elders and Council staff. The event also included an Aboriginal Dance performance.</li> </ul>
Respect	<ul style="list-style-type: none"> <li>A cultural awareness training program was delivered to Council's Executive in late 2016 and for key operational staff in February and March 2017. The training was delivered by an Aboriginal person external to the organisation and was attended by 48 staff.</li> <li>The NAIDOC Week 2016 Calendar of Events listed 16 local activities and was widely promoted within the community. Events were organised and hosted by a range of organisations across the Cessnock local government area including Council.</li> <li>Council resolved to install two additional flag poles in the carpark area of the Council Administration Building, allowing Council to fly the Torres Strait Islander flag alongside the National and Aboriginal flags. The flag poles have been installed allowing Council to fly the Australian Flag, Aboriginal Flag and now the Torres Strait Islander Flag.</li> <li>Council's website now includes a webpage that informs how to appropriately acknowledge traditional custodians of the land.</li> <li>Three portable flag poles (1.8 metres high) were purchased to display at indoor events: the Australian Flag, Aboriginal Flag and Torres Strait Islander Flag. To date, the Flags have been used at NAIDOC Week events, a community meeting to consider ideas for inclusion in the next RAP and at a service provider forum for the Disability Inclusion Action</li> </ul>

**Corporate and Community**

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**Corporate and Community Services**



	<p>Plan. The flag poles will be used in 2017 for Reconciliation Week activities and local NAIDOC Week activities.</p> <ul style="list-style-type: none"> <li>In raising awareness amongst Council staff for the Reflect RAP and NAIDOC Week, a Council staff BBQ was held to coincide with NAIDOC Week celebrations. The staff BBQ included Bush Tukka food, resources that educated and informed the history of the Aboriginal Flag, Torres Strait Islander Flag and local sites including the Baiame Cave and Mount Yengo.</li> </ul>
Opportunities	<ul style="list-style-type: none"> <li>Council was successful in being awarded Scholarship funding under the Elsa Dixon Aboriginal Employment Program for a School Based trainee. The student commenced their school based traineeship with Cessnock City Council in February 2017.</li> <li>Council in March 2017 also submitted a further Scholarship funding application under the 2017/18 funding round of the Elsa Dixon Aboriginal Employment Program for another School Based Trainee.</li> <li>Council has captured baseline data on current Council employees that identify as Aboriginal and Torres Strait Islander.</li> <li>The Les Elvin Kungera Art Gallery at the Hunter Valley Visitor Centre continues to operate and provides a permanent exhibition space for local Wonnarua people to display and market their arts and crafts.</li> <li>The Draft Workforce Plan 2017-21 which forms part of Council's Resourcing Strategy includes actions relating to employment strategies for Aboriginal and Torres Strait Islander people.</li> <li>On 19 October 2016 the internal staff working party held a community meeting with people who identify as Aboriginal and/or Torres Strait Islander to consider ideas for the next RAP. The meeting was attended by approximately 30 people and included community members, Council staff and a Councillor. The ideas raised will be discussed at the upcoming Aboriginal and Torres Strait Islander Committee meeting and will be considered for inclusion in the next RAP.</li> <li>Council's Procurement Policy has been reviewed to ensure it encourages the use of Aboriginal and Torres Strait Islander businesses.</li> </ul>
Tracking Progress	<ul style="list-style-type: none"> <li>Council completed and submitted to Reconciliation Australia the RAP Impact Measurement Questionnaire. The questionnaire advised Reconciliation Australia of Council's progress in actioning the RAP.</li> <li>The progress of the RAP was regularly reported at Aboriginal and Torres Strait Islander Advisory Committee meetings.</li> </ul>

**Corporate and Community**

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**OPTIONS**

N/A – The report is an information report only.

**CONSULTATION**

The previous Aboriginal and Torres Strait Islander Advisory Committee were instrumental in guiding the actions listed in the RAP and were consulted on numerous occasions.

In implementing the RAP's actions, a number of Council staff were involved and included the Procurement, Depot and Building Services Manager, Economic Development Manager, Human Resource Manager, Principal Community Planner, Community and Cultural Engagement Officer and Senior Media and Communication Officer.

An internal staff working party was also established to oversee the implementation of the Plan and its evaluation. The membership included most of the above positions along with the Co-ordinator for Youth Services and Manager Governance and Business Services.

In preparing this report to Council, the following Council staff were consulted:-

- Director Corporate and Community Services
- Manager Governance and Business Services
- Human Resource Manager
- Procurement, Depot and Building Services Manager
- Community and Cultural Engagement Officer

**STRATEGIC LINKS**

**a. Delivery Program**

This report has links to item 1.1.2 of the 2013-2017 Delivery Program 'Planning for Our People, Our Place, Our Future':-

- Engage with the indigenous community.

**b. Other Plans**

The 2016-2017 Cessnock City Council Operational Plan has the strategy:-

- 1.1.2b Continue to implement the actions from the Reconciliation Action Plan.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

At the time of developing the RAP, consideration was given to the resources required for the Plan's implementation.

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In terms of staffing resources, a number of existing positions were allocated the responsibility to deliver actions as part of their work plan.

The delivery of staff training was funded from within existing training budget allocations.

The cost of installing two additional flag poles at the Council Administration Building carpark was \$4,874. This expenditure was resolved by Council at its meeting of the 7 September 2016. Funds were sourced from the operational budget for maintenance and an adjustment was made as part of the quarterly review budget process.

As part of the 2015/16 NAIDOC Week Budget, three portable flag poles were purchased allowing the display of all three flags at indoor events, meetings, forums etc. The cost was \$651.35.

Council was awarded \$13,999 of grant funding by the Department of Industry, Training Services NSW for an Elsa Dixon Aboriginal Employment Program – school based traineeship.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The Reflect RAP has allowed Council to build relationships both internally and externally and raise awareness within the organisation of Aboriginal and Torres Strait Islander culture. It has also provided opportunities for Council to demonstrate its commitment to reconciliation at a local level. With the conclusion of the Reflect RAP, Council will work with the Aboriginal and Torres Strait Islander Committee to develop the Innovate RAP.

**ENCLOSURES**

There are no enclosures for this report

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Corporate and Community Services

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**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

**RESPONSIBLE OFFICER:** *Manager Governance and Business Services - Kim Appleby*

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**SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for the months of March 2017.

**RECOMMENDATION**

**That Council receive the report and note the information.**

**ENCLOSURES**

- 1 Completed Actions - March 2017
- 2 Outstanding Actions

Works and Infrastructure

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Works and Infrastructure



**SUBJECT:** *MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 20 MARCH 2017*

**RESPONSIBLE OFFICER:** *Design Delivery Manager - Katrina Kerr*

#### **RECOMMENDATION**

That council endorse the recommendations of the Cessnock City Council Local Traffic Committee meeting held on 20 March 2017 for the items TC3/2017, TC4/2017, TC5/2017, TC6/2017, TC7/2017, TC8/2017 being:

1. That centre line be marked on Palmers Lane, Pokolbin as follows:
  - BB double barrier line.
  - for 340m between Nos. 97 and 151.
2. That centre line be marked on Gillards Road Pokolbin as follows:
  - BB double barrier line.
  - from 225m west of intersection with McDonalds Road to the west for 365m.
3. That parking restrictions be installed on Regent Street, Cessnock as follows:
  - C3 unbroken yellow No Stopping line.
  - on the western side between No. 3 and No. 9.
4. That temporary road closures for the regulation of traffic be approved for Cessnock Stomp Festival between: 2am and 10pm Sunday 23 April 2017,
  - for Cooper Street, from Cumberland to Charlton Streets, and
  - for Edward Street from Cumberland to Vincent Street.
5. That existing NO PARKING restrictions be removed from Helena Street, Ellalong as follows:
  - northern side between Rugby Street and Campbell Street.
6. That delineation line marking be installed, as per enclosed line marking plan, on Gingers Lane, Sawyers Gully as follows:
  - BB double barrier centre line.
  - E1 edge line.
  - from Sawyers Gully Road to Frame Drive.



**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON MONDAY, 20 MARCH 2017, COMMENCING AT 9.30am**

**OPENING:** The meeting was opened at 9.29am.

**PRESENT:** Mayor Bob Pynsent – Cessnock City Council (Chair)  
Jamie Smoother – Roads and Maritime Services  
Senior Constable Margaret Bernard – NSW Police  
Perri Hodge – State Member representative

**IN ATTENDANCE:** Mr Santosh Deo - Traffic Engineering Officer  
Councillor Di Fitzgibbon – Ward B Councillor  
Mr Nathan Goodbun – Roads Officer  
Mr Warren Jeffrey – Road Safety Officer  
Mrs Katrina Kerr – Design Delivery Manager  
Mr Michael Kerr – Rover Coaches

**APOLOGIES**

**RESOLVED** that the apologies tendered on behalf of;

Clayton Barr MP – State Member,  
Councillor Darrin Gray – Cessnock City Council  
Councillor Mark Lyons – Cessnock City Council  
Mr Nick Trajcevski – Roads and Maritime Services  
Ms Maria Nikolaidis – Strategic Traffic & Transport Planning Engineer

for unavoidable absence, be accepted.

**CONFIRMATION OF MINUTES**

**NOTED** that the Minutes of the Traffic Committee held on 23 January 2017, as circulated, were previously confirmed as a true and correct record.

**DISCLOSURES OF INTEREST**

The Mayor disclosed a non-pecuniary less than significant conflict in relation to Report No TC3/2017 regarding parking in the Ellalong School Zone, as the Principal of the School is a family friend.

## ***BUSINESS ARISING FROM PREVIOUS MINUTES***

### **1. WINE COUNTRY DRIVE, NORTH ROTHBURY**

Council's Road Safety Officer reported that Hunter Valley Buses and Rover Coaches had been consulted and confirmed that suitable bus stop facilities are available on Wine Country Drive and when necessary buses perform a U-turn at Hanwood Drive to enable children to be set down or picked up on the western side of the road. Crossing movements are not necessary.

### **2. HUNTLEE, NORTH ROTHBURY**

Council's Road Safety Officer reported that he had facilitated a meeting between Hunter Valley Buses, Rover Coaches, Transport for NSW and the developer of Huntlee regarding bus services and facilities in the new residential estate. The Meeting discussed the proposed bus network and advised that close consultation between public transport providers, Huntlee developer and Transport for NSW will be ongoing throughout the course of the development.

## ***LISTED MATTERS***

**SUBJECT:** PALMERS LANE, POKOLBIN - CENTRE LINE MARKING  
**REPORT NO.:** TC3/2017  
**REFERENCE.:**

**MATTER:** Local transport provider Rover Coaches has requested installation of centre line marking on Palmers Lane, Pokolbin at the crest near Evans Family Wines, to assist lane discipline and prevent head on crashes.

**DISCUSSION:** The Meeting noted that:

- Palmers Lane passes over the crest of a hill and from No. 97 to No. 151 passes through a cutting which constrains the road and see some drivers cross to the wrong side of the road.
- Due to the crest there is reduced sight distance. Applying 340m of BB double barrier centre line in that section will assist drivers to remain on the correct side of the road.
- Generally agreed centre line marking would improve driver safety.

## ***RECOMMENDATION***

That centre line be marked on Palmers Lane Pokolbin as follows:

- BB double barrier line.
- 340m between Nos. 97 and 151.

**MOTION:** Moved: S/C Bernard Seconded: Perri Hodge

**SUPPORT:** Unanimous



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**SUBJECT:** GILLARDS ROAD, POKOLBIN - CENTRE LINE MARKING  
**REPORT NO.:** TC4/2017  
**REFERENCE.:**

**MATTER:** Local public transport provider Rover Coaches has requested installation of centre line marking on Gillards Road Pokolbin to assist lane discipline and prevent head on crashes.

**DISCUSSION:** The Meeting noted that:

- A series of 'S' curves passing through a gully.
- Due to the vertical and horizontal road alignment there is reduced sight distance. Applying 365m of BB double barrier centre line in that section will assist drivers to remain on the correct side of the road.
- Generally agreed centre line marking would improve driver safety.

**RECOMMENDATION**

That centre line be marked on Gillards Road Pokolbin as follows:

- BB double barrier line.
- from 225m west of intersection with McDonalds Road to the west for 365m.

**MOTION:** Moved: Perri Hodge Seconded: S/C Bernard

**SUPPORT:** Unanimous

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**SUBJECT:** *REGENT STREET, CESSNOCK - PARKING RESTRICTIONS*  
**REPORT NO.:** *TC5/2017*  
**REFERENCE.:**

**MATTER:** A resident request for the installation of no parking signs on the western side of Regent Street as vehicles parking on the street are creating a safety issue for vehicle exiting vehicle access crossings.

**DISCUSSION:** The Meeting noted that:

- Regent Street is constrained by an incline, trees, and grade separation for access to properties on the west.
- Egress from a private driveway/vehicle access crossing over the crest of the hill has limited sight distance when vehicles are parked on the western side of the road.
- Removal of trees would not completely alleviate the issue due to the change in level. There was also a desire to maintain the garden setting provided by the trees.
- Education and raising awareness about the issue, reason for installing the C3 line, and the meaning of the C3 line is important for residents and property owners.
- Further community consultation will be undertaken including a letter to nearby residents and property owners inviting comment and providing information about the meaning of the yellow C3 line.

**RECOMMENDATION**

That parking restrictions be installed on Regent Street, Cessnock as follows:

- C3 unbroken yellow No Stopping line.
- on the western side between No. 3 and No. 9.

**MOTION:** *Moved: Perri Hodge Seconded: S/C Bernard*

**SUPPORT:** **Unanimous**

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**SUBJECT:** COOPER AND EDWARD STREETS, CESSNOCK –  
TEMPORARY ROAD CLOSURES

**REPORT NO.:** TC6/2017

**REFERENCE.:**

**MATTER:** Council seeks consent from RMS, under Section 116 of the *Roads Act 1993* to regulate traffic on roads surrounding Vincent Street, Cessnock, in connection with an application for the Cessnock Stomp Festival 2017.

**DISCUSSION:** The Meeting noted that:

- Affected local roads for which CCC is the Roads Authority are Edwards and Cooper Streets.
- Road Occupancy Licence has been granted by RMS for State route on Vincent Street.
- Suggestions to the applicant by RMS and CCC have been incorporated in the planning of this year's event including provision and maintenance of emergency access to the event.
- There were no adverse reports from similar arrangements for the event last year.
- There was good community support for the event in the past.

**RECOMMENDATION**

That temporary road closures for the regulation of traffic be approved for Cessnock Stomp Festival between:

2am and 10pm Sunday 23 April 2017,

- for Cooper Street, from Cumberland to Charlton Streets, and
- for Edward Street from Cumberland to Vincent Street.

**MOTION:** Moved: S/C Bernard Seconded: Jamie Smotherer

**SUPPORT:** Unanimous

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**SUBJECT:** HELENA STREET, ELLALONG - PARKING RESTRICTIONS

**REPORT NO.:** TC7/2017

**REFERENCE.:**

**MATTER:** Request from the Principal of Ellalong Public School for the removal of the NO PARKING zone on the northern side of Helena Street at Ellalong, between Rugby Street and Campbell Street.

**DISCUSSION:** The Meeting noted that:

- The existing NO PARKING zone on the northern side of Helena Street is no longer used for its intended function as a Kiss & Drop.
- An on-site meeting between the Principal, Dept. of Education representative and CCC's Road Safety Officer noted that the school entry gate is away from this area, and acknowledged that the School Zone was well served with angle parking, and two children's crossings.
- The school would now be better served by removal of the parking restrictions on Helena Street.
- The area would revert to unrestricted parallel parking, in the direction of travel.

**RECOMMENDATION**

That existing NO PARKING restrictions be removed from Helena Street, Ellalong as follows:

- northern side between Rugby Street and Campbell Street.

**MOTION:** Moved: S/C Bernard Seconded: Perri Hodge

**SUPPORT:** Unanimous

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**SUBJECT:** **GINGERS LANE, SAWYERS GULLY –  
CENTRE LINE AND ROUNDABOUT CONTROLS**

**REPORT NO.:** **TC8/2017**

**REFERENCE.:**

**MATTER:** Changes in traffic patterns following the reopening of Frame Drive Bridge prompted a Road Safety Audit of Gingers Lane, Sawyers Gully. The Audit identified a number of high risk issues including the lack of:

- delineation on Gingers Lane, and
- a right turn lane from Sawyers Gully Road into at Gingers Lane at the Hart Road/Government Road intersection.

**DISCUSSION:** Regarding Gingers Lane, the Meeting noted that:

- Opening of the new Frame Drive Bridge has seen increased traffic volume and speed on the Hart Road/Gingers Lane/Frame Drive route, including heavy vehicles as the new bridge has no imposed load limit. Gingers Lane now serves as a major connector road to and from the Hunter Expressway (HEX).
- The am peak count is 258vph. The pm peak count is 300vph. The 85th percentile speed is 87.5 in an 80kph zone and 47.8 percent of vehicles exceeding the posted speed limit (June 2014 post HEX data).
- As part of the opening process a Road Safety Audit has been undertaken. The Audit identified issues on Gingers Lane including:
  - lack of delineation at the 3 T intersections,
  - trees in the clear zone, and
  - no right hand turn lane from Sawyers Gully into Gingers Lane.
- There are many large species habitat trees.
- There is also a bend where drivers tend to cross to the wrong side of the road and a number of driveways/vehicle access crossings and turning vehicles accessing driveways is a concern when overtaking may be occurring.
- Council Officers have observed that in the absence of delineation many vehicles are driven down the centre of Gingers Lane rather than to the left of the centre of the road as required by the *Road Rules 2014*.

Regarding the intersection of Sawyers/Hart/ Government/Gingers, the Meeting noted that:

- Existing pavement at the intersection is wide enough for a single circulating roundabout with mountable annulus “fried egg” style which would allow heavy vehicles to track over the centre. The existing pavement and grades would be retained, including a dip at the end of Gingers Lane.
- Posted speed limit on all approaches is 60kph. The proposed roundabout is expected to reduce speeds in all directions. Increasing the 60kph zone to an equal length on all

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approaches may be beneficial. Installation of large red background REDUCE SPEED advance warning signage with flashing lights is proposed for all four approaches.

- The existing slip lane from Hart Road onto Government Road is beneficial to the proposed roundabout, as traffic turning left from Hart Road onto Government Road will not need to enter the roundabout.
- The change is significant and warrants further referral within RMS, particularly as the usual RMS representative for the Cessnock LGA is currently on leave.
- While there had been some consultation with RMS officers, further RMS consideration is required to review the existing speed zones on Hart Road and Gingers Lane with a view to extending the existing 60kph zones to uniform distances on each approach.
- Roundabout treatment is generally supported pending further RMS input.

Implementation of the proposed roundabout controls were generally supported subject to further consultation with RMS, and in particular with the usual RMS representative for the Cessnock LGA.

A question of procedure arose concerning moving of a motion. Local Traffic Committee terms of reference / RMS Delegation to Council to be checked regarding voting.

**RECOMMENDATION**

That delineation line marking be installed, as per enclosed line marking plan, on Gingers Lane, Sawyers Gully as follows:

- BB double barrier centre line.
- E1 edge line.
- from Sawyers Gully Road to Frame Drive.

That the implementation of the proposed roundabout controls be considered further in consultation with RMS.

**MOTION:** Moved: Perri Hodge Seconded: S/C Bernard

**SUPPORT:** Unanimous

**CORRESPONDENCE**

NIL

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## ***GENERAL BUSINESS***

### **1. SPERRY STREET, CESSNOCK**

The State Member representative raised an issue with the existing KFC fast food outlet on Wollombi Road, Cessnock proposing an additional access/egress on Sperry Street. The Mayor informed the Committee that no development application has been lodged and that the proposal is at pre DA stage.

The Committee noted that the matter is not currently subject to consideration by the Local Traffic Committee. When a development application is lodged, as part of the assessment process it is anticipated that traffic impacts would be considered by the Local Development Committee (traffic).

**CLOSURE:** The meeting was declared closed at 9.58am

### ***ENCLOSURES***

There are no enclosures for this report.

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**SUBJECT:** *WOLLOMBI FLOOD WARNING SYSTEM DESIGN - UPDATE*

**RESPONSIBLE OFFICER:** *Strategic Asset Planning Manager - Stephen Long*

**SUMMARY**

Council received a NSW Floodplain Management grant in 2016 to develop the concept design for a flood warning system for the Wollombi area.

This report provides an update on progress in the development of a Total Flood Warning System concept design for the Wollombi area and seeks Council endorsement for the submission of a grant application under the NSW Floodplain Management Program 2017 for the design and installation of the system.

**RECOMMENDATION**

1. That Council note the report.
2. That Council endorse the submission of a grant application under the NSW Floodplain Management Program 2017 for the design and installation of the Implementation Option 2 - Total Flood Warning System for the Wollombi Valley.

**BACKGROUND**

The large flood event of June 2007 identified significant inadequacies in flood warnings to residents and visitors in the Wollombi Valley. The lack of awareness of flood risk was demonstrated in the four Westpac Rescue helicopter rescue missions that assisted eleven people trapped in or on top of houses in the Wollombi Valley on 9 and 10 of June 2007.

The Wollombi Floodplain Risk Management Study and Plan (Wollombi FRMSP) (2012) identified a number of floodplain management measures to reduce flood risks. One of the key recommendations in the Wollombi FRMSP was the development of an improved flood warning system.

In 2016, Council received a Floodplain Management grant for the development of a flood warning system for the Wollombi Valley. The aim of the study is to develop the concept design for a Total Flood Warning System that effectively forewarns emergency responders and the community of a potential flood threat and provides information to the community on what to do in the event of a flood.

The purpose of this report is to outline the Draft Wollombi Valley Total Flood Warning System Options Report (Options Report) and provide information on potential grant funding opportunities for the project under the NSW State Government Floodplain Management Program 2017.



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**REPORT/PROPOSAL**

The Wollombi FRMSP identified 18 residential and commercial properties that experience over floor flooding in a 1 percent AEP flood event (100 year ARI). The report identified that all roads leading in and out of Wollombi village are blocked in numerous locations even in a small 20 percent AEP flood event (5 year ARI).

The Wollombi FRMSP also discussed the unreliability of telecommunication services in Wollombi. Mobile phone coverage is limited around Wollombi and loss of power can impact on the mobile service with Telstra and Optus. Smaller mobile network providers such as Vodaphone don't service Wollombi. Landline and internet services can be affected in bad weather as aerial cables can be damaged by fallen trees.

Residents and visitors to Wollombi and the surrounding catchment currently receive limited flood warning information. There are no river gauges and only three daily read rainfall gauges in the catchment. The only warnings issued by Bureau of Meteorology are general weather warnings plus radar images during a rainfall event.

The Options Report provides comprehensive information on the project and identifies three possible Implementation Options which build on each other. These are summarised below (See **Table 1**):

**Implementation Option 1** – comprising essential measures for implementation that constitute the best value for money. Many of the individual measures proposed in this option should be considered for immediate implementation where budget permits. Estimated capital cost \$60K, plus estimated operational cost \$15K.

**Implementation Option 2** – this option introduces hardware for installation, hence requires a larger investment than Implementation Option 1 and requires working with the Bureau to have Wollombi Village included as an official flood warning location. Implementation Option 2 is expected to require external funding assistance through the state government grants programs. Estimated capital cost \$240K, plus estimated operational cost \$53K.

**Implementation Option 3** – this option presents a high end option based on no financial constraints. This option will provide the Wollombi Valley community with the best possible outcome for the flood warning system. Estimated capital cost \$306K, plus operational cost \$61K.

**Table 1 - Implementation Options**

		Implementation Option 1	Implementation Option 2	Implementation Option 3
1.	Monitoring and prediction			
1.1	Rain gauges			
1.1.1	Bucketty Repeater	✗	✓	✓
1.1.2	Yengo Repeater	✗	✓	✓
1.1.3	Corrabare Repeater	✗	✓	✓
1.1.4	Quorrobolong	✗	✓	✓

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		Implementation Option 1	Implementation Option 2	Implementation Option 3
1.1.5	Broken Back	✗	✗	✓
1.2	River gauges			
1.2.1	Laguna	✗	✓	✓
1.2.2	Millfield	✗	✓	✓
1.2.3	Wollombi	✗	✓	✓
1.3	Base stations			
1.3.1	Wollombi RFS	✗	✓	✓
1.3.2	Cessnock City Council	✗	✗	✓
1.4	Road crossing sensors	✗	✗	✓
1.5	Prediction			
1.5.1	Bureau flood forecasting service	✗	✓	✓
1.5.2	Pre-determined rainfall triggers	✗	✓	✓
1.	Interpretation			
2.1	Flood Information System	✗	✓	✓
1.	Message Construction			
3.1	Template flood warning messages <sup>1</sup>	✗	✓	✓
1.	Communication			
4.1	Observations shown on Bureau website	✗	✓	✓
4.2	Flood Information Website	✓	✓	✓
4.3	LED community information board	✗	✗	✓
4.4	Promotion of social media sites	✓	✓	✓
4.5	Integration of social media with Flood Information System	✗	✓	✓
4.6	Dial-out telephone service	✓	✓	✓
4.7	Dedicated radio channel for SES / RFS	✓	✓	✓
4.8	Promote single radio channel for community use	✓	✓	✓

<sup>1</sup> Template messages will be an integral part of the Bureau flood forecasting service and/or implementation of a Flood Information System

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		Implementation Option 1	Implementation Option 2	Implementation Option 3
4.9	Staff gauges at proposed river gauge sites	✗	✓	✓
1.	Protective behaviour			
5.1	Community flood information packs	✓	✓	✓
5.2	Periodic community consultation	✓	✓	✓
5.3	Event based welfare checks	✓	✓	✓
5.4	SES deployment of crew to Wollombi	✓	✓	✓
5.5	Helicopter fly overs	✓	✓	✓
5.6	Promotion of 'white sheet' assistance request	✓	✓	✓
1.	Review			
6.1	Post-event review	✓	✓	✓

The preferred Implementation Option identified by the community (community meeting 22 March 2017) was Implementation Option 2, which as a minimum includes the installation of three automatic river gauges and five automatic rainfall gauges. It is expected that the Bureau of Meteorology will agree to monitoring and maintaining the gauges subject to a formal agreement and Council funding the operational costs. It should be noted that Implementation Option 2 includes the items identified in Implementation Option 1.

A copy of the Draft Wollombi Valley Total Flood Warning System Options Report is provided under separate cover. A final Options Report is expected to be provided to Council in June 2017.

Singleton Council has been contacted (March 2017) to discuss potential financial support for the design, installation and operational costs of a flood warning system. Singleton residents downstream of Wollombi in Broke and Bulga would benefit significantly from the early flood warning provided by the Wollombi system.

Grant funding may be available under the NSW State Government Floodplain Management Program 2017 to enable Council to implement the Wollombi FRMSP.

It is proposed that Council prepare a grant funding application (for submission by 27 April 2017) based on Implementation Option 2 to enable the preparation of a detailed design and installation of the Total Flood Warning System for the Wollombi Valley.

**OPTIONS**

Option 1 - Council notes the report and endorses the submission of a grant funding application for the design and installation of the Implementation Option 2 - Total Flood Warning System for the Wollombi Valley.

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Submission of a further funding application will enable Council to continue with the implementation of key floodplain management projects aimed at reducing risk to public safety in the Wollombi area. This is the preferred option.

Option 2 - Council does not note the report or endorse the submission of the identified grant funding application for Wollombi.

**CONSULTATION**

- Director Works & Infrastructure
- Strategic Asset Planning Manager
- Strategic Flooding & Drainage Planning Engineer
- Senior Natural Resource Officer (Floodplain) – NSW Office of Environment and Heritage
- Bureau of Meteorology
- State Emergency Services
- Rural Fire Service
- Singleton Council

Formal consultation has occurred with a number of agencies and flood affected property owners as part of the development of this project including:

- Online survey of key stakeholders identified in the Wollombi Floodplain Risk Management Study and Plan in November 2011
- Meeting with key emergency agencies on the 8 February 2017
- Community workshop on the 22 March 2017 with ten local residents (including the Wollombi Progress Association representative), five SES representatives, a Wollombi Rural Fire Service representative, OEH representative and Councillors Mark Lyons and Allan Stapleford.

The consultation undertaken to date has demonstrated strong level of support by the community and all stakeholders for an improved flood warning system for Wollombi.

**STRATEGIC LINKS**

**a. Delivery Program**

Community's Desired Outcome: A sustainable and healthy environment.

Objective – 3.1 – Protecting and enhancing the natural environment and the rural character of the area:  
3.1.3 – Complete further flood studies and risk management plans for major catchments in the Local Government Area:

**b. Other Plans**

NIL

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

The capital cost estimate for the preferred flood warning system design is \$240,000 with an estimated operational cost of \$53,000 per annum. Funding through the NSW Floodplain Management Program is on the basis of State 2/3 : Council 1/3. Council's initial capital component has been included in the draft 2017-2021 budget to cover the cost of any works undertaken in the 2018/19 year if a grant application was successful. Further consideration of additional recurrent funds will be required if the application is successful.

Council has commenced negotiations with Singleton Council in relation to cost sharing both the construction and operation of a warning system (river gauges and rainfall gauges). To date the discussion has been positive but a formal agreement would need to be established between the Council's to facilitate any cost sharing. Further information is expected to be provided to Council in June 2017.

**c. Legislative Implications**

NIL

**d. Risk Implications**

N/A

**e. Environmental Implications**

There is a potential reputational risk if Council does not apply for funding under the Flood Plan Management Grant Program, as there is a strong community expectation in Wollombi that a flood warning system will be established in the near future.

**f. Other Implications**

Council is also applying for NSW Floodplain Management grants for the concept design for flood warning systems in Cessnock, Abermain and Weston.

**CONCLUSION**

Council is making progress in the development of a flood warning system concept design for the Wollombi Valley. The Draft Total Flood Warning System Options Report has been prepared and has been well received by the community and key stakeholders.

The report proposes the submission of a funding application for Implementation Option 2 under the NSW Floodplain Management Program 2017.

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Council staff have commenced negotiations with Singleton Council in relation to cost sharing for both the construction and operation of a Total Flood Warning System and further information will be provided to Council at a later stage once the outcome of the submission is known.

***ENCLOSURES***

There are no enclosures for this report

Works and Infrastructure

Report No. WI25/2017

Works and Infrastructure



**SUBJECT:** ***RESTART NSW REGIONAL GROWTH - ENVIRONMENT AND TOURISM PROGRAM - CONSIDERATION OF THE RICHMOND VALE RAIL TRAIL PROJECT***

**RESPONSIBLE OFFICER:** ***Strategic Asset Planning Manager - Stephen Long***

**SUMMARY**

The report provides information on the Restart NSW Regional Growth – Environment and Tourism Program (RGETP) and the eligibility of the Richmond Vale Rail Trail Implementation Project under the program.

**RECOMMENDATION**

**That Council not submit an EOI application under the Restart NSW Regional Growth – Environment and Tourism Program for the Richmond Vale Rail Trail Implementation Project, due to the reasons outlined in the report.**

**BACKGROUND**

At its 5 April 2017 meeting Council resolved (WI22/2017):

- 1. That Council endorse the submission of an application under the Government Restart NSW - Regional Growth – Environment and Tourism Program for the Cessnock LGA Hunter Valley Wine Country Signage Strategy Implementation.*
- 2. That the General Manager investigate the suitability of including the Richmond Vale Rail Trail regional cycleway as a second application under the NSW Government Restart NSW - Regional Growth – Environment and Tourism Program and that a report be prepared for Council consideration at its 19 April 2017 Council meeting.*

The purpose of this report is to provide information on the eligibility of an application for the Richmond Vale Rail Trail Implementation Project under the RGETP program.

**REPORT/PROPOSAL**

**Program Overview**

The NSW State Government's RGETP is funded through the \$20 billion Rebuilding NSW initiative, from which the Government has committed \$6 billion for Regional NSW.

\$300 million has been set aside for the program, with \$100 million available through the first round in 2017. Funding is available to support environmental and tourism infrastructure projects that *'will help grow and diversify regional economies in NSW'*.

The RGETP is looking to invest in new and upgraded infrastructure for environmental and tourism projects that are visionary, innovative and have significant regional impacts, driving growth in visitation numbers and expenditure and resulting in job creation at a superior level.

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Further funding announcements are expected over the following two years.

EOI's must be submitted by 5:00pm on 20 April 2017.

The NSW Government's Rebuilding Program is funded from the Restart NSW Fund. Within the Rebuilding Program, the RGETP aims to increase tourist visitation by investing in regional environment and tourism infrastructure, particularly focusing on assets that will grow and further diversify NSW regional economies.

The NSW Government recognises that investment is needed in the environment and tourism infrastructure that generates this wealth. The RGETP demonstrates the NSW Government's commitment to supporting these activities.

**Assessment process**

Stage one – Expressions of Interest (EOI) received by the closing date will be assessed against the eligibility and assessment criteria and projects will then be shortlisted to progress to the detailed application stage.

Stage two – Shortlisted applicants will be requested (expected to be May/June 2017) to provide further information as part of the detailed application stage. All RGETP detailed applications must be accompanied by a completed cost benefit analysis (CBA).

**Eligibility**

Project applications are invited from:

- Local and State Government agencies;
- Aboriginal Land Councils and other Aboriginal groups;
- Community groups registered as incorporated associations; and
- Non-Government organisations

Applications for projects from the Greater Sydney metropolitan area, Newcastle City and Wollongong City LGAs will not be eligible.

To be eligible, projects must:

- Have the capacity to deliver jobs and economic growth;
- Have a cost benefit ratio (CBR) higher than 1.0; and
- Maximise other co-investment by the applicant and, potentially by the Commonwealth or other industry contributions.

The RGETP will not fund projects that:

- are not in eligible locations;
- are on private land and/or have exclusive private benefits;
- are for supporting infrastructure;



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- relate primarily to operational expenditure, including, but not limited to, regular repairs and maintenance;
- relate to engaging or paying permanent employees;
- relate to buying or upgrading non-fixed equipment, or relate to administrative or running costs that are normally the responsibility of business, State or Territory administration or local Council;
- would proceed without government financial assistance;
- are requests for additional funding for the same outcome and have previously accessed other NSW Government funding;
- relate to marketing, advertising or product promotion;
- relate to buying or leasing real estate of any type;
- require ongoing funding from State or Commonwealth Government that has not been budgeted; or
- request less than \$500,000.

**Assessment Criteria**

EOIs that are eligible and comply with the application requirements will be assessed against the following four program criteria:

1. Strategic Assessment
2. Economic Assessment
3. Affordability
4. Deliverability

**Criteria 1: Strategic Assessment**

Proposals should show how the project will contribute to:

- increasing visitation in regional NSW;
- NSW's 2020 target of doubling overnight visitor expenditure;
- the advancement of the LGA and region;
- increased employment and business outcomes in the visitor economy; and
- how the project's objectives align with NSW Government priorities, including the Visitor Economy Industry Action Plan, any Destination Management Plans relevant to the region, and other regional strategies and policies including the Regional Development Framework and Regional Plans.

**Criteria 2: Economic Assessment**

All applications must demonstrate how a project:

- would have the capacity to deliver jobs and economic growth; and
- would have a positive impact on regional economies through investment in environment and tourism infrastructure.

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**Criteria 3: Affordability**

All applications will need to demonstrate that the project is financially viable into the future, taking into account net life-cycle cost impacts and allowing for ongoing operating and maintenance requirements.

**Criteria 4: Deliverability**

All applicants will need to demonstrate that they have the capacity and capability to deliver the project through robust strategies for procurement, project management and risk management.

**Richmond Vale Rail Trail Implementation Project.**

The RVRT project would deliver a 34km shared pathway from Shortland (western Newcastle) to Kurri Kurri utilising the former Richmond Vale railway alignment. The project traverses the three Local Government Areas of Newcastle, Lake Macquarie and Cessnock City Councils. Approximately 17kms of the trail is located in Cessnock City Council area.

Works for the project would include a 3.0m wide sealed shared pathway, formal access points with car parking and toilets, bridges, shelters/bird watching facilities, landscape works and directional and interpretive signage.

The total estimated cost of the overall project is in excess of \$34M, with the estimated cost of works in the Cessnock LGA being approximately \$14M.

The RVRT is identified in the Hunter Regional Plan 2036 under Goal 3 - Thriving communities and specifically Action 18.1:

*“Facilitate more recreational walking and cycling paths including planning for the Richmond Vale Rail Trail and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastal Cycleway”.*

A copy of a previous Council report on the Richmond Vale Rail Trail (Report No. WI56/2015) is provided in **Enclosure 1** for Council's deliberation.

The RVRT project has been considered under the criteria for the RGETP and is deemed ineligible for the following reasons:

1. The attraction of this project to funding agencies is that it is a significant regional initiative, with three Council LGA's involved in the project. Under the eligibility requirements of the RGETP **Newcastle City Council LGA is specifically excluded from accessing funding through the program**. An application from one Council is expected to receive less favourable consideration than a joint application from the three Councils.
2. The RVRT route traverses portions of private land and this has been reported to Council on 18 November 2015 (Report No. WI56/2015). At the time of writing, the report indicated that sections of the proposed route traverses land owned by Coal & Allied, Black Hill Land Pty Ltd (for both the main trail and the spur into Minmi), and

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Stearling Property Group Pty Ltd (for the spur into Minmi). **The RGETP will not fund projects that are on private land.**

3. The Hunter Regional Plan 2036 identifies only the facilitation of planning for the Richmond Vale Rail trail and not the construction.
4. The project is not investment ready. Conceptual design work and associated cost estimates are yet to be finalised. Detailed design and land tenure/acquisitions are also expected to take more than twelve months to complete.
5. Constructing the project in piecemeal stages is not expected to provide a suitable outcome for trail users and may not effectively align to strategic NSW Government priorities.
6. The cost benefit ratio for only a portion of the project is not expected to meet the required ratio of 1.0 or higher as it could potentially result in a path to no-where situation.
7. Council does not have any co-investment funds to contribute to the project to reinforce a commitment to the project nor make the project competitive.
8. Due to time constraints it is not expected that a creditable funding submission could be developed in time to meet the 20 April 2017 submission closing date.

**OPTIONS**

Option 1 - Council does not lodge an EOI application under the RGETP for the Richmond Vale Rail Trail Implementation project for the reasons outlined above.  
This is the preferred option.

Option 2 - Council endorses the Richmond Vale Rail Trail Implementation project for an EOI submission.

**CONSULTATION**

Identification of suitable infrastructure projects, and the prioritisation of those considered eligible for nomination under RGETP, involved consultation with the following stakeholders:

- Director Works & Infrastructure
- Strategic Asset Planning Manager
- Design Delivery Manager
- Economic Development Manager
- Economic Development Officer

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**STRATEGIC LINKS**

**a. Delivery Program**

RGETPCommunity Objective 1.1 – ‘Promoting social connections’;  
Community Objective 2.1 – ‘Diversifying Local Business Options’;  
Community Objective 2.3 – ‘Increasing Tourism Opportunities & Visitation in the Area’;  
Community Objective 4.1 – ‘Better transport links’

**b. Other Plans**

Hunter Regional Plan 2036  
Hunter Regional Transport Plan (2014)  
Hunter Strategic Infrastructure Plan (2013)  
Hunter Economic Infrastructure Plan (2013)  
Community Strategic Plan (2013)  
Cessnock Cycling Strategy (2016)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

The RGETP is a 100 percent fully funded grant program; however, co-investment by Council would be expected to improve Council’s opportunity to secure funding under this program.

**c. Legislative Implications**

N/A

**d. Risk Implications**

A potential reputed risk if Council makes an application under the REGTP for the RVRT project knowing that the project doesn’t meet the essential criteria for the program.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

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***CONCLUSION***

Council has an opportunity to make application under the RGETP to potentially receive external funds to support the undertaking of projects within the Cessnock LGA.

Council officers have determined that the RVRT Implementation Project is not eligible for funding under the RGETP as detailed in the report.

***ENCLOSURES***

- [1](#) Richmond Vale Rail Trail - Report to Council 18 November 2015 (WI56/2015)

Notices Of Motion

Report No. BN16/2017

General Manager's Unit



**NOTICES OF MOTION No. BN16/2017**

**SUBJECT:** 40KM/H SCHOOL ZONE - ST PHILLIPS CHRISTIAN COLLEGE - WINE COUNTRY DRIVE

**COUNCILLOR:** Diane Fitzgibbon

**MOTION**

The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock seeking support for the introduction of a 40km/h School Zone on Wine Country Drive, adjacent to St Phillips Christian College.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 April 2017.

**RATIONALE**

NSW Roads and Maritime Services have been made aware of genuine road safety concerns around St Phillips Christian College on Wine Country Drive, particularly during morning and afternoon school time peaks. I believe a 40km/h School Zone will largely alleviate the safety risks.

In speaking with Council officers I'm aware that RMS has certain restrictions relating to the application of School Zones on their State Road network, however given the unique situation at St Phillips Christian College it is imperative that Council seeks ministerial intervention to ensure the safety of our community.

I also understand that certain trigger points are incorporated into the existing development consent for the school, and further development may activate road works on Wine Country Drive to alleviate the safety concerns. However, until these development matters are resolved something needs to be done immediately to make the roads in the area safe.

This is one of our key objectives in the 2013-2017 Delivery Program (i.e. *Promoting Safe Communities - Our roads are safe for motorists and pedestrians*).

I put forward this Notice of Motion seeking support for the introduction of a 40km/hr School Zone on Wine Country Drive, adjacent to St Phillips Christian College. The Motion is asking the General Manager to write to the Minister for Roads, Maritime and Freight, the Parliamentary Secretary for the Hunter and the Local Sate Member seeking their support and intervention to address the road safety concerns at the school.

Sgd: Diane Fitzgibbon  
Date: 10 April 2017

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN17/2017

General Manager's Unit



***NOTICES OF MOTION No. BN17/2017***

**SUBJECT:** ***VACANT STAFF POSITIONS IN THE ORGANISATIONAL STRUCTURE***

**COUNCILLOR:** ***Ian Olsen***

***MOTION***

**That the General Manager provide a report to the next Council Meeting answering the following:**

- 1. How many staff positions that are currently funded are vacant?**
- 2. How long they have been vacant?**
- 3. Will they be filled in the new structure or deleted?**
- 4. What is the cost of each of these positions?**
- 5. Why haven't they been filled if they have been funded?**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 April 2017.

**RATIONALE**

As we currently go through restructure of Council and as our financial position is looking poor we need to know where all our money is being spent. If these positions are fully funded but not filled, where is this money going to every year? We may be able to make some savings if these positions are deleted and no other positions will need to be deleted.

Sgd: Ian Olsen

Date: 10 April 2017

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN18/2017

General Manager's Unit



***NOTICES OF MOTION No. BN18/2017***

**SUBJECT:** ***URGENT MEETING TO RESOLVE ROAD MATTERS IN THE CESSNOCK LGA***

**COUNCILLOR:** ***Darrin Gray***

***MOTION***

The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock requesting an urgent meeting to resolve a number of road issues in the LGA that require support from Roads and Maritime Services.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 April 2017.

**RATIONALE**

Cessnock City Council has been working with Roads and Maritime Services in an effort to resolve a number of road related issues in the LGA, including but not limited to:

- Wine Country Drive and the discussion with St Phillips Christian School and the service station developer re intersection work.
- Wine Country Drive maintenance works and the access to the Cessnock Correctional Centre.
- Main Road Heddon Greta – various intersection issues and pedestrian issues.
- Commuter parking adjacent to HEX interchanges.
- Hart Road, Frame Drive, Orange Street, Cessnock Road connection to the HEX.
- Government Road status.

I understand that Council Officers are meeting regularly with officers from RMS and the six items listed above were the topic of three separate meetings with RMS two weeks ago.

The frustration I have as a Councillor however, is the perceived lack of progress on each of these matters.

I put forward this motion seeking ministerial intervention in an effort to get immediate solutions to the various road issues listed.

Sgd: Darrin Gray

Date: 11 April 2017

**ENCLOSURES**

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ51/2017

Corporate and Community Services

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**SUBJECT:** *TIMER FOR COUNCILLORS*

**RESPONSIBLE OFFICER:** *Information Technology Manager - Steven Hepple*

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**Q45/2017 - Timer for Councillors**

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 5 April 2017.

*“Councillor Dagg asked if a clock could be placed at the front of the Chamber so that they can see the countdown on the timer?”*

After investigation it is has been determined that the existing Timer Unit cannot support a second timer display due to hardware limitations. To purchase a replacement device would be cost prohibitive.

The current timer display will be relocated to the front wall of the Council Chambers within the next month.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ52/2017

Corporate and Community Services

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**SUBJECT:** *TOURISM FUNDING*

**RESPONSIBLE OFFICER:** *Chief Financial Officer - John Oliver*

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**Q40/2017 – Tourism Funding**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 5 April 2017.

*“Councillor Doherty asked how much money is left in the current account of Tourism Funding of \$97,600 and what has the money been spent on?”*

\$62,600 remains of the \$97,600 funding allocation for Tourism Activities in the 2016/17 budget. The \$35,000 allocated has been used to fund three activities;

- \$10,000 for a Visitors Map
- \$5,000 for the Spring Campaign
- \$20,000 for the Jets v Wanderers football match

**ENCLOSURES**

There are no enclosures for this report.

**Answers To Questions For Next Meeting**

**Report No. AQ53/2017**

**Works and Infrastructure**

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**SUBJECT: VERNON STREET NETBALL COURTS**

**RESPONSIBLE OFFICER: Recreation Services Manager - Nicole Benson**

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**Q43/2017 – Vernon Street Netball Courts**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 7 April 2017.

*“Councillor Olsen asked if a staff member could contact Denise Burke regarding questions that she has submitted to Council in relation to a Gala Day that was coming up”.*

Ms Burke was contact by Recreation Services Manager, Nicole Benson, on Friday 7 April 2017 regarding the Vernon Street Netball Courts. A memo to all Councillors will also be prepared in response to the parking and traffic management issues raised by a number of Councillors.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ54/2017

Works and Infrastructure



**SUBJECT:** *CROSSINGS OF WOLLOMBI ROAD, WEST CESSNOCK*

**RESPONSIBLE OFFICER:** *Design Delivery Manager - Katrina Kerr*

**Q42/2017 – Crossings of Wollombi Road, West Cessnock**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 5 April 2017.

*“Councillor Lyons asked where he would find the Pedestrian Progress Plan that was mentioned at a site inspection regarding the crossings?”*

Planning for pedestrian access and mobility in the Cessnock Local Government Area (LGA) is covered by the Cessnock LGA Pedestrian Access and Mobility Plan (PAMP), which was adopted by Council on 20 July 2016.

The PAMP is available on Council's Web Site at:-

[http://www.cessnock.nsw.gov.au/resources/file/OnExhibition/2016/DOC2016%20019891%20%20Roads%20\\_%20Pedestrian%20Access%20and%20Mobility%20Plan%20\(PAMP\)%20%20Draft%20Revision%203%20\\_%20Bitzios%20Consulting\(2\).pdf](http://www.cessnock.nsw.gov.au/resources/file/OnExhibition/2016/DOC2016%20019891%20%20Roads%20_%20Pedestrian%20Access%20and%20Mobility%20Plan%20(PAMP)%20%20Draft%20Revision%203%20_%20Bitzios%20Consulting(2).pdf)

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ55/2017

Corporate and Community Services



**SUBJECT:** *CODE OF MEETING PRACTICE - BUSINESS ARISING FROM PREVIOUS MINUTES*

**RESPONSIBLE OFFICER:** *Manager Governance and Business Services - Kim Appleby*

**Q44/2017 – Code of Meeting Practice**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 5 April 2017.

*“Councillor Olsen asked why we do not have “Business Arising from Previous Minutes?”*

Council has not provided for a “matters arising” agenda item for inclusion. Not all agenda items listed are included at each meeting, but could be as the need arises due to the current provisions within the Code. There is no reason why Council could not amend the Code to include “matters arising” if Council was to resolve that way. Notwithstanding, and in the absence of current provisions, there is nothing that would prevent a Councillor from raising a “matter arising”, if it was a genuine matter arising and not a comment that could lead to “new business” where due notice has not been provided.

The following is an extract from Council’s adopted Code of Meeting Practice.

**10.1 Order of Business**

1. At an Ordinary Meeting of a Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Regulation) as fixed by the Council’s Code of Meeting Practice or as fixed by resolution of the Council.
2. The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
3. Despite clause 13.7 (*Limitation as to number of speeches*) of this Code, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

*Reg 239 (1-3)*

4. At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss LGA wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.
5. The general order of business will be:
  - (1) OPENING PRAYER
  - (2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS
  - (3) RECEIPT OF APOLOGIES
  - (4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING
  - (5) DISCLOSURES OF INTEREST
  - (6) PETITIONS
  - (7) ADDRESS BY INVITED SPEAKERS
  - (8) CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS
  - (9) INSPECTIONS UNDERTAKEN
  - (10) NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION
  - (11) MAYORAL MINUTES

**Answers To Questions For Next Meeting**

**Report No. AQ55/2017**



**Corporate and Community Services**

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- (12) RESCISSION MOTIONS
- (13) MOTIONS OF URGENCY
- (14) DEFERRED BUSINESS
- (15) GENERAL MANAGER'S UNIT
- (16) CORPORATE AND COMMUNITY SERVICES
- (17) PLANNING AND ENVIRONMENT
- (18) WORKS AND INFRASTRUCTURE
- (19) NOTICE OF MOTION
- (20) QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN
- (21) ANSWERS TO QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN
- (22) ANSWERS TO QUESTIONS FROM PREVIOUS MEETING
- (23) QUESTIONS FOR NEXT MEETING
- (24) COUNCILLORS REPORTS
- (25) REPORT OF THE CONFIDENTIAL SESSION OF THE COUNCIL MEETING

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ56/2017

Planning and Environment

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**SUBJECT:** *GUM TREES - STONEBRIDGE GOLF CLUB*

**RESPONSIBLE OFFICER:** *Acting Development Services Manager - Richard Forbes*

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**Q39/2017 – Gum Trees – Stonebridge Golf Club**

Asked by Councillor Dunn at the Ordinary Meeting of Council held on 5 April 2017.

*“Councillor Dunn asked what the process was with regard to the Gum Trees being planted (surplus stock) instead of the Maple Trees.”*

Council Officers have previously investigated the subject of street trees in the Stonebridge Estate and determined in 2015 that there was not a streetscape plan for the estate. Further investigation has not revealed any formal plans adopted for the establishment of Maple trees in the location.

The footpath had been planted at the time of construction with Spotted Gum trees and some additional streetscape embellishment at the entry which had been undertaken by the Golf Club from the entry to the first dwelling. Discussions were held in 2015 with the Golf Club regarding enhancing the appearance of the street plantings by removal of the Spotted Gum trees and the planting of *Tristania laurina* or Water Gum trees. The proposal was to be funded by the Golf Club at the time however this has not proceeded.

**ENCLOSURES**

There are no enclosures for this report





Correspondence

Report No. CO6/2017

Corporate and Community Services



**SUBJECT:** *WESTON FIRE STATION - RESPONSES TO MAYORAL MINUTE*

**RESPONSIBLE OFFICER:** *Director Corporate and Community Services - Robert Maginnity*

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**RECOMMENDATION**

**That Council note the correspondence received.**

At its Ordinary Meeting of 1 February 2017, Council considered a Mayoral Minute MM1/2017 in relation to the proposed closure of Weston Fire Station and resolved as follows:

1. *That Council write to Mr Clayton Barr MP, State Member for Cessnock and the Hon Troy Grant MP, Minister for Emergency Services and Ms Catherine Cusack, Parliamentary Secretary for the Hunter thanking them for supporting the community in retaining the Weston Fire Station.*
2. *That Council request Fire & Rescue NSW to provide Council and the community with information on the current staffing levels at Weston Fire Station, including any current shortfalls of retained firefighters, and what actions or strategies have been undertaken or planned in regards to recruitment and training to fill these current vacancies.*
3. *That Council request the Deputy Commissioner for Fire & Rescue NSW Mr Jim Hamilton, who is the Acting Commissioner pending the commencement of Commissioner Designate Mr Paul Baxter in March or April 2017, to address Council as a matter of urgency on strategies to ensure the adequate resourcing of both firefighters and appliances for all Fire & Rescue Stations in Cessnock LGA to ensure the protection of communities which considers issues such as distance and accessibility in times of disaster events which Cessnock LGA has experienced in recent times.*

Following the resolution, Council's General Manager sent correspondence to each of the nominees specified in the resolution.

Council received a response from the State Member for Cessnock, Mr Clayton Barr MP which Council considered at its meeting of 15 March 2017. A further response has been received from the State Member which provided a response direct from the Hon Troy Grant, Minister for Emergency Services to the State Member's representations on behalf of Council.

**ENCLOSURES**

- 1** Correspondence from the Hon Troy Grant MP, Minister for Police and Minister for Emergency Services