



28 September 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, 4 October 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, 20 SEPTEMBER 2017,  
COMMENCING AT 6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Acting Strategic Land Use Planning Manager (Senior Strategic Land Use Planner)  
Acting Principal Strategic Land Use Planner (Strategic Land Use Planner)  
Acting Open Space & Community Facilities Manager  
Strategic Recreation & Facilities Planner  
Media & Communication Officer  
Corporate Governance Officer  
Administration Support Officer – Corporate & Community Services

**APOLOGIES:**

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

247

**RESOLVED** that the apologies tendered on behalf of Councillors Burke and Dunn, for unavoidable absence, be accepted and leave of absence granted.

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

**CARRIED UNANIMOUSLY**

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

248

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 6 September 2017, as circulated, be taken as read and confirmed as a correct record.

**FOR****AGAINST**

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

**Total (11)****Total (0)****CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI16/2017**

**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.**

**PE50/2017 – Nulkaba Section 94 Contributions Plan** – Councillor Fitzgibbon declared a Pecuniary Interest as she is part owner of land in Nulkaba. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**PE51/2017 – Cessnock Commercial Precinct Project – Post Exhibition Of Draft Development Control Plan, Public Domain Plan And Implementation Plan** – Councillor Fitzgibbon declared a Pecuniary Interest as she is a Business/Property owner in Vincent Street. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**WI73/2017 – Loading Zone Western side of Vincent Street** – Councillor Fitzgibbon declared a Pecuniary Interest as she is a Business Operator in Vincent Street. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**PE51/2017 – Cessnock Commercial Precinct Project – Post Exhibition Of Draft Development Control Plan, Public Domain Plan And Implementation Plan** – Mayor Pynsent declared a Non Pecuniary Interest – Significant Conflict as he is a Director of Cessnock Leagues Club, who are a key player in the CBD Precinct Plan. Mayor Pynsent advised that he would leave the Chamber and take no part in discussion and voting.

## ***PETITIONS***

Nil

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

Nil

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU16/2017***

***SUBJECT: MOTIONS OF URGENCY***

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## ***RECOMMENDATION***

Nil

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE49/2017**

**SUBJECT: EAST CESSNOCK FLYING-FOX CAMP MANAGEMENT PLAN**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Fitzgibbon  
249

#### **RESOLVED**

1. That Council adopt the East Cessnock Flying-Fox Camp Management Plan which includes the management actions to be implemented by Cessnock City Council and other landowners.
2. That Council write to all members of the stakeholder working group and all persons who made a submission to notify them of Council's decision and to thank them for their input and involvement.
3. That Council work with all relevant landowners and State agencies to seek grant funding to assist in implementing the East Cessnock Flying-Fox Camp Management Plan.

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

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE50/2017**

**SUBJECT: NULKABA SECTION 94 CONTRIBUTIONS PLAN**

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*Councillor Fitzgibbon declared a Pecuniary Interest as she is part owner of land in Nulkaba. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Councillor Fitzgibbon left the meeting, the time being 6.35pm.*

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
250

**RESOLVED**

**That Council adopt the amended Nulkaba Section 94 Contributions Plan subject to Kerlew Street remaining open.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE51/2017**

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

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*Councillor Fitzgibbon declared a Pecuniary Interest as she is a Business/Property owner in Vincent Street. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Mayor Pynsent declared a declared a Non Pecuniary Interest – Significant Conflict as he is a Director of Cessnock Leagues Club, who are a key component. Mayor Pynsent left the Chamber and took no part in discussion and voting.*

*Mayor Pynsent vacated the chair and left the meeting, the time being 6.40pm.*

*Councillor Stapleford (Deputy Mayor) assumed the chair, the time being 6.40pm.*

**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Dagg  
251  
**RESOLVED**

1.    **That Council adopt the Cessnock Commercial Precinct chapter of the Cessnock Development Control Plan 2010, pursuant to the Environmental Planning and Assessment Act 1979 with the following amendments;**
  - a.    Amend Control 1 of clause 16.1.11 on page 10 be reworded to read as follows:

Development is not to encroach the setbacks illustrated on the Front Setbacks Map at Figure 5.
  - b.    Amend Control 2 of clause 16.1.11 on page 10 be reworded to read as follows:

Development, including street frontage height and setbacks above street frontages, is not to encroach the setbacks illustrated on the relevant street hierarchy cross sections identified in Figure 7 through Figure 11 (Refer to Figure 6 to determine which cross section is applicable).
  - c.    Insert Control 6 of clause 16.1.11 on page 10 as follows:

Where there are existing adjoining buildings within 40 metres of the street frontage;

    - i.    the front setback must be consistent with the established setbacks, or
    - ii.   where adjoining building setbacks vary by more than three metres, the front setback must be the same distance as one or the other of the adjoining buildings, or
    - iii.   where adjoining buildings vary in setback, development must locate between their setbacks.
  - d.    Amend Figure 5 *Front Setbacks Map* so that all areas illustrated as *0m Setback (preferred)* are instead illustrated as *0m Setback (at street wall)*.

- e. Amend the wording in Table 2, Ref. 2 under *Development Objectives* column on page 28 to read as follows:

To encourage the continuing use of the TAFE site as an education hub, potentially in conjunction with a compatible civic use, such as library and multi-purpose cultural centre (museum space, wine and mine centre etc.).

2. **That Council adopt the Cessnock Commercial Precinct Public Domain Plan and Implementation Plan.**
3. **That Council investigate potential sites for RV parking within the Cessnock Commercial Precinct.**
4. **That the plans be reviewed in 12 months to ensure their satisfactory implementation plus a workshop for Councillors be held to discuss the review.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Stapleford	Councillor Fagg
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
<b>Total (7)</b>	<b>Total (2)</b>

**CARRIED**

*Councillor Fitzgibbon returned to the meeting, the time being 6.56pm.*

*Mayor Pynsent returned to the meeting and assumed the chair, the time being 6.56pm.*

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC61/2017**

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
252  
**RESOLVED**

1. That Council determines attendees to the Local Government NSW Annual Conference 2017 as Councillors Pynsent, Suvaal, Dagg, Burke, Lyons and Olsen.
2. That Council determines voting delegates to the Local Government NSW Annual Conference 2017 as Councillors Pynsent, Suvaal, Dagg and Burke, with Councillor Lyons and Olsen as alternative delegates.
3. That the motion adopted by Council on 6 September 2017 regarding Glass Recycling be submitted to Local Government NSW Board for consideration of inclusion as an agenda item for the 2017 Annual Conference.
4. That Council determines other motions, if any, to be submitted for referral to the Association for consideration at the Conference.

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

**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC62/2017**

**SUBJECT: 2017-18 LOAN BORROWING PROGRAM**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Sander  
253

**RESOLVED**

1. That Council raise a loan facility in the amount of \$1,853,362 for a maximum period of ten years with a fixed interest rate for the period of the loan, repayable by monthly instalments of principal and interest.
2. That Council authorise the General Manager to determine the timing and negotiate with various financial institutions to obtain the best available loan facilities in accordance with Policy F12.2 Loan Borrowing.
3. That Council authorise the General Manager to execute the documents relating to the Loan Agreement.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC63/2017**

**SUBJECT: INVESTMENT REPORT - AUGUST 2017**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dagg  
254  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC64/2017**

**SUBJECT: REQUEST FOR EASEMENT OVER COUNCIL LAND FOR  
STORMWATER PURPOSES - 75C CHURCH STREET CESSNOCK**

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**MOTION**                      **Moved:**    Councillor Suvaal                      **Seconded:**    Councillor Stapleford  
255  
**RESOLVED**

That Council consent to the granting of an easement benefiting Lot 19 Section 8 DP 5251 burdening Council land being Lot 78 DP 15069 for stormwater purposes subject to the following:

- a) That Council also benefit from the easement for drainage of water;
- b) The easement to be located on the northern boundary of Lot 78 DP 15069 and in accordance with the approved plans;
- c) That the stormwater drainage infrastructure be constructed underground within the easement;
- d) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including compensation that is subject to an independent valuation;
- e) That Council advises the applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;
- f) That Council authorise the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and
- g) That Council authorise the Mayor and General Manager to execute the documents relating to the granting of the easement.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC65/2017**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Sander  
256  
**RESOLVED**

1. That Council receive the report and note the information.
2. That the action relating to Banners in Vincent Street (page 213) remain open until a Report has been prepared for Council's consideration and once investigations into this matter have been finalised, including Councillors being briefed.

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

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI67/2017**

**SUBJECT: RECREATION AND OPEN SPACE STRATEGIC PLAN**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Sander  
257  
**RESOLVED**

**That the report be deferred and a briefing be held.**

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI68/2017**

**SUBJECT:     ADDITIONAL OPERATIONAL PLANT OPERATORS**

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**MOTION**           **Moved:**   Councillor Suvaal           **Seconded:**   Councillor Stapleford  
258  
**RESOLVED**

**That Council endorse the appointment of three additional Plant Operators.**

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI69/2017**

**SUBJECT: PLAN OF MANAGEMENT FOR COMMUNITY LAND**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
259

**RESOLVED**

1. That Council publicly exhibits the draft Generic Plans of Management for community land categorised as General Community Use and General Community Use - Drainage in accordance with the Local Government Act 1993;
2. That Council, prior to adopting the draft Generic Plans of Management hold a public hearing of the proposal in accordance with section 40A of the Local Government Act 1993.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI70/2017**

**SUBJECT: GATEWAY ENTRIES**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Lyons

260

**RESOLVED**

1. That Council notes the estimated cost of forming significant "Entry Way"-Information Bays at various locations throughout the LGA is in the order of \$250,000 to \$400,000 per site, depending on the type of facilities and number of parking spaces provided, along with associated site constraints;
2. That Council notes beautification and signage improvements in Pokolbin will be achieved through the implementation of the Hunter Valley Wine Country Signage Strategy;
3. That the General Manager continues to explore grant funding and partnership opportunities to implement the Cessnock and Hunter Valley Wine Country Signage Strategies.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI71/2017**

**SUBJECT: POOL OPENING HOURS**

---

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

261

**RESOLVED**

1. That for the 2017/2018 pool season the outdoor pools at Cessnock and Branxton remain open for longer hours during extreme heat subject to lifeguard availability, other weather extremes (such as high wind gusts and/or lightening and storms) and available lane space;
2. That Council officers decide prior to 4.00pm on the days of extreme heat whether to open for longer hours and notification of the decision be broadcast through social media and other appropriate channels;
3. That a report on the outcomes of the initiative be presented to Council in May 2018 once the season has concluded.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI72/2017**

**SUBJECT: OUTDOOR POOLS SERVICE IMPROVEMENT PROJECT OUTCOMES**

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

262

**RESOLVED**

1. That Council notes the progress of the Outdoor Pools Service Improvement Project.
2. That the General Manager bring back a report to Council on the cost to include Kurri Kurri Aquatic Centre in the free trial.

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

	<b>Total (0)</b>
--	------------------

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE NO. WI73/2017**

**SUBJECT:     LOADING ZONE WESTERN SIDE OF VINCENT STREET**

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*Councillor Fitzgibbon declared a Pecuniary Interest as she is a business operator in Vincent Street. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Councillor Fitzgibbon left the meeting, the time being 7.19pm.*

**MOTION           Moved:**   Councillor Lyons           **Seconded:**   Councillor Suvaal  
263

### **RESOLVED**

1.     That Council notes Roads and Maritime Services (RMS), as the responsible Roads Authority for Vincent Street, has not approved the installation of a loading zone outside of 125 Vincent Street, Cessnock.
2.     That Council notes RMS has extended the existing bus zone adjacent to 125 Vincent Street to meet minimum standards.
3.     That Council undertakes the necessary steps to remove an existing taxi rank in Hall Street, Cessnock, which is currently under utilised.
4.     That Council submit a motion to the NSW Local Government Conference 2017 to amend the Passenger Transport Regulation 2007 in reference to a reduction in taxi rank numbers.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

### **CARRIED**

*Councillor Fitzgibbon returned to the meeting, the time being 7.32pm.*

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

### **BUSINESS WITH NOTICE NO. BN47/2017**

**SUBJECT: GOVERNMENT CIRCUIT KEARSLEY**

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**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Doherty

That Council include in its Delivery Program 2017-2021, as soon as funds become available from our quarterly reviews, to seal Government Circuit, Kearsley from the intersection with Greta Street and Caledonian Street, Kearsley for approximately 120 metres.

**AMENDMENT**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Fitzgibbon

1. That the General Manager provide a report to Council on the estimate cost to seal Government Circuit, Kearsley. That the report come back to Council for consideration to include in its Delivery Program 2017-2021, as soon as funds become available from our quarterly reviews.
2. That the General Manager arranges for a traffic management review of the subject location to determine whether adequate traffic control signage is in place to reduce the number of vehicles entering Government Circuit.
3. That the General Manager write to the local Police requesting they increase patrols targeting unregistered trail bikes in the area.

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

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

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

**MOTION**

264

**Moved:** Councillor Suvaal**Seconded:** Councillor Fitzgibbon**RESOLVED**

1. That the General Manager provide a report to Council on the estimate cost to seal Government Circuit, Kearsley. That the report come back to Council for consideration to include in its Delivery Program 2017-2021, as soon as funds become available from our quarterly reviews.
2. That the General Manager arranges for a traffic management review of the subject location to determine whether adequate traffic control signage is in place to reduce the number of vehicles entering Government Circuit.
3. That the General Manager write to the local Police requesting they increase patrols targeting unregistered trail bikes in the area.

**FOR****AGAINST**

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

**Total (11)****Total (0)****CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN48/2017**

**SUBJECT: CONSULTANCY AND CONTRACTOR COSTS**

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

265

**RESOLVED**

1. That the General Manager provide a report on the breakdown of contractor expenditure for the last 5 years as shown in the Financial Statements.
2. That the General Manager provide a report on the strategies currently being undertaken to reduce the amount spent on Consultancy and what could be done to reduce spending in the future.

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

**CARRIED UNANIMOUSLY**

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

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ104/2017***

***SUBJECT: ELECTRIC VEHICLE RECHARGE POINTS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ105/2017***

***SUBJECT: COUNCILLOR CORRESPONDENCE***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ106/2017***

***SUBJECT: 1 DAY FREE ENTRY TO KURRI KURRI POOL***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ107/2017***

***SUBJECT: HANDBALL COURTS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ108/2017***

***SUBJECT: FINANCIAL SUSTAINABILITY***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ109/2017***

***SUBJECT:     UNEMPLOYMENT IN CESSNOCK LGA***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ110/2017***

***SUBJECT:     CESSNOCK SHOP LOCALLY GIFT CARD***

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Ian Olsen*

### **PLANNING AGREEMENT FOR ROSEHILL ESTATE MILLFIELD**

Councillor Olsen stated that Council is supposed to contribute \$565K towards the Rosehill Estate Millfield program, but it appears this has not been budgeted for in the Delivery Program for 2017/2021. Councillor Olsen asked where is Council going to find the money to do our part and how many other Section 94 are being held up because Council has not matched what we are supposed to.

*Councillor Rod Doherty*

### **POLICING OF LOADING ZONES**

Councillor Doherty asked when Council Rangers are policing the parking areas, do they police loading zones and the length of time people park in these zones in towns other than the Cessnock CBD.

*Councillor Melanie Dagg*

### **EVENTS AND SPORTING EVENTS AT BADDELEY PARK**

Councillor Dagg requested clarification on who collects the gate and canteen takings at events held at Baddeley Park. Are the takings collected by Council, the people holding the events or the Rugby League Club?

*Councillor Anne Sander*

### **CHANGE TO BRIDGE LOAD LIMITS**

Councillor Sander enquired as to Council's stance on the updated bridge load limits for Council owned vehicles, noting that these vehicles would be heavier than these load limits.

The General Manager advised that Council is not above the law and whatever the rule is, we comply with.

*Councillor Ian Olsen*

### **CANCELLATION OF EVENTS AT BADDELEY PARK**

Councillor Olsen asked what the cost to Council was when the Jets cancelled the recent event due to the cost. It was noted that the ground appeared to have already been prepared for the event. \$4,000 seemed a lot to ask them to pay when you can get a ground for \$500.

## **COUNCILLOR REPORTS**

Councillor Dagg

### **Association of Mining Related Councils**

Councillor Dagg reported on her attendance at the latest meeting of the AMRC, held in Sydney on 11 August 2017.

In addition to delegates, the meeting was attended by the Hon Anthony Roberts, Minister for Planning, Minister for Housing & Special Minister of the State who provided an address and made himself available for a Q&A forum. Presentations were also given by Sarah Jardine (Department of Primary Industries, Land & Water Commission section re Mining Status Statistical Report), James Marshall (Centennial Coal re socio-economic impacts of the shutdown of Springvale Coal in 2015) and Warwick Giblin (Oz Environmental re VPA Social Impact Contribution Options).

Aside from the presentations, discussion was had around the Association's position for submission to the Minister for Planning for his consideration in relation to the ongoing development of guidelines for setting quantum within VPAs. After much debate, delegates resolved as follows:

1. That the Association adopt the actual cents per tonne model, not % of production, as the preferred option in relation to coal production developments, with 1% CAPEX as the default model.
2. That the Association reject outright the worker domicile model (the preferred model of Minerals NSW).
3. That for higher commodities such as metal, the Association adopt as the preferred method, a calculation of cents per tonne figure for the ore concentrate, or 1% CAPEX, given the variants for higher value commodities as opposed to coal, as a means for compensating councils for the local impacts of metalliferous mining.

Councillor Gray

### **Feedback from the Community of Pelaw Main**

Councillor Gray reported that the community of Pelaw Main congratulates the Director Works and Infrastructure and Team on the removal of bus stop at the rear of the Pelaw Main Public School and the addition of parking, as well as the erection of the bus stop for the Catholic School children on Tomalpin Street.

Mayor Pynsent

### **Commends Emergency Services**

Mayor Pynsent reported back on the fires last week and commends the fire service and all emergency services on the protection of lives and property. Unfortunately the Richmond Vale Mining Museum, which is a Council asset, was damaged substantially and there is now restricted access to this site. On behalf of Council Mayor Pynsent commends the work of all Emergency Services on protecting our community and hopes we do not have other days like last Tuesday.

## CORRESPONDENCE

### CORRESPONDENCE NO. CO24/2017

**SUBJECT:** AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL  
GENERAL ASSEMBLY - MOTION ON LOCAL GOVERNMENT FUNDING

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
266  
**RESOLVED**

That Council note the correspondence received.

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

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 7.46pm*

**CONFIRMED AND SIGNED** at the meeting held on 4 October 2017

.....CHAIRPERSON

.....GENERAL MANAGER

**Disclosures Of Interest**

**Report No. DI17/2017**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

---

**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.

Mayoral Minute

Report No. MM14/2017

General Manager's Unit



***MAYORAL MINUTE No. MM14/2017***

***SUBJECT: THE LOCAL GOVERNMENT COMMUNITY INFRASTRUCTURE REGISTER***

***RECOMMENDATION***

1. That Council submit the following infrastructure projects and supporting information for inclusion in the Local Government Community Infrastructure register as proposed by the Australian Local Government Association:
  - Cessnock Airport Upgrade;
  - Richmond Vale Rail Tail Project;
  - Timber Bridge replacement/refurbishment program;
  - Branxton to Greta Cycleway Construction.
2. That Council write to the Hon. Malcolm Turnbull, MP, Prime Minister of Australia; the Hon. Bill Shorten, MP, Leader of the Opposition, the Hon. Joel Fitzgibbon, MP, Member for the Hunter and Meryl Swanson MP, Member for Paterson, seeking support for the above projects.

***REPORT/PROPOSAL***

I received correspondence on 14 September 2017 from The Australian Local Government Association (ALGA) regarding the development of a register of potential community infrastructure projects Australia wide. ALGA is seeking Council's top 3 or 4 priority projects for inclusion in the register.

The register is to assist and support Council's case for a Commonwealth funding program to assist Council to undertake vital projects to meet community needs. Supporting information for each project as requested in the correspondence will also be provided.

***ENCLOSURES***

- 1** ALGA Letter

**Motions of Urgency**

**Report No. MOU17/2017**

**Corporate and Community Services**



**SUBJECT:** *MOTIONS OF URGENCY*

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

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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.

General Manager's Unit  
Report No. GMU15/2017  
General Manager's Unit



**SUBJECT:** ***ATTENDANCE BY THE INTERNAL AUDITOR AT INTERNATIONAL MEETINGS OF THE INSTITUTE OF INTERNAL AUDITORS GUIDANCE DEVELOPMENT COMMITTEE***

**RESPONSIBLE OFFICER:** *Internal Auditor - Ian Lyall*

---

### **SUMMARY**

To seek Council approval for the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee.

### **RECOMMENDATION**

1. That Council approves the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee in Orlando, Florida in November 2017 and Dubai in May 2018.
2. That the travel expenses be recorded in Council's Annual Report.

### **BACKGROUND**

On 6 September 2017 Council adopted the minutes of the Audit Committee meeting held on 8 August 2017. The minutes contained the following resolution:

**That the Audit Committee supports the participation of the Internal Auditor in the Institute of Internal Auditors Guidance Development meetings in Orlando and Dubai, subject to the approval by the Council after its consideration of a separate report.**

This report provides further information about the Institute of Internal Auditors, the Guidance Development Committee and the benefits of the Internal Auditor attending committee meetings.

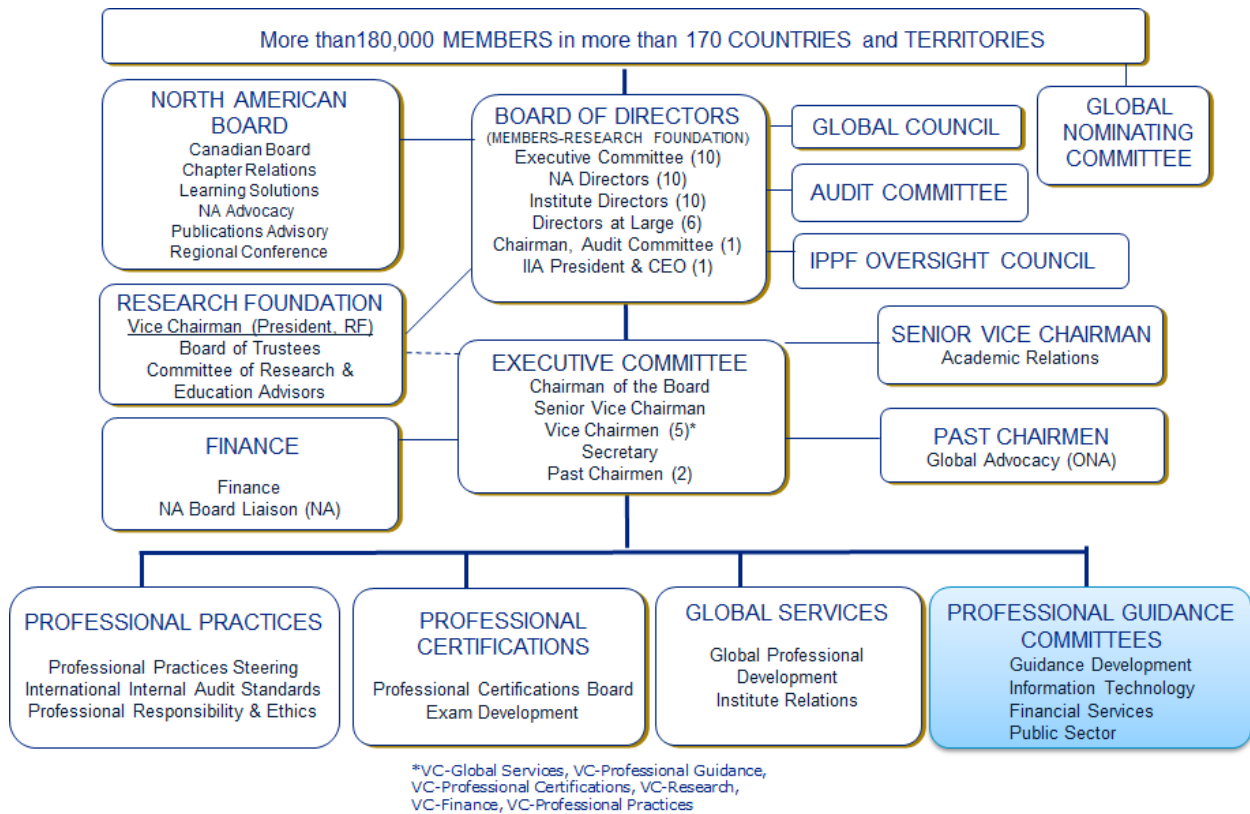
### **REPORT/PROPOSAL**

The Institute of Internal Auditors (IIA) is the main professional association for internal auditors around the world. It sets standards and professional guidance, provides education and certification services and research and publications. In order to develop professional guidance the IIA uses a volunteer committee structure to identify priorities and draft the guidance. The IIA has over 180,000 of which over 130,000 are certified internal auditors (CIA). CIAs are required to comply with the standards and are in need of guidance. A graphic showing the IIA committee structure is set out below.

General Manager's Unit

Report No. GMU15/2017

General Manager's Unit



The Guidance Development Committee (GDC) is one of four professional guidance committees. It develops general guidance that is not specifically related to information technology, financial services or public sector. It has fourteen members from around the world. The committee chair is from South Africa and is supported by a staff member from the IIA. The Committee is actively progressing twelve projects and has a reserve list of another eighteen. The Committee meets four times per year. Two are face to face and the other two by teleconference. Project teams work independently using electronic media.

The Internal Auditor has been appointed to the GDC from the 2017 – 2020 and has been allocated to the following project teams:

- Internal Audit Independence;
- Maturity Models: and
- Assurance Mapping

These three projects are directly relevant to projects the internal auditor is currently working on.

The Internal Auditor attended a face to face committee meeting in Sydney in July and a teleconference meeting in August. The next two face to face meetings will be held in Orlando Florida in November 2017 and Dubai in May 2018.

Total funds required to attend both meetings is estimated at \$5,000 and can be funded by the internal audit professional development budget. Attendance at the meetings would be offset by a reduction in other professional development activity by the Internal Auditor. Project work and teleconference meetings generally occur outside normal office hours.

General Manager's Unit

Report No. GMU15/2017

General Manager's Unit



Council support of the Internal Auditor's continued participation in this committee assists with professional development and the development of the internal audit profession.

### **OPTIONS**

1. Council approve the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee.
2. Council not approve the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee.

### **CONSULTATION**

- General Manager
- Audit Committee

### **STRATEGIC LINKS**

#### **a. Delivery Program**

5.3.4 Develop and implement a strategic and operational internal audit plan.

#### **b. Other Plans**

Nil

### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

Nil

#### **b. Financial Implications**

Funds are available within the internal audit professional development budget. The estimated costs cover airfares and accommodation only.

#### **c. Legislative Implications**

Nil

#### **d. Risk Implications**

Nil

#### **e. Environmental Implications**

Nil

General Manager's Unit  
Report No. GMU15/2017  
General Manager's Unit

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**f. Other Implications**

Nil

**CONCLUSION**

The Audit Committee supports the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee. The Internal Auditor has been appointed to the Committee for three years and is required to attend two international meetings each year. The Internal Auditor's continued participation in this committee assists with his professional development and the development of the internal audit profession. Council is requested to approve the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee in Orlando, Florida in November 2017 and Dubai in May 2018.

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** **SECTION 96 (AA) APPLICATION TO MODIFY NSW LAND AND ENVIRONMENT COURT ORDER NO. 10515 OF 1995 (COUNCIL REFERENCE: 5/1994/80115/1)**

**BLACK HILL ROAD, BLACK HILL**

**RESPONSIBLE OFFICER:** *Development Services Manager - Janine McCarthy*

<b>APPLICATION NUMBER:</b>	NSW Land and Environment Court Order No. 10515 of 1995 (Council reference: 5/1994/80115/1)
<b>PROPOSAL:</b>	<p>Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995 to amend the quarry floor specifications by modification of the original conditions (as amended) as follows:</p> <ul style="list-style-type: none"> <li>(a) Include the word 'coal' in the description of the materials to be extracted per Condition 1 of the original development consent.</li> <li>(b) Amend Condition 49 to nominate the quarry floor within the area of approved operations not to extend beyond the Waratah Sandstone strata.</li> <li>(c) Amend Conditions 49 and 50 to clarify the need to comply with successive Environmental Management Plans and Rehabilitation Plans not limited to the plans adopted by the previous amendment to Approval No. 5/1994/80115/1 dated 20 April 2016.</li> </ul>
<b>PROPERTY DESCRIPTION:</b>	Lots 683 and 686, DP 619758; Lot 2 DP 123949; Lot 1 DP 957782; Lot 1 DP 536570;
<b>PROPERTY ADDRESS:</b>	Black Hill Road, Black Hill
<b>ZONE:</b>	Cessnock LEP 2011 - RU2 Rural Landscape
<b>OWNER:</b>	Mesdames BJ Beaven & JL Tyler, Mr D Allan & Mrs RI Seton
<b>APPLICANT:</b>	Woodbury's Haulage and Earthmoving

## RECOMMENDATION

1. That Council determine the Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995, to amend the quarry floor specifications to enable extraction of coal and establish the Waratah Sandstone strata as the extent of quarry operations at Lots 683 and 686, DP 619758; Lot 2 DP 123949; Lot 1 DP 957782; Lot 1 DP 536570, Black Hill Road Black Hill, pursuant to Section 96(AA) of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the modified conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

The Application is being referred to Council for determination as two objections were received in response to the public exhibition period, and it is considered the matters raised in the objections constitute 'significant objection' in accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications.

## EXECUTIVE SUMMARY

Council is in receipt of a Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995 by amendment to the quarry floor specification on land identified as Lots 683 and 686, DP 619758; Lot 2 DP 123949; Lot 1 DP 957782; Lot 1 DP 536570, Black Hill Road, Black Hill.

The modification proposes the following amendments to conditions of development consent:

- (a) Include the word 'coal' in the description of the materials to be extracted per Condition 1 of the original development consent.
- (b) Amend Condition 49 to nominate the quarry floor within the area of approved operations not to extend beyond the Waratah Sandstone strata.
- (c) Amend Conditions 49 and 50 to clarify the need to comply with successive Environmental Management Plans and Rehabilitation Plans not limited to the plans adopted by the previous amendment to Approval No. 5/1994/80115/1 dated 20 April 2016.

The purpose of the modification is to enable the removal of coal remnants from the quarry which are a part of the Newcastle Coal Measures previously worked by bord pillar mining in the location.

**Planning and Environment**

**Report No. PE52/2017**

**Planning and Environment**



The applicant contends that the removal of coal from the site is necessary to avoid operational issues with respect to:

- Risk of subsidence to the stability of the quarry high walls and operation of heavy machinery and personnel where undermining has occurred;
- Reduction in the risk of spontaneous combustion of the coal seam and exposed workings;
- Removal of exposed workings and sealing of any access to mine workings;
- Reduction in the burden from acid mine drainage in the management of the site. The removal and sealing of old workings will control water run-off through the remnant material; and
- Removal of the coal will establish a stable quarry floor below the known extent of the Newcastle Coal Measures. The prospects for effective long term rehabilitation of the site are improved by stabilization of existing rehabilitation works and a consistent quarry floor material for future site operations, rehabilitation and run-off management.

The removal of coal from the site was gazetted by the Minister for Industry, Resources and Energy, the Hon Anthony Roberts, M.P on 22 June 2016 under the provisions of Clause 13 of the *Mining Regulation 2010*.

The Order under the *Mining Act 1992* prescribes that the removal of coal as part of quarrying operations from the area known as Black Hill Quarry is not prospecting or mining for the purposes of the *Mining Act 1992*. The effect of the Order is that coal can be extracted from the quarry without the need for further approval as a coal mine, and that the extracted coal forms part of the resource removed from the quarry under the existing operations subject to NSW Land and Environment Court Order No. 10515 of 1995 (Council reference: 5/1994/80115/1).

The requirement to modify the development consent arises from the need to extend operations into the quarry floor to remove the remnant coal, and to ensure that the existing rehabilitation and environmental management plans incorporate the activity.

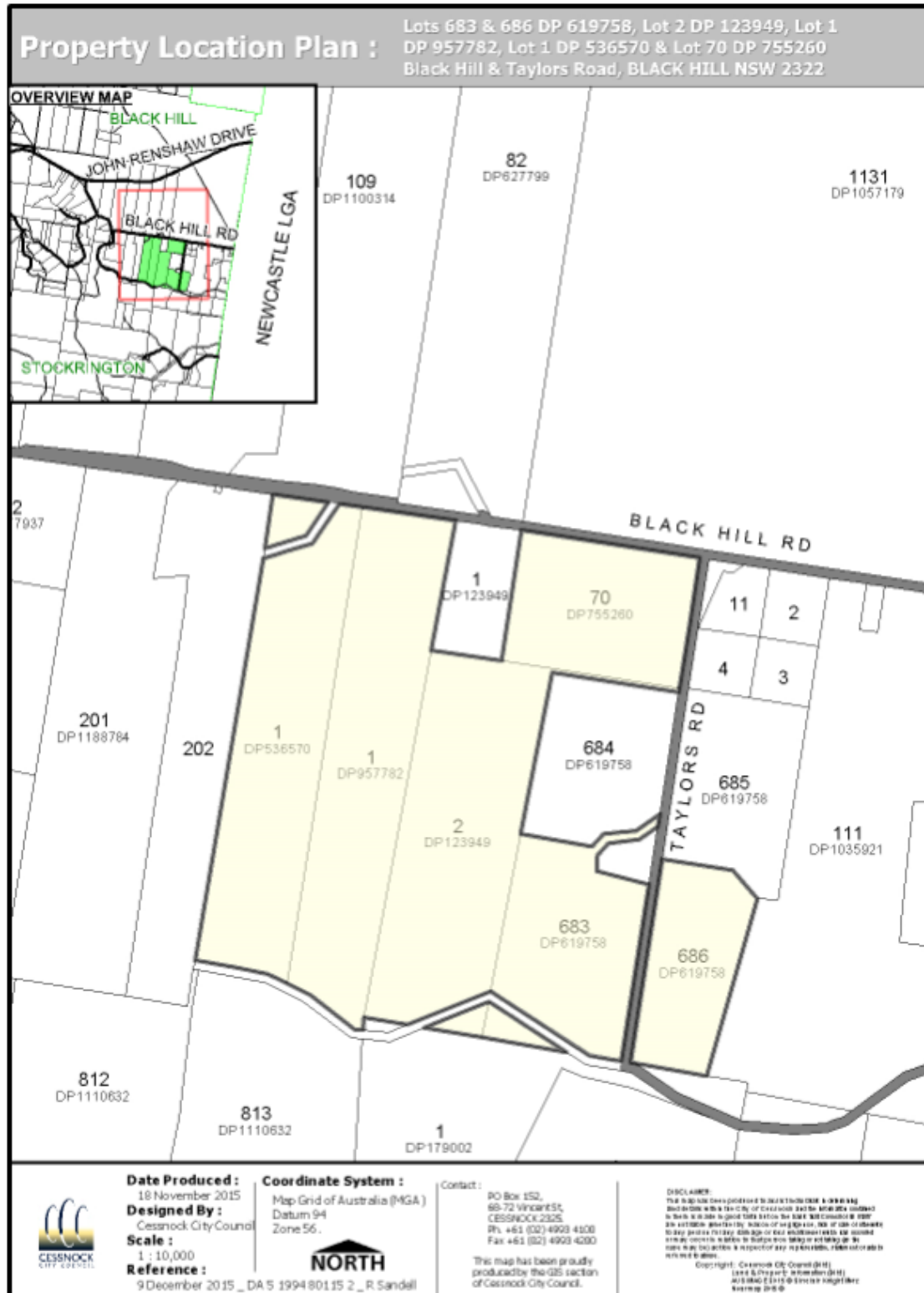
The extraction of coal requires no further alterations to the original development consent or changes to existing operations. The approved development footprint, intensity of development, extraction and transportation rates, hours of operation, in addition to all statutory monitoring and reporting requirements, remain unaltered.

The Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Application has been publicly exhibited and considered by the Black Hill Community Liason Group which was established subsequent to Council's granting of consent to extend the operational life of the existing gravel quarry by a period of ten years (from 2016 to 2026), on 20 April 2016. Two submissions were received in response to the public exhibition period, and the issues raised in those submissions are addressed in the following report.

Based on the assessment, it is recommended that the Section 96(AA) Application be approved subject to the modified conditions contained in this report.

## LOCATION MAP



**NOTE:** Lot 70, DP 755260 is shown as land to which the original consent relates. Lot 70 is no longer an operational portion of the quarry.



## SITE DESCRIPTION AND LOCALITY

The subject land comprising the quarry operation inclusive of the haulage route is legally described as Lot 683 and 686 DP 619758; Lot 2 DP 123949; Lot 1 DP 957782; Lot 1 DP 536570, Black Hill Road, Black Hill. Lot 70, DP 755260, included under the original development consent, is no longer a portion of the subject land.

The subject site is located to the east of the Hunter Expressway and derives access via a haulage road from Black Hill Road north of the subject land.

The subject site is currently operating as a hard rock quarry, approved in conjunction with NSW Land and Environment Court Order No. 10515 of 1995 (Council reference: 5/1994/80115/1).

The surrounding properties are characterised by large vegetated rural holdings and rural residential properties adjoining to the west and east of the site, off Black Hill Road between Meredith Road and Taylors Road.

## HISTORY

The history of the Section 96(AA) Application is summarised in the following table:

Date	Action
12 May 2017	Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995 lodged with Council. The Application seeks to amend the quarry floor specifications to comprise the Waratah Sandstone strata.
24 May – 13 June 2017	Application placed on public exhibition, and Land and Environment Court notified as required under Section 96AA of the EP&A Act 1979.
20 June 2017	Applicant provided with a summary of concerns raised in two (2) submissions, and requested to provide further information to confirm the time period and rates of extraction, along with volume estimates. Applicant also advised that environmental management reporting will need to reflect the extraction of coal.
30 June 2017	Response provided by applicant advising that extraction will not exceed 200,000 tonnes pa over an 18 month period.
11 July 2017	Applicant provides additional information in respect to spontaneous combustion risk on the site, noting that such risk is required to be addressed in various site management documentation.
13 July 2017	Referral comments received from Local Development Committee in respect of traffic. No additional requirements imposed, provided coal extraction and transportation of coal are undertaken within the scope of the existing quarry consent.
8 August 2017	Objectors and community group request the Application be discussed by the Black Hill Quarry Community Liaison Group at their next scheduled meeting.
17 August 2017	Black Hill Community Liaison Group meeting held. Submission prepared by the Black Hill Environment Protection Group discussed,

Planning and Environment

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Planning and Environment



	<p>and proponent provides detail concerning the time and scale of coal extraction.</p> <p>Concern raised that the proposed coal extraction had been intended for some time prior to lodgement of an application. All stakeholders acknowledged that the Black Hill Community Liaison Group should be a forum for discussion of proposed changes to operations before these form an application.</p>
18 September 2017	Assessment completed.

## BACKGROUND

The original Development Application (DA 118/694/115) for the continued operation and extension of the Black Hill quarry, was approved by Council on 1 June 1995. This decision was contested by residents of Black Hill in the NSW Land and Environment Court, and on 18 June 1996 the Court issued an Order (10515 of 1995), for the granting of a new consent containing forty seven (47) conditions.

'Woodbury's Haulage and Earthmoving' has operated the quarry since the consent was granted.

Council at its meeting of 20 April 2016 considered a Section 96(AA) Application to extend the life of the quarry for an additional ten years, until 2026. Council resolved as follows;

1. *That Council determine the Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995, to extend existing gravel quarry operations for an additional 10 years, i.e., from 18 June 2016 until 18 June 2026, remove the reference to Lot 70 DP 755260 from the land description, and establish a Liaison Committee, at Lots 683 and 686, DP 619758; Lot 2 DP 123949; Lot 1 DP 957782; Lot 1 DP 536570; and Lot 70 DP 755260, Black Hill Road Black Hill, pursuant to Section 96(AA) of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to modified conditions.*
2. *That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.*
3. *That Council endorse the revised Environmental Management Plan prepared by 'Kleinfelder,' dated 18 May 2015.*
4. *That Council endorse the Rehabilitation Plan prepared by 'Kleinfelder,' dated 18 May 2015.*

As a result of Council's approval of the Section 96(AA) Application, the Approval was amended in the following terms:

*Portion 70 (DP 755260) Black Hill Road Black Hill, is removed from the property description.*

*Condition No. 2 of Development Consent No 5/1995/80124 is amended to read as follows:*

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2. *This consent shall lapse on 18 June 2016, 2026, subject to any further approval granted by Cessnock City Council.*

*New Condition No. 48 is inserted and shall read as follows:*

*48. Liaison Committee*

*The applicant shall establish a Liaison Committee to oversee the quarry operation and the rehabilitation of the quarry in accordance with the consent granted by the Land and Environment Court and as subsequently amended by Council. The Liaison Committee is to include the following people and be conducted in the following manner:*

- i) One-two representatives of the Black Hill quarry;*
- ii) Interested Councillor;*
- iii) Council officer/s; and*
- iv) Two to four community members.*

*To operate on a six monthly basis, commencing in July 2016.*

*To be held at Cessnock City Council or an agreed alternate venue.*

*Each meeting will be conducted by an independent convenor or chairperson engaged by Woodbury's Haulage and Earthmoving at the company's expense and who will also be responsible for circulation to the Committee of minutes taken at the meeting.*

*New Condition No. 49 is inserted and shall read as follows:*

*49. Environmental Management Plan*

*The requirements/conditions/recommendations contained within the Environmental Management Plan 2015 prepared by 'Kleinfelder,' dated 18 May 2015, shall be complied with at all times. The extent of the quarry operations are strictly confined to the area described under the approved plans and documentation. In addition to the land area described, quarry operations are restricted to a maximum wall height of 185 metres AHD in accordance with Condition 1 and shall not extend the depth of the existing quarry floor other than with the further approval of the consent authority. All EMP rehabilitation requirements (inclusive of those requirements of Conditions 4, 31A and 31B ) are to be met in conjunction with compliance with Condition 50.*

*New Condition No. 50 is inserted and shall read as follows:*

*50. Rehabilitation Plan*

*The requirements/conditions/recommendations contained within the Rehabilitation Plan prepared by 'Kleinfelder,' dated 18 May 2015, shall be complied with at all times. A report detailing rehabilitation of the eastern end of the quarry (as per the Block 1 requirements in the Rehabilitation Plan) is to be submitted to Council within six (6) months of the date of determination of the amended consent.*

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In consideration of the current application to modify the Approval, it was clear that acting upon the Mining Act Order gazetted on 22 June 2016 for the removal of coal, would contravene amended Condition 49 as it necessitates an extension to the depth of the quarry floor as a result of the extraction of coal.

The current Section 96(AA) Application aims to ensure that compliance with the current Approval for the operation of the quarry is not compromised by the excavation of coal in accordance with the Order.

## **DETAILS OF THE PROPOSED DEVELOPMENT**

Council is in receipt of a Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995 by amending the specification of the quarry floor. The amendment is necessitated by concerns over subsidence in the quarry floor and high walls affected by old mine workings. The proponent has obtained an Order under Clause 13 of the *Mining Regulation 2010*, and is seeking to modify the Approval to be consistent with the Order.

It is noted that the modification may also result in additional amendments relating to the Environmental Management Plan (EMP), and the modification of the required Rehabilitation Plan as separate documents. This approach is consistent with discussions between Council officers and the applicant and proponent to ensure that coal extraction is integrated into the Approval for the existing operations.

The Order requires that the coal is extracted in the course of quarry operations. The coal will therefore be extracted within the existing Approval which allows 500,000 tonnes pa, based on 55 laden trucks per day, to be extracted from the quarry. The quarry presently has approximately 12 year's supply of the quarry hard rock at the approved extraction rate. The applicant has advised that total coal extraction of approximately 200,000 tonnes is intended to occur over a period of 18 months, which is within the scale and intensity permitted by the original Approval.

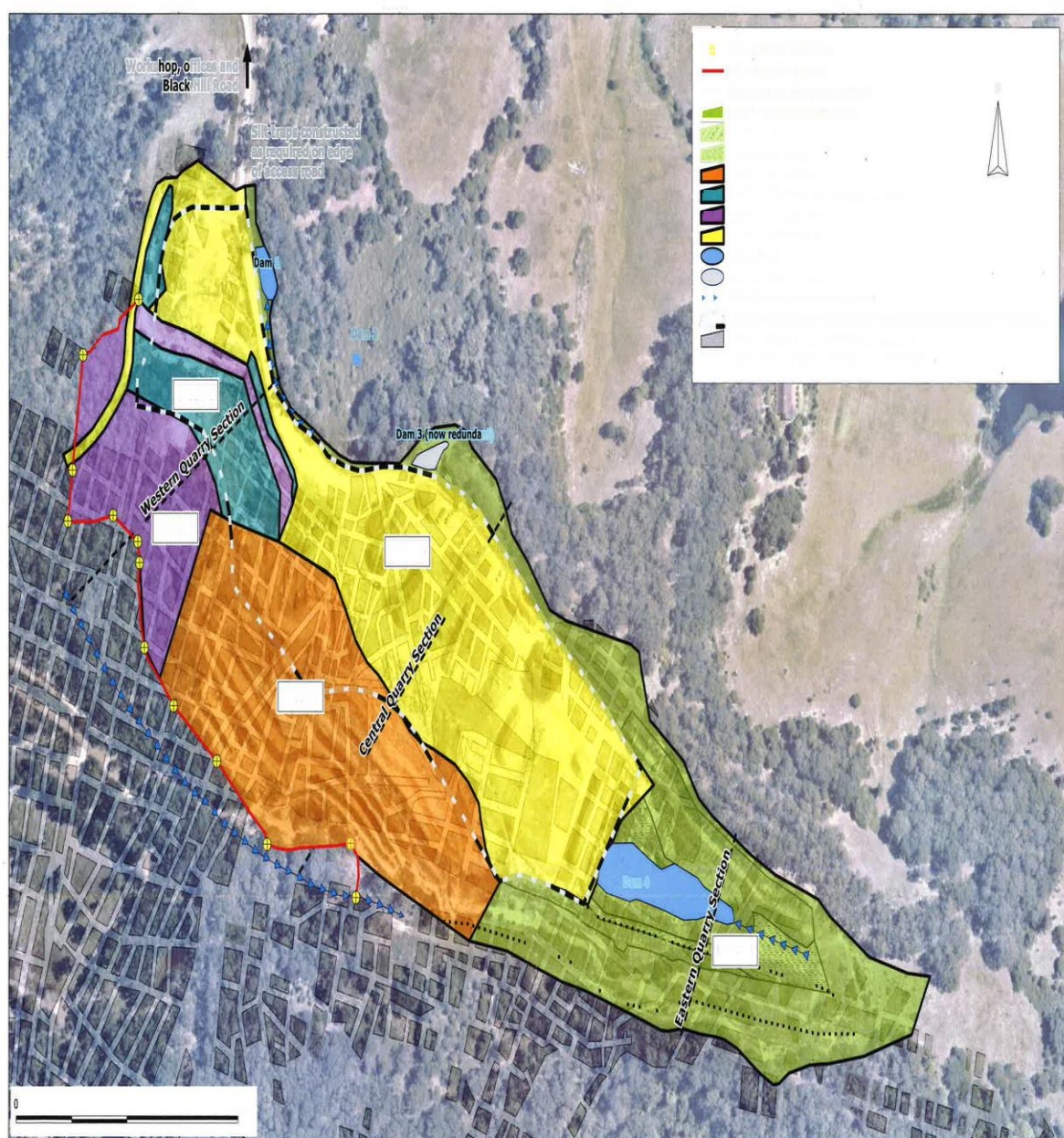
The following Figures 3, 4A and 5 from the current rehabilitation plan provide an indication of sections through the quarry. The cross-section indicates the seam of coal overlying the Waratah sandstone at the base of the current quarry.

The plan view indicates where the sections (Figures 3, 4A & 5) are taken and illustrates the pattern of old mine workings over the site.

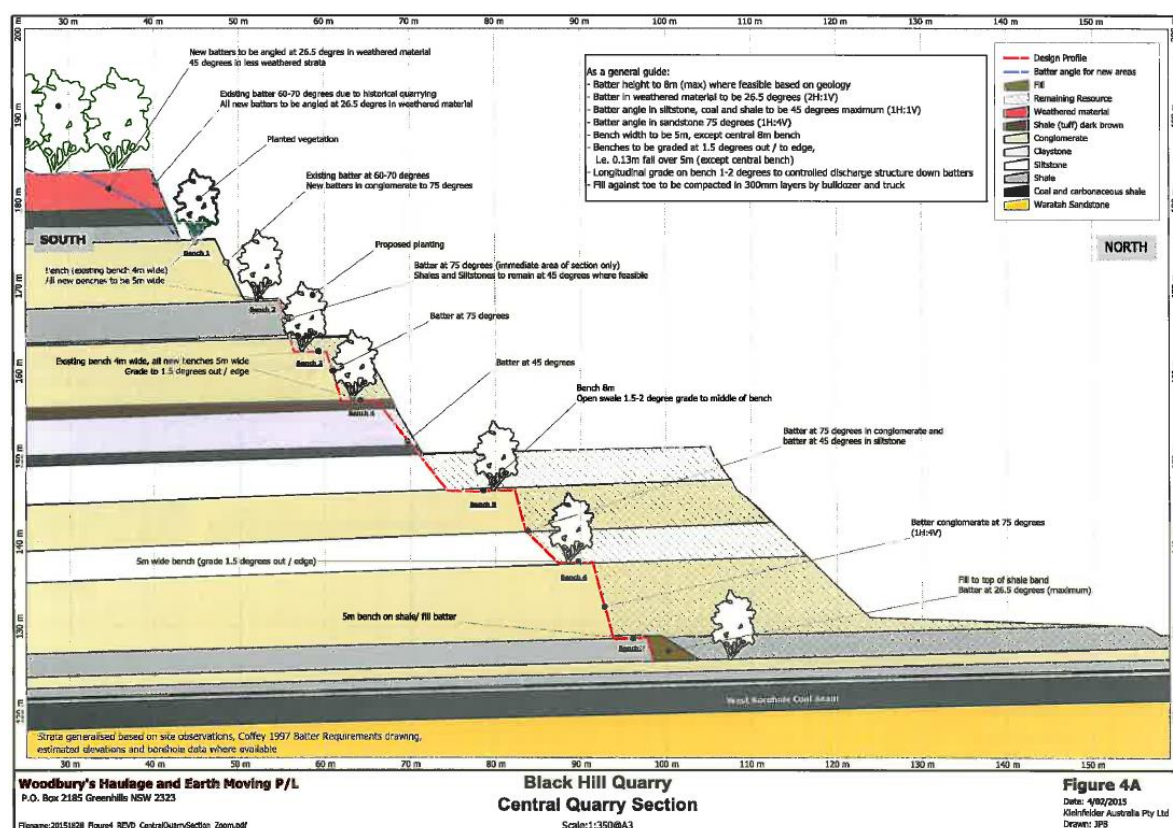
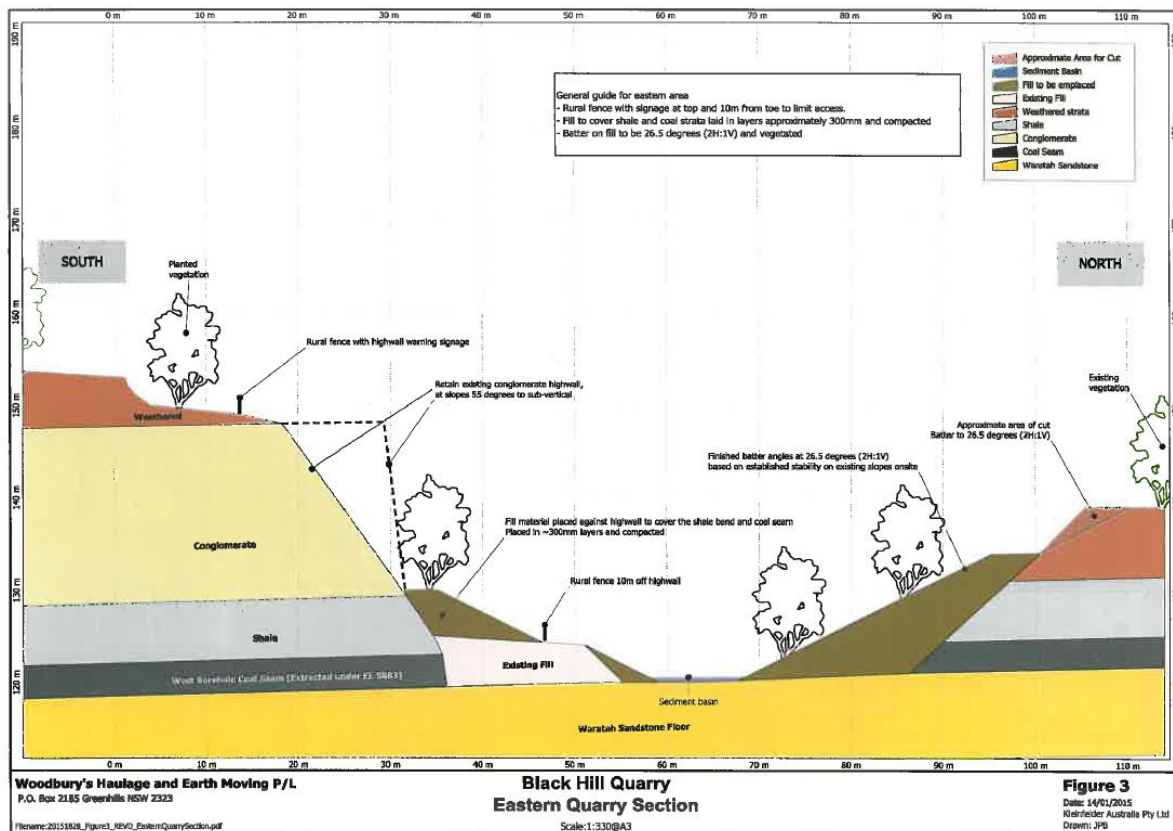
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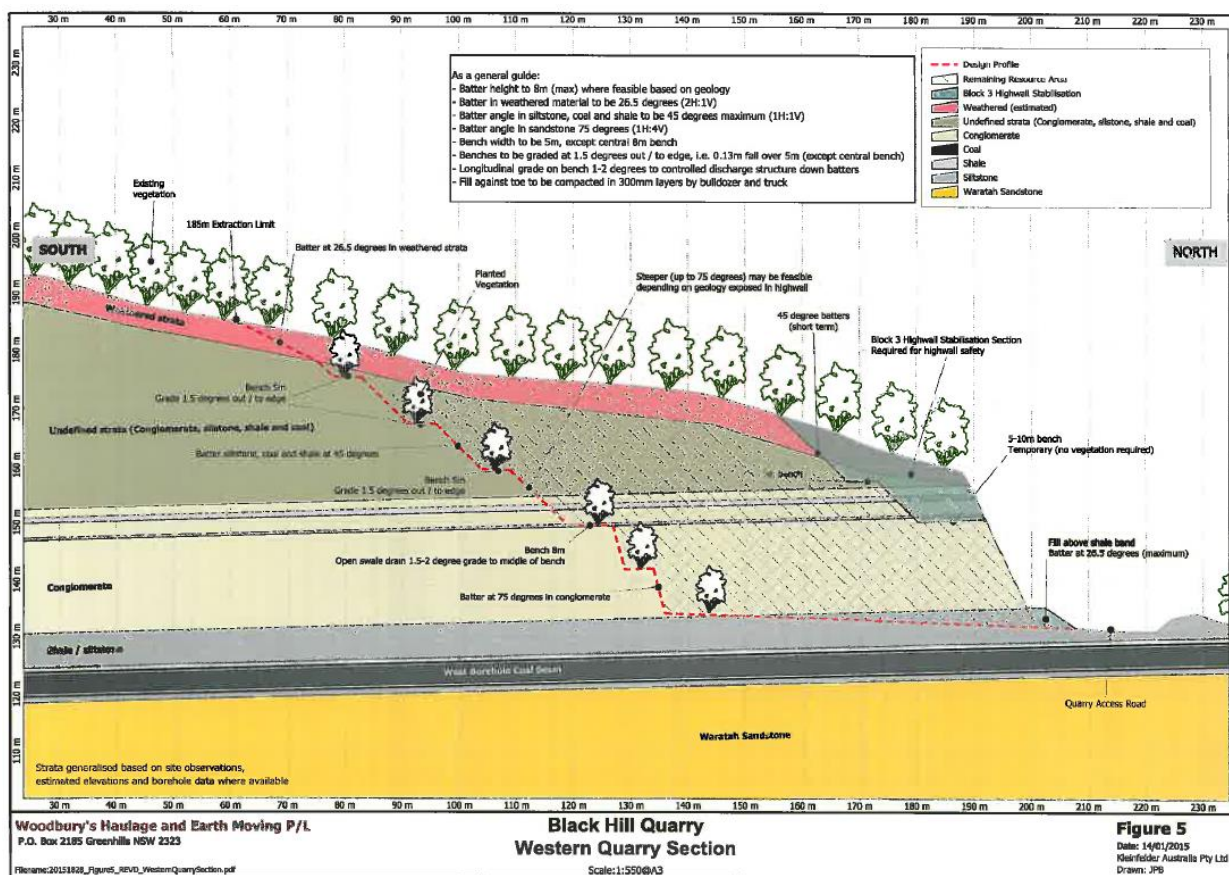
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The cross-section identifies that the old workings are persistent across the whole site and have been intersected by quarry activity, in part exposing the coal. The depth of coal varies significantly over the site and in much of the operational floor of the quarry there is little overburden covering workings. The Waratah Sandstone proposed to form the future quarry floor can be seen extending through the floor of the site.

## ASSESSMENT OF SECTION 96(AA) APPLICATION TO MODIFY NSW LAND AND ENVIRONMENT COURT ORDER NO. 10515 OF 1995

### *Environmental Planning and Assessment Act 1979 – Section 96AA, Modification by consent authorities of consents granted by the Court*

In part, Section 96(AA) states as follows:

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*
  - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent*

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*was originally granted and before that consent as originally granted was modified (if at all), and*

- (b) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, and*
  - (ii) a development control plan, if the consent authority is a C that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

With respect to the above, the following is noted:

- 1(a) Modification to the proposed development will not result in any change in land-use, scale or intensity of development from the existing operation within the site for the purposes of an extractive industry.

The subject site will continue to operate and present as a quarry. The road haulage route will be maintained and will remain within the existing limitation of 55 laden truck movements per day. The proposal will not result in any unforeseen impact to flora and fauna as the development of the quarry remains contained within the existing quarry footprint. Further, the intensity of development, extraction and transportation rates, hours of operation, plus all monitoring and reporting requirements, remain unaltered.

Taking into account the matters outlined above, it is considered that the proposed development is substantially the same development as that approved by the original application.

- 1(b) The proposal has been exhibited in accordance with the provisions of the Act, Regulations and Cessnock DCP 2010.
- 1(c) Council has made reasonable attempts to notify each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to Council of the objector or other person. It is noted that the original Approval issued by the NSW Land and Environment Court was granted in 1995, and therefore, some changes have occurred in terms of land ownership in the intervening period.

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1(d) Matters raised in the submissions lodged during the exhibition period have been considered during assessment of the application.

1(A) The Application has been assessed against the relevant provisions of Section 79C(1), and this assessment is detailed below.

***Environmental Planning and Assessment Act 1979 – Section 79C(1)***

Section 96(3) of the Environmental Planning and Assessment Act 1979 specifies that *‘in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application’*.

The following matters are relevant to the assessment of the Application:

***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the Application are:

1. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007; and
2. Cessnock Local Environmental Plan 2011.

An assessment of the Application under the Environmental Planning Instruments is provided below:

**1. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

This Policy aims to ensure the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State. Clause 7(3) provides that an extractive industry may be carried out on land which permits agriculture or industry.

Part 3 of the SEPP outlines the matters for consideration by Council, however, this is not relevant to consideration of a Section 96(AA) Application.

It is noted that the extraction of coal from the existing site is not declared to be a mining activity in its own right. The provisions of State Environmental Planning Policy (State & Regional Development) 2011 with respect to mining therefore do not apply.

Overall, it is considered that the Application is consistent with the requirements of the relevant State Environmental Planning Policies.

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## **2. Cessnock Local Environmental Plan 2011**

### **2.1 Permissibility**

The subject site is zoned part RU2 Rural Landscape under the provisions of the Cessnock Local Environmental Plan 2011.

The matter of permissibility is not relevant to consideration of the Application, as the approved land use remains the same.

### **2.2 Objectives**

The objectives of the RU2 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To maintain the rural landscape character of the land*
- *To provide for a range of compatible land uses, including extensive agriculture*
- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation*
- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*

The matter of zoning objectives is not relevant to consideration of the Application, as the approved land use remains the same and the overall development will therefore continue to be consistent with the objectives of the zone.

### **2.3 Relevant Clauses**

The Application was assessed against the following relevant clauses of the Cessnock Local Environmental Plan 2011:

#### **Clause 7.2 – Earthworks**

Earthworks associated with the extraction of coal from the site are unlikely to result in any significant change in predictable impact upon the surrounding environment where the existing off-site monitoring is maintained. The need for progressive rehabilitation of the site is maintained by the Approval.

It is unlikely that any adverse impact will result on any waterway or environmentally sensitive area as the removal of the exposed coal will reduce the impact of acid mine water drainage from the site. The site operation will continue to be subject to the existing range of environmental controls and complying with the Environmental Protection License in place.

Overall, it is considered that the Application is consistent with the requirements of Clause 7.2.

There are no other clauses within the Cessnock Local Environmental Plan 1989 relevant to the consideration of this Application.

- (a)(ii) *The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).***

No Draft Environmental Planning Instruments are relevant to the Applications.

- (a)(iii) *The Provisions of any Development Control Plan***

**Cessnock Development Control Plan 2010**

The Application has been subject of an assessment of the proposal's compliance with the provisions of the Cessnock Development Control Plan 2010. The Application did not require any variations to the numerical standards of the Plan.

The Application has been publicly exhibited in accordance with the requirements of the Cessnock DCP 2010, and this is addressed later in this report.

- (a)(iia) *The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F.***

No such agreement has been proposed as part of the Application.

- (a)(iv) *The Regulations***

**Clause 116** of the Environmental Planning and Assessment Regulation 2000, states:

*"A copy of an application for the modification of a development consent granted by the Court is not to be lodged with the Court, but with the consent authority that dealt with the original development application from which that consent arose."*

The application for the modification of the Approval was lodged with Council, in compliance with Clause 116.

**Clause 118** applies to the subject modification as the original application approved initially by Council and then, by the Land and Environment Court, was classified as designated development. Under the provisions of this clause, Council is required to give notice of the modification in a local newspaper; cause notice of the application to be given to each person who made a submission in relation to the original DA; and notify the Court of the date on which notice of the application is published.

All relevant requirements outlined above have been complied with by Council.

**The provisions of Part 2, Schedule 3 of the Regulations** applies to the assessment of the Application to the extent that it enables modifications to designated development.

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In particular, Clause 36 is relevant in determining whether the matters should be dealt with as a new development application for designated development.

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) *the impact of the existing development having regard to factors including:*
  - (i) *previous environmental management performance, including compliance with the conditions of any consents, licenses, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
  - (ii) *rehabilitation or restoration of any disturbed land, and*
  - (iii) *the number and nature of all past changes and their cumulative effects, and*
- (b) *the likely impact of the proposed alterations or additions having regard to factors including:*
  - (i) *the scale, character or nature of the proposal in relation to the development, and*
  - (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
  - (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
  - (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*
- (c) *any proposals:*
  - (i) *to mitigate the environmental impacts and manage any residual risk, and*
  - (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

With respect to the matters for consideration, the following comments are provided:

The proposed operation is to remain at its existing scale and intensity. The existing consent provides for the submission of an Annual Report on the operation of the quarry for review by Council and the community in determining ongoing compliance with the conditions of consent, progressive rehabilitation of the site and the provisions of the Environmental Protection License. It is intended that the current reporting regime incorporate the coal extraction activity.

The Approval granted by the Court put into place adequate measures to control likely impacts of the quarry operation, in particular, haulage traffic, site monitoring and reporting. It is considered that the measures remain relevant to the application proposing the extraction of coal, and will remain in place should the modification be granted.

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On the basis of the above, it is concluded that a new development application for designated development is not warranted on the basis that the coal is extracted in conjunction with existing quarry operations.

**(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.***

The Application will not result in any change to the scale or intensity of land use beyond that of the existing operation within the site. The extraction of coal the subject of the Order will be completed within 18 months from a site with approximately 12 years hard rock resource remaining, and a valid Approval to operate the quarry until 2026.

When viewed from surrounding land, the appearance of the subject site will continue to present as a quarry. The road haulage route will be maintained and will remain within the existing limitation of 55 truck movements per day.

Taking into account the matters outlined above, it is considered that the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

**(d) *Any submissions made in accordance with this Act or the Regulations***

The Section 96(AA) Application was publicly exhibited on 24 May and 13 June 2017.

Two submissions were received during the exhibition period, one of which was a community group submission prepared by the Black Hill Environment Protection Group. The following discussion addresses the issues and concerns raised in the submissions:

- 1. Community concerns surrounding consultation by the proponent and the extent of documentation available for comment. The prospective removal of coal was not discussed at the Community Liaison Group meeting in December, 2016 or site visit carried out in April 2017. Opportunity to provide comment and assessment prior to lodgement not utilised.**

Comment:

The concerns regarding consultation have been acknowledged and discussed at the Black Hill Quarry Community Liaison Group meeting held in August 2017. It was agreed by all present that the forum should be used to discuss prospective activities and likely alterations to the existing development consent before formal lodgement. Whilst this may occur outside of the formal lodgement and notification process, it was acknowledged as being a valid function of the group.

Issues with respect to access to all application documentation were also acknowledged at the meeting, with an undertaking to circulate material via the facilitator of the Group to ensure wider access.

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- 2. Volume and timing of coal extraction concerns. Council needs to ensure that the old workings are capped and high walls supported.**

Comment:

As outlined in this report, the coal extraction can only occur within the scope of the existing quarry operation. The extraction of up to 200,000 tonnes of coal over a period of 18 months is within the bounds of the existing Approval. The proponent has acknowledged that the EMP for the site will need to be amended to reflect the removal of the coal.

- 3. Setting a survey level to A.H.D for the quarry floor. Accounting for coal extraction in the Environmental Management Plan and Rehabilitation Plan.**

Comment:

The Approval granted by the Land and Environment Court and the conditions formulated in the original consent were constructed following substantial representation by the local community and resulted in the physical limitations of the quarry being defined by the original conditions of consent. The community group have requested that a survey level to A.H.D be set for the quarry floor by way of an amended condition of consent. This has been considered and it has been determined that the final depth and contours of the coal seam and former workings in the quarry floor are not fully known at this stage and that the seam appears to slope across the quarry site.

The setting of a nominated survey level over the quarry floor is therefore not practical as the variations in the coal seam contours and degree of slope across the site would result in a multitude of finished levels across the quarry site. It was concluded that it would be more practical to nominate the exposure of the waratah sandstone strata to serve as a physical limitation to the depth of the quarry floor.

The extent of the quarry was originally fixed in terms of the height of its walls by the adoption of a level of 185.00 m AHD. The high walls have been physically surveyed and markers maintained over the course of operations which have now been accepted by all parties as comprising the maximum extent of the quarry perimeter. The survey to AHD does not take its reference from the quarry floor but is expressed relative to the Australian Height Datum (A.H.D) which is a datum surface based on the mean sea level at 30 tide gauge stations around the coast of Australia. The increase in the depth of the quarry floor therefore will not require further amendment to the original conditions of consent.

In the event the application is approved, the extraction of coal and the ultimate depth of the quarry will be subject to ongoing monitoring of the quarry operation and the rehabilitation plan progress.

In consideration of the above, the following key issues have been raised in submissions lodged by both an individual landholder and the Black Hill Environment Protection Group:

- a) Amendments to Condition No. 49 and 50 must carry over the need to maintain the environmental management and rehabilitation programme incorporating the coal extraction in order for the consent to remain compliant; and
- b) Stipulation of a survey level for the quarry floor consistent with the submitted plan.

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Comments with respect to the above are acknowledged, and Council officers have proposed amendments to existing conditions of consent, in particular, Conditions 1, 49 and 50, to address the concerns raised by objectors.

Overall, Council must determine the application before it based upon its merits within the existing legislative framework and context. In terms of certainty, it is clear that the extraction of coal and consequential extension of the quarry floor will not exceed the quarry's operation, scale and intensity over the next ten years whilst ever the activity is constrained by the conditions of the existing Approval. In addition, the potential impact of the operation is certain to diminish over time with progressive rehabilitation and comparatively rapid exhaustion of the coal resource.

**(e) *The public interest***

The public interest is served through the detailed assessment of this Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies. Based on the assessment, it is considered that the proposed development is consistent with the public interest.

## **INTERNAL REFERRALS**

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The Application was referred to Council's consultant development engineer and local development traffic committee for comment/assessment. On the basis that the coal is extracted within the framework of the existing quarry consent, no objection to the proposal is raised as no additional haulage traffic will arise from the activity. No additional modifications to the development consent conditions have been recommended.

## **CONCLUSION**

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The Application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

The proposal to modify the consent by extending the floor of the quarry to enable extraction of coal, is recommended for approval. The extension of the quarry floor will enable the development consent for the quarry to remain uncompromised by the proponent's need to comply with the terms of the Order to extract the coal.

The modification is capable of being integrated into the current conditions of development consent, Rehabilitation Plans and Environmental Management Plan for the site.

In relation to the ongoing monitoring of the site, the establishment of the Black Hill Quarry Community Liaison Group provides Councillors, local residents, Council officers, the quarry operator and their consultants, a forum in which to raise any issues arising from the operation of the quarry. Furthermore, the Community Liaison Group ensures ongoing community review of the Rehabilitation and Environmental Management Plans for the site.

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The risks associated with the presence of the coal on the site can only effectively be dealt with by removal of the old workings and remnants of the seam. This can only be achieved by extension to the existing quarry floor.

Based on the assessment, the Application is recommended for approval subject to the modified conditions contained in this report.

## **ENCLOSURES**

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- 1** Application Details
- 2** Site Plan
- 3** Submission - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- 4** Submission - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

## MODIFIED CONDITIONS OF CONSENT

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### Condition No 1 is modified and shall read as follows:

The development is to be carried out generally in accordance with the proposals set out in the Environmental management Plan (EMP) revised in accordance with condition 4 and Environmental Impact Statement, as modified by the following conditions of consent and the material to be extracted **may include coal in association with** a mixture of ridge gravel, clay shale and sandstone being the material described in the Environmental Impact Statement subject to a maximum height of 185m AHD. The limit of extraction as shown on figure 3.2 is to be surveyed and the extraction boundary pegged at 50 metre intervals by a registered surveyor for the remaining life of the operation.

The maximum volume of product to be transported from the site shall not exceed 55 laden truck movements per day.

### Condition No. 49 is modified and shall read as follows:

#### 49. Environmental Management Plan

The requirements/conditions/recommendations contained within the Environmental Management Plan 2015 prepared by 'Kleinfelder,' dated 18 May 2015, **and as subsequently amended**, shall be complied with at all times. **The Environmental Management Plan for the quarry operations is to be amended to include the extraction and stockpiling of coal, and such amended Environmental Management Plan must be submitted to and approved by Council prior to the extraction of any coal from the site.** The extent of the quarry operations are strictly confined to the area described under the approved plans and documentation. In addition to the land area described, quarry operations are restricted to a maximum wall height of 185 metres AHD in accordance with Condition 1 and shall not extend the depth of the ~~existing~~ quarry floor **beyond the Waratah Sandstone as indicated by the plans accompanying the application** other than with the further approval of the consent authority.

All EMP rehabilitation requirements (inclusive of those requirements of Conditions 4, 31A and 31B ) are to be met in conjunction with compliance with Condition 50.

### Condition No. 50 is modified and shall read as follows:

#### 50. Rehabilitation Plan

The requirements/conditions/recommendations contained within the Rehabilitation Plan prepared by 'Kleinfelder,' dated 18 May 2015, shall be complied with at all times. **The Rehabilitation Plan is to be amended to include the extraction of coal, and such amended Rehabilitation Plan must be submitted to and approved by Council prior to the extraction of any coal from the site.**

**SUBJECT:** ***DRAFT SUBMISSION ON THE OPTIONS PAPER INTO  
SHORT TERM HOLIDAY LETTING IN NSW***

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

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### **SUMMARY**

The NSW Department of Planning and Environment has released an Options Paper into Short-Term Holiday Letting (STHL) in NSW. The Options Paper explores a variety of regulatory options to manage the potential impacts of STHL. A draft submission on the Options Paper has been prepared for Council to consider.

### **RECOMMENDATION**

**That Council endorse the draft submission to the Options Paper on Short-Term Holiday Letting in NSW.**

### **BACKGROUND**

The NSW Department of Planning and Environment has recently released an Options Paper into STHL in NSW. STHL is defined in the Options Paper '*as a dwelling, or part of a dwelling, that provides short-term accommodation, but does not include tourist and visitor accommodation*'. The Options Paper follows a Parliamentary Inquiry into the adequacy of regulation for STHL in NSW.

The Options Paper explores a variety of regulatory options to manage the potential impacts of STHL with a view of establishing a consistent regulatory framework.

A draft submission on the Options Paper has been prepared for Council endorsement. The draft submission is attached as **Enclosure 1**. The submission period ends on 31 October 2017.

### **REPORT/PROPOSAL**

The emergence of online booking services and the development of the sharing economy has seen STHL expand significantly in NSW. According to the Parliamentary Inquiry, the industry is estimated to be worth \$31.3 billion to the national economy, provides a source of income for property owners and creates employment through the establishment of new businesses that manage online bookings.

While there are clear economic benefits to STHL, it is also recognised that the use has the potential to generate significant impacts on the community if not managed appropriately. These impacts include noise, waste, traffic and parking, safety and security, and the potential impact on housing supply and the broader tourism accommodation industry.

The challenge for State Government will be identifying an adequate and equitable level of regulation to manage the impacts of STHL, while recognising that excessive regulation could put the entire industry at risk. It is for this reason that the Department of Planning and Environment has released the Options Paper into Short-Term Holiday Letting in NSW.

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The Options Paper explores a variety of regulatory options to manage the potential impacts of STHL, including self-regulation through the exempt development framework and/or formal Government intervention through Part 4 of the *Environmental Planning and Assessment Act 1979*.

A draft submission on the Options Paper has been prepared for Council endorsement and is attached as **Enclosure 1**. The draft submission supports a scaled approach to managing the impacts of STHL, with the majority of STHL managed through the exempt development framework of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Where a STHL was to operate beyond the exempt development standards, or occurred in a more sensitive location, such as strata units or nominated strategic land, then it would be reasonable for the use to require development consent.

The draft submission advocates for the inclusion of a consistent definition for Short-Term Letting in the Standard Instrument Local Environmental Plan. The draft submission also calls for mandatory registration of STHL and compliance with a State structured code of conduct. The code of conduct would detail minimum operating standards and requirements for all STHLs.

### **OPTIONS**

Options available to Council include the following:

1. Endorse the draft submission to the Options Paper on Short-Term Holiday Letting in NSW.
2. Amend the draft submission.
3. Not endorse the draft submission.

### **CONSULTATION**

In drafting the submission, consultation has occurred with Council's Environmental Health Section, Development Services and Building Services. Consultation has also occurred with Newcastle City Council, Lake Macquarie City Council, Port Stephens City Council, Central Coast Council, Upper Hunter Shire Council, NSW Fair Trading and the Department of Planning and Environment.

### **STRATEGIC LINKS**

#### **a. Delivery Program**

- 1.3 – Promoting safe communities.
- 2.3 – Increasing tourism opportunities and visitation in the area.
- 3.1 – Protecting and enhancing the natural environment and the rural character of the area.

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**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The Options Paper builds on the work of the Parliamentary Inquiry and existing practice. Council's submission will assist the State Government in drafting any changes to the NSW planning framework to manage the impacts of STHL.

**b. Financial Implications**

Nil

**c. Legislative Implications**

The Options Paper is the first step in establishing a consistent regulatory framework for STHL in NSW. At the conclusion of the submission period, the State Government will consider responses received and formulate appropriate regulatory mechanisms to manage the impacts of STHL in NSW.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

The NSW Department of Planning and Environment has called for submissions on the Options Paper into Short-term Holiday Letting (STHL) in NSW. The Options Paper has been reviewed and a draft submission prepared for Council endorsement. The submission period ends on 31 October 2017.

**ENCLOSURES**

- 1** Draft Submission on the Options Paper into Short-Term Holiday Letting in NSW

Planning and Environment

Report No. PE54/2017

Planning and Environment



**SUBJECT:** ***APPOINTMENT OF ALTERNATE COUNCILLOR  
REPRESENTATIVE TO THE HUNTER AND CENTRAL  
COAST JOINT REGIONAL PLANNING PANEL FOR  
CONSIDERATION OF DEVELOPMENT APPLICATION NOS.  
8/2017/459/1 AND 8/2017/460/1***

**RESPONSIBLE OFFICER:** ***Development Services Manager - Janine McCarthy***

---

## **SUMMARY**

Development Application Nos. 8/2017/459/1 and 8/2017/460/1 were recently lodged with Council, and will be determined by the Hunter and Central Coast Joint Regional Planning Panel (JRPP).

Two of Council's current members have a conflict of interest in relation to the development applications due to their previous consideration of the planning proposal which rezoned the sites in question.

In consideration of the above, it is necessary for Council to nominate an alternate Councillor representative to the Hunter and Central Coast JRPP to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1.

## **RECOMMENDATION**

**That Council nominate an alternate Councillor representative to the Hunter and Central Coast Joint Regional Planning Panel to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1, and advise the JRPP Panel Secretariat of this appointment.**

## **BACKGROUND**

Council is in receipt of the following development applications:

- Development Application No. 8/2017/459/1 proposing a phased subdivision involving the creation of 612 residential lots, 1 drainage lot, 1 infrastructure lot and 1 residue lot, at Ruby Street Bellbird; and
- Development Application No. 8/2017/460/1 proposing the subdivision of one lot into 445 lots, at Tennant Street, Bellbird.

In relation to the Hunter and Central Coast JRPP, the following resolutions of Council are of relevance:

### **5 October 2016**

At their meeting of 5 October 2016, Council considered Report No. PE65/2016, and resolved as follows:

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1. *That Council appoint Councillor Pynsent and Councillor Sander as members and Councillor Stapleford as the alternate, to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) for a period of three (3) years, and advise the JRPP Secretariat of these appointments.*
2. *That Council's adopted Expenses and Facilities Policy apply to any expenses incurred by members exercising their JRPP responsibilities.*

**14 December 2016**

Further to the above, at Council's meeting of 14 December 2016, Council resolved as follows:

*'That the General Manager be delegated the ability to appoint a staff member to act as an Alternate Delegate to the Joint Regional Planning Panel if the council appointed delegates are unable to participate in a particular matter'.*

On occasion, a matter is listed for determination by the Hunter and Central Coast JRPP, and a Council nominated member may have a conflict of interest. In the event this occurs, and it is considered appropriate to have Councillor, rather than staff representation, it is necessary for Council to resolve to appoint an alternate member to consider a particular matter.

In this case, two of Council's current members (the Mayor, Councillor Pynsent and Councillor Stapleford) have a conflict of interest in relation to the development applications due to their previous consideration of the planning proposal which rezoned the sites in question. Specifically, the planning proposal was the subject of Report PE88/2015, which was considered by Council at their meeting of 18 November 2015.

In consideration of the above, it is necessary for Council to nominate an alternate Councillor representative to the Hunter and Central Coast JRPP to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1.

**REPORT/PROPOSAL**

As outlined above, Council is in receipt of two development applications (Reference Nos. 8/2017/459/1 and 8/2017/460/1), that will be determined by the Hunter and Central Coast JRPP.

Council's current representatives to the JRPP are:

- the Mayor, Councillor Pynsent;
- Councillor Sander; and
- Deputy Mayor, Councillor Stapleford as alternate.

The JRPP Code of Conduct effectively prevents any Councillor who has previously considered or voted on the same matter (in this case, the planning proposal that rezoned the sites in question) from attending and/or voting at the JRPP when the matter is being considered and/or determined.

Whilst Council has authorised the General Manager at its meeting of 9 December 2016 to appoint a staff representative as an alternate, this option would generally only be utilised in

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circumstances where timing would prohibit a report to Council to nominate a Councillor alternate, or there is no Councillor alternate possible because all current Councillors may have voted previously on a particular matter.

In this case, adequate time is available to appoint a Councillor alternate, as the development applications in question have only recently been lodged with Council, and they will not be determined until such time as the assessment is complete. Furthermore, a Councillor alternate is possible, as the planning proposal that rezoned the sites in question was voted on by the previous Council.

In consideration of the above, it is recommended that Council nominate an alternate Councillor representative to the Hunter and Central Coast JRPP to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1, to ensure the views of the Council are represented when the matters are considered by the JRPP in the future.

In order to ensure compliance with the JRPP Code of Conduct, it is noted that Council's nominated alternate representative will also need to exclude themselves from voting on or considering any matter regarding Development Application Nos. 8/2017/459/1 and 8/2017/460/1 in the event these matters are referred to Council for any reason.

**OPTIONS**

1. Council may resolve to appoint an alternate Councillor representative to the Hunter and Central Coast JRPP to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1; or
2. Council may resolve not to appoint an alternate Councillor representative to the Hunter and Central Coast JRPP to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1. It is noted that, in the event it is resolved to proceed with this option, Council will not have full representation on the Hunter and Central Coast JRPP, and the matters will be considered and/or determined in the absence of this.

**CONSULTATION**

Director Planning and Environment

**STRATEGIC LINKS**

**a. Delivery Program**

This matter progresses the Community's Desired Outcome for "*A Sustainable and Healthy Environment*" in particular Objective 3.1 of the Delivery Program "*Protecting and Enhancing the Natural Environment and Rural Character of the Area*".

This matter also relates to the Community's Desired Outcome for "*Civic Leadership and Effective Governance*".

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**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Development Application Nos. 8/2017/459/1 and 8/2017/460/1 were recently lodged with Council, and will be determined by the Hunter and Central Coast JRPP.

Two of Council's current members (the Mayor, Councillor Pynsent and Councillor Stapleford) have a conflict of interest in relation to the development applications due to their previous consideration of the planning proposal which rezoned the sites in question.

In consideration of the above, it is necessary for Council to nominate an alternate Councillor representative to the Hunter and Central Coast JRPP to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1.

**ENCLOSURES**

There are no enclosures for this report

Corporate and Community

Report No. CC66/2017

Corporate and Community Services



**SUBJECT:** *SECTION 449 DISCLOSURE OF INTERESTS RETURNS*

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

### **SUMMARY**

Councillors and designated persons must complete annual disclosures of interest returns within 3 months after the end of each financial year. These must be reported to Council at the first practical meeting after the reporting period of 30 September each year.

### **RECOMMENDATION**

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

### **BACKGROUND**

Under Section 449(3) of the Local Government Act, 1993 (the Act) Councillors and designated persons who were holding a position at 30 June each year must lodge a return disclosing their interests within three months of that date.

Under Section 450A(2)(b) of the Act these returns must be tabled at Council at the first practical meeting held after the lodgement date.

### **REPORT**

As at 30 September 2017, returns had been submitted by Councillors and staff who held positions regarded as designated person positions. Copies of the returns are maintained in the Register of Annual Returns (**Enclosure 1**) and are tabled for the information of Councillors. The Register of Returns is available for public inspection in accordance with the Government Information (Public Access) Act 2009.

### **OPTIONS**

N/A

### **CONSULTATION**

All Councillors and designated persons were provided the S449 Guide from the Office of Local Government to assist them in the completion of their returns.

### **STRATEGIC LINKS**

#### **a. Delivery Program**

Completion of the annual returns links to the community's desired outcome of "*Civic Leadership and Effective Governance*".

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**b. Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A

**c. Legislative Implications**

The completion and tabling of these returns is a statutory requirement under the Act.

Section 449(3) of the Act requires Councillors and designated persons who were holding a position at 30 June each year to lodge a return disclosing their interests within three months of that date. Section 450A (2)(b) of the Act requires these returns to be tabled at Council on the first meeting held after the lodgement date of 30 September 2017.

**d. Risk Implications**

Failure to lodge Section 449 Returns would result in statutory non-compliance of Section 449(3) of the Local Government Act 1993.

**e. Other Implications**

N/A

**CONCLUSION**

Tabling of the Register of Returns satisfies Council's legislative requirements under the Act.

**ENCLOSURES**

- 1 Register Disclosure of Interest Returns for Councillors and Designated Persons as at 30 September 2017

Corporate and Community

Report No. CC67/2017

Corporate and Community Services



**SUBJECT:** *ELECTION OF DEPUTY MAYOR*

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

### **SUMMARY**

Historically, Council has elected a Deputy Mayor each year for a term of twelve months. Council should determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

### **RECOMMENDATION**

**That the election of Deputy Mayor be held and determined by open ballot for the term of office from October 2017 up and until October 2018.**

### **BACKGROUND**

The Local Government Act 1993 provides for Councillors to elect a person from among their number to be the Deputy Mayor. Historically Council has elected a Deputy Mayor each year for a term of twelve months. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

### **REPORT**

In relation to the position of Deputy Mayor, Section 231 of the Local Government Act 1993 provides:

1. The Councillors may elect a person from among their number to be the Deputy Mayor.
2. The person may be elected for the Mayoral term or a shorter term.
3. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor.
4. The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Schedule 7, clause 394 of The Local Government (General) Regulation 2005 provides options for the election process for the position of Mayor or Deputy Mayor (**Enclosure 2**).

The following procedure is recommended:

- The General Manager (or a person appointed by the General Manager) will be the Returning Officer.
- Nominations are to be announced and elections are to be conducted.
- A nomination is to be made in writing by two or more Councillors, one of whom may be a nominee. The nominee must consent to the nomination in writing.
- The Council resolve that the election proceed by preferential ballot, ordinary ballot or open voting. The nomination form is attached (**Enclosure 1**) to this report.

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- Preferential ballot and ordinary ballot will be secret ballots.

A nomination paper has been attached and must be handed or delivered to the General Manager, acting as Returning Officer, prior to the election.

The Code of Meeting Practice (cl3.9.9) requires that the election is to be held at the Council meeting at which the Council resolves on the method of voting.

**CONSULTATION**

N/A

**STRATEGIC LINKS**

**a. Delivery Program**

This reports links to the community's desired outcome of "*Civic Leadership and Effective Governance*".

**b. Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The fee applicable to the Deputy Mayor position is included in the budget allocation for the Mayor as per Section 249 and 252 of the Act.

The Deputy Mayoral allowance was set at \$800 for 2017/18 when Council considered the Mayoral and Councillor fees on 17 May 2017.

**c. Legislative Implications**

Section 231 of the Local Government Act 1993 provides that Councillors may elect a person from among their number to be the Deputy Mayor, and any such person may be elected for the Mayoral term or a shorter term.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

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***OPTIONS***

1. Council decide not to elect a Deputy Mayor.
2. Council elect a Deputy Mayor, subject to:
  - 2.1 Term of Office
    - Council elect a Deputy Mayor for a 12 month period until October 2017.
    - Council elect a Deputy Mayor for the remainder of the Mayoral term.
    - Council elect a Deputy Mayor for another designated term.
  - 2.2 Method of Election
    - The election of Deputy Mayor be by preferential ballot.
    - The election of Deputy Mayor be by ordinary ballot.
    - The election of Deputy Mayor be by open voting.

***CONCLUSION***

The Local Government Act 1993 provides for Councillors to elect a current Councillor to be the Deputy Mayor. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

***ENCLOSURES***

- 1 Nomination Paper for Election of Deputy Mayor 1 Page
- 2 Schedule 7

Corporate and Community

Report No. CC68/2017

Corporate and Community Services



**SUBJECT:** ***REQUEST FOR DONATION UNDER SECTION 356 -  
BRANXTON PRESCHOOL***

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

---

### **SUMMARY**

A request has been received from Branxton Preschool for rate relief via a donation under Section 356 of the Local Government Act 1993 (the Act) for the leased property located at 13 John Street Branxton.

### **RECOMMENDATION**

1. That Council include the property at 13 John Street, Branxton, leased by Branxton Preschool in the listing of community groups receiving a subsidy under Policy "Rates Subsidy to Community Organisations".
2. That Council provide a 50 percent rebate on general rates for 2017-18 and future rating years in accordance with the Policy.
3. That a subsidy of \$3,202.18 be provided in 2017-18 under Section 356 of the Local Government Act 1993.

### **BACKGROUND**

Policy "Rates Subsidy to Community Organisations" provides a rate subsidy for a number of specified properties under Section 356 of the Act. The subsidy is a 50% rebate of the general rates levy and is applied during the rate levy process.

The Branxton Preschool has requested that the property at 13 John Street, Branxton which is owned by Council, be considered for inclusion on the annual subsidy listing and that the subsidy be applied for the rating year commencing 1 July 2017. Branxton Preschool has a current lease agreement with Council.

### **REPORT/PROPOSAL**

The Branxton Preschool has requested that its leased property at 13 John Street, Branxton known as assessment 286674 be considered for inclusion on the annual subsidy listing and that the subsidy be applied for the rating year commencing 1 July 2017. This would result in a 50 percent general rate subsidy being applied to the current and future years.

The Branxton Preschool provides a preschool service to the local community. Branxton Preschool has plans to expand their services to cater for the Huntlee development and the increasing demands that this development is expected to bring, with planning including the possible provision of Out of School Hours Care or an Occasional Care Service.

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The property is not eligible to be classified as non rateable in accordance with the provisions of the of the Act. Section 356 of the Act provides that Council may, for the purpose of exercising its functions, “grant financial assistance to other persons”.

The Policy “Rates Subsidy to Organisations” provides a 50% rate subsidy for a number of specified properties and provides for rate relief on an ongoing basis for those identified groups. The Annual Report provides the community with information as to those community groups/organisations which receive this subsidy.

For 2017-18 the following properties received a subsidy under this Policy:

<b>Assessment</b>	<b>Organisation</b>	<b>Subsidy</b>
5173	Cessnock Masonic Hall	\$ 1,681.29
17178	Country Women’s Association	\$ 2,143.31
40386	RSL Hall - Maitland St, Branxton	\$ 1,940.02
45260	Challenge Disability Services	\$ 2,706.98
59204	Cessnock Homing Pidgeon Club	\$ 1,228.51
80028	RSL Hall - Wollombi Rd, Cessnock	\$ 1,385.60
123596	Paxton Masonic Hall	\$ 1,431.80
132696	RSL Hall - Cessnock Rd, Weston	\$ 893.08
139378	Weston Pre-School	\$ 1,191.55
139907	Weston Masonic Hall	\$ 1,376.36
157156	Cessnock Mini-Bike Club	\$ 380.77
176263	Greta Pre-School Kindergarten	\$ 1,866.10
191502	Kurri Kurri Motor Cycle Club	\$ 298.33
198655	Aberdare Pre-School	\$ 2,244.96
198861	Bellbird Pre-School	\$ 1,727.49
252916	Richmond Vale Preserv. Co-op Soc.	\$ 878.05
275529	Cessnock Pistol Club	\$ 942.15
291963	Kurri Kurri Early Childhood Centre	\$ 2,392.81
312710	Cessnock Multipurpose Children's Centre Ltd	\$ 1,829.14
312728	Cessnock Multipurpose Children's Centre Ltd	\$ 3,316.85
<b>Total Subsidy Provided 2017-18</b>		<b>\$ 31,855.15</b>

In the current year subsidies totalling \$31,855.15 have been provided under this policy, with an original budget allocation of \$31,300 as part of the 2017-18 Operational (the budget will be adjusted as part of the September Quarterly Budget Review).

If Council accedes to the request from the Branxton Preschool and includes the Branxton Preschool on the annual subsidy listing the cost in 2017-18 will be \$3,202.18

**OPTIONS**

1. That Council include the Branxton Preschool leased property at 13 John Street, Branxton in the listing of community groups receiving a subsidy under Policy “Rates Subsidy to Community Organisations” which would provide a 50 percent rebate on

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general rates for 2017-18 and future rating years. This would amount to a subsidy of \$3,202.18 in 2017-18.

If Council is prepared to provide a rebate as requested then this is the preferred Option, as it accords with the existing Council Policy.

2. That Council reject the request for a donation due to budgetary constraints.

If Council is not prepared to provide a rebate in accordance with the Policy provisions then this is the preferred Option.

3. That Council provide a rebate on general rates to the Branxton Preschool leased property at 13 John Street, Branxton for the 2017-18 rating year only at an amount or level determined by Council.

This option is not recommended, as if granted the rebate would be inconsistent with rebates granted under the Policy to other like entities.

4. That Council provide a rebate on general rates Branxton Preschool leased property at 13 John Street, Branxton for the current and future rating years on an ongoing basis at an amount or level determined by Council.

This option is not recommended, as if granted the rebate would be inconsistent with rebates granted under the Policy to other like entities.

**CONSULTATION**

Senior Property Officer  
Management Accountant

**STRATEGIC LINKS**

**a. Delivery Program**

The provision of rates relief to Branxton Preschool would be consistent with 'Objective 1.2 - Strengthening Community Culture Strategic Directions' of the Delivery Program 2017-2021 and in particular the Strategic Direction that "Our facilities are utilised by community groups".

This report is also linked to the community's desired outcome of "*Civic Leadership and Effective Governance*".

**b. Other Plans**

Nil

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

The Policy “Rates Subsidy to Community Organisations” provides a rate subsidy for a number of specified properties and provides for rate relief on an ongoing basis for those identified groups at the rate of 50 percent of the general rates component.

**b. Financial Implications**

The expected costs associated with the donation under Section 356 of the Act in accordance with Policy “Rates Subsidy to Organisations” were included in the operational budget for 2017-18 with an amount of \$31,300 provided. Actual rebates were \$31,855.15 with the September Quarterly Budget Review proposing an increase of \$555.15 to fund the overrun.

Any further rebates granted would not have an identified funding allocation in 2017-18. The recommendation of including the Branxton Preschool property under the Policy would require an allocation of an additional \$3,202.18 to the 2017-18 donations budget

**c. Legislative Implications**

Section 356 of the Act allows Council to make such a donation.

**d. Risk Implications**

If Council elects not to make a donation as requested the financial impact of meeting the rates may adversely affect the ongoing operations of the Branxton Preschool.

If Council elects to make a donation then a source of funding will need to be identified to offset the cost of the rebate. This may result in the reduction in funds available to undertake existing programs within the operational budget.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Council is able to grant a donation under the provisions of Section 356 of the Act. Policy “Rates Subsidy to Community Organisations” provides a subsidy to similar organisations.

The request is provided for Councils consideration and determination.

**ENCLOSURES**

There are no enclosures for this report

Corporate and Community

Report No. CC69/2017

Corporate and Community Services



**SUBJECT:** *EASEMENT FOR DRAINAGE OF WATER WITHIN 10 AND 12 COOPER STREET, HEDDON GRETA*

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

### **SUMMARY**

The purpose of this report is to seek Council approval to acquire an easement for drainage of water burdening Lots 15 and 16 Section 20 DP 3816 – 10-12 Cooper Street, Heddon Greta.

### **RECOMMENDATION**

1. That Council acquires an easement for the drainage of water being 7m wide and variable on the south eastern boundary of Lot 15 Section 20 DP 3816 and the northern boundary of Lot 16 Section 20 DP 3816 being 10 and 12 Cooper Street, Heddon Greta.
2. That Council authorise the General Manager to negotiate the terms of the easement and prepare the necessary documents for registration at Land and Property Information (LPI) NSW.
3. That Council authorise the Common Seal of Cessnock City Council to be affixed to the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.
4. That Council authorise the Mayor and/or General Manager to execute the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.

### **BACKGROUND**

A drainage investigation and design was undertaken for Cooper Street, Heddon Greta as part of the 2017/18 Drainage Construction Program. As an outcome of the investigation and design; an easement is required for the drainage of water at the northern boundary of Lot 16 Section 20 DP 3816 and the south eastern boundary of Lot 15 Section 20 DP 3816.

The landowners have provided consent to Council for access to the property to carry out preliminary design investigation.

The location of the proposed easement is shown on the plans below; being Figure 1 – Cadastral Location Plan and Figure 2 – Aerial Photo of the Location Site.

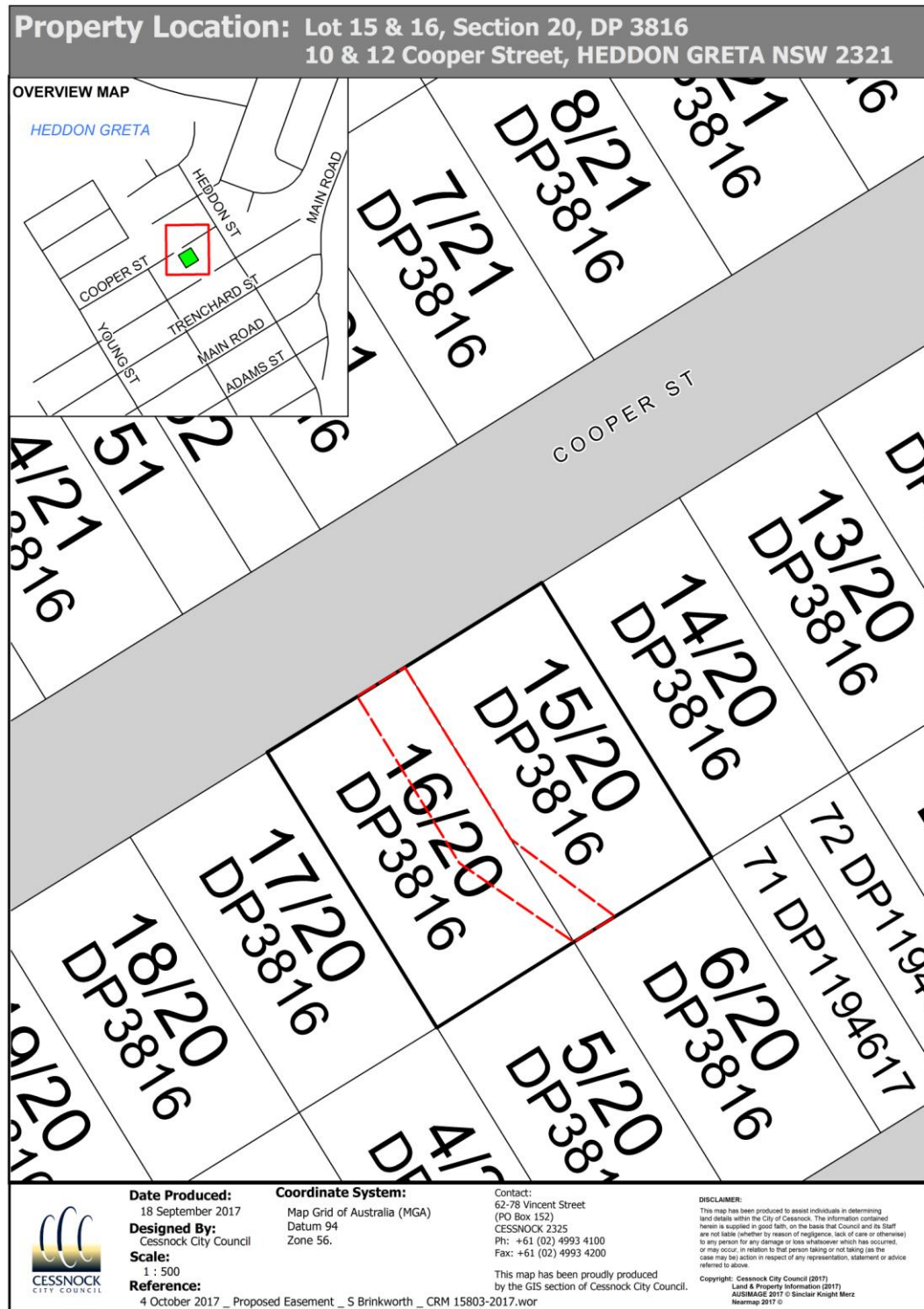
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Figure 1 - Location Plan



## Aerial Location Plan: Lot 15 & 16, Section 20, DP 3816 10 & 12 Cooper Street, HEDDON GRETA NSW 2321

**OVERVIEW MAP**

**Date Produced:**  
18 September 2017

**Designed By:**  
Cessnock City Council

**Scale:**  
1 : 500

**Reference:**  
4 October 2017 \_ Proposed Easement \_ S Brinkworth \_ CRM 15803-2017.wor

**Coordinate System:**  
Map Grid of Australia (MGA)  
Datum 94  
Zone 56.

**Imagery**

2017 8cm Imagery  
Copyright : Nearmaps (2017)

**Contact:**  
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**REPORT/PROPOSAL**

The proposed easement affects two properties being 10 and 12 Cooper Street, Heddon Greta. Council officers have been in discussion with the two property owners and details of the proposal to acquire the easement are shown in **Confidential Enclosure 1.**

Council has the power to acquire land or an interest in land for the purposes of exercising any of its functions in accordance with s186 of the *Local Government Act 1993*. Chapter 6 of the *Local Government Act 1993* identifies examples of non-regulatory functions of Council, including stormwater drainage works and facilities. Further, Council may acquire land by agreement or by compulsory process.

The proposed easement is essential for the planned Cooper Street, Heddon Greta drainage project to proceed. The anticipated costs associated with the acquisition for easement are included in the 2017-18 Operational Plan; whilst the construction works are proposed for the 2018-19 financial year.

**OPTIONS**

**Option 1**

Council acquires the easement for the drainage of water, as the easement is required to carry out the drainage project in Cooper Street, Heddon Greta. This is the preferred option.

**Option 2**

Council may elect not to acquire the easement for stormwater purposes. This option will greatly impact the works proposed for the drainage upgrade in Cooper Street, Heddon Greta. No other design option is currently available.

**CONSULTATION**

- Strategic Flooding and Drainage Engineer
- Senior Property Officer
- Director Corporate & Community Services

**STRATEGIC LINKS**

**a. Delivery Program**

This report links to the 2017-21 Delivery Program being:

- A Sustainable and Healthy Environment, objective 3.1 Protecting and enhancing the natural environment and the rural character of the area;
- Improving the road network; objective 4.2.2 deliver prioritised on-ground capital works and maintenance programs.

The Cooper Street, Heddon Greta project is included in the drainage construction program in the Capital Works Delivery Program for 2018-19.

**b. Other Plans**

Nil

## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

Council has a Policy for the Use of Council's Seal. This document was referenced in the preparation of this report.

### **b. Financial Implications**

The costs associated with the acquisition of the easement are included in the 2017-18 Operational Plan. The proposed terms of the acquisition, including costs, are identified in the confidential enclosure.

### **c. Legislative Implications**

Council has the power to acquire land or an interest in land for the purposes of exercising any of its functions in accordance with s 186 of the *Local Government Act 1993*.

Chapter 6 of the *Local Government Act 1993* identifies stormwater drainage works and facilities as a non-regulatory function of Council and Section 187 provides that Council may acquire land by agreement or by compulsory process for this purpose.

### **d. Risk Implications**

An easement is necessary for Council to protect its infrastructure on private land. Registration of the easement on the Property Title ensures that access is available to Council to carry out any necessary maintenance works on the infrastructure.

### **e. Other Implications**

The easement and subsequent works aim to relieve flooding impacts on adjoining land as well as provide for essential drainage for council roads and infrastructure. Therefore the easement will provide a benefit to the community.

## **CONCLUSION**

Council has the power to acquire land or an interest in land for the purposes of exercising any of its functions in accordance with s186 of the *Local Government Act 1993*.

Further, stormwater drainage works and facilities are identified as non-regulatory functions of Council. Council may also acquire land by agreement. The landowners have agreed to the proposed easement.

The acquisition of the easement is a necessary part of the Cooper Street, Heddon Greta Drainage Project and the anticipated cost associated with the relocation of the easement is included in the 2017-18 Operational Plan.

## **ENCLOSURES**

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

**SUBJECT:** *TENDER FOR THE PROVISION OF LINEMARKING*

**RESPONSIBLE OFFICER:** *Purchasing & Stores Co-ordinator - Lindsay Clarke*

## **SUMMARY**

The purpose of this report is to seek Council approval to participate in the Regional Procurement Tender Number T301718HUN for the Provision of Linemarking.

## **RECOMMENDATION**

1. That Council accepts the Regional Procurement tender for the Provision of Linemarking (T301718HUN).
2. That Workforce Road Services Pty Ltd, Combined Traffic Management Pty Ltd and J & M Roadmarking Specialists Pty Ltd be accepted to a standing offer contract panel under the Regional Procurement Tender for the Provision of Linemarking (T301718HUN) for the period 1 October 2017 to 30 September 2019 with an option to extend the contract for a further 12 months based on satisfactory performance by the successful tenderers.

## **BACKGROUND**

Council has participated in Hunter Councils Regional Procurement tenders for the Provision of Linemarking Services for approximately 20 years and to date the tenders have always offered exceptional pricing.

With the current tender expiring on 30 September 2017, Regional Procurement called an open panel source tender for the Provision of Linemarking to establish a new contract. The tender was called on behalf of Cessnock, Maitland, Upper Hunter, Dungog, Muswellbrook, Lake Macquarie and Singleton Councils.

## **REPORT/PROPOSAL**

Regional Procurement invited Tenders in June 2017 (with a closing date of 11 July 2017) on the Regional Procurement e-tender portal, Tenderlink and advertised in the following publications:

<b>Publication:</b>	<b>Day:</b>	<b>Date:</b>
Sydney Morning Herald	Tuesday	20 June 2017
Newcastle Herald	Saturday	17 June 2017

Nine tender documents were sold with a total of seven submissions received from:

- Combined Traffic Management Pty Ltd
- Complete Linemarking Services Pty Ltd
- J & M Road Marking Specialists Pty Ltd

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- Jenalad P/L t/a Whiteline Road Services
- OZ Linemarking NSW Pty Ltd
- Presmount Pty Ltd t/a Ultra Linemarking
- Workforce Road Services Pty Ltd

The tender submissions were evaluated on 8 August 2017 using pre-determined weighted criteria. Tender submissions were evaluated by a panel comprising Traffic Engineering & Road Safety Officer and Coordinator Projects from Singleton Council and a Regional Procurement Officer as the Facilitator. All tender evaluation team members completed a Conflict of Interest Declaration form and the evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

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

**OPTIONS**

1. Council resolve to accept the Regional Procurement Tender for the Provision of Linemarking (T301718HUN), and accept Workforce Road Services Pty Ltd, Combined Traffic Management Pty Ltd and J & M Road Marking Specialists Pty Ltd to a standing offer contract panel.

This is the preferred option as it offers competitive pricing from the preferred tenderers and involves minimal demand on Council resources to establish and administer the tender and contract.

2. Council participate in the Procurement Australia tender 1801/0324 for Traffic Control and Pavement Marking Services.

This is not a preferred option as 2 out of the 3 preferred tenderers on the Regional Procurement tender are also on the Procurement Australia Contract. Past history has shown that pricing on the Regional Procurement tenders has been lower than pricing on offer by Procurement Australia tenders. (There was no current Linemarking contract listed on the Local Government Procurement website).

3. Council decide to call its own tender for the Provision of Linemarking.

This is not the preferred option as it will be a costly process requiring additional demand on Council resources to establish and administer the tender and contract. Furthermore the results of Council's own tender are considered unlikely to be as competitive as the outcome under Option 1 and Council has signed a letter of participation for the Regional Procurement Tender where the outcome is equal to or better than the pricing, level of service and quality otherwise obtained by Council.

**CONSULTATION**

The following were consulted in relation to this Regional Procurement Tender:

Procurement & Stores Coordinator  
Procurement & Supply Officer  
Procurement and Contracts Manager

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Works Engineer  
Works & Services Coordinators  
Regional Procurement Management & Staff

**STRATEGIC LINKS**

**a. Delivery Program**

This report is a part of the organisation's governance framework and 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**

The tender process has been carried out in accordance with:

- Council's Procurement Policy
- Council's Procurement Procedure
- Tendering Guidelines for NSW Local Government 2009
- NSW Government – Code of Practice for Procurement 2005
- Regional Procurements Tendering Code of Conduct and Tendering Evaluation Principles and Process

**b. Financial Implications**

Funding is provided in the Operational Plan, with the service to be primarily utilised in Council's Works and Services Program.

**c. Legislative Implications**

The report and recommendation is in accordance with Section 55 of the Local Government Act 1993 and the Local Government (General) Regulation 2005. Council's expenditure on the tender T301718HUN Provision of Linemarking may be in excess of \$150,000 over the contract term, therefore a Council Resolution to accept the tender is necessary.

**d. Risk Implications**

The evaluation panel has been able to assess and minimise Council's exposure to business risk by mandating provision of the following information in the tender submission:

- Financial capacity
- Insurances
- Previous experience
- Quality assurance
- Referees

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**e. Environmental Implications**

Environmental risk has been minimised as all three of the preferred tenderers have Environmental Management Systems in place.

**f. Other Implications**

N/A

**CONCLUSION**

Participation in the Regional Procurement contract for the Provision of Linemarking (T301718HUN) and acceptance of Workforce Road Services Pty Ltd, Combined Traffic Management Pty Ltd and J & M Roadmarking Specialists Pty Ltd to a standing offer contract panel offers best value for money and continuity of service from known suppliers.

**ENCLOSURES**

- 1** Tender Evaluation Report - *This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

**SUBJECT:** *TENDER FOR THE PROVISION OF TRAFFIC CONTROL*

**RESPONSIBLE OFFICER:** *Purchasing & Stores Co-ordinator - Lindsay Clarke*

## **SUMMARY**

The purpose of this report is to seek Council approval to participate in the Regional Procurement Tender Number T311718HUN for the Provision of Traffic Control.

## **RECOMMENDATION**

1. That Council accepts the Regional Procurement tender for the Provision of Traffic Control (T311718HUN).
2. That Guardian Traffic Services Pty Ltd, Evolution Traffic Control Pty Ltd and Workforce Road Services Pty Ltd be accepted to a standing offer contract panel under the Regional Procurement Tender for the Provision of Traffic Control (T311718HUN) for the period 1 October 2017 to 30 September 2019 with an option to extend the contract for a further 12 months based on satisfactory performance by the successful tenderers.

## **BACKGROUND**

Council has participated in Hunter Councils Regional Procurement tenders for the Provision of Traffic Control for approximately 20 years and to date the tenders have always offered exceptional pricing.

With the current tender expiring on 30 September 2017, Regional Procurement called an open panel source tender for the Provision of Traffic Control to establish a new contract. The tender was called on behalf of Cessnock, Upper Hunter, Dungog, Muswellbrook, Lake Macquarie and Singleton Councils.

## **REPORT/PROPOSAL**

Regional Procurement invited Tenders in June 2017 (with a closing date of 11 July 2017) on the Regional Procurement e-tender portal, Tenderlink and advertised in the following publications:

<b>Publication:</b>	<b>Day:</b>	<b>Date:</b>
Sydney Morning Herald	Tuesday	20 June 2017
Newcastle Herald	Saturday	17 June 2017

Sixteen tender documents were sold with a total of fourteen submissions received from:

- A Plus Contracting Pty Ltd
- Altus Traffic Pty Ltd
- Complete Staff Solutions

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- Dan Power Pty Ltd t/a Traffic Power
- DOB Enterprises Pty Ltd T/as Watchout Training and Traffic Control
- Donnelly Services Pty Ltd
- Evolution Traffic Control Pty Ltd
- Guardian Traffic Services Pty Ltd
- Icombined360 Services Group Pty Ltd
- Men at Work
- Professional Traffic Solutions
- Traffic NSW Pty Ltd
- Workforce Road Services Pty Ltd
- Hunter Traffic Pty Ltd (**Late Tender**)

The tender submissions were evaluated on 10 August 2017 using pre-determined weighted criteria. Tender submissions were evaluated by a panel comprising Council staff being Works Engineer (Muswellbrook), Roads Maintenance Council Contract Officer (Singleton) and a Regional Procurement Officer as the Facilitator. All tender evaluation team members completed a Conflict of Interest Declaration form and the evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

The Regional Procurement Evaluation Report utilised a single scenario in the report as the pricing outcome which is simply a guide as to possible outcomes with regard to pricing. There are a multitude of variables as to what Council requires on individual job requests. Taking into account Council's desire to use local suppliers wherever economical outcomes can be achieved it is recommended to select three suppliers from the Newcastle area which have been used by Council to date and their standards of work are well known. The other suppliers are located between Port Macquarie and Victoria, there are no suppliers based in the Cessnock LGA.

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

**OPTIONS**

1. Council resolve to accept the Regional Procurement Tender for the Provision of Traffic Control (T311718HUN), and accept Guardian Traffic Services Pty Ltd, Evolution Traffic Control Pty Ltd and Workforce Road Services Pty Ltd to a standing offer contract panel.

This is the preferred option as it offers competitive pricing from the preferred tenderers and involves minimal demand on Council resources to establish and administer the tender and contract.

2. Council participate in the Procurement Australia tender 1801/0324 for Traffic Control & Pavement Marking Services.

This is not a preferred option as 3 out of the 4 Procurement Australia tenderers, who tendered for Council business, are also on the Regional Procurement tender. Past history has shown that pricing on the Regional Procurement tenders has been lower than pricing on offer by Procurement Australia tenders.

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3. Council participate in the Local Government Procurement contract (LGP113) for Traffic Control which covers all of NSW.

This is not a preferred option as random price checks revealed that Regional Procurement pricing was lower than pricing on offer with the Local Government Procurement contract.

4. Council decide to call its own tender for the Provision of Traffic Control.

This is not the preferred option as it will be a costly process requiring additional demand on Council resources to establish and administer the tender and contract. Furthermore the results are considered highly unlikely to be as competitive as the outcome under Option 1. Council has signed a letter of participation for the Regional Procurement Tender where the outcome is equal to or better than the pricing, level of service and quality otherwise obtainable by Council.

**CONSULTATION**

The following were consulted in relation to this Regional Procurement Tender:

Procurement & Stores Coordinator  
Procurement & Supply Officer  
Procurement and Contracts Manager  
Works Engineer  
Works & Services Coordinators  
Regional Procurement Management & Staff

**STRATEGIC LINKS**

**a. Delivery Program**

This report is a part of the organisation's governance framework and 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**

The tender process has been carried out in accordance with:

- Council's Procurement Policy
- Council's Procurement Procedure
- Tendering Guidelines for NSW Local Government 2009
- NSW Government – Code of Practice for Procurement 2005
- Regional Procurements Tendering Code of Conduct and Tendering Evaluation Principles and Process

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**b. Financial Implications**

Funding is provided in the Operational Plan, with the service to be primarily utilised in Council's Works and Services Program.

**c. Legislative Implications**

The report and accompanying recommendation is in accordance with Section 55 of the Local Government Act 1993 and the Local Government (General) Regulation 2005. Council's expenditure on the tender T311718HUN Provision of Traffic Control may be in excess of \$150,000 over the contract term, therefore a Council Resolution to accept the tender is necessary.

**d. Risk Implications**

The evaluation panel has been able to assess and minimise Council's exposure to business risk by mandating provision of the following information in the tender submission:

- Financial capacity
- WH&S
- Insurances
- Previous experience
- Quality assurance
- Referees

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Participation in the Regional Procurement contract for the Provision of Traffic Control (T311718HUN) and acceptance of Guardian Traffic Services Pty Ltd, Evolution Traffic Control Pty Ltd and Workforce Road Services Pty Ltd to a standing offer contract panel offers best value for money and continuity of service from known suppliers.

**ENCLOSURES**

- 1** Evaluation Report - *This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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Report No. CC72/2017

Corporate and Community Services



**SUBJECT:** *CONSULTANCY AND CONTRACTOR COSTS*

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

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## **SUMMARY**

This report provides information in response to Council's resolution for the Notice of Motion BN48/2017 – Consultancy and Contractor Costs.

## **RECOMMENDATION**

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

## **BACKGROUND**

Council resolved at its meeting of 20 September 2017.

1. *That the General Manager provide a report on the breakdown of contractor expenditure for the last 5 years as shown in the Financial Statements.*
2. *That the General Manager provide a report on the strategies currently being undertaken to reduce the amount spent on Consultancy and what could be done to reduce spending in the future.*

## **REPORT/PROPOSAL**

Contractor expenditure for the last five years is provided in the enclosure. The expenditure breakdown has been provided by the type of expenditure, with some explanatory notes also provided.

Information on consultants is provided as part of the Quarterly Budget Review Statements and a detailed listing was also provided to council 1 March 2017 (Report AQ26/2017).

A significant portion of the consultancy costs for 2015/16 and 2016/17 related to major strategic planning studies (grant and section 94 funded), being the Branxton Sub Regional Study (\$117,000 in 15/16), Cessnock City Planning Strategy (\$72,800 in 15/16 & \$197,000 in 16/17) and Cessnock Commercial Precinct DCP and PDP (\$154,000 in 16/17).

If these options are excluded the average annual consultancy cost equates to approximately \$200,000, which covers specialist advice or services not readily available in-house for items such as heritage advisory, claims management (insurances) performance reviews for senior staff and General Manager.

There have been a number of internal process reviews undertaken over recent times, as well as formal service review projects. Additionally, a move to full staffing as per the adopted organisational structure has reduced reliance on external support. Combined these have resulted in improved efficiencies and where possible internal resources are utilized.

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However it must be noted that the need to engage external support in the form of consultants and contractors due either to resources constraints or the lack of the appropriately skilled staff to undertake some high level specialist roles will always exists.

**OPTIONS**

N/A

**CONSULTATION**

Management Accountant

**STRATEGIC LINKS**

**a. Delivery Program**

This reports links to the community's desired outcome of "*Civic Leadership and Effective Governance*".

**b. Other Plans**

Resourcing Strategy – as part of the Delivery Program

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

Nil

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

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### ***CONCLUSION***

This report provides information for Councillors in response to questions on contractors and consultancy costs.

### ***ENCLOSURES***

- 1** Breakdown of Contractor Costs

**SUBJECT:** *NORTH ROTHBURY TIDY TOWNS - TWILIGHT MARKETS*  
**RESPONSIBLE OFFICER:** *Acting Open Space & Community Facilities Manager - Nicole Benson*

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### **SUMMARY**

Council has received an application from North Rothbury Tidy Towns (NRTT) for two twilight market events, which are proposed to be held on 28 October and 25 November 2017 at Ayrfield Miners Memorial Park (North Rothbury) and have requested that the associated fees and charges for the event be waived.

The purpose of this report is to detail the applicable fees and charges and to seek Council's approval to waive them.

### **RECOMMENDATION**

**That Council supports the North Rothbury Tidy Towns Twilight markets on Saturday 28 October and Saturday 25 November 2017 by waiving the associated fees and charges as detailed in the report.**

### **BACKGROUND**

North Rothbury Tidy Towns (NRTT) is a section 355 volunteer committee of Council that undertakes sustainability, environmental, economic, social and cultural activities to increase tourism and community participation within their local community.

Council supports the Tidy Towns program through the provision of a Sustainability Officer to assist groups in contacting the appropriate section of Council, assist with project development, funding opportunities, payment of fees to annual Keep NSW Beautiful Blue Star Awards program, and the supply of materials for approved maintenance works on public land.

NRTT has approached Council seeking a fee waiver for the costs associated with the use of the Ayrfield Miners Memorial Park in North Rothbury and the market stall fee as part of their event.

This report details the applicable fees and charges for the two proposed events and seeks Council's endorsement to waive these fees and charges.

### **REPORT/PROPOSAL**

NRTT committee is one of Council's most active Tidy Towns committees with over 25 members. They provide verge mowing along Wine Country Drive, additional maintenance to facilities in Ayrfield Miners Memorial Park including improvements to the picnic facilities, town history information signage, financial contributions towards the multi-purpose court refurbishment with basketball hoop and roadside litter pick up.

**Works and Infrastructure****Report No. WI74/2017****Works and Infrastructure**

NRTT committee has made an application for the use of Ayrfield Miners Memorial Park to hold twilight markets on Saturday 28 October and Saturday 25 November 2017 between 5pm and 8pm. The NRTT committee hopes to attract 20 stall holders to set up in the park to sell various products and will itself run a BBQ to raise funds for community projects. All proceeds from the BBQ and twilight markets will be used by the NRTT committee to fund future projects in the local community.

The applicable fees that apply to the proposed twilight markets (incl. GST) are as follows:

Applicable Fees and Charges for community event.

Item	Fee	Total
Bond - refundable	\$250.00	\$250.00
Market Stalls (x 20 per event)	\$21.00 per stall	\$840.00
Special Event - Community	\$167.00 per event	\$334.00
Cleaning*	\$643.00 per event	\$1,286.00
<b>TOTAL</b>	<b>2 community events</b>	<b>\$2,710.00</b>

\* Cleaning would only be charged if the post event inspection found that the committee had breached the Conditions of Use for Recreation & Open Space Areas and additional cleaning was required following the event.

In reviewing the request for the waiving of fees as detailed in the table above, Council officers have determined that waiving the fees and charges will allow the NRTT greater capacity to coordinate a successful twilight market. As a committee of Council, all proceeds from the two twilight market events will be reinvested into the local community.

**OPTIONS**

1. Council waives the fees and charges at a total estimate cost of \$2,710. This is the preferred option.
2. Council provides partial support for the requests by way of a percentage discount based on adopted fees and charges for market stalls and special event - community.
3. Council provided no support and charge NRTT as per Council's adopted 2017/2018 Fees and Charges for market stalls and special event – community.

**CONSULTATION**

- Sustainability Officer
- Recreation & Community Facilities Liaison Officer
- North Rothbury Tidy Towns Committee

**STRATEGIC LINKS****a. Delivery Program**

The proposed waiving of fees for this event supports:

Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area, as the event has the potential of attracting 200 – 250 people to the event and raising funds for future community projects for the North Rothbury community.

**Works and Infrastructure**  
**Report No. WI74/2017**  
**Works and Infrastructure**



**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The waiving of the fees and charges for the twilight market will not affect Council's existing operational budget. Scheduled maintenance of the park will take place as normal in the lead up to the events.

All proceeds from the twilight markets will be used by the NRTT committee to fund future projects and activities in the local community.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

On the basis of supporting events that promote visitation across the Cessnock LGA, it is recommended that Council waive the associated fees and charges as detailed in the report.

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** *MINUTES OF LOCAL TRAFFIC COMMITTEE  
HELD 21 AUGUST 2017*

**RESPONSIBLE OFFICER:** *Acting Infrastructure Manager - Katrina Kerr*

### **RECOMMENDATION**

**That the recommendations of the Local Traffic Committee Meeting of 21 August 2017 be adopted as a resolution of the Ordinary Council being:**

1. **TC23/2017** – That temporary regulation of traffic be approved for the Wollombi Public Holiday Markets in accordance with the enclosed Traffic Control Plan, as follows:
  - 40km/h speed limit on Paynes Crossing Road Wollombi;
  - 40km/h speed limit on Wollombi Road Wollombi;
  - 40km/h speed limit on Great North Road Wollombi;
  - 40km/h speed limit on Yango Creek Road Wollombi;
  - 90° ANGLE PARKING FRONT TO KERB on Paynes Crossing Road Wollombi; and
  - 90° ANGLE PARKING REAR TO KERB on Negro Street Wollombi.
2. **TC24/2017** – That a detailed design for a Channelised Right Turn (CHR S) on the intersection of Lovedale and Camp Roads, Lovedale, showing proposed regulatory signage and line marking be prepared.
3. **TC25/2017** – That a Channelised T-Junction (CHR) be installed on the intersection of Old Maitland Road and the Cessnock Waste Management Centre (CWMC) access road at East Cessnock, as follows:
  - Painted island and channelised right turn treatment on Old Maitland Road on the western leg of the intersection;
  - Painted island on Old Maitland Road on the eastern leg of the intersection;
  - Slip lane onto Old Maitland Road for left turning vehicles exiting the CWMC access road by installing the following:
    - STOP sign on the slip lane traffic island – applying to right turning vehicles; and
    - LEFT TURN AT ANY TIME WITH CARE sign on the south western corner of the intersection.
  - 660 metres of E1 edge line on Old Maitland Road;
  - 83 metres of E1 edge line on CWMC access road;
  - 100 metres of BB dividing line on Old Maitland Road;
  - 40 metres of BB dividing line on CWMC access road; and
  - 256 metres of C1 continuity line on Old Maitland Road.
4. **TC26/2017** – That parking restriction and bus zone signage be installed on Dalwood Road and Wyndham Street, East Branxton, as follows:
  - 90° ANGLE PARKING REAR TO KERB signs on the southern side of Dalwood Road;
  - Parking space disability user limited signs on the south eastern end of Dalwood Road;

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- NO PARKING (7am – 9:30am and 2:30pm – 4:30pm school days) signs at the western end of Dalwood Road;
  - NO PARKING - BUSES EXCEPTED signs on the western side of Wyndham Street between Maitland Street and Dalwood Road;
  - NO STOPPING signs on the northern side of Dalwood Road covering the residential driveways;
  - C3 NO STOPPING line marking on the northern side of Dalwood Road covering the residential driveways;
  - NO STOPPING signs on Wyndham Street across the entry to Dalwood Road (west);
  - BUS ZONE signs on the western side of Wyndham Street between Maitland Road and Dalwood Road; and
  - NO STOPPING sign to reinforce the statutory 20m NO STOPPING area on the western side of Wyndham Street at the signalised intersection with Maitland Street.
5. **TC27/2017** – That Council note that installation of a marked pedestrian crossing in Keene Street cannot be undertaken, as the mandatory requirements of the RMS numerical warrant are not able to be satisfied, and
- That a pedestrian refuge be installed in Keene Street in accordance with the previous recommendation (TC9/2017).

**MINUTES OF TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN ANTE ROOM ON MONDAY, 21 AUGUST 2017,  
COMMENCING AT 9.30 AM**

- OPENING:** The meeting was opened at 9.30am
- PRESENT:** Councillor Darrin Gray (In the Chair)  
Senior Constable Margaret Bernard – NSW Police  
Ms Perri Hodge – NSW State Member Representative  
Mr Nicholas Trajcevski – RMS
- IN ATTENDANCE:** Councillor Di Fitzgibbon – Ward B Councillor  
Councillor Mark Lyons – Ward A Councillor  
Mr Santosh Deo – Traffic Engineering Officer  
Mr Nathan Goodbun – Acting Roads Officer  
Mr Warren Jeffery – Road Safety Officer  
Mrs Katrina Kerr – Design Delivery Manager

**APOLOGIES**

**RESOLVED** that the apology tendered on behalf of the following, be accepted for unavoidable absence:

Mr Clayton Barr MP – NSW State Member

## **CONFIRMATION OF MINUTES**

**NOTED** that the minutes of the Local Traffic committee held on 17 July 2017, as circulated were previously confirmed as a correct record.

## **DISCLOSURES OF INTEREST**

NIL

## **BUSINESS ARISING FROM PREVIOUS MINUTES**

NIL

## **LISTED MATTERS**

**SUBJECT:** **WOLLOMBI PUBLIC HOLIDAY MARKETS,  
TEMPORARY ROAD CLOSURES**  
**REPORT NO.:** **TC23/2017**  
**REFERENCE.:** **45 2017 13**

### **MATTER:**

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

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

### **DISCUSSION:**

The matter was described and discussed as follows:

- Events occurring on public holiday of Labour Day and Australia Day long weekends.
- DA approval for up to 1,000 attendees and parking on Aleppo Street, Negro Street, and Paynes Crossing Road.
- Condition of consent that there is a *Roads Act* approval for the regulation of traffic for each individual market event.
- Without regulation, events would create parking issues on Wollombi and Paynes Crossing Roads.
- Traffic Control Plan was shown on an aerial map and described.
- Current parking in the vicinity is a combination of parallel parking and 90° (front and rear to kerb) angle parking, with poor parking discipline evidenced during previously held markets at the location.
- Marshalls will maintain parking discipline on Aleppo and Negro Streets.
- Footpath on eastern side of Paynes Crossing Road will be delineated to provide safe pedestrian access.

**Works and Infrastructure**

**Report No. WI75/2017**

**Works and Infrastructure**



- Road closure not proposed, rather a speed reduction to 40 km/h imposed.
- Advertising has occurred with no submissions received to date.
- 4 days remaining of the statutory 28 day submission period.
- Clarified 100m distance between EVENT AHEAD sign and speed reduction point as per TCP in compliance with RMS - *Traffic Control at Work Sites Manual*.
- Acknowledged that proposal is an improvement in traffic management from historic practices.
- Condition of consent that Applicant submit Debrief Report which will be used to identify arrangements that worked well and consider areas for future road safety improvements.
- If the event grows in the future there may be a need to consider overflow parking on the southern side of Paynes Crossing Road.

**RECOMMENDED:**

That temporary regulation of traffic be approved for the Wollombi Public Holiday Markets in accordance with the enclosed Traffic Control Plan, as follows:

- 40km/h speed limit on Paynes Crossing Road Wollombi;
- 40km/h speed limit on Wollombi Road Wollombi;
- 40km/h speed limit on Great North Road Wollombi;
- 40km/h speed limit on Yango Creek Road Wollombi;
- 90° ANGLE PARKING FRONT TO KERB on Paynes Crossing Road Wollombi; and
- 90° ANGLE PARKING REAR TO KERB on Negro Street Wollombi.

**MOTION:**                      **Moved:** Nicholas Trajcevski              **Seconded:** Margaret Bernard

**CARRIED UNANIMOUSLY**

**SUBJECT:**                      **LOVEDALE ROAD LOVEDALE INTERSECTION IMPROVEMENT AT CAMP ROAD**

**REPORT NO.:**              **TC24/2017**

**REFERENCE.:**

**MATTER:**

The imminent installation of an Information Bay as part of the Hunter Valley Wine Country Signage Strategy has resulted in concerns being raised over the suitability of the existing intersection treatment of Lovedale and Camp Roads Lovedale, in light of the expected increase in vehicle movements as a result of the new facility.

**DISCUSSION:**

The matter was described and discussed as follows:

- Right turn movements from Camp onto Lovedale Road and from Lovedale onto Camp Road anticipated.
- Existing intersection site features a sweeping curve and a crest on the northern side.
- Current intersection treatment is Auxiliary Left-turn Lane (AUL) and Auxiliary Right Turn Lane (AUR).
- Centre for Road Safety crash data for the 5 year reporting period 2011 to 2015 shows 1 recorded crash in the vicinity of the subject intersection, caused by a

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- vehicle turning right off Lovedale Road onto Camp Road, crossing to the incorrect side of the road and colliding with an eastbound vehicle on Camp Road.
- Additional width for right turn treatment may be gained by reducing the left hand turning lane.
- Agreed to prepare detailed design for Channelised Right Turn (CHR S) indicating proposed regulatory signage and line marking.

**RECOMMENDED:**

That a detailed design for a Channelised Right Turn (CHR S) intersection treatment, showing proposed regulatory signage and line marking be prepared.

**MOTION:** *Moved:* Perri Hodge *Seconded:* Nicholas Trajcevski

**CARRIED UNANIMOUSLY**

**SUBJECT:** **OLD MAITLAND ROAD, CESSNOCK  
INTERSECTION IMPROVEMENTS**

**REPORT NO.:** **TC25/2017**

**REFERENCE.:**

**MATTER:**

The current major upgrading of the Cessnock Waste Management Centre (CWMC) and the expected associated increased traffic movements to and from the centre necessitates road safety improvements at the intersection.

**DISCUSSION:**

The matter was described and discussed as follows:

- Traffic classifier data at the intersection was described.
- Proposed STOP line to be shifted ahead towards the intersection.
- Discussed benefits of a slip lane for left turning vehicles exiting the CWMC onto Old Maitland Road protected by a concrete island.
- Agreed to check merging lane length, signage and line marking to ensure conformity with relevant standard for a left to right merge.

**MOTION:** *Moved:* Perri Hodge *Seconded:* Margaret Bernard

**CARRIED UNANIMOUSLY**

**RECOMMENDED:**

That a Channelised T-Junction (CHR) be installed on the intersection of Old Maitland Road and the Cessnock Waste Management Centre (CWMC) access road at East Cessnock, as follows:

- Painted island and channelised right turn treatment on Old Maitland Road on the western leg of the intersection;
- Painted island on Old Maitland Road on the eastern leg of the intersection;
- Slip lane onto Old Maitland Road for left turning vehicles exiting the CWMC access road by installing the following:
  - STOP sign on the slip lane traffic island – applying to right turning vehicles;
  - LEFT TURN AT ANY TIME WITH CARE sign on the south western corner of the

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- intersection;
- 660 metres of E1 edge line on Old Maitland Road;
- 83 metres of E1 edge line on CWMC access road;
- 100 metres of BB dividing line on Old Maitland Road;
- 40 metres of BB dividing line on CWMC access road; and
- 256 metres of C1 continuity line on Old Maitland Road

**SUBJECT:** **DALWOOD ROAD, EAST BRANXTON  
PARKING RESTRICTIONS**

**REPORT NO.:** **TC26/2017**

**REFERENCE.:**

**MATTER:**

Safety concerns raised regarding the operation of the bus interchange on the New England Highway East Branxton, in the vicinity of Wyndham Street and Dalwood Road, has resulted in Council undertaking works to improve vehicle and pedestrian access, and to formalise parking areas.

**DISCUSSION:**

The matter was described and discussed as follows:

- Site inspection was carried out by Council & RMS Officers during morning school travel passenger transfers where general road rule non-compliance and unsafe practices were observed.
- Proposed location operates like a school zone in a non-school-zone road environment.
- Longer term strategic plans look to duplicate the bus interchange on the southern side of Maitland Road.
- Existing intersection serves current traffic well, as designed for highway volumes.
- Now operates with reduced traffic volumes following the opening of the HEX.
- No pedestrian pathway through Lions Park links bus stops and existing signalised crossings, and will enhance access equity and pedestrian safety.

**RECOMMENDED:**

That parking restriction and bus zone signage be installed on Dalwood Road and Wyndham Street, East Branxton, as follows:

- 90° ANGLE PARKING REAR TO KERB signs on the southern side of Dalwood Road;
- Parking space disability user limited signs on the south eastern end of Dalwood Road;
- NO PARKING (7am – 9:30am and 2:30pm – 4:30pm school days) signs at the western end of Dalwood Road;
- NO PARKING - BUSES EXCEPTED signs on the western side of Wyndham Street between Maitland Street and Dalwood Road;
- NO STOPPING signs on the northern side of Dalwood Road covering the residential driveways;
- C3 NO STOPPING line marking on the northern side of Dalwood Road covering the residential driveways;
- NO STOPPING signs on Wyndham Street across the entry to Dalwood Road (west);
- BUS ZONE signs on the western side of Wyndham Street between Maitland Road

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- and Dalwood Road; and
- NO STOPPING sign to reinforce the statutory 20m NO STOPPING area on the western side of Wyndham Street at the signalised intersection with Maitland Street.

**MOTION:** *Moved:* Margaret Bernard

**Seconded:** Perri Hodge

**CARRIED UNANIMOUSLY**

**SUBJECT:** **KEENE STREET, CESSNOCK PEDESTRIAN CROSSING**

**REPORT NO.:** **TC27/2017**

**REFERENCE.:**

**MATTER:**

At its Ordinary Meeting of 21 June 2017, as part of the acceptance of recommendations by Local Traffic Committee, Council resolved: *That Points 2 to 5 be adopted and Point 1 (TC9/2017) be referred back to the Traffic Committee for review.*

**DISCUSSION:**

The matter was described and discussed as follows:

- RMS mandatory Pedestrian crossing warrants were outlined.
- Reiterated that warrants were not met at this location.
- Extension of Keene Street in future may justify the needs of pedestrian crossing.
- Consultant identified location as medium risk, which should merely be monitored on an annual basis.
- The Newsagency on Keene Street at the time the traffic counts were undertaken was a significant pedestrian traffic generator, but it has since relocated.

**RECOMMENDED:**

That Council note that installation of a marked pedestrian crossing in Keene Street cannot be undertaken, as the mandatory requirements of the RMS numerical warrant are not able to be satisfied, and

That a pedestrian refuge be installed in Keene Street in accordance with the previous recommendation (TC9/2017).

**MOTION:** *Moved:* Perri Hodge

**Seconded:** Margaret Bernard

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE**

NIL

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## ***GENERAL BUSINESS***

### **1. Wine Country Drive, Nulkaba**

**NOTED** Councillor Fitzgibbon's concerns regarding St Philips Christian College school traffic, pulling out of Lomas Lane, onto Wine Country Drive without a 40km/h speed limit.

*The Meeting was declared closed at 10:29am*

### **ENCLOSURES**

There are no enclosures for this report.

Notices Of Motion

Report No. BN49/2017

General Manager's Unit



**NOTICES OF MOTION No. BN49/2017**

**SUBJECT:** *ABANDONED VEHICLES*

**COUNCILLOR:** *Dianne Fitzgibbon*  
*Anne Sander*

**MOTION**

1. That the General Manager investigates if Council can impound an abandoned vehicle immediately under Section 16 (5) of the Impounding Act 1993 if the impounding officer is satisfied that it may be vandalised or set on fire and is likely to be a danger to the public.
2. That the General Manager write to the NSW Police informing them of the abnormal high number of abandoned vehicles in the Cessnock Local Government Area.
3. That a report be considered by Council at its meeting of 18 October 2017.

It is our intention to move the above Motion at the next Ordinary Meeting of Council on 4 October 2017.

**RATIONALE**

Council Rangers are "authorised" under the Impounding Act 1993 to investigate and impound abandoned vehicles. Under the Impounding Act 1993 authorised officers must comply with the legislative requirements set out in the Act (which includes timeframes for investigation, hence ensuring procedural fairness to vehicle owners).

However Clause 16 (5) of the Impounding Act 1993 provides that a motor vehicle may be impounded immediately where the impounding officer is satisfied on reasonable grounds that its immediate removal is justified because it is causing an obstruction to traffic (vehicular or pedestrian) or is likely to be a danger to the public. Potential bushfires caused by persons setting fire to abandoned motor vehicles are likely to be a danger to the public; however it is unclear if this was the legislative intent.

Council should also investigate any other legislative provisions that would enable abandoned vehicles to be removed immediately.

Therefore we seek a report back on how Council can remove vehicles that are potentially a danger to the public because of the risk of persons vandalising and setting them on fire.

Sgd: Dianne Fitzgibbon  
Anne Sander

Date: 26 September 2017

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ111/2017

Planning and Environment

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**SUBJECT:** *PLANNING AGREEMENT FOR ROSEHILL ESTATE  
MILLFIELD*

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

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**Q100/2017 – Planning Agreement for Rosehill Estate Millfield**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 20 September 2017 meeting.

*“Where is Council going to find the money to do our part and how many other Section 94 are being held up because Council has not matched what we are supposed to?”*

A separate report addressing matters raised (amongst others) will be presented to the Ordinary Council meeting of 18 October 2017.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ112/2017

Planning and Environment

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**SUBJECT:** *POLICING OF LOADING ZONES*

**RESPONSIBLE OFFICER:** *Health & Building Manager - Colin Davis*

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**Q101/2017 – Policing of Loading Zones**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 20 September 2017.

*“When Council Rangers are policing the parking areas, do they police loading zones and the length of time people park in these zones in towns other than the Cessnock CBD?”*

As part of normal Ranger duties, all rangers conduct proactive patrols whilst in an area, and any illegal or unsafe parking practices are dealt in accordance with Council's adopted Compliance and Enforcement Policy. Loading zones across the Local Government Area are patrolled as part of these proactive patrols.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ113/2017

Works and Infrastructure



**SUBJECT:** *EVENTS AND SPORTING EVENTS AT BADDELEY PARK*

**RESPONSIBLE OFFICER:** *Acting Open Space & Community Facilities Manager - Nicole Benson*

**Q102/2017 – Events and Sporting Events at Baddeley Park**

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 20 September 2017.

*"Who collects the gate and canteen takings at events held at Baddeley Park. Are the takings collected by Council, the people holding the events or the Rugby League Club?"*

Cessnock Rugby League Football Club (CRLFC) have an agreement with Council for the management and operation of the Cessnock Sportsground. For typical rugby league activities such as the Newcastle Rugby League competition the CRLFC retains profits received from food and beverage sales and gate takings. The income is used by the club to undertake maintenance of the facility such as mowing, trimming, turf restoration and improvements etc.

Where larger non-rugby league events such as Rugby Union or Soccer, are held at the Sportsground, Council negotiates with the hirer (eg. Wallabies, Jets...) that the CRLFC provides food and beverages for the event and retains any profits. Gate takings are usually retained by the hirer or their governing body. The hirer is charged as per Council's adopted Fees and Charges for items including ground hire, floodlighting, goal post removal, media and function room hire, cleaning and line marking or whatever is applicable to the specific hire.

For community based events such as Carols in the Park, a variety of service providers are engaged by the event coordinating committee to provide food and beverage services (for example, Rotary, coffee vans, snow cones, etc.). On occasions like this, the CRLFC are also invited to offer food and beverage services at their discretion.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ114/2017

Works and Infrastructure

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**SUBJECT:** *CANCELLATION OF EVENTS AT BADDELEY PARK*  
**RESPONSIBLE OFFICER:** *Acting Open Space & Community Facilities Manager - Nicole Benson*

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**Q104/2017– Cancellation of Events at Baddeley Park**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 20 September 2017.

*“What the cost to Council was when the Jets cancelled the recent event due to the cost. It was noted that the ground appeared to have already been prepared for the event. \$4,000 seemed a lot to ask them to pay when you can get a ground for \$500.”*

The cost to Council to prepare the ground for the proposed friendly match between Newcastle Jets and Wellington Phoenix was \$3,670. This was offset by the hire fees \$324.50 paid by Wellington Phoenix who hired the facility for training on Friday 15 September. In the future Council will require payment in advance for the preparation and subsequent hire of the Sportsground.

Both the Newcastle Jets and Wellington Phoenix were charged as per Council’s adopted 2017/18 Fees and Charges. Fees included sporting event use (per day), floodlighting, goal post removal, media and function room hire, cleaning and line marking.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO25/2017

Corporate and Community Services



**SUBJECT:** ***POLICING RESOURCES - CORRESPONDENCE FROM THE PREMIER OF NSW, LOCAL AREA COMMANDER CENTRAL HUNTER AND THE MEMBER FOR CESSNOCK***

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

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**RECOMMENDATION**

**That Council note the correspondence received.**

At its Ordinary Meeting of 16 August 2017 Council considered a Notice of Motion regarding Police and resolved as follows:

1. That the General Manager write to the Central Hunter Command thanking them for their continuous efforts in our local community.
2. That the General Manager writes to the NSW Premier The Hon. Gladys Berejiklian MP, Minister for Police The Hon. Troy Grant MP and the Member for Cessnock Clayton Barr MP calling on the State Government to provide a new Police Station in both Cessnock and Kurri Kurri, and:
  - i. That the letter also questions what resources will be provided to Central Hunter Command to support the strain on the Cessnock Community with the expansion of Cessnock Correctional Facility.
  - ii. That the letter question when will the State Government provide more police officers and resources to the Cessnock LGA to continue to allow Cessnock area to be a safer community.
  - iii. That the letter include up to date crime statistics to support points i. & ii.
3. That in corresponding with the Premier and Police Minister, the issue of Greta and Branxton townships being included in the Central Hunter Command be included.
4. That the General Manager promote this campaign.

Council has received separate correspondence in reply to the above resolution from the Premier of New South Wales, The Hon. Gladys Berejiklian MP, the Central Hunter Local Area Commander, Superintendent Jackson and the State Member for Cessnock, Clayton Barr MP. Copies are provided for Councils information.

**ENCLOSURES**

- 1 Correspondence from Premier of New South Wales - Policing Resources
- 2 Correspondence from Clayton Barr MP
- 3 Correspondence from Commander Jackson