



1 March 2019

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, 6 March 2019 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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<b>(9) NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION</b>	
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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 FEBRUARY 2019, COMMENCING  
AT 6.30PM**

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

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

**APOLOGY:** **NIL**

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

751

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 6 February 2019, as circulated, be taken as read and confirmed as a correct record, with the following amendment in relation to Questions for Next Meeting, where Councillor Olsen's question on the Crossing at Cessnock High was in relation to how was it possible to man a job that was not on the current list of works.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

## ***DISCLOSURES OF INTEREST***

### ***DISCLOSURES OF INTEREST NO. DI2/2019***

***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.**

**CC7/2019 – Request for Fee Waiver for Use of Cessnock Performing Arts Centre from Cancer Council** – Councillor Burke declared a Non Pecuniary Interest – Significant Conflict for the reason that he is involved in the event as a volunteer. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

**GMU2/2019 – Cessnock Correctional Centre Access Road – Outcome of meetings with the Member for Cessnock and Community Representatives of the Cessnock Correctional Centre Community Consultative Committee** - Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that his sister works for Justice Health on this site. Councillor Suvaal advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect her working situation.

## ***PETITIONS***

NIL

## **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

*Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that his sister works for Justice Health on this site. Councillor Suvaal remained in the Chamber and participated in discussion and voting.*

Speakers	For / Against	Report	Page No.	Duration
Gary Johnson	For	GMU2/2019 - Cessnock Correctional Centre Access Road - Outcome of Meetings with the Member for Cessnock and community representatives of the Cessnock Correctional Centre Community Consultative Committee	<b>Supp Agenda</b>	3 mins

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU2/2019**

**SUBJECT:** **CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD -  
OUTCOME OF MEETINGS WITH THE MEMBER FOR CESSNOCK AND  
COMMUNITY REPRESENTATIVES OF THE CESSNOCK  
CORRECTIONAL CENTRE COMMUNITY CONSULTATIVE COMMITTEE**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Sander  
752  
**RESOLVED**

1. That Council note the outcomes of the meeting held with the community members of the Cessnock Correctional Centre Community Consultative Committee regarding the road access to the Correctional Centre.
2. That Council note the meeting with the Member for Cessnock, Clayton Barr MP has been arranged for 9.00am Thursday morning 21 February 2019.
3. That Council restate its preferred option in regards to access to the Cessnock Correctional Centre being:
  - that the access to the Cessnock Correctional Centre at Lindsay Street/Mavis Street be closed
  - that a new access is created via direct route from Wine Country Drive onto land owned by Hunter New England Health through the land owned by Corrective Services NSW and the Cessnock Correctional Centre
  - that this position is predicated on the reduction of impact on local roads and that any access to the Correctional Facility, existing or new, should be via the State Road network.

4. That Council write to the Premier the Hon Gladys Berijiklian MP, the Minister for Corrections the Hon David Elliott MP, the Leader of the Opposition Michael Daley MP, the Member for Cessnock Clayton Barr MP, the Shadow Minister for Corrections Guy Zangari MP, candidates for the seat of Cessnock and the Cessnock Correctional Centre Community Consultative Committee in regards to access to the Cessnock Correctional Centre;
- Advising Councils position on the access to the Correctional Centre.
  - Requesting a written response as to reasons why access to the Correctional Centre cannot be via a direct route from the Correctional Centre through State Government owned land onto Wine Country Drive.
  - Seeking a commitment from the both the Government and Opposition in support of Councils position on the access to the Correctional Centre.
5. That a report come back to Council to the first Council meeting in March with the outcomes of the meetings and correspondence listed above.

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

**CARRIED UNANIMOUSLY**



Jo-Ann Smith	Against	PE4/2019 - Planning Proposal to reclassify and rezone various Properties at Aberdare, Cessnock, East Branxton and Kitchener	95	3 mins
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Withdrew from speaking.

Graham Smith	Against	CC6/2019 - Richmond Main Colliery Progress Report	205	3 mins
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**CORPORATE AND COMMUNITY NO. CC6/2019**

**SUBJECT: RICHMOND MAIN COLLIERY PROGRESS REPORT**

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**MOTION**                      **Moved:** Councillor Gray                      **Seconded:** Councillor Burke  
753

**RESOLVED**

1. That Council note the progress of actions for Richmond Main Colliery.
2. That Council note the Richmond Main Preservation Co-operative Society Limited tenure over buildings in Precinct B ends 28 February 2019 and includes the Locomotive Shed and Store and Power House Store buildings.
3. That the General Manager write to Richmond Main Preservation Co-operative Society Limited confirming the end of their tenure for occupation and operations within Precinct B buildings advising end date of 28 February 2019.
4. That Council proceed with implementing the advice provided by its insurer with installing hazard signage on buildings located within Precinct B of Richmond Main Colliery advising restricted access.
5. That in the preparation of a licence agreement between Council and the Richmond Main Preservation Co-operative Society Limited for use of areas at Richmond Main Colliery, Council continue to progress the resolutions determined at its meeting held 21 November 2018:
  - a) That Council, in not currently being able to fund the remediation works required for the Locomotive Shed and Store and/or Power House Store buildings, commence discussions with the Richmond Main Preservation Co-operative Society Limited Board to establish the feasibility of members of the Society and its community partners undertaking the building repair works in accordance with the Structural Assessment Building Report, and once works are completed to a standard agreed by Council, the Society be allowed to re-occupy the buildings for operational purposes as part of a licence agreement.
  - b) That Council note grounds maintenance within Precinct B and C has historically been undertaken by the Richmond Main Preservation Co-operative Society Limited and permitting ongoing access to these Precincts for this purpose will be discussed with the Society as part of a new licence agreement.
6. That the General Manager convene a meeting between the senior management team and the Board of the Society with the aim of defining a clear path towards restoring access to those areas of Precincts B and C which are essential to the safe and viable operation of the site.

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

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

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

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
754  
**RESOLVED**

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

PE4/2019	Planning Proposal to reclassify and rezone various properties at Aberdare, Cessnock, East Branxton and Kitchener.
CC10/2019	Draft Code of Meeting Practice
CC11/2019	Draft Code of Conduct and Procedures
CC12/2019	Dedication of land for road widening - Proposed Lot 3 DP 1249763 - 21 Main Road Cliftleigh
CC13/2019	Grant Funding Leverage Reserve - Consideration of Allocation
CC14/2019	Investment Report - January 2019
CC15/2019	Resolutions Tracking Report
WI7/2019	Tender (T1819-06) Veterans Memorial Park Playground Design and Construct
WI8/2019	Minutes of the Local Traffic Committee - 17 December 2018

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

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

**CARRIED UNANIMOUSLY**

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

**NOTICE OF INTENTION NO. NI1/2019**

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

**PE6/2019 - REPORT FROM COMMISSIONER OF FIRE AND RESCUE  
NSW IN RELATION TO LOT B DP 947427 119 MCDONALDS ROAD,  
POKOLBIN**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
755  
**RESOLVED**

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

Report No. PE6/2019 - Report from Commissioner of Fire and Rescue NSW in relation to Lot B DP 947427 119 McDonalds Road, Pokolbin – as it deals with information that would, if disclosed, prejudice the maintenance of law.

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

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

**CARRIED UNANIMOUSLY**

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM2/2019**

**SUBJECT: REVIEW OF COUNCILS DUAL OCCUPANCY CONTROLS**

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

756

**RESOLVED**

1.    That the General Manager make arrangements as a matter of priority to undertake the following planning actions to prevent poor planning outcomes from the clustering of dual occupancy development in the Cessnock Local Government Area:
  - a.    Take immediate action to amend the Kurri Kurri District Strategy Consequential Amendments Planning Proposal to introduce a 600m2 minimum lot size for Dual Occupancy Development; and
  - b.    In the short term, incorporate and discuss issues relating to Dual Occupancy Development in the drafting of the Cessnock City Planning Strategy; and
  - c.    Amend the Cessnock City Development Control Plan 2010 to strengthen specific controls, including design, access arrangement and introducing a site landscape area requirement
2.    That the planning actions required to prevent clustering of dual occupancy development be prioritised, resourced and funded from the Planning and Environment Directorate budget.

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU2/2019***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **DEFERRED BUSINESS**

### **DEFERRED BUSINESS NO. DEF2/2019**

**SUBJECT: 18/2018/3 - PLANNING PROPOSAL 27 & 29 LANG STREET, KURRI KURRI.  
REQUEST FOR GATEWAY DETERMINATION**

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**MOTION**                      **Moved:**    Councillor Gray                      **Seconded:**    Councillor Burke  
757  
**RESOLVED**

1.     That Council not proceed with 18/2018/3 - Planning Proposal 27 & 29 Lang Street, Kurri Kurri for the following reasons:

- The proposal would result in an additional permitted use which is likely to cause unacceptable land use conflict and amenity impact, including noise, odour and traffic to residents in the R2 low density residential zone;
- The proposal would result in an additional permitted use for a service station that will further exacerbate the existing traffic issues at the intersection of Heddon Street and Lang Street, Kurri Kurri;
- The proposal would result in an additional permitted use for a service station that will detract from the adopted Kurri Kurri District Strategy by locating a business and possible ancillary uses that is likely to compete with and detract from existing businesses and services in the Kurri Kurri Town Centre;
- The location of the proposal is likely to negatively impact the commercial centre of Kurri Kurri by drawing customers away from the Centre.

2.     That Council notify the proponent of this decision.

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

**CARRIED**



## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE4/2019**

**SUBJECT:** **PLANNING PROPOSAL TO RECLASSIFY AND REZONE VARIOUS PROPERTIES AT ABERDARE, CESSNOCK, EAST BRANXTON AND KITCHENER**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
758

#### **RESOLVED**

1. That Council note the outcomes of the community consultation, including NSW Government agency submissions, public exhibition and public hearing for the Planning Proposal - Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener.
2. That Council proceed with the amended Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener and forward to the Minister of Planning and Environment with the recommendation that the plan be made pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
3. That Council notify NSW Government Agencies and members of the public who made a submission, and the NSW Department of Planning and Environment, of its decision.

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

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE5/2019**

**SUBJECT: AMENDMENT TO CLIFTLEIGH URBAN PRECINCT PLANNING AGREEMENT**

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**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Fitzgibbon  
759  
**RESOLVED**

1. That Council prepare a draft Deed of Variation for the Cliftleigh Urban Precinct Planning Agreement in accordance with the offer from Winten Property Group.
2. That Council publicly notify the draft Deed of Variation for a minimum period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.
4. That Council develop a Master Plan that fits the 2031: A Vision for the Future Community Infrastructure Community Plan, within 6 months, for a staged development of a multi purpose community centre, to enable Council to apply for grant funding, identify funding sources and a funding model.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

## CORPORATE AND COMMUNITY

### CORPORATE AND COMMUNITY NO. CC7/2019

**SUBJECT: REQUEST FOR FEE WAIVER FOR USE OF CESSNOCK PERFORMING ARTS CENTRE FROM CANCER COUNCIL**

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*Councillor Burke declared a Non Pecuniary Interest – Significant Conflict for the reason that he is involved in the event as a volunteer. Councillor Burke left the Chamber and took no part in discussion and voting.*

*Councillor Burke left the meeting, the time being 7.12pm*

**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Sander  
760

#### **RESOLVED**

1. That Council in accordance with its Sponsorship & Fee Waiving Policy waive fees of \$2,819 for use of Cessnock Performing Arts Centre for Cancer Council event Stars of the Hunter Valley.
2. That Council accept an amended premium sponsorship package offered by the Cancer Council for the following items only;
  - Full page advertisement and article in the event program
  - Opportunity to play a promotional video during the event
  - Prominent logo placement on all marketing materials, posters, flyers and invitations
3. That Council decline the following items offered as part of the premium sponsorship package offered by the Cancer Council.
  - 4 complimentary tickets to the event
  - Invitation to Stars of the Hunter Valley wrap party

#### **FOR**

#### **AGAINST**

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

**Total (0)**

#### **CARRIED UNANIMOUSLY**

*Councillor Burke returned to the meeting, the time being 7.12pm*

**CORPORATE AND COMMUNITY NO. CC8/2019**

**SUBJECT: DECEMBER 2018 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM**

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**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Fitzgibbon  
761  
**RESOLVED**

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 31 December 2018.
2. That Council note the following change to the Traffic Facilities Program:  

**Add: CFT-2019-007 Lovedale and Wilderness Road intersection and design.**
3. That Council note the progress of carryover deliverables.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC9/2019**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - DECEMBER 2018**

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

762

**RESOLVED**

1. That Council note the December 2018 Quarterly Budget Review Statements were presented to and endorsed for presentation to the Council by the Audit and Risk Committee on 5 February 2019.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the December 2018 Quarterly Budget Review Statements.

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC10/2019**

**SUBJECT: DRAFT CODE OF MEETING PRACTICE**

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

763

**RESOLVED**

1. That Council place the Draft Code of Meeting Practice on public exhibition for 28 days, and if no relevant submissions are received that the Draft Code of Meeting Practice be adopted upon the finalisation of the public exhibition period.
2. That Council adopt the proposed General Order of Business for Council Meetings as outlined in this report.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC11/2019**

**SUBJECT: DRAFT CODE OF CONDUCT AND PROCEDURES**

---

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

764

**RESOLVED**

1. That Council place the draft Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW on public exhibition for 28 days.
2. That Council adopt the draft Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW if no relevant submissions are received with effect from 1 May 2019.
3. That all Councillors attend mandatory training on the new draft Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW.

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

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC12/2019**

**SUBJECT: DEDICATION OF LAND FOR ROAD WIDENING - PROPOSED LOT 3 DP 1249763 - 21 MAIN ROAD CLITTLEIGH**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
765

**RESOLVED**

1. That Council agree to the dedication of Land required for road widening (being an area of 4311m<sup>2</sup> and part of Lot 9491 DP 1225029, Main Road Clittleigh) as public road;
2. That Council authorise the execution of a licence to the Roads & Maritime Services for the temporary use of part of the land for a compound site;
3. That Council consent to the Roads & Maritime Services commencing road works within the land identified for road widening pending the dedication of the land as public road;
4. That Council authorise the Common Seal of Cessnock City Council to be affixed to documents necessary for the dedication of the Land as public road;
5. That Council authorise the Mayor and the General Manager to execute the documents necessary for the dedication of the land as public road

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC13/2019**

**SUBJECT: GRANT FUNDING LEVERAGE RESERVE - CONSIDERATION OF ALLOCATION**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
766  
**RESOLVED**

That the reserved funds of \$795,450 be retained and used as leverage for matching funds for future grant funding opportunities and a report be presented to Council within six months if the funds have not been allocated to a specific purpose or successful funding opportunity.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC14/2019**

**SUBJECT: INVESTMENT REPORT - JANUARY 2019**

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

767

**RESOLVED**

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

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC15/2019**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
768  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI6/2019**

**SUBJECT: FINANCIAL SUSTAINABILITY INITIATIVES**

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**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Burke

769

#### **RESOLVED**

1. That Council notes the information provided in the report.
2. That the General Manager continues to manage and monitor the implementation of Council's adopted Financial Sustainability Initiative (FSI) projects through the Integrated Planning & Reporting framework.
3. That a further report on the status of the FSI projects be provided to Council in June 2019.

*Councillor Doherty left the meeting, the time being 07:20 PM*

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

#### **CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI7/2019**

**SUBJECT: TENDER (T1819-06) VETERANS MEMORIAL PARK PLAYGROUND  
DESIGN AND CONSTRUCT**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
770  
**RESOLVED**

**That Council accept the tender (T1819-06) from Scape Constructions Pty Ltd in the lump sum of \$473,000 (including GST) for the design and construct of Veterans Memorial Park Playground.**

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

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

**WORKS AND INFRASTRUCTURE NO. WI8/2019**

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE  
17 DECEMBER 2018**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
771  
**RESOLVED**

That the Minutes of the Local Traffic Committee of 17 December 2018 be adopted as a resolution of the Ordinary Council being:

1. **TC55/2018** - That Council authorise installation of GIVE WAY signs and line marking in Brown Street, Mathieson Street, Pillar Street and Crossing Street, Bellbird in accordance with the Brown Street, Bellbird \_ Signage & Line Marking Diagram.
2. **TC56/2018** - That Council install a GIVE WAY sign, advance warning signs and line marking at the approaches to the single lane bridge on Hetton Street, Bellbird in accordance with the Hetton Street, Bellbird\_ Signage & Line Marking Diagram.
3. **TC57/2018** - That Council install regulatory parking signage on North Avenue, Cessnock, in place of the existing disabled parking space, in accordance with North Avenue, Cessnock \_ Signage Diagram.
4. **TC58/2018** - That Council install a Loading Zone on Percy Street, Cessnock, in accordance with the Percy Street, Cessnock \_ Signage Diagram.
5. **TC59/2018** - That Council install regulatory parking signage on Hickey Street, Cessnock in accordance with the Hickey Street, Cessnock \_ Signage Diagram.
6. **TC60/2018** - That Council install line marking on Bowen Street, Branxton in accordance with the Bowen Street, Branxton \_ Line Marking Diagram.
7. **TC61/2018** - That Council note that the existing 6 tonne load limit applied to Whitebridge Road, Mulbring in response to culvert deterioration, has been removed following the replacement of the damaged culverts.

**FOR****AGAINST**

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

**Total (0)**

***CARRIED UNANIMOUSLY***

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

### **BUSINESS WITH NOTICE NO. BN2/2019**

**SUBJECT: BUS SHELTERS**

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*Councillor Doherty returned to the meeting, the time being 7.22pm*

**MOTION**            **Moved:** Councillor Sander            **Seconded:** Councillor Burke  
772

#### **RESOLVED**

1. That Council provides adequate footpaths in and around any newly installed bus shelters within the LGA to provide unhindered access to and from these shelters for all residents.
2. That Council develops a suitable capital works program to retrospectively address similar concerns at existing bus shelter sites which are currently not fully accessible.
3. That a report come back to Council regarding the impact of the resolution within the Capital Works Program.

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

**CARRIED UNANIMOUSLY**



**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ12/2019**

**SUBJECT: CCTV FOR CEMETERIES**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ13/2019**

**SUBJECT: CROSSING AT CESSNOCK HIGH SCHOOL**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ14/2019**

**SUBJECT: WOLLOMBI ROAD SECTION OF TRAFFIC STRATEGY**

---

The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ15/2019**

**SUBJECT: SMOKE FREE ZONES VINCENT STREET, CESSNOCK**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ16/2019**

**SUBJECT: ROADWORKS AND UPGRADE OF CESSNOCK CBD**

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ17/2019***

***SUBJECT: WASTE ON FOOTPATHS***

---

The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Anne Sander*

### **KURRI KURRI COMMUNITY CENTRE**

Councillor Sander asked for an update on the Kurri Kurri Community Centre.

*Councillor Mark Lyons*

### **MAINTENANCE OF PRIVATE CAR PARKS**

Councillor Lyons asked if Council can encourage the owners of private car parks to maintain them to a safe standard.

*Councillor Mark Lyons*

### **CESSNOCK TAFE GROUND MAINTENANCE**

Councillor Lyons asked if Council can contact Cessnock TAFE regarding the standard of maintenance on their grounds in terms of lawns etc.

*Councillor Di Fitzgibbon*

### **COMPLYING DEVELOPMENT MEMBERSHIP**

Councillor Fitzgibbon asked if Council had had any reply from the Complying Development Expert Panel regarding Council's membership request.

*Councillor Ian Olsen*

### **RESPONSE TO QUESTIONS**

Councillor Olsen referred to 2 questions that were asked of the Director Works & Infrastructure on 2 January and 20 January and asked when he would receive a response.

## **COUNCILLORS REPORTS**

Councillor Dagg

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

Councillor Dagg advised of her attendance at the Association of Mining Related Councils meeting where work began on updating the Association's Coal Seam Gas Policy, not an issue relevant to our Council, but one that is very important to the State. There was a presentation by Adam Seale, Shadow Minister for Industrial Relations and Energy and the Environment who was updating the Association on the work that Labor was doing in relation to a Resources for Regions Policy.

Councillor Lyons

### **Austar Community Consultation Committee**

Councillor Lyons advised of his attendance at the Austar Community Consultation Committee and advise that works have commenced after the tragic accident last year and they are still investigating what scale of works will be happening in the future regarding the fault lines. They will also be contacting Council to arrange some time in March for a Councillor Inspection of the Mine.

7.33pm

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Fitzgibbon  
773  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

7.34PM

**Open Session**

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

## PLANNING AND ENVIRONMENT

### PLANNING AND ENVIRONMENT NO. PE6/2019

**SUBJECT:** **REPORT FROM COMMISSIONER OF FIRE AND RESCUE NSW IN RELATION TO LOT B DP 947427 119 MCDONALDS ROAD, POKOLBIN**  
*This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.*

---

**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Dagg  
774

#### **RESOLVED**

1. That Council note the correspondence dated 28 January 2019 on behalf of the Commissioner of Fire and Rescue NSW.
2. That Council in accordance with Schedule 5, Part 8, Section 17 of the *Environmental Planning and Assessment Act 1979*,
  - A. Acknowledge receipt of a fire inspection report and recommendations on behalf of the Commissioner of Fire and Rescue NSW in relation to Ben Ean Winery, Lot B DP 947427 119 McDonalds Road Pokolbin, and
  - B. Determine to follow up the matters raised in accordance with Council's Compliance and Enforcement Policy by seeking voluntary compliance in the first instance, and if compliance is not achieved with the recommendations of Fire and Rescue NSW by 30 April 2019, then to consider issuing a fire safety order requiring statutory compliance; and
  - C. Give notice of Council's determination to the Commissioner of Fire and Rescue NSW.

#### **FOR**

#### **AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 7.35pm*

**CONFIRMED AND SIGNED** at the meeting held on 6 March 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI3/2019**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.



Notice of Intention to Deal With Matters in Confidential Session

Report No. NI2/2019

Corporate and Community Services



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

*PE11/2019 - MINUTES OF THE CONFIDENTIAL STRATEGIC PROPERTY & COMMUNITY FACILILITES COMMITTEE MEETING HELD 20 FEBRUARY 2019*

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

**RECOMMENDATION**

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2)(di) & (dii) of the Local Government Act 1993:  
  
Report No. PE11/2019 - Minutes of the Confidential Strategic Property & Community Facilitates Committee Meeting held 20 February 2019, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.
2. That Council request the Mayor in accordance with Section 253 of Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

**SUMMARY**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

**ENCLOSURES** There are no enclosures for this report.

**Motions of Urgency**

**Report No. MOU3/2019**

**Corporate and Community Services**



**SUBJECT: MOTIONS OF URGENCY**

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU3/2019  
General Manager's Unit



**SUBJECT:** ***CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD -  
OUTCOME OF MEETINGS WITH THE MEMBER FOR  
CESSNOCK AND COMMUNITY REPRESENTATIVES OF  
THE CESSNOCK CORRECTIONAL CENTRE COMMUNITY  
CONSULTATIVE COMMITTEE***

**RESPONSIBLE OFFICER:** ***General Manager - Stephen Glen***

---

### **SUMMARY**

This report provides a summary of the outcomes of a meeting on 21 February 2019 with the Member for Cessnock, Clayton Barr MP and community members of the Cessnock Correctional Centre Community Consultative Committee.

### **RECOMMENDATION**

**That Council receives and notes this report.**

### **BACKGROUND**

At the Ordinary Meeting of Council on 20 February 2019, Council resolved inter alia the following:

2. *That Council note the meeting with the Member for Cessnock, Clayton Barr MP has been arranged for 9:00am Thursday morning 21 February 2019;*
5. *That a report come back to Council to the first meeting in March with the outcomes of the meetings and correspondence listed above.*

This report responds to Item 5 of the Council resolution.

### **REPORT/PROPOSAL**

#### **Meeting with the Member for Cessnock**

A meeting was held on 21 February 2019 with the Member for Cessnock, Clayton Barr MP and community members of the Cessnock Correctional Centre Community Consultative Committee. Also present at the meeting was Council's General Manager, Director Planning and Environment and Director Works and Infrastructure.

The meeting discussions centered on the preferred options for access to the Correctional Centre through NSW Health Services land and the appropriate avenues for community members to lobby the Government, particularly in the period leading up to the State Election.

The Member for Cessnock provided an overview of discussions that took place at a recent meeting on Monday 18 February 2019 with himself and representatives from the Department of Justice.

General Manager's Unit

Report No. GMU3/2019

General Manager's Unit



Excerpts from the Member for Cessnock's précis of discussions that took place at the above meeting are provided in the following:

- Who ruled in/out the option of Health land being used. Member for Cessnock stated that *"Ultimately, it appears there was a 'feasibility' study conducted by Justice that led to Justice deciding that the Health land was not an acceptable option."*
- The Member for Cessnock advised that he has lodged a GIPA (Freedom of Information) to access that feasibility study (submitted 19/02/19 – response due back 19/03/19)
- With regard to the view/preference of NSW Health, it was noted that representatives from NSW Health were not in the meeting and that Justice Infrastructure (JI) could not speak on their behalf.
- When the Member for Cessnock enquired about getting everyone into the one room for a single meeting where 'we' could exchange ideas, he got the sense that there was some resistance to this concept.
- The group was advised that a representative from JI indicated that he was not the decision making authority. At the same time a representative from Minister's office indicated that the Minister was not participating in the decisions being made either. On this basis the Member for Cessnock advised that he is not sure WHO is making the decisions.
- The Member for Cessnock questioned why the Government had indicated a willingness to listen to the community ideas/suggestions/solutions in Ministerial representations being made, and why they won't listen to the community, Council and local MP on the Health land option. The Member advised that he was told that the Health land was ruled out as an option after a feasibility study.
- It was noted that apart from people supporting the Health land option, there were other parties that objected to the Health land option. On this matter the Member for Cessnock advised that he explicitly identified that the occasional users, for hobby, and the workforce that operates within the facility, should not be considered as having equal importance as the residents affected by an entry/exit and live 24/7 with the outcome being discussed.
- The Member for Cessnock advised that he offered that if there were clinical practice reasons why the road could not go through Health land, that this needs to be put on the table and explained to the community. In the absence of such an explanation, we, the community, will be insisting that the road go through health land, at which point there was some effort by representatives from JI to argue that there would be an impact on Health operations.
- The Member for Cessnock advised that he discussed the nature of occasional anti-social conduct of persons accessing the gaol, conduct that occurs outside the fence of the current entry and impacts nearby residents.
- He also re-iterated that an entry/exit road, if through Health land, would require full security fencing to control some occasional anti-social behaviour.
- Further, he proposed that from an "Operations" view that surely having a single, fenced access with lighting and possible security cameras, would help the operations side of things once JI had finished construction and moved on. This was not refuted, but it was clear that this "operational" issue was not a priority.
- The Member for Cessnock advised that JI repeated, several times, that there is nothing wrong with the existing entry/exit and that it could be the long term solution going forward. He also advised that JI indicated a willingness to have 2 entry/exits to spread the load and that JI also indicated a willingness to have the Lindsay St entrance essentially closed, full time, apart from occasional needs.

**General Manager's Unit**

**Report No. GMU3/2019**

**General Manager's Unit**



- The Member for Cessnock advised that he asked about future community meetings with himself, JI and community representatives, as per the Motion of Council. JI were repeatedly resistant to this idea, arguing that it would “complicate” and “confuse” the role and purpose of the existing Community Consultative Committee (CCC) that meets monthly. I suggested that most interest for community representatives who attend those meeting was the entry/exit road. It was acknowledged that the community representatives had participated in other decision making around tree plantings, noise, mounds, etc.
- The Member for Cessnock advised that JI also indicated that at the CCC meetings that a JI project officer had been present and was always able to speak to the issue of the entry/exit road.
- The Member for Cessnock advised that he again asked about separate meetings with just the 1 agenda item – the entry exit road. He argued that this conversation would not require many of the others that attend the CCC meetings, like Managers of the 3 prisons, local hospital representative, school principals, etc. He indicated that he proposed that it would be more efficient, for all of those really busy people, to just have a conversation about entry/exit road at a separate meeting. Again, JI resisted.
- He also advised that a representative from JI indicated that the Mayor was the Chair of those meetings and that if the entry/exit road was such an issue, then as Chair he could prioritise that issue. The JI officer also stated that the issue of entry/exit did not even come up at the February meeting. (The Member now believes this to be not true – having now seen Minutes from that February meeting)
- The Member for Cessnock advised that toward the end of the meeting on 18 February 2019, a representative from JI stated that he had never refused a meeting. In response the Member of Cessnock advised that the group that he said “that I would send him an invite to a future meeting, with community representatives, and that I would be inviting Health to that same meeting.”
- At the subject meeting the March election was mentioned and the potential for JI to be given a different direction from a new Government or Minister. This was conceded as a possibility and that yes, this might put Health land on the table.
- The group at the 21 February meeting was advised that the representative from JI had indicated that he had spoken to Council the previous week and that Council were to be holding a meeting with community representatives about the potential to re-open negotiations for Kerlew St. This led to a conversation around possible configuration of a Kerlew St option that would prevent those accessing the corrections facility from getting into the Nulkaba community back-streets (The JI rep told the Member for Cessnock that details would be worked out with Council). This allegedly led to a conversation about “who pays” to which JI said that they would assist in funding the work.

**Moving Forward**

The Member for Cessnock has indicated that he deems it unreasonable to ask Public Servants to attend a meeting for such a politically hot topic (locally) between now and the 23 March 2019 Election. Therefore, he proposes to delay any further meeting until after the election and if re-elected he intends to action this during April 2019.

He did however indicate that as soon as he has access to the feasibility study mentioned above, he is proposing to make this widely available.

**OPTIONS**

That Council receives and notes this report.

### **CONSULTATION**

Member for Cessnock  
Community members of the Cessnock Correctional Centre Consultative Committee  
General Manager  
Director Planning and Environment  
Director Works and Infrastructure

### **STRATEGIC LINKS**

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

This report links to the Community's Desired Outcomes:

A connected, safe and creative community  
A prosperous and sustainable economy  
A healthy and sustainable environment  
Accessible infrastructure, services & facilities  
Civic leadership and effective governance

And in particular the Objectives:

- 1.3 Promoting safe communities
- 2.2 Achieving more sustainable employment opportunities
- 3.1 Protecting and enhancing the natural environment and the rural character of the area
- 4.2 Improving the road network
  - 4.2.2 Advocate for road funding to better manage traffic impacts on the local road network
- 4.3 Improving access to health services locally
  - 4.3.1 Advocate for health services on behalf of the community
- 5.2 Encouraging more community participation in decision making

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

N/A

### **IMPLICATIONS**

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

N/A

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

Should the access to the Correctional Centre remain via local roads, Council will remain responsible for the upkeep and maintenance/upgrade costs from additional vehicular travel. Direct access via the State Road network or through State owned land would lessen the financial impact on already scarce Councils funds for a State owned and operated facility.

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**c. Legislative Implications**

There are no legislative implications to this report. The final decision in regards to the access to the Correctional Facility remains outside of the authority of Council and the community, and rests with the relevant department of the NSW State Government.

**d. Risk Implications**

There is a reputational risk to Council regardless of the resolution. The final decision regardless of Council's position or the community view rests with the State Government and in particular the Minister for Corrections, and the decision when finally taken may not represent the wishes of the local community.

Council may be left with both a short and longer term financial risk of maintaining and/or upgrading an existing access to the facility should Corrective Services NSW not install an appropriately designed access direct to the State Road network.

**e. Environmental Implications**

N/A

**f. Other Implications**

Retention of the existing Lindsay Street access to the expanded Correctional Centre is expected to further impact on adjoining residents and add to traffic congestion on Mount View Road and Wollombi Road.

Any access via an alternative route such as Kerlew Street may result in similar impacts to amenity as currently exists with the existing access.

**CONCLUSION**

This report provides information for Council on the outcomes of a meeting held on 21 February 2019 with the Member for Cessnock, Clayton Barr MP and community members of the Cessnock Correctional Centre Community Consultative Committee.

**ENCLOSURES**

There are no enclosures for this report

General Manager's Unit  
Report No. GMU4/2019  
General Manager's Unit



**SUBJECT:** ***BUSINESS CASE AND FUNDING ARRANGEMENTS FOR  
NSW GROWING LOCAL ECONOMIES: UPGRADE OF  
CESSNOCK AIRPORT***

**RESPONSIBLE OFFICER:** ***Acting Economic Development Manager - Rhiannon  
Stevens***

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### **SUMMARY**

The report seeks Council's approval to submit a grant application under the NSW Government's Growing Local Economies Funding Stream for the Cessnock Airport Upgrade project.

### **RECOMMENDATION**

**That Council endorse the submission of a full application to NSW Growing Local Economies Fund for the Cessnock Airport Upgrade project with a total project cost of \$8,848,197 that includes a co-contribution from Council of 25 percent or \$2,212,049.**

### **BACKGROUND**

On 6 June 2018, Council considered Report No. GMU62/2018 and resolved:

- 1. That Council endorse the submission of an Expression of Interest for the Cessnock Airport Upgrade project with a total project cost of \$7,622,000 that includes a co-contribution from Council of approximately \$1,905,500.*
- 2. That Council accept the funding offer from the NSW Government to fund the preparation of a Business Case to support the full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.*
- 3. That a further report describing the Business Case and Councils funding arrangements for the co-contribution, be considered by Council prior to the submission of a full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage."*

Council officers submitted an Expression of Interest (Step 1) under the Growing Local Economies Funding stream. The Expression of Interest was accepted and Council was invited to submit a full application for the project.

In addition, \$20,000 was made available to Council from the State Government under the Growing Local Economies program for the preparation of the Business Case as part of the full application process.

Council accepted the funded offer for the Business Case, undertook relevant procurement processes and engaged REMPLAN. Council officers have been working with REMPLAN to collate and source enough information to ensure the business case is robust and can conservatively demonstrate a BCR over 1 to best position the project to receive funds.



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This report satisfies part 3 of the resolution, seeking Council's consideration of the business case prior to submission.

## **REPORT/PROPOSAL**

### **1. Background of the project**

This project is a significant infrastructure upgrade of Cessnock Airport to realise the community's vision of it being a well-planned and serviced facility that attracts environmentally-responsible economic development opportunities to the region. Cessnock Airport is primed for growth in alignment with the draft Cessnock Airport Strategic Plan due to its proximal location, well positioned near major freight routes and population centres, and capacity to absorb growth for new and emerging industries, complimentary aviation businesses and reputation for pilot skills and training.

The proposed infrastructure upgrades detailed in the submission would set Cessnock Airport apart from neighbouring aviation bases and support positioning as the Hunter region and NSW's premier General Aviation airport. The submission, if successful will unlock growth within the Council owned and operated facility as a significant contributor to the local economy's sustainability post-mining, in particular as a major tourist and business gateway to the Hunter Valley.

The project will realise Council's vision for the Cessnock Airport to become an aerodrome business hub that works with and contributes to economic growth in the region. This project will have an enduring legacy – enabling council to catalyse sustainable and diversified employment and increase the economic resilience of the region.

### **2. The Growing Local Economies Fund**

Growing Local Economies is designed to unlock growth in regional NSW by delivering the infrastructure that supports projects of economic significance. Projects require a minimum financial co-contribution of 25 per cent of the total grant amount.

Applications for Growing Local Economies funding must demonstrate how projects will improve economic outcomes for communities. Projects should support local procurement, job creation and skills development.

The Growing Local Economies Fund from the NSW Government has no deadlines for submission. However there is preference to make the submission in March 2019. Feedback from NSW representatives remains promising on the basis of the merit based processes taken by NSW Treasury on the basis of Benefit Cost Ratio and economic impact analysis.

### **3. The Full Application Scope and Status**

The full application stage requires a Business Case with greater detail and independent costings than was submitted in the Expression of Interest (EOI) stage.

More detail has emerged in the preparation of the Full Application which has led to some strategic changes to project scope:

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- a. A total reconstruction of the runway (as opposed to reseal) has been identified as a necessary inclusion to continue to factor larger aircraft landings towards Benefit Cost Ratio greater than 1. A full reconstruction offsets runway maintenance costs (up to 10 years post construction) and proposed large plane capacity will unlock investment by aviation manufacturing clusters and provide marginal increases to associated fee income for council.
- b. Revised independent costings have identified that the sewerage and water estimations were undervalued in the EOI. Minimum water and sewerage connection ensures lands on western side can be subdivided if required and private investment can commence, contributing to a Benefit Cost Ratio greater than 1. Currently the airport has around 127,761 square metres of undeveloped land. These areas could be opened up for leasing if developed with water and sewerage.
- c. Terminal upgrade, Aviation Museum and establishing a tourism precinct on the eastern side adds significant economic value to the BCR calculation. The visitor terminal building could become a 'gateway/port of entry' to the destination and accommodate charter passengers and joy flights, meet the growing expectations of visitors to the region and to support further growth in the number of passenger flights operating out of Cessnock Airport. The inclusions are also revenue options for council to recover various income associated with rent, landing fees.
- d. Fencing did not add significant value to the project has been postponed for later stages of development, in order to accommodate some of the itemised increases in project expenses.

The scope of works presented in the Full Application and draft Business Case will unlock economic growth identified in the vision set by the Draft Cessnock Airport Strategic Plan. The Full Application has been strategically prepared to meet merit based criteria under the grant, whilst positioning the asset as one which can meet Council's vision for strong financial viability for a well-planned airport with developed business assets.

The project scope and costings for the Full Application are itemised as follows:

<b>Project component</b>	<b>Estimate</b>	<b>Year 1</b>	<b>Year 2</b>
Widening and resealing taxiways	\$284,860	\$284,860	\$0
Fuel area apron & taxiway	\$53,708	\$53,708	\$0
Reconstruction of runway and Extension	\$1,850,000	\$1,850,000	\$0
Sewerage connection and water connection (all phases).	\$3,664,000	\$0	\$3,664,000
Aviation museum hangar	\$500,000	\$500,000	\$0
RNAV/GPS approach	\$38,233	\$38,233	\$0
Hangarage/aircraft storage	\$400,000	\$200,000	\$200,000
Aircraft parking upgrade	\$550,000	\$550,000	\$0
Terminal upgrade	\$150,000	\$0	\$150,000
Project management, investigations	\$357,450	\$178,725	\$178,725
Contingency	\$999,946	\$499,973	\$499,973
<b>TOTAL</b>	<b>\$8,848,197</b>	<b>\$4,155,499</b>	<b>\$4,692,698</b>

Scope inclusions and alignment to strategic plan are outlined below:

<b>Scope includes</b>	<p>Reconstruction of runway to accommodate benefits linked to accepting larger planes.</p> <p>Terminal upgrade, aviation museum and RNAV/GPS instrument approach provide further opportunities for tourism precinct development on the eastern side.</p> <p>Hangarage options for attracting aviation businesses.</p> <p>The full connection of sewerage and water to the western side of the airport is still a major component as this will unlock development potential of over 100,000 sqm.</p>
<b>Alignment to Strategic Plan</b>	<p>Terminal, RNAV/GPS, Museum, seal and lengthen runway, sewerage connection and water, additional hangars and parking. Synergies for unlocking tourism potential and specific aviation business growth. Options for financial sustainability of the asset, and minimised asset maintenance costs.</p>

#### 4. The Business Case and Benefit Cost Ratio

The economic assessment criteria of the Growing Local Economies Fund requires the business case to detail specific and confirmed jobs and economic growth and achieve a Benefit to Cost Ratio (BCR) greater than 1.0.

Based on the detailed scoping and costings undertaken for the Business Case, operational financial figures sourced from Draft Cessnock Airport Strategy Plan, and benefit assumptions (detailed in the business case), the Benefit Cost Ratio prepared by REMPLAN is as follows:

##### *Cost Benefit Ratios*

<b>Net Present Value Discount Rate</b>	<b>Cost Benefit Ratios</b>
4%	1 : 1.48
7%	1 : 1.47
10%	1 : 1.46

Note: all costs and benefits have been indexed on an annual inflation rate (escalation factor) of 2 percent.

Preliminary cost benefit analysis, incorporating direct and indirect project costs (capital and ongoing) and expected benefits at a 4 per cent discount rate, estimates that for every dollar of costs associated with the project the local government area of Cessnock will benefit by up to \$1.48.

This is deemed a significant and a positive result for Council as the asset owner, and towards the competitiveness of the project in merit based selections.

The project is anticipated to result in improved economic outcomes for the townships and broader region.

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Anticipated economic benefits linked with the Full Application relate to:

- Growing the tourism offering
- Increased visitor expenditure linked to expanded flying schools
- Business growth for aviation related clusters
- Reduced operational and maintenance costs to Council
- Future opportunities in Business Investment Attraction

Economic impact modelling determined the additional jobs likely to result from the upgrade will have significant annual impacts on the Cessnock LGA's economy, inclusive of an additional \$22 million in direct revenue, with a total effect (inclusive of supply-chain and consumption effects) of \$32 million.

It is projected that an additional 55 jobs will be supported by businesses located at the upgraded airport, which will have a total effect of 91 jobs throughout Cessnock LGA (inclusive of supply-chain and consumption effects).

For the purpose of determining a BCR, indirect costs have been included, such as:

- Catalytic capital costs, i.e. capital costs incurred by new businesses establishing operations at Cessnock Airport once the project is complete.
- Marginal increase in operating expense incurred by currently operating businesses due to expansion
- Operating expense incurred by newly established businesses

Once the upgrades to Cessnock Airport are complete, the benefits over the life of the asset will include:

- An increase in airport revenue including fees and charges, licences, lease income (associated with new hangars).
- Additional turnover generated by the expansion of currently operating businesses
- Turnover generated by new businesses established post-project
- Flight school students and increased visitor expenditure

The draft Business Case is appended as Enclosure 1, and is ready to be submitted to the NSW Government pending resolution of Council.

## **5. Funding arrangements**

The previous resolution discussed a co-contribution of approximately \$1,905,500 on the basis of total project value of \$7,622,000 in the EOI. Under the Growing Local Economies funding arrangements, applicants are generally required to provide a minimum 25 percent co-contribution towards a project.

Council can choose to proceed on the same dollar co-contribution basis, however a stronger application would see the minimum 25 percent co-contribution remain (per the recommendation of this report). A co-contribution of up to 25 percent will be submitted on the basis of regional disadvantage and capacity. Offering less than 25 percent co-contribution may impact the merit of Council's submission.

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For the proposed submission, funds would be sourced from external loan borrowing as Councils operational budget would not be able to accommodate an allocation of that magnitude without significantly impacting on existing operations (i.e. this would require a significant reduction in expenditure from an operational area such as road maintenance and/or renewal).

With the anticipated short to medium term return from commercial components of the project (e.g. hangars, income associated with fees and charges, rent) loan repayments could be accommodated within future operational budgets, with expected returns partially offsetting loan repayments.

Based on the updated costings, the 25 percent co-contribution equates to \$2,212,049, with funding from the NSW Growing Local Economies application being \$6,636,148, for a total project cost of \$8,848,197.

The assets being created or renewed as part of the Cessnock airport upgrade will be typically long lived assets however a loan term of no more than 10 years would be prudent and conservative. Such a 10 year loan at an annual interest rate of 4% would result in annual repayments of approximately \$270,000 per annum.

The project will still require to meet the full NSW merit assessment and is not guaranteed to proceed, despite the competitive strength and robust nature of the submission.

**OPTIONS**

There are three options available for Council to consider.

1. That Council endorse the submission of a full application to NSW Growing Local Economies Fund for the Cessnock Airport Upgrade project with a total project cost of \$8,848,197 that includes a co-contribution from Council of 25 percent representing \$2,212,049.

***This is the preferred option.***

2. That Council endorse the submission of a full application to NSW Growing Local Economies Fund for the Cessnock Airport Upgrade project with a total project cost of \$8,848,197 that includes a co-contribution from Council of 21.5 percent (less than expected by NSW government) of a \$1,905,500.
3. That Council not endorse the submission of a full application for the Cessnock Airport Upgrade project and not make a submission.

**CONSULTATION**

The following stakeholders were consulted:

- General Manager
- Director Works & Infrastructure
- Director Corporate and Community Services
- Executive Leadership Team
- Acting Economic Development Manager

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- Finance and Administration Manager
- Works and Operations Manager
- Airport Coordinator
- Project Manager – Strategic Property Review
- REMPLAN
- NSW Department Premier and Cabinet representative
- Airport Stakeholders

**STRATEGIC LINKS**

**a. Delivery Program**

Community Objective 2.1 – Diversifying Local Business Options  
Community Objective 2.3 – Increasing Tourism Opportunities & Visitation in the Area  
Community Objective 4.1 – Better transport links

**b. Other Plans**

Draft Cessnock Airport Strategic Plan  
Economic Development Strategy  
Destination Management Plan

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

If the application is successful Council will be required to provide a co-contribution of up to 25 percent, which equates to \$2,212,049. At this time it is recommended that Council fund the required co-contribution from an external loan borrowing with repayments to be factored into future budgets with anticipated revenues from the commercial opportunities to provide an income source to offset the impacts of the loan repayments.

The assets being created or renewed as part of the Cessnock airport upgrade will be typically long lived assets however a loan term of no more than 10 years would be prudent and more conservative. A 10 year loan at an annual interest rate of 4% would result in annual repayments approximately \$270,000 per annum.

**c. Legislative Implications**

Nil

**d. Risk Implications**

The pending NSW election could have some impact on decision making timelines of NSW grant processes. Advices from representatives of NSW Department of Premier and Cabinet that the business case submission should be a priority for a March 2019 submission. The

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investment in the development of the business case by the NSW government as well as the positive BCR result produced by REMPLAN positions this project well for funding.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Cessnock Airport is an important public asset and Council continues to drive economic opportunities at the site. Cessnock Airport is primed for growth in alignment with the draft Cessnock Airport Strategic Plan due to its proximal location, well positioned near major freight routes and population centres, and capacity to absorb growth for new and emerging industries, complimentary aviation businesses and reputation for pilot skills and training. The application to NSW Growing Local Economies will enable Cessnock City Council to unlock the potential of the asset for future generations.

**ENCLOSURES**

[1](#) Draft Business Case for the Funding Submission

Planning and Environment

Report No. PE7/2019

Planning and Environment



**SUBJECT:** ***DEVELOPMENT APPLICATION NO. 8/2018/459/1  
PROPOSING EXTENDED GAMING HOURS AT THE  
'AUSTRALIA HOTEL' FROM 12 MIDNIGHT TO 2AM  
(MONDAY TO SATURDAY)***

***136 WOLLOMBI ROAD, CESSNOCK***

**RESPONSIBLE OFFICER:** ***Senior Planning Assessment Officer - Kerry Porter  
Development Services Manager - Janine Maher***

<b>APPLICATION NUMBER:</b>	8/2018/459/1
<b>PROPOSAL:</b>	Extended gaming hours at the 'Australia Hotel' from 12 midnight to 2am (Monday to Saturday)
<b>PROPERTY DESCRIPTION:</b>	Lot 12 DP 1243972
<b>PROPERTY ADDRESS:</b>	136 Wollombi Road, Cessnock
<b>ZONE:</b>	R3 Medium Density Residential
<b>OWNER:</b>	Hilliar Holdings Pty Ltd
<b>APPLICANT:</b>	Marshall Scott Pty Ltd

## RECOMMENDATION

**1. That:**

- (i) Development Application No. 8/2018/459/1 proposing the extension of gaming hours from 12 midnight to 2am (Monday to Saturday) at the 'Australia Hotel', at 136 Wollombi Road Cessnock, be refused pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the reasons contained in this report.**
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
  - The proposal is likely to have an adverse social impact on the community with regards to an increase in anti-social behavior, criminal activity and public order incidents.**
  - The subject land is not considered suitable for the proposal given its location within an established residential area.**



- The proposal is not considered to be in the wider public interest.
- (iii) In considering community views, the following is relevant:
- The issues and concerns raised by the community in relation to adverse social impacts have been taken into consideration in the assessment of the application and the determination reflects the community's concerns.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

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Development Application No. 8/2018/459/1 is being referred to Council for determination as the application is recommended for refusal and the refusal is considered to be merits-based.

## EXECUTIVE SUMMARY

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Council is in receipt of Development Application No. 8/2018/459/1 proposing the extension of gaming hours from 12 midnight to 2am (Monday to Saturday) at the 'Australia Hotel', at 136 Wollombi Road, Cessnock. The development application does not propose to extend the overall trading hours of the hotel which currently closes at midnight. Rather, it is proposed to extend the trading hours associated with the alfresco gaming area.

The Development 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 Development Application was publicly exhibited and two (2) submissions representing a total of four (4) properties were received. All submissions were in objection to the proposal. The issues and concerns raised in the submissions are addressed in the following report.

The proposal to extend the gaming machine trading hours to 2:00am for 6 days a week (Mondays to Saturday), is not supported due to the increased likelihood of adverse social impacts relating to anti-social behaviour and crime. It is noted that the application was referred to the NSW Police Force for comment, who have formally objected to the proposed extended gaming hours. Specifically, NSW Police are of the opinion that the increased availability of gaming machines will further exploit the vulnerable community of Cessnock

**Planning and Environment**

**Report No. PE7/2019**

**Planning and Environment**

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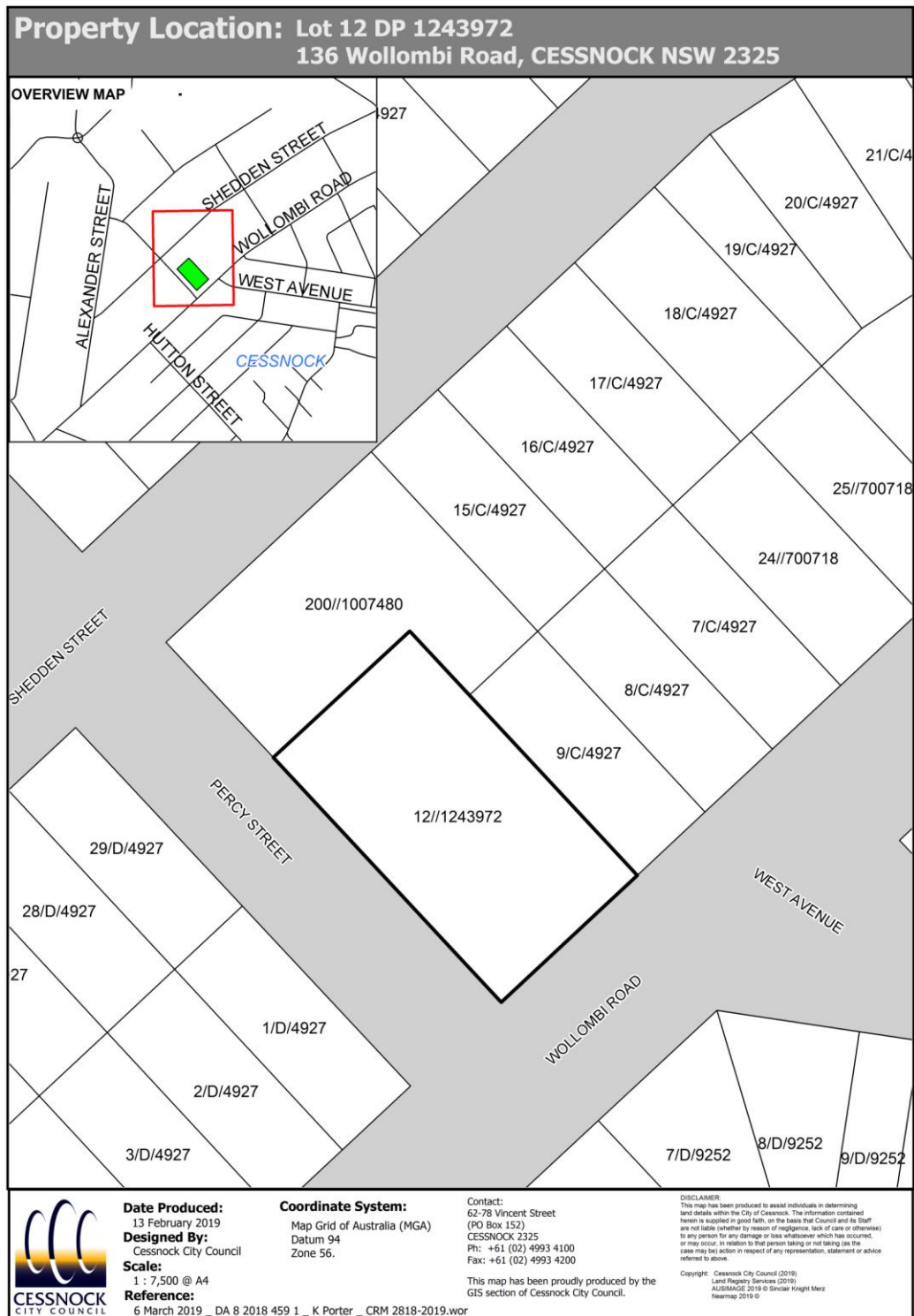


and may in fact contribute to increased levels of crime through vulnerable persons committing crimes to support gambling habits.

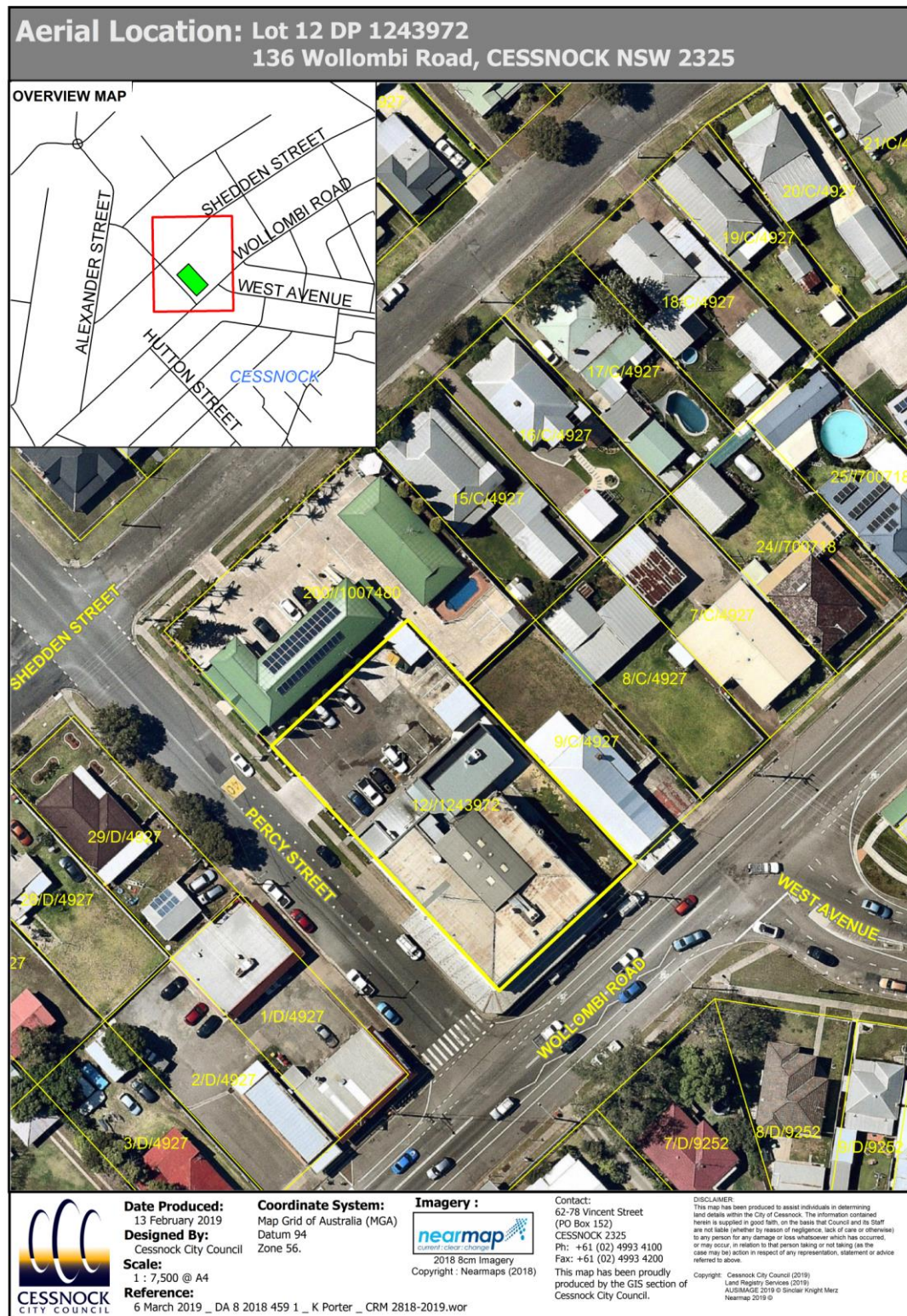
Based on the assessment, it is recommended that the Development Application be refused subject to the reasons for refusal contained in this report.

**LOCATION MAP**

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## AERIAL



## SITE DESCRIPTION AND LOCALITY

This is Page 60 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 6 March 2019



Planning and Environment

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Planning and Environment



The subject land is commonly known as the 'Australian Hotel' and is located at 136 Wollombi Road, Cessnock (Lot 12 Deposited Plan 1243972).

The property is located on the corner of Wollombi Road and Percy Street and has a width of approximately 30 metres, a depth of approximately 55 metres and an overall site area of 1650m<sup>2</sup>. Vehicular access to the site is available from Percy Street.

The property is currently occupied by a two storey building containing a hotel, tourist accommodation, bar, restaurant, alfresco gaming area (currently containing a total of 14 gaming machines), and associated parking.

Surrounding properties are essentially residential in nature with a motel development and some mixed commercial uses adjoining the site.

Relevant development consents issued in relation to the property include:

DA No.	Description	Determination
8/2000/1116/1	Refurbishment of bar/kitchen facilities	Approved 16 January 2001
8/2001/89/002	Enclosure of structure/alteration to hotel - redesign of roof structure	Approved 19 July 2001
8/2005/580/1	Alterations and additions to hotel	Refused by Council 15 May 2006  S.82A Application approved by NSW Land and Environment Court 8 November 2006
8/2017/714/1	Alterations and additions to existing hotel (relocation of existing gaming lounge and changes to rear entry)	Approved 20 April 2018

## HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
31 July 2018	Application lodged.

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3 August 2018	Application referred to Council's Principal Community Planner, Environmental Health Officer and NSW Police Force.
15 August 2018	Comments received from Council's Environmental Health Officer.
17 August 2018	Comments received from Council's Principal Community Planner.
30 August – 14 September 2018	Application placed on public exhibition.
29 December 2018	Comments received from NSW Police Force.
31 January 2019	Council's assessment officer verbally advises the applicant that the application is not supported (and the reasons why), and advises that a letter will be issued confirming this, and providing an opportunity to withdraw the application.
1 February 2019	The applicant emails Council advising that the application would not be withdrawn and requests that Council proceed to determine the application in its current form.
7 February 2019	Letter sent to applicant formally advising that the application is not supported, and acknowledging the applicant's request that the application be determined.
12 February 2019	Assessment completed.
25 February 2019	<p>A meeting is held between Council's General Manager, Director Planning and Environment, Development Services Manager, and the owner of the site and associated representative, to discuss the application.</p> <p>A copy of the current licence for the site, as issued by the <i>Independent Liquor and Gaming Authority</i>, is forwarded to Council staff following the meeting.</p>
26 February 2019	Council staff contact the Office of Liquor and Gaming NSW to confirm licence details.

## DETAILS OF THE PROPOSED DEVELOPMENT

**Planning and Environment**

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**Planning and Environment**



Development Application No. 8/2018/459/1 proposes the extension of gaming trading hours from 12 midnight to 2am (Monday to Saturday) at the 'Australia Hotel', at 136 Wollombi Road, Cessnock. In detail, the following is noted:

- The extended hours will apply to the alfresco gaming area, and the associated dining area (which provides access to toilet facilities);
- The capacity of the alfresco gaming room between 12 midnight and 2:00am is proposed to be limited to 20 patrons. The current licence for the premises, as issued by the *Independent Liquor and Gaming Authority*, prescribes that the gaming machine threshold for the site is 20. There are currently 14 machines located within the approved gaming area, and the applicant has approval (as prescribed on the current licence) to increase the number of gaming machines to a maximum of 20;
- It is not proposed to extend the overall trading hours of the hotel, which currently closes at midnight; and
- No extension to the sale of alcohol is proposed, i.e., alcohol sales will continue to cease at midnight.

The alfresco gaming area was approved by Council via Development Consent No. 2017/714, on 20 April 2018. In accordance with this approval, the existing internal gaming area was relocated to the current location of the gaming area, i.e., referred to in this report as the alfresco gaming area.

Currently the premises is licensed to operate until 12 midnight (including liquor sales and gaming). As outlined, the development application does not propose to extend the overall trading hours of the hotel, rather, the application seeks to extend the alfresco gaming area hours from 12 midnight to 2:00am (Monday to Saturday). Furthermore, the information submitted by the applicant outlines that alcohol will not be served after 12 midnight, rather light refreshments will be available to patrons using the gaming area.

## **ASSESSMENT**

### ***Environmental Planning and Assessment Act 1979 – Section 4.15(1)***

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

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

##### **1. Cessnock Local Environmental Plan (CLEP) 2011**

The Cessnock Local Environmental Plan (CLEP) 2011 applies to the proposal. Accordingly, an assessment has been undertaken against the relevant provisions of this instrument.

##### **1.1 Permissibility**

The subject site is zoned R3 Medium Density Residential under the provisions of the CLEP 2011. The existing premises is defined as a 'pub' which means as follows:

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*'licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises'*

Development for the purpose of a 'pub' is prohibited in the R3 Zone, however the hotel was constructed in approximately 1923 and is permitted to operate under 'existing use rights', in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

## 1.2 Objectives

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is noted that the first two (2) objectives of the R3 zone are not relevant to the application, as the premises is not residential in nature.

In respect of the third objective, it is considered that the ongoing operation of the hotel is not contrary to this objective as the premises provides facilities and services that would meet the needs of residents within the locality.

## 1.3 Relevant Clauses

The Development Application was assessed against the following relevant clauses of CLEP 2011:

### Clause 5.10 Heritage Conservation

The 'Australia Hotel' is listed as a heritage item under the provisions of the Cessnock LEP 2011. The development does not propose any building works and in this regard, the application does not trigger the heritage provisions which only apply in situations where the development proposes "*demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)*".

- (a)(ii) *The Provisions of any proposed 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 Planning Secretary 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 application.

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



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**Cessnock Development Control Plan 2010**

Chapter C.8 Social Impact Assessment and Crime Prevention through Environmental Design (CPTED) Guidelines for a Proposed Development, of the Cessnock Development Control Plan 2010, applies to the proposal.

The applicant prepared a Social Impact Assessment (SIA) in support of the application in accordance with the provisions of Chapter C.8.

The development application and accompanying SIA was referred to Council's Principal Community Planner for comment, who advised as follows:

*'The SIA presents a thorough community profile providing a strong analysis of significant demographic and crime trends in the local area. The SIA indicates that, in the statistical areas analysed, the population sat in the first quintile, which is the lowest scoring 20% of the population and therefore considered most disadvantaged, according to the Socio-Economic Indexes for Areas (SEIFA) released by Australian Bureau of Statistics (ABS) in 2016.*

*The application proposes increasing the community's direct access to gaming machines an additional 12 hours per week, i.e., 2 hours per day for 6 days. The submitted SIA has identified the locality as a disadvantaged community with relatively high rates of theft, malicious damage and domestic assault (in comparison to the state average).*

*In 2015 the NSW Government Department of Trade and Investment (Office of Liquor, Gambling and Racing), commissioned a report by The University of Sydney Gambling Treatment Clinic, School of Psychology. Some of the key findings were:*

- Gaming machines, betting on racing events, sports betting and casino table games represent the gambling products most associated with gambling related harm.*
- Gaming machines have the highest participation rate; players have elevated levels of problem gambling compared to other products, and report higher frequencies of health-related harm.*
- High income groups, regardless of the preferred product, are less likely to experience gambling-related harm, suggesting that socio-economic status has a moderating effect on harm.*
- Approximately eight out of ten clients presenting for treatment reported this form of gambling (gaming machines) as their primary product. Gaming machine players were also most likely to have suffered a mental health issue at some point in their lives.*
- The majority of gamblers in the community and in treatment-seeking populations experience financial stresses, relationship problems and health-related difficulties.*

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- *Participation in gambling is dependent in large measure by its availability and accessibility within the community. Risk factors considered likely to increase exposure to, and participation in, gambling behaviour thereby setting the foundation for the potential development of gambling-related harms and problem gambling, include:*
  - *Available product density (number of outlets and geospatial distribution).*
  - *Accessibility to product (operating hours, proximity and 24/7 access).*
  - *Accessibility to funds (access to cash – ATM locations, number and withdrawal limits).*
  - *Configuration rates and amounts (high denominations note acceptors, continuity of play/event frequency, reinforcement rates)'.*

Having regard to the findings of the above report and the information contained within the SIA, Council's Principal Community Planner is not supportive of the proposal.

NSW Police Comments

The application and accompanying SIA was referred to the NSW Police Force for comment.

NSW Police have advised as follows:

*'The applicant's very own Social Impact Assessment paints a very bleak picture of the Cessnock Local Government Area (LGA). It identifies Cessnock as a vulnerable, disadvantaged and low socio-economic community. Crime rates including domestic violence, theft, break and enter, motor vehicle theft, malicious damage and domestic assault and assault are well above the NSW state averages. In most cases crime categories are a staggering 150 – 300% above the state average.*

*Police submit the introduction of more gaming machines and/or availability of same, will only further exploit the vulnerable community of Cessnock and may in fact contribute to increased levels of crime through vulnerable persons committing crimes to support gambling habits'.*

In addition to the above concerns, NSW Police are of the opinion that the application in its current form is prohibited by both liquor and gaming legislation. It is noted that Council is not the appropriate authority for regulating this aspect of the premises, rather this responsibility lies with Liquor and Gaming NSW (L&GNSW). Furthermore, licensing is not a planning-related matter to consider in the assessment and determination of this development application.

**(a)(iia) *The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4***

No such agreement has been proposed as part of this application.

**(a)(iv) *The provisions of the regulations***

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It is noted that the *Environmental Planning and Assessment Regulation 2000*, addresses the issue of 'existing use rights', and that, in accordance with Clause 42 of the Regulation, development consent is required for the enlargement, expansion and intensification of existing uses.

In this case, the applicant has applied for development consent to intensify the use of the site, i.e., extend the trading hours of the gaming area. Therefore, compliance with this clause is achieved.

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

The likely impacts of the proposed development relate predominantly to noise, and social considerations. These are addressed below:

**Noise Impacts**

With regards to noise impacts on the surrounding neighbourhood, the applicant submitted a Noise Impact Assessment (NIA) in conjunction with the development application.

The NIA considered noise created by patron activity (raised speech) and gaming machine operation in the alfresco gaming area. The NIA confirms that alcohol is not proposed to be served during the extended hours between 12 midnight and 2:00am. Furthermore, the NIA did not consider live entertainment as this will also not occur during the extended gaming hours.

The NIA confirms that existing background noise levels were continuously monitored over seven (7) days from 2 June to 8 June 2018. The monitoring instrument was installed on the rear upper level landing of the hotel as this location was deemed to be representative of the acoustic environment in the receiver area.

The NIA concludes that noise from patrons and activities in the alfresco gaming area are predicted to be compliant with the relevant criteria up until 2:00am. Furthermore, short duration events, for example, raised speech, are also expected to be compliant with the EPA's sleep arousal criterion. These conclusions are based on entertainment and other noise generating activities having ceased by 12 midnight.

The NIA makes a total of 5 recommendations, these are summarised below:

- The alfresco gaming area may be used at all times during trading hours;
- No amplified entertainment or PA system is permitted in the alfresco gaming area, except for emergency announcements;
- An absorbent underside must be incorporated into the ceiling/roof of the alfresco gaming area to reduce reflected sound;
- Staff should periodically patrol the outdoor area to remind patrons to be quiet and consider the amenity of nearby residents. This should be reinforced by the erection of appropriate signage; and
- In the event complaints are raised by nearby residents/occupiers, staff should be available to discuss the matter, and respond accordingly in a timely manner.

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In this case, the application is recommended for refusal. However, in the event the application is approved, it will be necessary to impose the above recommendations as conditions of consent on the notice of determination.

***Social Impact***

The issue relating to social impact has been addressed comprehensively in this report.

***(c) The suitability of the site for the development***

It is considered that the site is not suitable for extended gaming trading hours from midnight to 2:00am. In this regard, the premises is located within an established residential area. Whilst pubs/hotels were permitted at the time of its establishment back in 1923, they are now prohibited in a residential area. Notwithstanding, as previously outlined in this report, the property benefits from existing use rights.

The premises, although lawfully established, is considered an historical anomaly which requires careful management, controls and restrictions to ensure that its impacts on the adjoining residential properties are kept to a minimum. It is considered that extending gaming hours will inevitably lead to conflict with the established residential neighborhood and disturbance to the amenity of residents, particularly from anti-social behavior. In addition, the SIA submitted in conjunction with the application clearly outlines that the locality is identified as a disadvantaged community with relatively high rates of theft, malicious damage and domestic assault (in comparison to the state average). In consideration of this, it is not appropriate to provide further access to gaming facilities.

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

The Development Application was publicly exhibited between 30 August and 14 September 2018.

Two (2) submissions representing a total of four (4) properties were received. All submissions were in objection to the proposal.

The issues and concerns raised in the submissions are addressed as follows:

- 1. Concern has been raised that the extension of gaming trading hours to 2am will lead to prolonged ant-social behavior, noise, vandalism and other criminal activity in the carpark of the hotel and adjacent private car parking areas and public streets.**

Comment

Neighbouring property owners have advised that they have experienced ongoing issues relating to anti-social behavior, associated noise issues, trespassing and vandalism by patrons of the hotel at closing time (currently 12 midnight). Concern is raised that extending the trading hours of the gaming machines is likely to prolong this behavior through to 2am.

The details contained in the submitted Social Impact Assessment (SIA) and assessment of the proposal by Council's Principal Community Planner and the NSW Police Force supports the concerns raised, as addressed previously in the report.

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2. **Information submitted with the application states that the capacity of the alfresco gaming area during the hours of 12 midnight and 2am will be 20, yet the submitted plans show a total of 35 gaming machines and as such, the impacts of the proposal have been underestimated by the applicant.**

Comment

As outlined above, the current licence for the premises, as issued by the *Independent Liquor and Gaming Authority*, prescribes that the gaming machine threshold for the site is 20. There are currently 14 machines located within the approved gaming area, and the applicant has approval (as prescribed on the current licence) to increase the number of gaming machines to a maximum of 20.

It is acknowledged that the plans submitted in conjunction with the development application illustrate more than 20 gaming machines within the alfresco area. However, plans submitted in conjunction with a development application are often indicative, i.e., the purpose of the plan is to demonstrate how the space could be set out/utilised.

The premises is legally bound by the conditions of the related gaming license, as issued by the *Independent Liquor and Gaming Authority*.

3. **The applicant has stated that surrounding neighbours were sent letters regarding the proposal for consultation purposes prior to the application being lodged with Council and that no response was received. Such consultation was never undertaken, nor were letters received.**

Comment

Two properties adjoining/adjacent to the site have advised that they did not receive a letter sent by the applicant's representative prior to lodgement of the development application with Council.

The submitted SIA states that a total of 11 letters (8 to residential properties and 3 to commercial premises), were sent to certain properties (which are identified in the SIA), on 13 June 2018. It cannot be confirmed whether or not the letters were in fact sent/received. The SIA states that no responses to the letters were submitted to the company who prepared the SIA.

Notwithstanding the above, it is confirmed that Council has undertaken the appropriate public exhibition process to surrounding property owners for consultation purposes.

4. **While alcohol will not be served during the extended trading hours (12 midnight to 2:00am), this will not eliminate anti-social behavior during the early hours of the morning.**

Comment

Information submitted in conjunction with the development application outlines that liquor sales will cease at 12 midnight under the current license, and only light refreshments will be available between 12 midnight and 2 am to those patrons in the alfresco gaming area.

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While this restriction is acknowledged in an attempt to curb anti-social behavior associated with the consumption of alcohol, the extended opening hours will encourage patrons to prolong their stay and will not eliminate late night/early morning disturbances in the neighbourhood.

5. **The extended gaming hours will increase noise disturbance to adjacent properties in the early hours of the morning. The conclusions reached in the submitted noise report are not supported given the alfresco nature of the gaming room.**

Comment

The issue of noise impact has previously been addressed in this report.

The Noise Impact Assessment submitted in conjunction with the development application concludes that the proposed extended gaming hours will not detrimentally impact upon the surrounding locality, subject to the implementation of five (5) recommendations.

In this case, the application is recommended for refusal. However, in the event the application is approved, it will be necessary to impose the five (5) recommendations as conditions of consent on the notice of determination.

6. **The extended gaming hours will encourage gambling addiction and associated adverse social behavior to those vulnerable communities.**

The application proposes increasing the community's direct access to gaming machines an additional 12 hours per week

The issue of social impact has previously been addressed in this report.

**(e) The public interest**

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Based on the above assessment, it is considered that the proposed development is not in the wider public interest.

## SECTION 7.11 CONTRIBUTIONS

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Section 7.11 Contributions are not payable for the proposal.

## INTERNAL REFERRALS

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The Development Application was referred to the following Council officers for comment:

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Officer	Comment
Environmental Health (Noise Assessment)	The application was referred to Council's Environmental Health Officer to assess and comment on the submitted noise impact assessment report. The report was considered satisfactory and no objection was raised to the proposal subject to the recommendations contained in the report.
Principal Community Planner (Social Impact)	The application was referred to Council's Principal Community Planner who objected to the proposal for reasons relating to adverse social impacts.

## EXTERNAL REFERRALS

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The Development Application was referred to the following external agencies for comment:

Agency	Comment
NSW Police Force	The application was referred to NSW Police who objected to the proposal for reasons relating to an increase in anti-social behavior, criminal activity and public order incidents.

## CONCLUSION

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The Development Application has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

It is considered that the proposal to increase gaming trading hours will exacerbate existing anti-social behaviour and criminal activity that exists in the locality. Furthermore, the location of the hotel in an established residential area is not conducive to extended operating hours in terms of adverse amenity impacts on neighbouring properties.

Increasing the availability to gaming machines will only further exploit the vulnerable communities of Cessnock, and may contribute to increased levels of crime through vulnerable persons committing crimes to support gambling habits.

Having regard for the above, it is recommended that Development Application No. 8/2018/459/1, be refused subject to the reasons for refusal contained in this report.

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## ENCLOSURES

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- [1](#) ⇨ Development Plans
- [2](#) ⇨ NSW Police Comments
- [3](#) Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*



## REASONS FOR REFUSAL

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1. The proposed extension of gaming trading hours is likely to have an adverse social impact on the surrounding neighborhood with regards to an increase in anti-social behavior, criminal activity and public order incidents (*pursuant to Section 4.15(1)(b) Environmental Planning and Assessment Act 1979*).
2. The subject land is considered unsuitable for the proposal given its location within an established residential area (*pursuant to Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*).
3. The proposal is not considered to be in the wider public interest (*pursuant to Section 4.15(1)(e) Environmental Planning and Assessment Act 1979*).

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Planning and Environment



**SUBJECT:** *DEVELOPMENT APPLICATION PERFORMANCE  
MONITORING REPORT - DECEMBER 2018 QUARTER*

**RESPONSIBLE OFFICER:** *Business Support & Customer Relations Manager - Roslyn Ashton*

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### **SUMMARY**

The purpose of this report is to provide Council with the December 2018 quarterly report in relation to development assessment performance monitoring data and provide an overview of development activity within the Cessnock Local Government Area.

### **RECOMMENDATION**

**That Council receives the report and notes the information.**

### **BACKGROUND**

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for development applications, modification of Consents and complying development.

Over recent years, Council has continued to work with key stakeholders to improve processes and the overall performance in relation to development assessment and processing times.

The most recent data is provided in the report and indicates ongoing efforts to improve performance are being realised. In addition, Council is significantly exceeding projections for residential dwelling approvals.

*REPORT/PROPOSAL*

## DEVELOPMENT ASSESSMENT

### Key Highlights

#### DECEMBER Quarter

DAs and  
modifications

#### YTD 2018/2019

306 applications  
RECEIVED



638 applications  
RECEIVED

261 applications  
DETERMINED



556 applications  
DETERMINED

25 median  
PROCESSING DAYS



25 median  
PROCESSING DAYS

45 mean (avg)  
PROCESSING DAYS



45 mean (avg)  
PROCESSING DAYS



DECEMBER QTR

2018/2019



Determination Body  
**DELEGATED AUTHORITY**

**98%**



Determination Type  
**APPROVED**

**97%**



**CESSNOCK  
PCA Market**

**65 percent**

Construction Certificates

**40 percent**

Occupation Certificates



**\$85,015,623**

**Development  
Value for approvals**

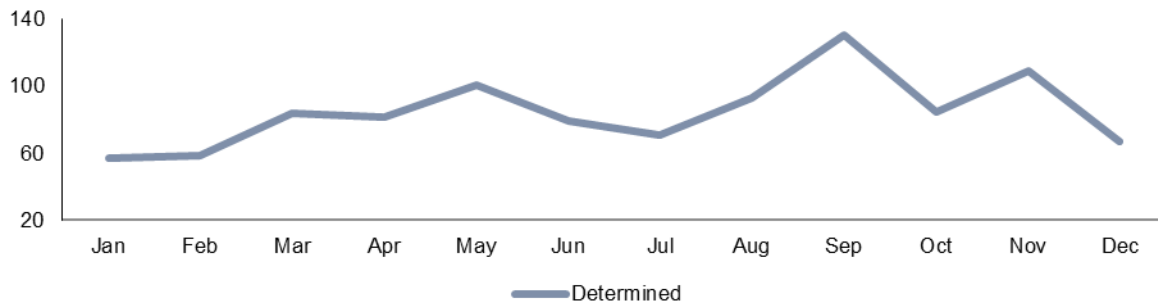


**\$17,532,262**

**Complying Development  
Value for approvals  
(Council & Private Certifiers)**

## DECEMBER QTR

2018/2019



## 12 Month comparison of applications determined (DAs & S96)



## Planning and Environment

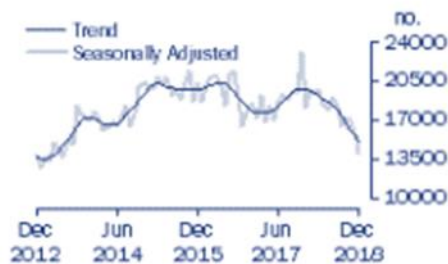
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## Planning and Environment



## BUILDING APPROVALS

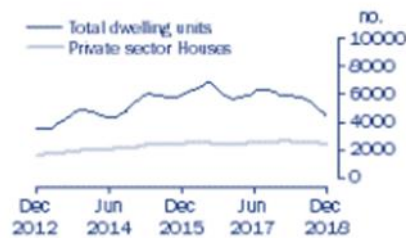
## NUMBER OF TOTAL DWELLING UNITS



The trend estimate for total dwellings approved fell 4.1% in December.

DWELLING UNITS APPROVED  
STATE TRENDS

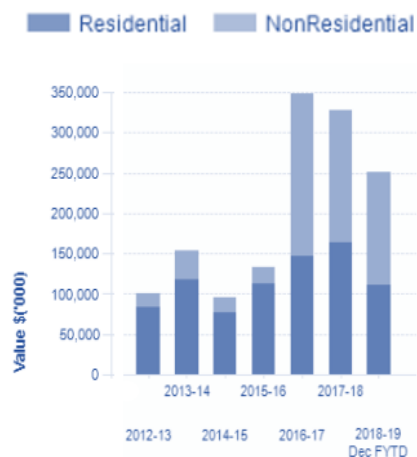
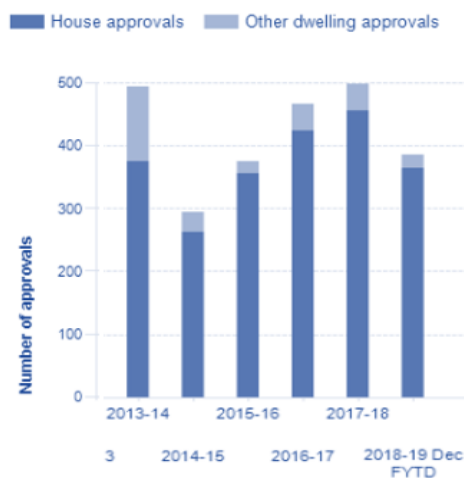
## NEW SOUTH WALES



The trend estimate for total number of dwelling units approved in New South Wales fell 5.0% in December. The trend estimate for the number of private sector houses fell 1.6% in December.

Residential building approvals						
Cessnock City			Number		Annual change	
Year (ending June 30)	Houses	Other	Total	Houses	Other	Total
2018-19 Dec FYTD	364	22	386			
2017-18	456	41	497	+33	-3	+30
2016-17	423	44	467	+68	+24	+92
2015-16	355	20	375	+93	-13	+80
2014-15	262	33	295	-112	-87	-199
2013-14	374	120	494	+60	+67	+127
2012-13	314	53	367	+29	-28	+1

<https://profile.id.com.au/cessnock/building-approvals>



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**386** residential buildings approved  
to be built in the financial year  
2018-19 DEC FYTD



The value of **building approvals**  
was **\$250m** in the 2018-19  
DEC FYTD financial year

Value of total building approvals							
Financial year	Cessnock City			New South Wales			Cessnock City as a % of New South Wales
	Residential \$('000)	Non-residential \$('000)	Total \$('000)	Residential \$('000)	Non-residential \$('000)	Total \$('000)	
2018-19 Dec FYTD	111,328	138,935	250,262	11,648,950	8,618,960	20,267,911	1.23
2017-18	163,630	163,611	327,241	+26,562,662	+14,055,027	+40,617,689	0.81
2016-17	146,563	200,917	347,480	25,294,965	14,322,685	39,617,649	0.88
2015-16	112,573	20,406	132,979	+24,507,071	+11,286,909	+35,793,980	0.37
2014-15	76,046	19,245	95,291	15,651,703	12,000,977	27,652,680	0.34
2013-14	117,126	37,315	154,441	+15,651,703	+12,000,977	+27,652,680	0.56
2012-13	83,814	17,007	100,821	11,981,013	7,883,815	19,864,829	0.51

<https://economy.id.com.au/cessnock/value-of-building-approval>

## Highlights Commentary

- The data is showing a *significant increase* in the number of development applications being submitted, resulting in a 30% increase when compared to 2017 December YTD figures.
- There is a positive trend indicating the median processing time and average (mean) processing times have remained below Council's 50 day target. The median of 25 days and average of 45 days.
- The number of residential dwelling approvals is running above record levels experienced in the last financial year –at current trends Council will break the current record and potentially exceed 700 dwelling approvals for the financial year which would be an all time record.
- The Housing Industry Association (HIA) recently reported the increase in activity throughout the Hunter Region, with the largest percentage increases in dwelling approvals occurring in regional locations, with Cessnock LGA up 25%.
- Council has approved **386** residential dwellings in the first six months of the current financial year 2018/19 Dec FYTD.

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- Council's residential dwelling approvals continue to increase – this is going against the trend across NSW and Australia.
- Cliftleigh has recorded the highest amount of residential dwelling activity, resulting in 30% of applications approved.
- Council's Building Certification market share was at **65%** during the December quarter. This is an increase on previous quarters and reflects the strength in our certification business in the residential approvals market when compared to private certifiers. This indicates our certification team is competing well and capitalising on the increased number of development applications being submitted.

**CONSULTATION**

NSW Planning – Local Development Performance Monitoring  
Civica – Authority and MasterView Consultants  
Director Planning and Environment  
Health and Building Manager  
Development Services Manager

**STRATEGIC LINKS**

**a. Delivery Program**

The report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

The statistics will continue to be prepared and submitted annually as required by the NSW Department of Planning and Environment.

**d. Risk Implications**

N/A

**e. Environmental Implications**



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N/A

**f. Other Implications**

Nil

***CONCLUSION***

The report is provided for Council information and outlines an overview of the quarterly performance of Development Assessment as at the end of the December 2018 Quarter.

***ENCLOSURES***

There are no enclosures for this report

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**SUBJECT:** *VINEYARD GROVE STAGE 8 DEVELOPMENT*

**RESPONSIBLE OFFICER:** *Project Manager - Strategic Property Review - Joe O'Connor*  
*Strategic Planning Manager - Martin Johnson*

### **SUMMARY**

The Vineyard Grove Stage 8 Development is progressing well and in accordance with previous resolutions of Council.

In order maintain progress of the project and to facilitate the sale of proposed lots Vineyard Grove Stage 8 Development, a resolution of Council is required.

### **RECOMMENDATION**

1. That Council sell proposed lots 801 to 841 being part of Lot 1210 DP1102977 of the Vineyard Grove Stage 8 development and authorise the General Manager to negotiate the sale(s) for no less than 90% of the independent valuation obtained.
2. That Council authorise the General Manager to sign all documents associated with the e-conveyancing transactions including a Client Authorisation form to Council's legal representative to effect the sale of proposed lots 801 to 841 being part of Lot1210 DP1102977 of the Vineyard Grove Stage 8 Development.
3. That Council authorise the Common Seal of Cessnock City Council to be affixed to all documents relating to the plan of subdivision and sale of the proposed lots 801 to 841 being part of Lot1210 DP1102977 of the Vineyard Grove Stage 8 Development, and authorise the Mayor and General Manager to execute those documents.

### **BACKGROUND**

This report is to seek a resolution from the Council to sell the proposed lots within the Vineyard Grove Stage 8 development, known as Lot 1210 DP1102977.

The project is progressing well and in accordance with previous resolutions of the Council. However to maintain that progress a resolution is now required to sell the land subject to the subdivision. It is important for Council to note that the project progress will not always align with the agenda timeframes nor the meeting schedules of the Strategic Property and Community Facilities Committee.

In this context, the project is at a critical stage which requires actions to be undertaken to progress the sale of the lots.

The matter was raised at the Strategic Property and Community Facilities Committee of 20 February 2019, and it was recommended:

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*"That the Committee notes the advancement of the Vineyard Grove subdivision and that a report be put to Council."*

**REPORT/PROPOSAL**

The Vineyard Grove Stage 8 development is progressing well. A s4.55 application was lodged with Council on 15 January 2019, and other associated approvals are underway related to the reticulation of necessary services to support the development. The project is now at a critical stage and it is now appropriate to progress the sale of the proposed lots.

In order for this to occur, only the Council has the authority under section 377 of the Local Government Act 1993 to sell land. In this regard, it is recommended that Council resolve to sell the land and authorise the General Manager to negotiate sales for no less than 90% of independent valuations obtained for each of the proposed lots. This range is consistent with previous resolutions of Council to sell other parcels of land owned by the Council within the LGA.

If Council was to accept the recommendations provided, the following actions can progress:

- Proposed lots 801 to 841 can be facilitated for pre-sales and sales where the market opportunity arises.
- The General Manager can negotiate sales for no less than 90% of independent valuations obtained for each lot:
- Associated conveyancing documentation and contracts can be executed to effect Council's decision to sell the lots.
- Council staff will arrange for quotations from real estate providers to facilitate the sale of the proposed lots. Engagement of real estate providers will progress in accordance with Council's adopted procurement policy and procedures.

Council has already determined to develop Vineyard Grove Stage 8 subdivision. Endorsing the recommendations will allow Council to capitalise on assets it has resolved to develop and will generate revenue and contribute to the ongoing financial sustainability of the Council.

As part of the probity and governance requirements, regular updates will continue to be provided to Council through the Strategic Property and Community Facilities Committee.

**OPTIONS**

1. Council endorse the recommendations as noted in this report.  
**This is the preferred option.**
2. Council does not endorse the recommendations as noted in this report. As such, all works associated with the sale of the lots will not be able to commence. This may delay Council obtaining a competitive advantage in the sale of lots in the local land sales market.

**CONSULTATION**

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- Strategic Property and Community Facilities Committee
- Senior Property Officer
- Strategic Planning Manager
- Director Planning and Environment
- Director Corporate and Community Services
- Governance and Council Support Coordinator

**STRATEGIC LINKS**

**a. Delivery Program**

The Strategic Property Review and Projects are an endorsed Financial Sustainability Initiative Project, of which Vineyard Grove Stage 8 is a priority project within the 2017-21 Delivery Program.

**b. Other Plans**

The project aligns with a number of outcomes in the Community Strategic Plan including:

- A connected and safe community  
1.1 promoting social connections
- A sustainable and healthy environment  
2.2 achieving more sustainable employment opportunities
- Civic leadership and effective governance  
5.3 making Council more responsive to the community

**IMPLICATIONS**

**a. Policy and Procedural Implications**

- Loan Borrowings Policy
- Major Capital Projects Governance Policy
- Investment Policy
- Property Investment Policy
- Procurement Policy

**b. Financial Implications**

Council has budgeted and allocated funds to accommodate the proposed development.

Endorsing the recommendations will allow Council to capitalise on assets it has resolved to develop and will generate revenue and contribute to the ongoing financial sustainability of the Council.

**c. Legislative Implications**

Section 377 of the Local Government Act 1993 provides for Council to delegate certain functions of Council to the General Manager, however Section 377 (1) (h) does not allow for

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the delegation of *“the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).”*

This is reflected in the recommendation as only the Council can resolve to sell land.

**d. Risk Implications**

An assessment of the recommended option has been assessed against Council's adopted risk management framework. The risk assessment undertaken identified that there was a low-medium risk rating for the recommended option. This is deemed acceptable within Council's target risk framework.

**e. Environmental Implications**

N/A

**f. Other Implications**

The Strategic Property project, of which Vineyard Grove Stage 8 is a priority project, is a key project within the 2017-21 Delivery Program. If the recommendations are not supported by Council then the delivery of this strategic asset is unlikely to meet adopted timeframes of the 2017-21 Delivery Program.

**CONCLUSION**

Council has an opportunity to maintain momentum on the Vineyard Grove Stage 8 Development and capitalize on this momentum by resolving to sell proposed lots in the development.

The current stage of the project does not align with the agenda and meeting schedules for the Strategic Property and Community Facilities Committee and as such, that Committee recommended that a separate report be provided directly to Council to facilitate the sale of lots.

Endorsing the recommendation will allow proposed lots to be sold, to generate revenue and contribute to the ongoing financial sustainability of the Council.

**ENCLOSURES**

There are no enclosures for this report

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**SUBJECT:** *MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING - 20 FEBRUARY 2019*

**RESPONSIBLE OFFICER:** *Assistant Strategic Planner - Hannah McCauley  
Strategic Planning Manager - Martin Johnson*

#### **RECOMMENDATION**

That the Minutes of the Strategic Property & Community Facilities Committee meeting of 20 February 2019 be adopted as a resolution of the Ordinary Council.

#### **MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM, COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY, 20 FEBRUARY 2019, COMMENCING AT 1:30 PM**

**PRESENT:** His Worship the Mayor, Councillor B Pynsent (in the Chair) and Councillors Lyons, Sander and Dunn.

**IN ATTENDANCE:** General Manager  
Director Planning & Environment  
Director Works & Infrastructure  
Director Corporate & Community  
Strategic Planning Manager  
Project Manager – Strategic Property Review (JO)  
Project Manager – Strategic Property Review (DL)  
Councillor Fitzgibbon  
Assistant Strategic Planner

**MINUTES:** **MOTION** **Moved:** Councillor Sander  
**Seconded:** Councillor Lyons

**RECOMMENDED** that the Minutes of the Strategic Property & Community Facilities Committee held on 13 November 2018, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

### **OFFICER'S REPORTS**

#### **OFFICER'S REPORTS NO. SPOR1/2019**

**SUBJECT:** **STRATEGIC PROPERTY REVIEW PROJECT STATUS UPDATE**

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**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Sander

**RECOMMENDATION**

1. That the Committee note the information contained within this report.
2. That the Committee be briefed on the Business Case for the Airport.

**CARRIED UNANIMOUSLY**

**OFFICER'S REPORTS NO. SPOR2/2019**

**SUBJECT:**      **PROPERTY INVESTMENT FUND REPORT UPDATE**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Lyons

**RECOMMENDATION**

That the Committee notes the balance of the Property Investment Fund as at 16 January 2019.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

**SP1/2019**

**SUBJECT:**      **VINEYARD GROVE**

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Dunn

**RECOMMENDATION**

That the Committee notes the advancement of the Vineyard Grove subdivision and that a report be put to Council.

**CARRIED UNANIMOUSLY**

*The Meeting was declared closed at 1:44pm*

**ENCLOSURES**

There are no enclosures for this report

Corporate and Community

Report No. CC16/2019

Corporate and Community Services



**SUBJECT:** *REQUEST FOR DONATION UNDER SECTION 356 - CESSNOCK CLAY TARGET CLUB INC.*

**RESPONSIBLE OFFICER:** *Operations Accountant - Kelly McGowan*

## **SUMMARY**

A request has been received from Cessnock Clay Target Club Inc. for rate relief via a donation under Section 356 of the Local Government Act 1993 (the Act) for the Crown leased property located at 563 Maitland Road, Cessnock.

## **RECOMMENDATION**

**That Council include the property at 563 Maitland Road, Cessnock which is leased from the Crown by Cessnock Clay Target Club Inc. in the listing of community groups receiving a subsidy under the Policy "Rates Subsidy to Community Organisations" and in accordance with the Policy the subsidy is to apply from the 2019-20 rating year.**

## **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 Cessnock Clay Target Club Inc. has requested that the property at 563 Maitland Road, Cessnock which is leased from the Crown, be considered for inclusion on the annual subsidy listing and that the subsidy be applied for the rating year commencing 1 July 2019.

## **REPORT/PROPOSAL**

The Cessnock Clay Target Club Inc. has requested that its leased property at 563 Maitland Road, Cessnock known as assessment 158337 be considered for inclusion on the annual subsidy listing and that the subsidy be applied for the rating year commencing 1 July 2019. This would result in a 50% general rate subsidy being applied to the 2019-20 financial year and future years. The request is provided at **Enclosure 1**.

The Cessnock Clay Target Club Inc. is a non-profit sporting club run by volunteers and has been part of the community for over 50 years. The property is not eligible to be classified as non rateable in accordance with the provisions 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% general 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 2018-19 under the Policy, subsidies totalling \$40,099 were provided and the listing of properties is provided at **Enclosure 2** to this report.



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It Cessnock Clay Target Club Inc. was added to the listing, the rate subsidy for 2019-20 would be approximately \$3,585, and the inclusion would have an impact on the budget allocation for 2019-20 and future financial years.

**OPTIONS**

**Option 1**

That Council include the property at 563 Maitland Road, Cessnock which is leased from the Crown by Cessnock Clay Target Club Inc. in the listing of community groups receiving a subsidy under Policy "Rates Subsidy to Community Organisations", with a 50% rebate on general rates for 2019-20 and future rating years in accordance with the Policy.

**Option 2**

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

**CONSULTATION**

Operations Accountant  
Revenue Team Leader  
Senior Property Officer  
Management Accountant

**STRATEGIC LINKS**

**a. Delivery Program**

The provision of rates relief to Cessnock Clay Target Club Inc. would be consistent with 'Objective 1.2 - Strengthening Community Culture Strategic Directions' of the Delivery Program 2017-2021.

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

**b. Other Plans**

Nil

**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% of the general rates component.

**b. Financial Implications**

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The expected costs associated with the donation under Section 356 of the Act in accordance with Policy "Rates Subsidy to Organisations" will mean that the operational budget for 2019-20 will be increased outside the Long Term Financial Plan.

**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 Cessnock Clay Target Club Inc.

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 includes a recommendation to include the club in the subsidy listing from 2019-20.

**ENCLOSURES**

[1](#) ➡ Request from Cessnock Clay Target Club

[2](#) ➡ Subsidy Listing

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Corporate and Community Services



**SUBJECT:** *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING HELD 8 FEBRUARY 2019*

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

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**RECOMMENDATION**

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 8 February 2019 be adopted as a resolution of the Ordinary Council.
2. That on the Information Bay signage in areas where no concerns have been raised, an Acknowledgement of Country be incorporated onto the signs and the wording be 'Cessnock City Council acknowledges Wonnarua people as the traditional custodians of the land on which we stand. We pay our respects to Elders past, present and future and extend our respects to neighbouring Aboriginal nations'.
3. That the names of the Council Administration Building Meeting rooms be:
  - Wonnarua Room (facing the Administration Building Foyer)
  - Darkinjung Room
  - Awabakal Room
  - Kawal Room
  - Yengo Room (facing the Administration Building Foyer)
4. That Council host an Elders Morning Tea for National Reconciliation Week 2019.
5. That the General Manager investigate the possibility of hosting an alternative event for National Reconciliation Week 2020 including a film screening at Cessnock Performing Arts Centre and the Committee be provided with a list of films for review.
6. That the Committee be provided with a Progress Report for items in the Innovate Reconciliation Action Plan relating to Cultural Awareness training and the report be tabled at the next Committee meeting.
7. That the General Manager consider inviting a representative from Ungooroo Aboriginal Corporation to present to the Committee a summary of the Cultural Awareness training delivered to Council staff.
8. That a Progress Report for the Innovate Reconciliation Action Plan be provided to Council at the conclusion of its first 12 months.
9. That the Committee be provided with a Progress Report for items in the Innovate Reconciliation Action Plan relating to Employment, the Elsa Dixon Traineeship Program and any related plans or applications.

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***MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE  
MEETING OF CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON FRIDAY, 8  
FEBRUARY 2019, COMMENCING AT 9.00 AM***

***PRESENT:*** Councillor Doherty  
Councillor Gray (Arrived 9:10AM)  
Mr Craig Layer (Community Representative)  
Ms Susan Mulyk (Community Representative)  
Ms Sonia Sharpe (Community Representative)  
Ms Tara Dever (Community Representative) (Arrived 9:25AM)  
Ms Tracey Skene (Community Representative)

***IN ATTENDANCE:*** Ms Natalie Drage – Community & Cultural Engagement Manager  
Ms Jo Dennis – Principal Community Planner  
Ms Jo Miller – Community & Cultural Engagement Officer

***INVITEES:*** Nil

The meeting was chaired by Ms Susan Mulyk (Community Representative).

***APOLOGIES***

The Mayor, Councillor Pynsent

***ACKNOWLEDGEMENT OF COUNTRY***

Acknowledgement of Country delivered by Ms Susan Mulyk

***CONFIRMATION OF MINUTES***

***MINUTES:*** The Aboriginal and Torres Strait Islander Committee meeting called for 2 November 2018 was inquorate and did not proceed.

***DISCLOSURES OF INTEREST***

Nil

***BUSINESS ARISING***

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Nil

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. AACLM2/2019**

**SUBJECT: ACKNOWLEDGEMENT OF COUNTRY ON GATEWAY AND INFORMATION BAY SIGNAGE - COMMUNITY CONSULTATION REPORT**

**MOTION Moved:** Mr Craig Layer **Seconded:** Ms Tracey Skene

#### **RECOMMENDATION**

1. That the Committee note the findings of the Community Consultation Report tabled as Enclosure 1.
2. That the Committee note the resolution determined by Council at its meeting (6 June 2018) - That on the Gateway signage in areas where no concerns have been raised, an Acknowledgment of Country be incorporated onto the signs and the wording be 'Wonnarua Country'.
3. That on the Information Bay signage in areas where no concerns have been raised, an Acknowledgement of Country be incorporated onto the signs and the wording be 'Cessnock City Council acknowledges Wonnarua people as the traditional custodians of the land on which we stand. We pay our respects to Elders past, present and future and extend our respects to neighbouring Aboriginal nations'.

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. AACLM3/2019**

**SUBJECT: DISPLAY OF ACKNOWLEDGEMENT OF COUNTRY IN THE COUNCIL ADMINISTRATION BUILDING FOYER AND PORTABLE PULL-UP BANNER**

**MOTION Moved:** Ms Tara Dever **Seconded:** Councillor Gray

#### **RECOMMENDATION**

1. That the Committee progress with developing the Acknowledgement of Country wording for a portable pull-up banner considering the advice provided by the Wonnarua Elder.

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2. That the Committee progress with developing the Acknowledgement of Country wording for a plaque to be displayed in the Council Administration Building foyer considering the advice provided by the Wonnarua Elder.
3. That the Committee meet externally to prepare wording for an Acknowledgement of Country in Wonnarua language for the portable pull-up banner and plaque to be displayed in the Council Administration Building Foyer and the wording be provided to the Committee via email.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. AACLM4/2019**

**SUBJECT: NAMING OF COUNCIL ADMINISTRATION BUILDING MEETING ROOMS**

**MOTION** Moved: Ms Tara Dever **Seconded:** Ms Sonia Sharpe

**RECOMMENDATION**

1. The Committee thanked Council and the staff member for making the recommendation.
2. The Committee suggested that the names of the Council Administration Building meeting rooms be:
  - Wonnarua Room
  - Darkinjung Room
  - Awabakal Room
  - Kawal Room
  - Yengo Room
3. The Committee suggested that the names of two meeting rooms facing the Administration Building Foyer be Wonnarua Room and Yengo Room.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. AACLM5/2019**

**SUBJECT: COUNCIL ACTIVITIES FOR NATIONAL RECONCILIATION WEEK AND NAIDOC WEEK 2019**

**MOTION** Moved: Ms Sonia Sharpe **Seconded:** Mr Craig Layer

**RECOMMENDATION**

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1. That Council host an Elders Morning Tea for National Reconciliation Week 2019.
2. That the General Manager investigate the possibility of hosting an alternative event for National Reconciliation Week 2020 potentially a film screening.
3. That the General Manager consult with relevant parties regarding possible films for screening at Cessnock Performing Arts Centre for National Reconciliation Week 2020 and that a list of potential films be provided to the Committee for review.
4. That Council continue to collate and promote the community program of events for NAIDOC Week.
5. That the visual promotions and printed materials for NAIDOC Week, including programs, banners, posters and signage be distributed across the LGA.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. AACLM6/2019**

**SUBJECT: COMMITTEE TERMS OF REFERENCE**

**MOTION**      **Moved:** Ms Sonia Sharpe      **Seconded:** Ms Tracey Skene

**RECOMMENDATION**

1. That the 'Consultation Protocol for the Referral of Matters to the Cessnock City Council Aboriginal and Torres Strait Islander Committee' be distributed to the Committee.
2. That the Committee review the draft Terms of Reference at its next meeting and Item 6 be amended to include electronic meeting formats.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. AACLM7/2019**

**SUBJECT: INNOVATE RECONCILIATION ACTION PLAN (2018 - 2020) ACTIONS**

**MOTION**      **Moved:** Ms Tracey Skene      **Seconded:** Ms Tara Dever

**RECOMMENDATION**

1. That the Committee be provided with a Progress Report for items in the Innovate Reconciliation Action Plan relating to Cultural Awareness training and

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the report be tabled at the next Committee meeting.

2. That the General Manager consider inviting a representative from Ungooroo Aboriginal Corporation to present to the Committee a summary of the Cultural Awareness training delivered to Council staff.
3. That a Progress Report for the Innovate Reconciliation Action Plan be provided to Council at the conclusion of its first 12 months.
4. That the Committee be provided with a Progress Report for items in the Innovate Reconciliation Action Plan relating to Employment, the Elsa Dixon Traineeship Program and any related plans or applications.

**CARRIED UNANIMOUSLY**

*Mr Craig Layer left the meeting at 11:00am and was after Listed Matter AACLM7/2019 Committee Recommendation 1.*

## **CORRESPONDENCE**

Nil

## **GENERAL BUSINESS**

That Ms Michelle Earl be thanked for her twelve month position as Chair for the Committee and that at the next meeting a new chair be nominated.

*The Meeting Was Declared Closed at 11.40am*

**CONFIRMED AND SIGNED** at the meeting held on

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

## **ENCLOSURES**

There are no enclosures for this report



**SUBJECT:** *ARMIDALE STREET, ABERMAIN - PETITION OPPOSING ONE-WAY TRAFFIC*

**RESPONSIBLE OFFICER:** *Road Safety Officer - Warren Jeffery*

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### **SUMMARY**

The purpose of this report is to address a petition lodged by residents of Armidale Street, Abermain opposing a one way traffic system on Armidale Street.

### **RECOMMENDATION**

1. That Council note the petition lodged by residents of Armidale Street, Abermain opposing a proposed one-way traffic system on Armidale Street.
2. That Council not proceed with the proposal.
3. That the General Manager write to the organizer of the petition to advise the outcome.

### **BACKGROUND**

In response to an enquiry from a Councillor, reflecting community requests, Council officers investigated the installation of a one-way traffic system on the circular section at the western end of Armidale Street, Abermain.

In pursuance of this investigation a letter outlining the proposal and a concept plan were forwarded to owners and occupiers of dwellings in Armidale Street, for their consideration and inviting comment on the proposal.

Feedback in the form of a petition with 30 signatories revealed that residents of Armidale Street are not in favour of the proposed one-way traffic system.

This report provides relevant information for Council's consideration with regard to the petition.

### **REPORT/PROPOSAL**

**Petition:** The petition, signed by 30 residents of Armidale Street outlines that the residents are opposed to the installation of a one-way system, they are satisfied with the existing road conditions and see little need for a change. See petition at **Enclosure 1**.

**Location:** The relevant section of Armidale Street, Abermain is accessed off Goulburn Street, as shown in **Figure 1** below.

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Figure 1 – Armidale Street, Abermain - Location Plan

**Crash Statistics:** A check of Centre for Road Safety crash reports reveals that of the 1,298 crashes recorded as having occurred in the Cessnock LGA within the 5 year reporting period 2013 to 2017, no crashes are recorded as having occurred on Armidale Street, Abermain.

**Proposed One-Way System:** Following a Councillor enquiry (CRM 20654/2017), as to whether the western loop end of Armidale Street, Abermain could be converted into a one-way street Council officers drafted a concept proposal for community consultation, which detailed the potential for implementation of a one-way traffic system on the circular section of Armidale Street, Abermain, west of Goulburn Street.

A letter dated 18 September 2018, outlining the proposal, along with a concept drawing was sent to owners and occupiers of premises in Armidale Street, inviting comments. The letter and concept drawing are enclosed for information at **Enclosure 2**.

The letter outlined the following aspects of the proposal, being:

- The proposed one-way traffic system would enable travel in a clockwise direction only, necessitating a 'left only' movement upon entry to the western end of Armidale Street.
- A one-way traffic system would make efficient use of the available road reserve for the driving and parking of motor vehicles and reduce the likelihood of head-on crashes between vehicles travelling around the relatively narrow circle in opposite directions, as is currently the practice.
- The safety of pedestrians and bicyclists would also be enhanced, as these vulnerable road users would generally only need to be alert to motor vehicles approaching in a single direction.

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The major restrictive impact of the proposal would be that drivers / riders wishing to access residential dwellings on the eastern end of the circle will no longer be able to turn right and make a direct approach; they would instead be required to travel around the circle to lawfully access their destinations.

In response to the letters, Council received coordinated feedback in the form of a petition with 30 signatories, outlining that residents of Armidale Street are ardently opposed to the proposed one-way traffic system. See **Enclosure 1**.

Notwithstanding the manifest road safety benefits of the proposal, based on the feedback received, Council officers did not progress the one-way traffic proposal any further. However, in the course of investigating the matter Council officers identified the need for the installation of intersection controls, as the loop in Armidale Street results in a non-standard T-intersection, with no clearly discernible major/minor road relationship, necessitating the installation of intersection priority controls.

At its meeting of 6 February 2019, Council considered Report WI5/2019 Minutes of Local Traffic Committee 19 November 2018, and resolved the following, in relation to TC53/2018:

*TC53/2018 - That Council install GIVE WAY signs, line marking and regulatory parking signage at the intersection of Armidale Street, Abermain in accordance with the Armidale Street Abermain \_ Signage & Line Marking Diagram and Armidale Street Abermain \_ Parking Signage Diagram, provided as Attachments 5 & 6.*

**OPTIONS**

**Option 1 (Preferred):**

1. That Council note the petition lodged by residents of Armidale Street, Abermain opposing a proposed one way traffic system on Armidale Street.
2. That Council not proceed with the proposal.
3. That the General Manager write to the organizer of the petition to advise the outcome.

This is the preferred option as it aligns with the expressed wishes of the residents of Armidale Street who are signatories to the petition.

**Option 2 (Not Preferred):**

1. That Council pursue the installation of the proposed one-way traffic system through the Local Traffic Committee process.
2. That the General Manager write to the organizer of the petition to advise the outcome.

This is not the preferred option as the proposal met with significant community opposition.

**CONSULTATION**

Internal Consultation has occurred with:

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- Members of Council's Traffic & Transport Team

External Consultation has occurred with:

- Owners and occupiers of dwellings in Armidale Street, Abermain, by way of letters.

**STRATEGIC LINKS**

**a. Delivery Program**

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

- *Objective 1.3: Promoting Safe Communities – Our roads are safe for motorists and pedestrians*
  - 1.3.5 Improve the safety of the road network*
- *Objective 4.2: Improving the road network*
  - 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.*
  - 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.*

**b. Other Plans**

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

- *Objective 1.3: Promoting safe communities - Our roads are safe for motorists and pedestrians.*
- *Objective 4.2: Improving the road network - We have a quality road network.*

**Operational Plan 2018-19:** The activity aligns with the following:

- *Objective 1.3: Promoting Safe Communities*
  - 1.3.5 Improve the safety of the road network*

**Cessnock City Council - Road Safety Strategic Plan (2014 - 2018):** The recommendation of this report aligns with the following objectives:

*Safer Roads: Develop Programs that will deliver safer roads and roadsides:*

- *Objective 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.*

**IMPLICATIONS**

**a. Policy and Procedural Implications**

This report has been prepared in accordance with Council's standard practice for reporting petitions.

The procedure stipulated by Roads & Maritime Services for regulation of traffic have been followed in presenting a report for alternate improvements for consideration by the Local Traffic Committee and recommendation to Council.

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**b. Financial Implications**

Internal Council resources were utilised for investigating and proposing the one-way traffic system.

The signs and line marking approved by the Local Traffic Committee on 19 November 2018 – Item Number TC53/2018 are estimated to cost approx. \$1,500, to be funded from Council's Local Traffic Facilities Program.

**c. Legislative Implications**

*Road Rules 2014:*

- Part 8 – Traffic Signs & Road Markings
- Part 11 – Other Driving Rules
- Part 12 – Restrictions on Stopping & Parking

*Roads Act 1993:*

- Section 7 – The council of a local government area is a roads authority
- Section 71 – Powers of roads authority with respect to road work
- Section 145 – Roads authorities own public roads

*Civil Liability Act 2002:*

- Section 42 – Principles concerning resources, responsibilities etc. of public and other authorities.
- Section 43 - Proceedings against public or other authorities based on breach of statutory duty
- Section 45 – Special non-feasance protection for roads authorities
- Section 46 Exercise of function or decision to exercise does not create duty

**d. Risk Implications**

A number of risks are present as outlined below.

**Safety Risk:** Notwithstanding the inherent safety benefits of the one-way traffic system should such a scheme be introduced, there are no foreseeable safety risks based the favourable crash statistics for Armidale Street over the current 5 year reporting period as mentioned above.

**Financial Risk:** There is no apparent financial risk.

**Reputational Risk:** There is a reputational risk in installing the proposed one-way treatment against the explicit wishes of the residents, especially given there is no demonstrated road safety problem worthy of prioritising over actual road safety issues in other locations throughout the LGA.

**e. Environmental Implications**

The relative inconvenience of potentially having to travel further to reach your destination, than is currently required, due to the proposed one-way system, would likely lead to entrenched non-compliance with the relevant road rule by aggrieved persons. Such non-

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compliance with the road rules tends to transcend to other road rules and is an undesirable consequence.

**f. Other Implications**

N/A

**CONCLUSION**

It is considered appropriate that the proposal to install a one-way system on Armidale Street, Abermain, be left in abeyance, with its implementation contingent upon future circumstances necessitating such treatment. This would preserve resources to address issues of demonstrated road safety need that currently exist on other roads.

A response will be provided to the petition organiser to advise the result of Council's consideration.

**ENCLOSURES**

- [1](#) ➡ Enclosure 1 - Objection Petition
- [2](#) ➡ Enclosure 2 - Consultation Documents

**SUBJECT:** *HUNTER EXPRESSWAY - REVIEW OF ROAD CLASSIFICATIONS*

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

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### **SUMMARY**

The purpose of this report is to seek Council's endorsement of Roads and Maritime Services' (RMS) proposed reclassification of roads along the connection route from the Hunter Expressway (HEX), Loxford to State Route B68 on Cessnock Road, Abermain via Hart Road, Gingers Lane, Frame Drive and Orange Street; and seek confirmation that Council will not impose a load limit along this route other than in unforeseen cases outside of Council's control.

### **RECOMMENDATION**

1. That Council concur with the RMS proposed reclassification of roads along the connection route from the HEX, Loxford to State Route B68 on Cessnock Road, Abermain via Hart Road, Gingers Lane, Frame Drive and Orange Street.
2. That Council accept reclassification of the roads along the route from Local Roads to unclassified Regional Roads.
3. That Council confirm with RMS that no load limit will be imposed along the route, other than in unforeseen cases outside the control of Council.
4. That the General Manager request RMS to also consider reclassification from Local Roads to unclassified Regional Roads along the associated road connection route from Hart Road, Loxford to Northcote Street, Kurri Kurri via Government Road and Mitchell Avenue.
5. That the General Manager respond to the RMS proposal in accordance with this resolution.

### **BACKGROUND**

Prior to opening the HEX on 22 March 2014, RMS originally envisaged access between the HEX and State Route B68 on Cessnock Road to be via the grade separated interchange on Main Road, Heddon Greta and to a much lesser extent, via the Hart Road, Loxford interchange.

Following the opening of the HEX, new travel patterns were established and it became apparent that morning and afternoon commuters were making use of Hart Road, Gingers Lane, Frame Drive and Orange Street as a more direct connection between the HEX and Cessnock.

RMS are now seeking Council's concurrence to the proposed reclassification of roads along the connection route from the HEX to State Route B68 on Cessnock Road, Abermain (Main Road 588) via Hart Road, Gingers Lane, Frame Drive and Orange Street.



## REPORT/PROPOSAL

### Previous Reclassifications

Previous Ordinary Meetings of Council have considered reports and a presentation by RMS regarding road reclassifications relating to the HEX as follows:

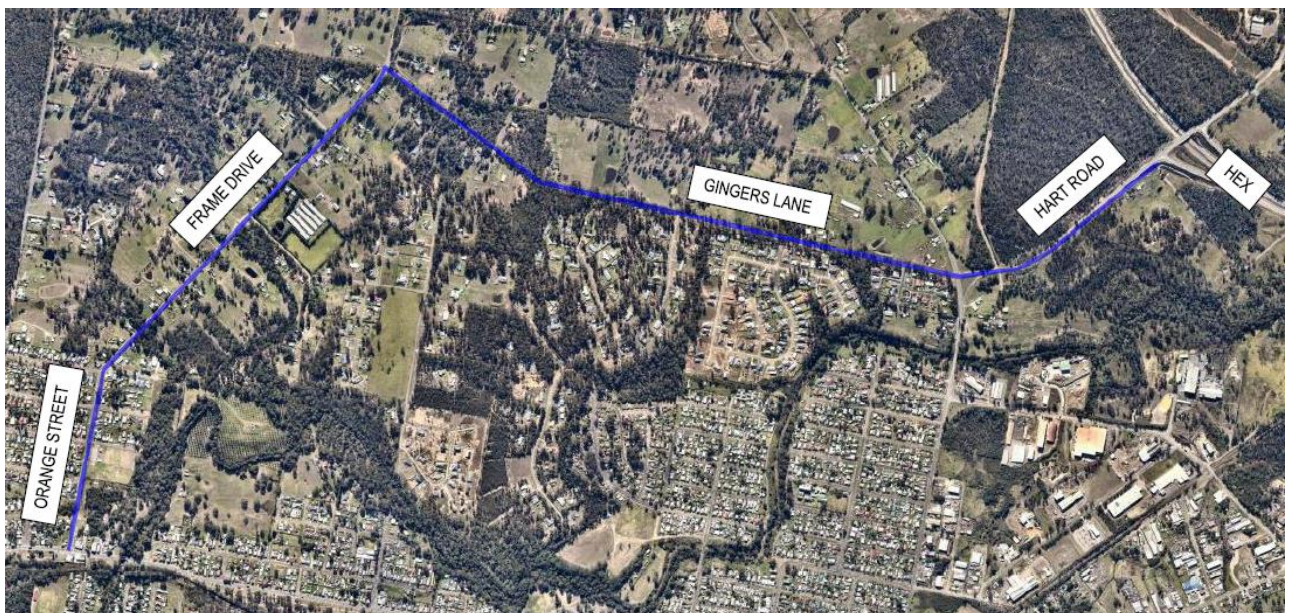
- 04 Apr 2012: BN16/2012 'Hunter Expressway' Resolution 1969,
- 06 Jun 2012: QS34/2012 'Hunter Expressway' Resolution 2079,
- 12 Dec 2012: QS846/2012 'Hunter Expressway' Resolution 146,
- 17 Apr 2013: QS26/2013 'Hunter Expressway Road Reclassification' Resolution 320,
- 12 Nov 2014: road classification review presented by RMS, and
- 06 May 2015: WI16/2015 'Review of Road Classifications' Resolution 1337.

The area surrounding the Loxford interchange was not included in previous processes as it has been the subject of a separate more recent road network review to consider the more direct connection between the HEX and Cessnock.

### Current Reclassification Proposal

RMS traffic surveys showed a 537% increase in Average Daily Volumes on Hart Road, immediately following the opening of the HEX. Travel patterns were then affected by the condition of Frame Drive Bridge, over Deep Creek, and the subsequent construction works to replace the bridge.

A recent network review conducted by RMS was the catalyst for a proposed reclassification of the connection route from the HEX to State Route B68 on Cessnock Road, Abermain (Main Road 588) shown on **Figure 1** below.



**Figure 1 – Map of Regional Route Proposal – HEX to State Route B68**



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The road network review by RMS culminated in correspondence from the Regional Manager of RMS to Council on 7 May 2018 seeking Council's concurrence to a proposed reclassification of roads along the connection route from the HEX to State Route B68 on Cessnock Road, Abermain (Main Road 588). The RMS is proposing to reclassify the roads shown in Figure 1 from Local roads to Regional roads. See correspondence at **Enclosure 1**.

The identification of these changes and the appropriate route reclassifications required to accommodate the anticipated changes in road functionality is crucial to ensuring the safe, efficient and effective management of the greater road network into the future.

In response to the RMS proposal, Council officers held a series of meetings with RMS to determine the appropriate treatments for the major intersections along the route, being at Hart Road and Cessnock Road. These meetings were informed by findings of a Road Safety Audit of the route undertaken by RMS in 2015.

The RMS proposal aligns with the assessment by Council officers, which identified roads with a change in functionality including traffic volumes and usage patterns. The proposed road reclassifications and associated maintenance, renewal and upgrade treatments required as a result, were considered appropriate.

Technical considerations assessed are outlined below.

### 1. General Road Classification

Road management arrangements between RMS and Councils in NSW provides for three categories of road: State, Regional and Local Roads as outlined in Table 1 below:

**Table 1 - Classification of Roads**

<b>State</b>	Under the care and control of RMS and 100% State government funded.
	State Roads are the major arterial links throughout NSW and within major urban areas. They are the principle traffic carrying and linking routes for the movement of people and goods within the Sydney, Newcastle, Wollongong and Central Coast urban areas and which connect between these urban centres, the major regional towns, the major regions of the State and the major connections interstate.
<b>Regional</b>	Under the care and control of Council, Council funded with RMS funding support for maintenance and renewal (not upgrade or expansion).
	Regional Roads are routes of secondary importance between State Roads and Local Roads, which together with the State Roads, provide the main connections to and between smaller towns and districts and perform a sub arterial function in major urban areas. Regional Roads are eligible for annual assistance grants from the State Government under the Block Grant Program and the REPAIR Program.
<b>Local</b>	Under the care and control of Council and Council funded, although funding can be supplemented through State and Federal grants.
	Local Roads comprise the remaining Council controlled roads, which provide for local rates, developer contributions and funding from the Federal Government.

### 2. Proposed Road Reclassifications

The current route proposed by RMS involves reclassification of Local Roads to Regional Roads as shown in **Table 2** below.

**Table 2- Proposed Road Reclassifications**

Road Name	Current	Proposed	Recommendation
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Hart Road, Loxford	Local Road	Regional Road	Accept classification
Gingers Lane, Weston	Local Road	Regional Road	Accept classification
Frame Drive, Abermain (Gingers Lane to Lismore Street)	Local Road	Regional Road	Accept classification
Orange Street, Abermain	Local Road	Regional Road	Accept classification

Council's total road network responsibility including Local and Regional Roads will remain unchanged. A Local Road that is elevated to Regional Road status will benefit over the longer term from State funding assistance.

The RMS proposal to reclassify the route as an unclassified Regional Road is contingent upon Council's commitment to retaining an open load limit to ensure its availability to freight vehicles. Currently the route has no weight restriction, and is a general access route with heavy vehicle movements up to 50 tonnes permitted.

Having thoroughly investigated this matter, Council officers consider that it would be appropriate that Council concur with the reclassification proposal from RMS and confirm that other than in the case of a fundamental change in circumstances, brought about by an unforeseen supervening event, not being in the control of Council, no load limit would be imposed along the route.

**3. Pavement Conditions**

**Table 3**, below, shows the current pavement conditions on the proposed route as recorded in Council's Asset System. It should be noted that the condition assessments listed in Table 3 were made in 2015 as part of a total road network assessment and revaluation exercise. Since that time, sections of road along this route have deteriorated rapidly as a result of the increased traffic volumes, in particular Gingers Lane.

**Table 3 – Current pavement condition**

Road	Current Pavement Condition Data	Comments
Hart Road, Loxford	Condition rating 3 – Fair to Moderate	No proposed works
Government Road, Loxford	Condition rating 2 – Good	Roundabout proposed
Gingers Lane, Weston	Condition rating 2 – Good	Constructed in 2007 Safety works proposed
Frame Drive, Abermain	Condition rating 2 – Good	Reconstructed in 2017/18 & 2018/19
Orange Street, Abermain	Condition rating 3 – Fair to Moderate	Upgrade proposed

**4. Road Safety:** As part of RMS' considerations as to the most appropriate State road connector route, a Road Safety Audit of Orange Street and Frame Drive, Abermain and Gingers Lane, Government Road and Hart Road Weston was undertaken by RMS (Audit Number RSA-15-032). The proposed route was confirmed as being the most appropriate connection following the review of this road safety audit and incorporation of its recommendations to address the identified issues at each of these intersections has resulted in recent and planned works.

Following the reclassification of the route and completion of works it is likely that RMS would conduct a speed zone review to determine if any changes are required.

**5. Road and Traffic Conditions**

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Road characteristics were reviewed, included road geometry, such as lane widths, shoulder availability and dimensions, as well as surface grade and turning lanes. The accompanying review of traffic conditions involved attribution of the likely impact on road safety and network performance resulting from expected increased daily traffic volumes. Driver behaviour factors were also taken into account for the purpose of these assessments.

**Hart Road Intersection:** Council and RMS have been monitoring the traffic conditions surrounding the Loxford Interchange. As Hart Road is fed by on and off ramps to the HEX, this intersection has seen a significant increase in traffic volumes from both light and heavy vehicles. During the network review, necessary upgrades to improve road safety outcomes at the intersection of Hart, Government, and Sawyers Gulley Roads and Gingers Lane were acknowledged.

On 18-19 December 2018, temporary roundabout controls were implemented at the intersection, within the existing road footprint by the installation of a semi-mountable annulus and associated signage and line marking.

In liaison with Council officers, RMS have supplied a concept design for a permanent roundabout and tenders closed on Friday 22 February 2019 for preparation of detailed designs and construction drawings for the new roundabout as well as safety improvements on Gingers Lane. The permanent roundabout will be designed to cater for heavy vehicles.

It is anticipated that construction will occur under traffic control with some diversions and side tracks in place.

**Gingers Lane:** As identified in the Road Safety Audit, Gingers Lane will need extensive safety improvements including upgraded intersection treatments. Subsequent investigation and design works are currently in progress to address the identified issues at each of these intersections.

A design will be prepared and construction, funded from a successful grant is programmed to commence in June 2019, weather permitting and subject to final design and satisfactory resolution of environmental constraints. The proposed construction methodology and traffic management arrangements are currently under consideration and may include detours to ensure site safety and expedited completion time.

**Frame Drive:** The relevant section of Frame Drive has recently undergone major upgrade works including replacement of the former single lane bridge with a 2-lane, 2-way bridge with pedestrian amenity. It is now considered to be in a suitable condition to satisfy regional road service level requirements.

**Orange Street:** Orange Street between Frame Drive and Cessnock Road will require upgrade works for which a funding source has not yet been identified. A Design will be prepared to enhance opportunities for attracting suitable funding.

RMS are currently investigating the installation of traffic signals at the intersection of Orange Street and Cessnock Road. It is anticipated that the installation of signals at this intersection will alleviate the current cut-through traffic (rat-running) that is being experienced in parts of Abermain.

**Future Road Reclassifications**

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It is considered appropriate that the response from Council to RMS would also request consideration of a further reclassification associated with the HEX.

Government Road is a restricted access vehicle route, and serves as a link between the HEX and the State route Main Road 588 (B68) at First Street, Weston.

The reclassification of Government Road, Loxford from Hart Road to Mitchell Avenue, and Mitchell Avenue, Kurri Kurri from Government Road to Northcote Street, is deemed appropriate on the basis that they comprise the most direct connection from the HEX to Kurri Kurri.

This proposed road connection route aims to avoid residential areas of Kurri Kurri, Heddon Greta and Cliftleigh and the load limited and curved masonry bridge over the South Maitland Railway (Weston overhead bridge).

**OPTIONS**

**Option 1 (Preferred):**

1. That Council concur with RMS' proposed classification of roads along the connection route from the HEX, Loxford to State Route B68 on Cessnock Road, Abermain via Hart Road, Gingers Lane, Frame Drive and Orange Street.
2. That Council accept reclassification of the roads along the route from Local Roads to unclassified Regional Roads.
3. That Council confirm with RMS that no load limit will be imposed along the route, other than in unforeseen cases outside the control of Council.
4. That Council requests RMS to also consider reclassification of the associated road connection route from Hart Road, Loxford to Northcote Street, Kurri Kurri via Government Road and Mitchell Avenue to unclassified Regional Roads.
5. That the General Manager respond to RMS' proposal in accordance with this resolution.

This is the preferred Option as there are no negative connotations for Council as the subject route is now operating as such by default due to public demand for the most direct and amenable route.

**Option 2 (not Preferred):**

1. That Council reconsiders the information provided and determines a revised position and provides a formal response to RMS.

This is not the preferred Option, as RMS may choose to reclassify the roads without further Council input.

**CONSULTATION**

**External Consultation:** Consultation has occurred with:

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- RMS;
- NSW Police Force;
- Rover Coaches;
- Residents in close proximity to the intersection; and
- Business proprietors on Cessnock Road (near Orange Street)

**Internal Consultation:** Consultation has occurred with:

- Council (previous reports and subsequent follow up negotiation meetings by Council officers);
- General Manager;
- Director Works & Infrastructure;
- Infrastructure Manager;
- State Road Maintenance Coordinator;
- Road Safety Officer, Infrastructure; and
- Traffic Engineering Officer, Infrastructure

**STRATEGIC LINKS:**

**a. Delivery Program**

**Community Strategic Plan Cessnock 2027:** The recommendation of this report aligns with:

- *Section 4 Accessible infrastructure, services and facilities:*
- *Objective 1.3: Promoting safe communities - Our roads are safe for motorists and pedestrians.*
- *Objective - 4.1 Better transport links*
- *Objective - 4.2 Improving the Road Network*

**Delivery Program 2017-21:** The recommendation of this report aligns with:

- *Section 4 Better transport links:*
- *Objective - 4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding*

**b. Other Plans**

**Cessnock LGA Traffic and Transport Strategy Technical Report:** The recommendation of this report aligns with the local priorities that will contribute to the federal and state governments' objectives of corridor improvements to deliver greater journey time saving and road safety outcomes and to help fund projects that connect local and regional roads to state highways and key freight hubs.

**Operational Plan 2018-19:** The activity aligns with the following:

- *Objective 1.3: Promoting Safe Communities*
- *Objective 1.3.5 Improve the safety of the road network*

**Cessnock City Council - Road Safety Strategic Plan (2014 - 2018):** The recommendation of this report aligns with the following objectives:

*Safer Roads: Develop Programs that will deliver safer roads and roadsides:*

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- *Objective 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.*

**IMPLICATIONS**

**a. Policy and Procedural Implications**

In the event that Council determines to accept the classification of the route from Local Roads to a Regional Roads, Council will provide RMS with a formal response. RMS will then proceed with the Gazettal notification process.

**b. Financial Implications**

RMS has the ability and authority to reclassify public roads and the delivery of the HEX justifies and supports the reclassification of all roads identified in this report.

Any road reclassification has the potential for increased financial impost on Council's future Maintenance and Capital Works budgets.

Council's total public road network responsibility for local and regional roads will remain unchanged. A local road that is elevated to regional road status will benefit over the longer term from State funding assistance.

All costs associated with any reclassification including reclassification administration, road / traffic safety works, planned future maintenance works, or upgrade be at no cost to Council.

**c. Legislative Implications**

**Roads Act 1993:**

Road classification is governed under Part 5 of the Act which provides RMS with the ability to exercise broad authority over some, or all, aspects of legally classified roads and to provide financial assistance to councils. Relevant sections include:

- Section 58 – RMS must consult with roads authorities regarding classification of roads.
- Section 59 – Matters to be considered by RMS regarding classification of roads.

**d. Risk Implications**

Any new infrastructure responsibility has the potential to increase Council's exposure to risk. In this case the proposed works will result in improved infrastructure and minimise risk to Council.

**Safety Risk:** While the change in classification does not have a direct physical impact, new wayfinding signage pointing to the HEX and upgrading of the route as part of the current and planned works under the Fixing Country Roads Grant, will likely increase traffic volumes for light and heavy vehicles and associated risks. Arguably these risks already exist, as the route is currently operating as a regional road by default, due to adopted travel patterns to and from the HEX.

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**Financial Risk:** It is considered that the proposed reclassification of the route and accompanying road improvements poses no increased risk to Council, as regional road status entails additional funding availability. The accompanying road improvements and scheduled maintenance, should extend the operational lifecycle of the subject roads.

**Reputational Risk:** There is potential reputational risk to Council from the perspective of residents on the subject roads, due to increased traffic volumes and additional heavy vehicle movements, however the evolution of this route from rural road to major route was inevitable, following the opening of the HEX. Increased traffic volumes have occurred even in the absence of road improvements and reclassification.

The road safety improvements as well as the efficiency and amenity benefits expected from the proposed reclassification and road works will benefit substantially more people than those who will be marginally disadvantaged. Even those who oppose the upgrade will no doubt travel on the improved route.

Based on the utilitarian principle of doing the greatest good for the greatest number, Council would likely deserve greater opprobrium, should it attempt to subvert the RMS proposal, effectively consigning high traffic volumes to travelling on substandard infrastructure.

The reputation of Council in its dealings with RMS is one that should be safeguarded and a response consistent with recent representations would be appropriate.

**e. Environmental Implications**

While it is acknowledged traffic volumes have increased and may have exacerbated noise impacts on some properties, the current levels are insufficient to trigger the need for sound walls or any other barriers.

Measures such as landscaping practices by property owners could be used to mitigate perceived acoustic and visual impacts.

**f. Other Implications**

NIL

**CONCLUSION**

The opening of the HEX has had a significant impact on traffic volumes and usage patterns on many of Council's local roads.

RMS are now seeking Council's concurrence to the proposed reclassification of roads along the connection route from HEX to State Route B68 on Cessnock Road, Abermain (Main Road 588) via Hart Road, Gingers Lane, Frame Drive and Orange Street.

The proposed road classifications for the route between Hart Road and Cessnock Road, Abermain, along Gingers Lane, Frame Drive and Orange Street are considered appropriate. However, Council officers are of the opinion that reclassification of Government Road, Loxford, from Hart Road to Mitchell Avenue, and Mitchell Avenue, Kurri Kurri from Government Road to Northcote Street is also appropriate on the basis that this route is the most direct connection from the HEX to Kurri Kurri.

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***ENCLOSURES***

- [1](#) ➡ Enclosure 1 – Roads \_ Review of Road Classifications \_ Hunter Expressway Project  
\_ RMS



**SUBJECT:** *KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2019*  
**RESPONSIBLE OFFICER:** *Recreation & Community Facilities Coordinator - Nathan Eveleigh*  
*Open Space and Community Facilities Manager - Nicole Benson*

### **SUMMARY**

Council has been approached by Towns With Heart (TWH) seeking in-kind support for the upcoming Kurri Kurri Nostalgia Festival, which is to be held on the weekend of 29, 30 and 31 March 2019.

The purpose of this report is to detail the extent and estimated cost of the assistance being requested by TWH and to seek Council's approval to provide in-kind support to the event.

### **RECOMMENDATION**

1. That Council supports the Kurri Kurri Nostalgia Festival on 29, 30 and 31 March 2019 by providing in-kind support as detailed in the report for the following services; waste management, road closure equipment, park management and amenity management.
2. That Council not waive fees for Street Vending and/or Market Stalls.

### **BACKGROUND**

The 2019, Kurri Kurri Nostalgia Festival is being held over the weekend of 29, 30 and 31 March. Council has in previous years provided in-kind support for the Festival and TWH openly acknowledges that this support has been critical to the event's success.

TWH has approached Council seeking various forms of in-kind support for the 2019 Festival.

This report details the extent of the support being requested by TWH and seeks Council's endorsement to provide the in-kind support.

### **REPORT/PROPOSAL**

The following in-kind support for the 2019 Kurri Kurri Nostalgia Festival is requested by TWH:

#### Waste Management

- Emptying of street bins in the Rotary Park / Lang Street / Barton Street area prior to the weekend;
- Provision of bins for the weekend (up to 50);
- Provision of bin liners;
- Delivery (Friday morning) and pick up (Monday morning) of bins;
- Emptying of bins on Saturday and Sunday night;
- 3 sets of keys for CBD bins to be supplied to TWH for the weekend;

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- Contact numbers for garbage truck drivers to be supplied to TWH.

Road Closure Equipment

Delivered to Kurri Kurri Visitor Centre carpark on Friday morning (29 March 2019):

- 40 waterfilled barriers;
- 20 bollards and bases;
- 10 star pickets;
- 20 traffic cones;
- Bunting / safety line;
- 20 Barrier boards and 40 stands.

Park Management

- Mowing of Rotary Park to be scheduled prior to the Festival weekend;
- Access to and use of Booth Park for car parking over the weekend;
- Waiver of all fees and charges for the use of Rotary Park and Booth Park.

Amenity Management

- Provision and delivery of supplies to public amenities in Rotary Park, Kurri Kurri Central and Booth Park (paper towels and toilet paper);
- Servicing and cleaning of the public toilet block in Rotary Park on a regular basis during the Saturday and Sunday of the Festival;
- Cyber key access to power and water in Rotary Park;
- Access to amenities block at Booth Park;
- Access to power at the front of the Kurri Kurri Library on Sunday.

The estimated cost to waive applicable fees (excl. GST) and supply the above is as follows:

• Waste Management	\$2,800
• Road Closure Equipment	\$915
• Park Management	\$1,280
• Market Stalls*	\$2,992
• Amenity Management	\$2,255
<b>TOTAL REQUESTED IN-KIND SUPPORT</b>	<b>\$10,242</b>
<b>TOTAL RECOMMENDED IN-KIND SUPPORT</b>	<b>\$7,250</b>

\* Market Stall amount based on number of confirmed stalls as of 4 January 2019.

In reviewing the requests, Council officers have determined that in-kind support for the above can be provided within existing recurrent operating budgets. Council has previously declined to waive fees relating to Street Vending and Market Stall Applications. On this basis it is recommended that Council only waive the park management fees for Rotary and Booth Parks, and not waive fees for any associated street vending and/or market stalls as this aligns with previous resolutions of Council.

**OPTIONS**

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1. Council supports the Kurri Kurri Nostalgia Festival on 29, 30 and 31 March 2019 by providing in-kind support as detailed in the report for the following services; waste management, road closure equipment, park management and amenity management, at a total estimate cost of \$7,250. 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 waste management, market stalls, cleaning and park usage.
3. Council provided no support and charge TWH as per Council's adopted 2018/2019 Fees and Charges for waste management, site usage fees, cleaning, park usage and market stalls.

**CONSULTATION**

In writing this report the following stakeholders have been consulted:

- Environmental & Waste Services staff
- Open Space and Community Facilities staff
- Operations Accountant
- TWH

**STRATEGIC LINKS**

**a. Delivery Program**

The proposed in-kind sponsorship for this event supports:

*Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area*, as the event has the potential of attracting in excess of 20,000 people to the LGA over the weekend of 23, 24 and 25 March 2018.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

In 2018, Council adopted the Community Sponsorship and Fee Waiver Policy. The objectives of this Policy are:

- To establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving;
- To ensure that the administration of such requests is conducted in a consistent, equitable, transparent and financially sustainable manner to provide maximum benefit to the community of the Cessnock Local Government Area (LGA).

An assessment has been undertaken and the request from TWH is consistent with the criteria set out in the Community Sponsorship and Fee Waiver Policy.

**b. Financial Implications**

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The cost of providing the assistance for the recommended services of the requests being made by TWH is estimated to be \$7,250. This estimate is primarily based on Council's adopted fees and charges for waste management, market stalls / street vendors (per stall per day), cleaning and park usage. The recommended in-kind support for the above can be provided within existing recurrent operating budgets.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

**CONCLUSION**

On the basis of supporting events that promote visitation across the Cessnock LGA, it is recommended that Council provides in-kind support to the 2019 Kurri Kurri Nostalgia Festival as detailed in the report.

**ENCLOSURES**

There are no enclosures for this report.

**SUBJECT:** *NAMING OF PARK, QUARRY STREET, CESSNOCK*  
**RESPONSIBLE OFFICER:** *Recreation & Community Facilities Coordinator - Nathan Eveleigh*  
*Open Space and Community Facilities Manager - Nicole Benson*

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### **SUMMARY**

The purpose of this report is to seek Council's endorsement to apply to the Geographical Names Board of NSW (GNB) to formally name the park known locally as Quarry Street Park, "Freemasons Park".

### **RECOMMENDATION**

1. That Council formally names the park locally known as Quarry Street Park as "Freemasons Park" subject to gazettal by the Geographical Names Board of NSW.
2. That if approval is received from the Geographical Names Board of NSW, Council install appropriate signage.
3. That the Lodge Cessnock, as the applicant for the naming be notified of the outcome of the application.

### **BACKGROUND**

In late 2018, Council received correspondence from Freemasons Cessnock (Lodge Cessnock) seeking approval to formally dedicate the parcel of land known locally as Quarry Street Park, to "Freemasons Park". The location of the subject park is shown in **Enclosure 1**.

The GNB has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in a naming decision and minimising the duplication of names.

### **REPORT/PROPOSAL**

The subject park is located on the corner of Quarry Street and Maitland Road, East Cessnock. It is known locally as Quarry Street Park and is classified a passive recreation area. It contains a grove of mature trees of various native species including Eucalyptus microcorys (Tallowood Tree), Eucalyptus crebra (narrow leafed Iron bark), Eucalyptus punctata (Grey Gum) and Corymbia maculata (Spotted Gum) and non-native species including Liquidambar and Fraxinus (Claret Ash).

The grove of trees was dedicated to all volunteers within the Cessnock LGA in appreciation of the service they provide to the community by way of a plaque within the park in April 1999. There is also a bus shelter located at the front of the park facing Maitland Road, used by local residents to catch public transport.

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Freemasonry in NSW has its roots as far back as the early days of the Colony. Locally the Lodge Cessnock was dedicated on 19 December 1907.

The Lodge Cessnock believes it is fitting to have this park named in their collective honour as there have been many great local Freemasons who have contributed to the intergenerational equity that the town of Cessnock now has the benefit of.

Lodge Cessnock's correspondence highlights projects and contributions that Freemasons have made to the Cessnock LGA including, but not limited to:

- 16 previous Mayors / Shire Presidents of the city have been masons.
- The city's racecourse was founded in its current location with the assistance of founding Master Thomas Punch.
- Many vineyard district pioneer families have been and still are members providing ongoing employment and economic benefits to the community.
- Local Freemasons in the late 1970's purchased and coordinated the construction of the West Haven Masonic Village (West Ave, Cessnock) now run by the Royal Freemasons Benevolent Institution.
- Fundraising for drought affected farmers.
- Donating funds each year to local schools for end of year awards.
- Providing access to the Masonic Hall (Cumberland Street) to community groups.
- Sponsoring a local sporting club.

**OPTIONS**

**Option 1:**

1. That Council formally names the park locally known as Quarry Street Park as "Freemasons Park" subject to gazettal by the Geographical Names Board of NSW.
2. That if approval is received from the Geographical Names Board of NSW, Council install appropriate signage.
3. That the Lodge Cessnock, as the applicant for the naming be notified of the outcome of the application.

**Option 2:**

1. That Council does not support the proposal to formally name Quarry Street Park as "Freemasons Park". This is not the preferred option.

**CONSULTATION**

Consultation has taken place with the following key stakeholders:

- Open Space and Community Facilities team
- Strategic Property Officer
- Geographical Names Board of NSW
- Lodge Cessnock

**STRATEGIC LINKS**

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**a. Delivery Program**

The proposal to formally dedicate the Park at East Cessnock after the local Freemasons group (Lodge Cessnock No. 252) aligns with the Community Delivery Program Objective 5.1 'Fostering and Supporting Community Leadership'.

**b. Other Plans**

The proposal is in line with the Recreation and Open Space Strategic Plan (2018).

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The preparation of this report and the recommendation is consistent with Council's adopted Naming of Council Assets Policy (2014).

**b. Financial Implications**

The only financial implication with the naming of the park will be the purchase and installation of appropriate signage which can be funded from existing operational budgets.

**c. Legislative Implications**

The naming proposal will be considered by the GNB in line with the *Geographical Names Act 1966* subject to Council's resolution.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

By providing opportunities for social interaction, recreational settings such as parks and sportsgrounds can help enhance community identity and promote community integration. Individuals can learn and share community values and gain a better understanding of the associated history of the sportsground and its surrounding area.

Council officers commend Lodge Cessnock for their ongoing support and contribution to the local community through fundraising, donations and support of the local community.

**CONCLUSION**

Formally naming Quarry Street Park, Cessnock as Freemasons Park is a fitting way to recognise the contributions that members of the Lodge Cessnock have made, and continue to make, to the local community.

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***ENCLOSURES***

- 1** ➡ Quarry Street Park Location Plan (aerial map)
- 2** ➡ Quarry Street Park Aerial Map



Notices Of Motion

Report No. BN3/2019

General Manager's Unit



***NOTICES OF MOTION No. BN3/2019***

**SUBJECT:** *KURRI KURRI NETBALL COURTS RESURFACING*

**COUNCILLOR:** *Rod Doherty*

***MOTION***

1. That the General Manager investigate and report on the spraying of the Kurri Kurri Netball Courts with Polymer Modified Bitumen to extend the life of the netball court surface.
2. That the General Manager convene a meeting of stakeholders including responsible council staff, Kurri Kurri Netball Administrators and Ward D Councillors.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 March 2019.

**RATIONALE**

The netball season has already started and the administration and players are concerned that the surface treatment may cause illness due to the surface coming off onto their skin. They need to know what properties constitute PreserveX Downer (Polymer Modified Bitumen) and if there are any related health issues if the product comes in contact with the skin.

Emails that Clayton Barr MP and Councillors have received suggest that Council has not addressed their concerns. The reason for convening a meeting with the Netball administrators and Councillors is to ensure that communication is covered off and understood between Council and the netball club.

Sgd: Rod Doherty  
Darrin Gray  
Anthony Burke

Date: 22 February 2019

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN4/2019

General Manager's Unit



***NOTICES OF MOTION No. BN4/2019***

**SUBJECT:** *RICHMOND MAIN RV PARK*

**COUNCILLOR:** *Darrin Gray*

***MOTION***

**That Council include the following as a specific action in the 2019-20 Operational Plan:**

**Investigate opportunities for the Richmond Main site to become an eco-tourism/outdoor adventure hub that would co-exist with the current cultural and heritage use of the site.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 March 2019.

**RATIONALE**

In considering other matters recently in relation to the Richmond Main site it has become apparent to me that the site has the potential to become a unique Tourist / Outdoor Adventure Hub in the LGA.

The site already provides significant benefit to local history and rail enthusiasts but I believe it can offer much more, particularly in the adventure/outdoor tourism space. This is due to the sites proximity to the planned Richmond Vale Rail Trail. The site also lies adjacent to numerous bush trails, which traverse woodlands and swamps, rich in biodiversity, unique to the Lower Hunter region.

This motion is bringing to Council a visionary concept for the Richmond Main site. It is seeking Council's support to explore the potential to open up the Richmond Main site as a unique tourism and adventure hub that could easily co-exist with the current cultural/historical use of the site.

Sgd: Darrin Gray

Date: 27 February 2019

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ18/2019

Works and Infrastructure

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**SUBJECT:** *CROSSING AT CESSNOCK HIGH SCHOOL*

**RESPONSIBLE OFFICER:** *Works and Operations Manager - Geoffrey Bent*

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**Q2/2019 – Crossing at Cessnock High School**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 20 February 2019.

*“that the Minutes of the Ordinary Meeting of Council held on 6 February 2019, as circulated, be taken as read and confirmed as a correct record, with the following amendment in relation to Questions for Next Meeting, where Councillor Olsen’s question on the Crossing at Cessnock High was in relation to how was it possible to man a job that was not on the current list of works.*

The project was successfully managed by Council’s Works and Operations Unit, who skillfully combined specialised State Roads and Maintenance staff to undertake the subject project on behalf of RMS without adversely effecting other operational areas.

**ENCLOSURES**

There are no enclosures for this report.

**Answers To Questions For Next Meeting**

**Report No. AQ19/2019**

**Works and Infrastructure**

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**SUBJECT:** *KURRI KURRI COMMUNITY CENTRE*

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

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**Q7/2019 Kurri Kurri Community Centre**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 20 February 2019.

*“... update on the Kurri Kurri Community Centre?”*

Council received a report from Sedgwick (loss adjustors) on 13 February 2019 on the two compliant tender submissions that were received for repairs to the Kurri Kurri Community Centre. On 15 February Sedgwick supplied Council with the draft contract and scope of works for the recommended repairer. Council officers are presently reviewing all of the abovementioned documentation before agreeing to proceed with the works. Once agreement has been reached the contracts will be signed by Council and the works will be scheduled to commence in line with a revised works program provided by the repairer. The repairs are expected to take up to 20 weeks to complete.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ20/2019

Works and Infrastructure

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**SUBJECT:** *CESSNOCK TAFE GROUND MAINTENANCE*

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

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**Q9/2019 Cessnock TAFE Ground Maintenance**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 20 February 2019.

*“can Council contact Cessnock TAFE regarding the standard of maintenance on their grounds in terms of lawns etc”*

Officers contacted the Cessnock TAFE and were advised that the grounds are maintained by Coalfields Commercial Lawn Services. They are serviced fortnightly in Spring / Summer and every three to four weeks in Autumn / Winter. Seasonal conditions vary the schedule from time to time. That is, service levels are reduced or increased depending on the weather and rate of growth.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ21/2019

Planning and Environment

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**SUBJECT:** *COMPLYING DEVELOPMENT MEMBERSHIP*

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

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**Q10/2019 – Complying Development Membership**

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 20 February 2019.

*“if Council had any reply from the Complying Development Expert Panel regarding Council’s membership request.”*

In response to Council’s resolution at its Ordinary meeting held on 21 November 2018 correspondence was sent on the 5 December 2018 to Deputy Secretary Policy & Strategy, NSW Department of Planning & Environment seeking representation for Cessnock City Council staff on the Complying Development Expert Panel (CDEP).

Council Staff will follow up with departmental representatives as Council has not received any response to date.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ22/2019

Works and Infrastructure



**SUBJECT:** *RESPONSE TO QUESTIONS*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

**Q11/2019 – Response to Questions**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 20 February 2019.

*“referred to 2 questions that were asked of the Director Works & Infrastructure on 2 January and 20 January and asked when he would receive a response”.*

In relation to the question on 2 January 2019, regarding Cessnock Road, Weston

The Director Works and Infrastructure provided the following acknowledgement response in an email on 3 January 2019:

*With regard to your enquiry relating to the Cessnock Rd project; I can answer the first three questions and staff will be able to provide answers to items 4 & 5 once they complete their investigation into the cause of failure and cost to repair. A formal Councillor Memo will be provided at that time.*

*In the Interim please see below answers in RED to questions 1-3*

- 1) Who funded the works? The project was primarily funded through the RMS Blackspot Program (a Road Safety project) with some additional Council funds to connect kerb & gutter and adjoining footpath*
- 2) Did council staff complete the work or contractors? The design was undertaken by an external consultant with Council Staff carrying out the works*
- 3) What was the cost to complete the works? The weekly Project Cost Report shows total expenditure to date \$246,851*

With regard to Items 4 and 5;

4) What will it cost council to fix the broken roadway that is falling apart?

5) What are the consequences for the staff who overseen this work for it failing so quickly?

These questions will be answered via a formal Councillor Memo once investigations are complete and a rehabilitation cost is known. The expected timeframe for this formal response is mid to late March 2019.

In relation to the question on 20 January 2019. Council records indicate that no question was received on this date. However, there was a question on 18 January 2019, regarding Aberdare Road, Aberdare / Cessnock High School and a response was provided to Councillors via email on 7 February 2019. A copy was also added to the Hub.

**ENCLOSURES**

There are no enclosures for this report