

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 17 MARCH 2021, COMMENCING AT  
6.30PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Development Services Manager  
Strategic Planning Manager  
Economic Development and Tourism Manager  
Information Technology Manager  
Media & Communications Officer  
Safety & Risk Coordinator  
Help Desk Support Officer  
Corporate Governance Officer  
Council Services Administration Officer

**APOLOGIES:**

**MOTION** **Moved:** Councillor Gray  
**Seconded:** Councillor Dunn

1588

**RESOLVED** that the apologies tendered on behalf of Councillors Suvaal, Fagg and Dagg, for unavoidable absence, be accepted.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**MINUTES:**

**MOTION**            **Moved:** Councillor Doherty  
                                 **Seconded:** Councillor Sander

1589

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 17 February 2021, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI2/2021**

**SUBJECT: DISCLOSURES OF INTEREST**

---

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

**PE16/2021 - Draft Cessnock Housing Strategy** – Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an indirect interest in an area which could be impacted by the plan. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**PE17/2021 - Urban Growth Management Plan** - Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an indirect interest in an area which could be impacted by the plan. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**GMU2/2021 - NSW Bushfire Recovery Grant Application Summary** – Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that Cessnock Chamber were part of the consultation for this report to whom a business he owns has a contract. Councillor Burke advised that he would remain 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 his way of voting.



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

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Lyons  
1591

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

NI2/2021	Notice of Intention to Deal with matters in Confidential Session.	
	Report No. MM3/2021 – Performance Review of the General Manager 2019/20	
	Report No. PE8/2021 - Class 1 Proceedings (2020/359057) in the NSW Land and Environment Court challenging conditions of consent imposed on Development Consent No 8/2020/20648/1, relating to boundary adjustment between two existing lots - 53 and 63 Millfield Road, Paxton.	
	Report No. PE9/2021 - EOI T2021-01 Animal Impounding Services	
	Report No. WI15/2021 - Minutes of the Confidential Floodplain Management Committee Meeting held 3 March 2021 .....	64
GMU2/2021	NSW Bushfire Recovery Grant Application Summary.....	73
PE12/2021	Development Application No 8/2020/20834/1 proposing construction of a two-storey mixed use premises comprising a 24 hour gymnasium, food and drink premises, retail premises, signage and associated infrastructure	
	5 Winepress Road, Branxton.....	159
PE14/2021	Adoption of Building Line Setback Policy.....	213
PE18/2021	Draft Urban Tree Canopy Policy .....	261
‡ PE19/2021	Development Application Performance Monitoring Report - December Quarter 2020-2021 .....	268
CC13/2021	2021 National General Assembly of Local Government - Councillor Requests to Attend and Motions Submitted.....	274
CC15/2021	Draft Credit Card Policy.....	284
CC16/2021	Policy Review 2021 - Revocation of Policies .....	299
CC17/2021	Local Government Remuneration Tribunal - 2021 Annual Review..	304
‡ CC19/2021	Submission regarding IPART's Final Report into Local Government Rating System.....	314
‡ CC21/2021	Resolutions Tracking Report .....	325
WI11/2021	Kurri Kurri Nostalgia Festival - March 2021 .....	384

WI13/2021	Stanford Road Heddon Greta - Transfer from Council to Crown Lands .....	411
‡ CO6/2021	WI72/2020 - Road Reclassification.....	435
‡ CO7/2021	MM10/2020 - Medicare Eligibility for Magnetic Resonance Imaging	438

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

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

## **NOTICE OF INTENTION NO. NI2/2021**

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

**REPORT NO. MM3/2021 – PERFORMANCE REVIEW OF THE  
GENERAL MANAGER 2019/20**

**REPORT NO. PE8/2021 - CLASS 1 PROCEEDINGS (2020/359057) IN  
THE NSW LAND AND ENVIRONMENT COURT CHALLENGING  
CONDITIONS OF CONSENT IMPOSED ON DEVELOPMENT  
CONSENT NO 8/2020/20648/1, RELATING TO BOUNDARY  
ADJUSTMENT BETWEEN TWO EXISTING LOTS - 53 AND 63  
MILLFIELD ROAD, PAXTON.**

**REPORT NO. PE9/2021 - EOI T2021-01 ANIMAL IMPOUNDING  
SERVICES**

**REPORT NO. WI15/2021 - MINUTES OF THE CONFIDENTIAL  
FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD 3  
MARCH 2021**

---

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Lyons  
1592

**RESOLVED**

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

Report No. MM3/2021 – Performance Review of the General Manager 2019/20 – as it deals with personnel matters concerning particular individuals.

Report No. PE8/2021 – Class 1 proceedings (2020/359057) in the NSW Land and Environment Court challenging conditions of consent imposed on Development Consent No. 8/2020/20648/1, relating to a boundary adjustment between two (2) existing lots - 53 and 63 Millfield Road, Paxton as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Report No. PE9/2021 – EOI T2021-01 Animal Impounding Services as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Report No. WI15/2021 - Minutes of the Confidential Floodplain Management Committee Meeting held 3 March 2021 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.

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

**FOR****AGAINST**

Councillor Olsen

Councillor Doherty

Councillor Dunn

Councillor Stapleford

Councillor Fitzgibbon

Councillor Gray

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (10)****Total (0)*****CARRIED UNANIMOUSLY***



6.36PM

**MOTION**  
1593

**Moved:** Councillor Burke

**Seconded:** Councillor Lyons

**RESOLVED**

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

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (9)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

6.50PM

**Open Session**

**The meeting moved back into open session and the General Manager and Mayor reported on the outcomes.**

**PLANNING AND ENVIRONMENT NO. PE8/2021**

**SUBJECT: CLASS 1 PROCEEDINGS (2020/359057) IN THE NSW LAND AND ENVIRONMENT COURT CHALLENGING CONDITIONS OF CONSENT IMPOSED ON DEVELOPMENT CONSENT NO. 8/2020/20648/1, RELATING TO A BOUNDARY ADJUSTMENT BETWEEN TWO (2) EXISTING LOTS.**

**53 AND 63 MILLFIELD ROAD, PAXTON.**

*This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

---

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
1594  
**RESOLVED**

1. That Council notes receipt of an appeal (Reference No. 2020/359057), in the NSW Land and Environment Court which challenges the conditions of consent imposed on Development Consent No. 8/2020/20648/1.
2. That Council notes the confidential estimate of costs and prospects of success prepared by Council's solicitors in respect of the appeal (Reference No. 2020/359057), relating to Development Consent No. 8/2020/20648/1.
3. That Council delegates the management of the appeal (Reference No. 2020/359057), relating to Development Consent No. 8/2020/20648/1, to the General Manager, including the ability to enter into Consent Orders or a Section 34 agreement if appropriate.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Stapleford
Councillor Doherty	Councillor Fitzgibbon
Councillor Dunn	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE9/2021**

**SUBJECT: EOI T2021-01 ANIMAL IMPOUNDING SERVICES**

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

---

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Dunn  
1595

**RESOLVED**

1.      That Council declines all submissions received for Expressions of Interest for Tender No EOI T2021-01, as none of the submissions were determined to be conforming.
2.      That the General Manager enters into formal negotiations under Part 7, Division 4, Clause 178 (3)(e) of the Local Government (General) Regulation 2005 (Acceptance of tenders) with Council's current provider, RSPCA NSW to continue to manage impounded animals on behalf of Council as no suitable service providers were identified through the EOI.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI15/2021**

**SUBJECT: MINUTES OF CONFIDENTIAL FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD 3 MARCH 2021**

*This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
1596  
**RESOLVED**

**That the Minutes of the Confidential Floodplain Management Committee of 3 March 2021 be adopted as a resolution of the Ordinary Council.**

**FLOCLM1/2021**

1. That General Manager writes on behalf of Council to Subsidence Advisory NSW seeking a response to Council's request for the preparation of the South Cessnock Flood Mitigation Scheme Funding Agreement without further delay.
2. That Council notes the current South Cessnock Flood Mitigation Scheme implementation cost estimate of \$4.5M with operational cost estimate of \$40,000 per annum.
3. That Council endorses a second NSW Floodplain Management Program grant application in March 2021 seeking a \$1.8M grant for the construction of the South Cessnock Flood Mitigation Scheme.
4. That Council notes the nomination of the South Cessnock Flood Mitigation Scheme for an Australian Government National Flood Mitigation Infrastructure Program grant.
5. That Council writes to Hunter Water seeking \$100,000 towards the connection of the realigned Kearsley Creek channel.
6. That Council allocates \$50,000 from the 2020-21 Drainage Construction Program to fund preparation of preconstruction documentation as required by Dams Safety NSW to register the South Cessnock Bund Wall as a declared dam.

**FOR****AGAINST**

Councillor Olsen

Councillor Doherty

Councillor Dunn

Councillor Stapleford

Councillor Fitzgibbon

Councillor Gray

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (10)****Total (0)*****CARRIED UNANIMOUSLY***

## MAYORAL MINUTES NO. MM3/2021

**SUBJECT:** **PERFORMANCE REVIEW OF THE GENERAL MANAGER 2020/2021**  
*This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

---

**MOTION**            **Moved:**    Councillor Lyons            **Seconded:**    Councillor Burke  
1597  
**RESOLVED**

1.     That the Minutes of the Organisational and General Managers Review Committee of 24 February 2021 be adopted as a resolution of the Ordinary Council.
2.     That the Performance Review of the General Manager for the period of December 2020 to December 2021 contained in the Confidential Attachment be received and noted.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

## ADDRESS BY INVITED SPEAKERS

Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an indirect interest in an area which could be impacted by the plan. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.

Councillor Fitzgibbon left the meeting, the time being 06.52 pm

Speakers	For/Against Recommendation	Report	Page No.	Duration
Mr Tony Proust representing Hunter Economic Zone	For Recommendation	PE7/2021 – Urban Growth Management Plan	239	3 mins

### EXTENSION OF TIME

1598

**Moved:**

Councillor Dunn

**Seconded:**

Councillor Stapleford

**RESOLVED** that an extension of one minute be granted to Mr Proust to finalise his presentation.

#### FOR

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

**Total (8)**

#### AGAINST

Councillor Olsen

**Total (1)**

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE17/2021**

**SUBJECT: URBAN GROWTH MANAGEMENT PLAN**

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Sander  
1599

**RESOLVED**

**That Council adopts the revised Cessnock Urban Growth Management Plan.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (1)</b>

**CARRIED**

*Councillor Fitzgibbon returned to the meeting, the time being 06.57 pm*



# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM4/2021

**SUBJECT:** LGNSW DESTINATION & VISITOR ECONOMY CONFERENCE 2021

---

**MOTION**      *Moved:*    Councillor Pynsent  
1600

**RESOLVED**

**That Council endorses the requests by Mayor Pynsent and Councillor Gray to attend the LGNSW Destination & Visitor Economy Conference 2021.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

## **MOTIONS OF URGENCY**

### **MOTIONS OF URGENCY NO. MOU2/2021**

**SUBJECT: MOTIONS OF URGENCY**

---

#### **RECOMMENDATION**

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

Councillor Olsen

1. That Council support Anzac Day Ceremonies and Marches
2. Goal Access - That Council contact Clayton Barr and asking when work will work commence

The Mayor provided an update on each matter and noted that the matters were not urgent in accordance with the Code of Meeting Practice.

## **DEFERRED BUSINESS**

### **DEFERRED BUSINESS NO. DEF1/2021**

**SUBJECT: ADOPTION OF PLEDGES FOR THE CITIES POWER PARTNERSHIP**

---

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Gray  
1601

#### **RESOLVED**

1. That Council adopts the following pledges as part of the Cities Power Partnership:
  - Install renewable energy (solar PV and battery storage) on Council buildings.
  - Support cycling through provision of adequate cycle lanes, bike parking and end of ride facilities.
  - Actively participate in the development of a regional electric vehicle strategy.
  - Roll out energy efficient lighting across the municipality.
  - Open up unused Council managed land for renewable energy.
2. That Council writes to the Climate Council advising of Council's adoption of these pledges.
3. That the unused Council land in this report only relates to old Council landfills.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU2/2021**

**SUBJECT: NSW BUSHFIRE RECOVERY GRANT APPLICATION SUMMARY**

---

*Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that Cessnock Chamber were part of the consultation for this report to whom a business he owns has a contract. Councillor Burke remained in the Chamber and participated in discussion and voting.*

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Lyons

1602

#### **RESOLVED**

1.    That Council notes that \$250,000 has been awarded for the delivery of NSW Bushfire Community Recovery and Resilience Fund Phase 2 Stream 1 projects;
2.    That Council notes that three grant applications totaling \$260,932 have been submitted under Phase 2 Stream 2 of the NSW Bushfire Community Recovery and Resilience Fund;
3.    That Council notes that a letter of support has been provided to Singleton Council for a \$300,000 grant application to support Singleton LGA and Cessnock LGA Tourism Industry Training, Business Mentoring and Business Networking under Phase 2 Stream 2 of the NSW Bushfire Community Recovery and Resilience Fund;
4.    That Council notes that a letter of support has been provided to Destination Sydney Surround North for a \$300,000 grant application to run a Regional Tourism Industry Development Program under Phase 2 Stream 2 of the NSW Bushfire Community Recovery and Resilience Fund;
5.    That Council notes that eight grant applications totaling \$10,577,705 were submitted for Council led projects in cooperation with other stakeholders under the NSW Bushfire Local Economic Recovery Fund; and
6.    That Council notes that two Hunter Joint Organisation, NSW Bushfire Local Economic Recovery Fund grant applications worth \$20,300,000 have been supported via a letter of support, through the provision of economic data and design details.

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**Total (0)**

***CARRIED UNANIMOUSLY***

**GENERAL MANAGER'S UNIT NO. GMU3/2021**

**SUBJECT: ENTERPRISE RISK MANAGEMENT FRAMEWORK**

---

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Dunn  
1603

**RESOLVED**

1. That Council adopts the Enterprise Risk Management Framework.
2. That the General Manager write to the Premier requesting that ICAC be fully funded. This will help all Councils from reputational damage.

**FOR**

Councillor Olsen  
Councillor Dunn  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (9)**

**AGAINST**

Councillor Doherty  
  
  
  
  
  
  
  
**Total (1)**

**CARRIED**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE10/2021**

**SUBJECT: CONTROL OF OPEN BURNING (DEAD AND DRY VEGETATIVE MATERIAL) POLICY REVIEW**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
1604

#### **RESOLVED**

1. That Council places the revised Control of Open Burning (Dead and Dry Vegetative Material) Policy on public exhibition for 28 days.
2. That following public exhibition, if there are no significant relevant submissions received during the exhibition period that Council:
  - a. Adopts the revised Control of Open Burning (Dead and Dry Vegetative Material) Policy effective from the day after the conclusion of the public exhibition period; and
  - b. Grants approval for the class of persons to be published in the NSW Government Gazette

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE11/2021**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2020/20729/1 PROPOSING CONSTRUCTION OF TWO DWELLING HOUSES AND A TWO LOT SUBDIVISION OF LAND, TO OCCUR IN THREE STAGES**

**5 BOOTH STREET, CESSNOCK**

---

**MOTION**  
1605  
**RESOLVED**

**Moved:** Councillor Sander      **Seconded:** Councillor Stapleford

1. That:

- (i) Development Application No. 8/2020/20729/1 proposing construction of two dwelling houses and a two lot subdivision of land to occur in three (3) stages, at 5 Booth Street Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  - a) The proposal is a permitted land use in the R3 Medium Density zone under *Cessnock Local Environmental Plan 2011*;
  - b) The proposal is consistent with the objectives of the R3 Medium Density zone under *Cessnock Local Environmental Plan 2011*;
  - c) The proposal is consistent with the relevant State Environmental Planning Policies;
  - d) The proposal is generally compliant with the relevant provisions under *Cessnock Development Control Plan 2010*, with the variations considered to be minor in nature;
  - e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;
  - f) The proposal will not result in any adverse social or economic impacts;
  - g) The site is considered suitable for the proposed development; and
  - h) The proposal is considered to maintain the public interest.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.



## CONDITIONS OF CONSENT

---

### STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- a) The proposal is a permitted land use in the R3 Medium Density zone under *Cessnock Local Environmental Plan 2011*;
- b) The proposal is consistent with the objectives of the R3 Medium Density zone under *Cessnock Local Environmental Plan 2011*;
- c) The proposal is consistent with the relevant State Environmental Planning Policies;
- d) The proposal is generally compliant with the relevant provisions under *Cessnock Development Control Plan 2010*, with the variations considered to be acceptable;
- e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;
- f) The proposal will not result in any adverse social or economic impacts;
- g) The site is considered suitable for the proposed development; and
- h) The proposal is considered to maintain the public interest.

### CONSIDERATION OF SUBMISSIONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, it is noted that no objections were received in response to the public exhibition period in relation to the Application.

## CONDITIONS OF CONSENT

---

### SCHEDULE 1

#### TERMS OF CONSENT

### CONDITIONS OF CONSENT

#### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/20729/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Cover Page and Streetscape Elevation Sheet 03 Revision 4	Not Stated	27 October 2020
Site Plan Sheet 04 Revision 4	Not Stated	27 October 2020
Concept Stormwater Plan Sheet 05 Revision 4	Not Stated	27 October 2020
Concept Landscaping Plan Sheet 06 Revision 4	Not Stated	27 October 2020
Proposed Phasing Plan Sheet 07 Revision 4	Not Stated	27 October 2020

Proposed Phasing Plan & Basix requirements Sheet 08 Revision 4	Not Stated	27 October 2020
House 1 – Upper Floor Plan Sheet 09 Revision 4	Not Stated	27 October 2020
House 1 Lower Floor Plan Sheet 10 Revision 4	Not Stated	27 October 2020
House 1 – Elevations Sheet 11 Revision 4	Not Stated	27 October 2020
House 1 Elevations Sheet 12 Revision 4	Not Stated	27 October 2020
House 1 Section and Roof Plan Sheet 13 Revision 4	Not Stated	27 October 2020
House 2 – Upper Floor Plan Sheet 17 Revision 4	Not Stated	27 October 2020
House 2 Lower Floor Plan Sheet 18 Revision 4	Not Stated	27 October 2020
House 2 – Elevations Sheet 19 Revision 4	Not Stated	27 October 2020
House 2 Elevations Sheet 20 Revision 4	Not Stated	27 October 2020
House 2 Section and Roof Plan Sheet 21 Revision 4	Not Stated	27 October 2020

Document Title	Prepared By	Dated
Bushfire Assessment Report	Newcastle Bushfire Consulting	31 August 2020

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

## 2. Staging and sequence of development

The development must be undertaken in the following sequence:

- Stage 1 - construction of a dwelling on proposed Lot 1 and associated clearing and earthworks,
- Stage 2 - Torrens Title subdivision of the land into two lots and
- Stage 3 - construction of a dwelling on proposed Lot 2 and associated earthworks

An OC must be issued for the dwelling on Lot 1 before a SC is issued. The subdivision must be registered before a CC is issued for a dwelling on proposed Lot 2

## 3. CC, PC & Notice Required

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

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

#### **4. NSW Rural Fire Service - General Terms of Approval**

- (a) The provision of water, electricity and gas must comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
- (b) Landscaping within each of the new Lots must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
  - i. A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - ii. Planting is limited in the immediate vicinity of the building;
  - iii. Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - iv. Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
  - vi. Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - vii. Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - viii. Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
  - ix. Avoid climbing species to walls and pergolas;
  - x. Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - xi. Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - xii. Low flammability vegetation species are used.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

##### **5. Long Service Levy**

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

##### **6. Retaining Wall**

Where a retaining wall is in excess of 600mm in height and/or within 900mm of a property boundary, separate detailed drawings are to be submitted in conjunction with the CC, specifying wall heights, heights of retaining walls, proposed mounding and stabilisation treatment, and landscaping for the elevations of the building.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

##### **7. Parking**

On-site car parking shall be provided for a minimum of two (2) vehicles for each dwelling and such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **8. Stormwater**

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **PRIOR TO COMMENCEMENT OF WORKS**

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

### **9. PC Signage and Contact Details**

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

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

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

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

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

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

- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and

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

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

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

#### **11. Road Opening Permit**

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

#### **12. Toilet Facilities**

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

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

#### **13. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

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

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

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

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

#### **15. Excavation Protection**

If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:

- a) Must preserve and protect the adjoining building from damage
- b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished
- c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated, or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

#### **16. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

#### **17. Section 138 Roads Act**

Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

#### **18. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

### **DURING WORKS**

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

#### **19. BCA Compliance**

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

#### **20. Construction Hours**

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

**21. Road – Obstruction of Footpath Restriction**

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

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

**22. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

**23. Protection of Street Trees**

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

**24. Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

**25. Waste Management**

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

**26. Building Materials On Site**

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

**27. BASIX Certificate**

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

**28. Securing Excavations**

All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and

must be properly guarded and protected to prevent them from being dangerous to life or property.

## **29. Bushfire Protection**

In addition to the Section 100B conditions imposed by the NSW Rural Fire Service within the General Terms of Approval dated 19/11/20, the following condition shall apply:

### a) Asset Protection Zones

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

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

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):**

## **30. Roads – Concrete Crossing Phase 1**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Booth Street to the Lot 1 property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC.

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

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

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

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

## **31. Roads – Concrete Crossing Phase 3**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Booth Street to the Lot 2 property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any



construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC.

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

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

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

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

**32. Parking completion**

Car parking areas shall be completed prior to the issue of an OC.

**33. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an OC for the development.

**34. Retaining Walls and drainage**

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

**35. Connection to the reticulated water and sewerage system**

The subject development will be serviced by an independent water and sewer utility operator. Prior to issue of an OC and use of the dwelling, the PC is to be provided with evidence from the independent water and sewer utility operator that the development has been connected to and has approval for use of the reticulated water and sewer system.

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

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

**37. Retaining Walls and Drainage**

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

**38. Roof Stormwater – Street Gutter**

Roof water from the dwellings shall be conducted to the water storage tank in accordance with the BASIX requirements. Any additional roof water, and overflow

from the water storage tank, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to issue of an OC.

### 39. Bushfire Protection

All bushfire protection measures required by this consent are to be implemented prior to issue of an OC.

## PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

### 40. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) All surveyor's or engineer's certification required by the Development Consent
- e) A copy of the OC issued for the development in phase 1

### 41. All Services Provided Within Lots

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PC, prior to the issue of a SC.

### 42. 88B Certificate Required

The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate. Alternatively, Council will accept, at their discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.

### 43. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of any SC:

Fee Type Code	Contribution Type	Amount Payable
800	Open Space and Recreation Facilities	\$6,545.35
801	Community Facilities	\$1,738.25
802	Cycleway Facilities	\$1,378.91
803	Roads and Traffic	\$1,115.47
804	Plan Administration	\$161.51
	<b>Total</b>	<b>\$10,939.49</b>

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

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

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

#### **44. Section 50 – Hunter Water Act 1991**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991*. Such evidence shall be submitted to Council prior to the release of the final plan of survey for the subdivision and the SC.

### **ONGOING USE**

#### **45. Driveways to be maintained**

All access crossings and driveways shall be maintained in good order for the life of the development.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE12/2021**

**SUBJECT: DEVELOPMENT APPLICATION NO 8/2020/20834/1 PROPOSING CONSTRUCTION OF A TWO-STOREY MIXED USE PREMISES COMPRISING A 24 HOUR GYMNASIUM, FOOD AND DRINK PREMISES, RETAIL PREMISES, SIGNAGE AND ASSOCIATED INFRASTRUCTURE**

**5 WINEPRESS ROAD, BRANXTON**

---

**MOTION**  
1606  
**RESOLVED**

**Moved:** Councillor Doherty      **Seconded:** Councillor Lyons

1. That:

- (i) Development Application No. 8/2020/20834/1 proposing the construction of a two-storey mixed commercial development comprising a 24 hour gymnasium, food and drink premises, retail premises, signage and associated infrastructure at 5 Winepress Road Braxton, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  - The proposed development is consistent with the objectives of the B4 Mixed Use Zone of the *Cessnock Local Environmental Plan 2011*.
  - The development is consistent with the provisions of Chapter E.17-Huntlee of Cessnock Development Control Plan 2010.
  - The subject site is considered suitable for the proposed development, as it is a commercial land use situated within a commercial precinct.
  - The proposed development is in the public interest.
  - The proposed development is supported by a Noise Assessment Report which concludes that the 24 hour operation of the gymnasium is unlikely to adversely impact the surrounding area.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

# CONDITIONS OF CONSENT

---

## SCHEDULE 1

### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/220/20834/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
REF: DAL – 09/2020 Sheets 1 - 4	BDA Aust. Chartered Design Consultant	October 2020
Landscape Plans: Drawings LA3 -00, 01 and 02	HLO Design	October 2020

Document Title	Prepared By	Dated
Statement of Environmental Effects	De Witt Consulting	28 October 2020
Noise Assessment (including addendum dated 23 December 2020)	Rapt Consulting	30 October 2020
Social Impact Comment	De Witt Consulting	13 November 2020
Plan of Management (as supplemented by conditions of consent)	Huntlee Fitness	Undated
Bushfire Certificate	Newcastle Bushfire Consulting	12/10/2020
Waste Minimisation Management Plan	On behalf of Rosekelly Property holdings	Undated

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

##### 2. BCA Compliance

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

#### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

##### 3. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of \$179,872.39 is to be paid to Council, pursuant to Section 7.12 (cf previous s 94A) of the *Environmental Planning and Assessment Act*

1979, such contribution is to be paid prior to the issue of a Construction Certificate in respect of the proposed development.

- i) This condition is imposed in accordance with the provisions of *Cessnock S94A Levy Development Contributions Plan 2017*. A copy of the document is available on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au) or maybe inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

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

#### **4. Car Parking – Commercial/Industrial**

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities*, and *AS 2890.3-1993 Parking Facilities – Bicycle parking facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the Certifier prior to the issue of a CC.

#### **5. Disabled Car Parking Spaces**

Car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the Certifier prior to the issue of a CC.

- \* *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*
- \* *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work.*

#### **6. Parking – Delivery Vehicles**

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **7. Stormwater – Detailed Design Requirements**

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **8. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of the CC.

## **9. Food Premises**

The construction and operation of the food premises shall comply with all applicable legislation, regulation and standards including:

- a) *Food Act 2003*
- b) *Food Regulation 2015*
- c) *Food Standards Australia and New Zealand – Food Standards Code 2003*
- d) AS 4674-2004 for Design, Construction and Fit out of Food Premises
- e) AS 1668.2-2002 – The use of ventilation and air conditioning in buildings
- f) *BCA*.

Details submitted in association with the CC application are to demonstrate compliance with this requirement, and shall include the following:

- a) a separate floor and sectional plan detailing:
  - i) the kitchen/cafe area floor, wall, and ceiling surface finishes

- ii) location of the required handwash basin/s and cleaning sinks/s
- iii) location of dry and cold storage areas,
- iv) fit-out details for the kitchen and servery, including proposed refrigeration and cooking equipment
- v) designated cupboard or locker for the storage of staff clothing and personal belongings
- vi) location of the bar area.

The details are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **10. Roadworks**

The registered proprietors of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Relocate the existing 13.5m long 'motorcycle parking bay to the west, with a 4.5m clearance from the proposed driveway;
- b) Extend the kerb and gutter in the relocated 'motorcycle parking bay' similar to the retained 'motorcycle parking bay', positioned to the east of the approved vehicle accessway;
- c) Construct pavement and road wearing surface similar to the existing road where necessary due to the relocation of the 'motorcycle parking bay';
- d) Topdress and turf footpath;
- e) Construct drainage works.

## **PRIOR TO COMMENCEMENT OF WORKS**

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

### **11. Site To Be Secured**

The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

### **12. PC Signage and Contact Details**



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

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

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

### **13. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

### **14. S138 Roads Act Approvals**

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

## **DURING WORKS**

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

### **15. Construction Hours**

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

### **16. Approved Plans Kept On Site**

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

### **17. Construction Noise**

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

### **18. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

#### **19. Waste Management**

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

#### **20. Building Materials On Site**

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

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):**

#### **21. Roads – Concrete Crossing**

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

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

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

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

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

#### **22. Food Premises**

Prior to the issue of an OC, an inspection of the completed premises is to be conducted by the PC certifying that the food premises has been constructed in accordance with the approved plans.

#### **23. Parking – Signage**

Signs shall be clearly displayed at the frontage of the premises indicating the availability of car parking at the rear, for the life of the development, prior to the issue of an OC. Note: AS 1742.1 requires the use of white lettering on blue background for such signage.

**24. Parking – Completion**

Car parking areas shall be completed prior to the issue of an OC.

**25. Parking – Loading Facility Requirement**

Loading/unloading facilities shall be constructed prior to the issue of an OC.

**26. Disabled Access/Parking**

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with AS 1428.1 and AS 2890.6. The access shall be provided prior to issue of an OC.

**27. Waste Management Plan**

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

**28. Reinstate Road Reserve Verge**

The applicant shall construct/reconstruct the unpaved road reserve verge with grass - species and installation shall be approved by Council prior to issue of an OC.

**29. Completion of Road Works**

Prior to the issue of an OC, the PC must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the approved design and relevant AS, must be provided to Council prior to the issue of an OC.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

**30. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an OC for the development.

**31. Stormwater – Discharge to Street**

All roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm prior to issue of an OC.

**ONGOING USE**

**The following conditions are to be complied with as part of the ongoing use of the premises.**

### **32. Hours of Operation**

The property is to be open for business and used for the purpose approved only within the following hours:

**Recreation facility (indoor)** 24 hours per day, 7 days per week.

Staffing to occur during the following hours:

- Monday - Wednesday: 6:00am to 9:00pm
- Thursday and Friday: 6:00am to 7:00pm
- Saturday and Sunday: 8:00am to 12 noon

Outside of these times, access to the gymnasium is only available via an access key.

**Food and drink premises (café)** Monday – Friday 7:00am – 6:00pm  
Saturday – Sunday 8:00am – 6:00pm

**Retail premises (shop)** 6:00am – 10:00pm, 7 days per week

### **33. Noise Complaints Register**

The plan of management shall be amended to incorporate a separate process for handling, processing and acting upon any noise complaints received in respect to the operation of the approved land uses.

The register shall be kept on site at all times, and made available to council officers if requested.

### **34. Amplified Music**

Amplified music is not permitted to be played in the gymnasium.

### **35. Outdoor Lighting**

All outdoor lighting must not detrimentally impact upon the amenity of other premises and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

### **36. Approved Signage Maintenance**

The approved sign/s must be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the sign/s is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises or the road reserve.

### **37. Crime Prevention Through Environmental Design Requirements**

The following items must be installed and provided for the duration of the approved use:

### **Surveillance**

- Five (5) CCTV cameras, 24-hour, 30-day storage, to be installed externally and internally at entry to the gymnasium, as well as within the gymnasium;
- Lighting to include movement sensors, minimum 30 minutes with movement, so when a member scan in or moves within gymnasium the lights will be on;
- External lighting at entry doors will be on permanent time clock;
- The potential for casual surveillance within the development shall be maximised through the placement of large windows and multiple clearly defined entrances opposite both frontages and within the car park;
- The development shall be designed to minimise opportunities for concealment and the avoidance of blind corners, particularly within the car park and along the front pathways through the use of splayed building corners and transparent landscaping;
- The provision of good lightning above and around building entrances, exits, footpaths and the entry and exit to the car park is to be provided; and
- Landscaping shall incorporate a combination of garden beds feature trees / potted plants that minimise opportunity for concealment. Landscaping features shall not conceal any building entrances from the street or offer potential offenders a place to hide.

### **Access Control**

- Four (4) x avionics security scanners for lanyards, to be supplied at entry for security use by members attending the gymnasium outside of staffed hours (lanyards act like a duress button);
- 'Planet Fitness 24/7 Access Agreement' is to be completed when a member obtains the 24-hour access card/key;
- An internal and external alarm siren and associated strobe light shall be installed within the premises; which will be activated upon unauthorised entry to the gymnasium;
- The security of users shall be maintained via clearly visible and lit up, easily identifiable entries opposite the street frontages and car park;
- General access shall be restricted through the use of lockable doors and windows;
- Access shall be provided to guests during regular business hours when the building is occupied by staff.

### **Territorial Reinforcement/Ownership**

- Clear distinction shall be made between public space and private property, with the use of landscaping and footpath treatments, in conjunction with the site's driveway/entrance to the user's only car park;
- Building signage and labelled entrances shall clearly define the space associated with the buildings and provide a positive interface with the public domain street level;
- Side and rear fences shall define the site boundaries and provide security between adjacent uses.

### **Space Management**

- On-going maintenance of landscaped areas and site management is required; including principles of site cleanliness and removal or refurbishment of decayed physical property;
- Any graffiti, vandalism or damaged property shall be repaired in a timely manner;
- Any outside café furniture shall be moved inside after hours to limit the potential of theft and vandalism;
- Outside lights/signage shall be positioned high to avoid vandalism;
- Any pot plants shall be secured by sturdy anchor points to restrict theft.

#### **34. NSW Police Requirements**

The following conditions must be complied with for the duration of the approval:

##### **Territorial Reinforcement/Ownership**

- Warning signs shall be strategically posted around the perimeter of the property, particularly near entry points to warn intruders of security measures.

Examples: Warning: these premises are under constant surveillance  
Warning: Don't leave valuables inside your vehicle

- Directional signage shall be posted at decision making points (e.g. entry/egress points) to provide guidance to patrons whilst driving their vehicles. Knowing how and where to enter, exit and find assistance within a car park can impact perceptions of safety, victim vulnerability and crime opportunity.
- Consideration shall be given to the use of onsite and/or random patrols of security guards to assist in reducing the opportunity of crime. The capability of a security guard to detect, challenge or apprehend is an important consideration as their actual presence is a strong deterrent for any would be offenders.

##### **Surveillance**

- Consideration shall be given to the parking area, particularly when being used during darkness by patrons. Effective lighting shall not impact on the ability to capture CCTV. CCTV shall be considered for the parking given that this area is restricted from clear natural public surveillance through the building design.

##### **Access Control**

- Physical and symbolic barriers shall be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas.
- The Officer in Charge of Singleton Police Station shall be provided with an access key to the gymnasium. The security and safety of the business and its clientele for the 24-hour gym is of utmost importance, and provision of an access key to the Police will ensure quick access to the gym for any police emergency response requirement.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE13/2021**

**SUBJECT: REPEAL OF VARIOUS CHAPTERS OF THE CESSNOCK  
DEVELOPMENT CONTROL PLAN (DCP) 2010**

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Fitzgibbon

That Council, pursuant to Clause 22 of the *Environmental Planning and Assessment Regulations 2000*, repeal the following chapters of the Cessnock Development Control Plan 2010:

- C2 Flora and Fauna Survey Guidelines
- C3 Contaminated Lands
- C7 Trees and Vegetation Management
- D9 Outdoor Dining
- E1 Ellalong Lagoon
- E13 Cessnock Civic
- E5 Gingers Lane, Weston
- E9 Millfield Small Holdings

**AMENDMENT**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Dunn

That Council, pursuant to Clause 22 of the *Environmental Planning and Assessment Regulations 2000*, repeal the following chapters of the Cessnock Development Control Plan 2010:

- C2 Flora and Fauna Survey Guidelines
- C7 Trees and Vegetation Management
- D9 Outdoor Dining
- E1 Ellalong Lagoon\
- E13 Cessnock Civic
- E5 Gingers Lane, Weston
- E9 Millfield Small Holdings

**FOR**

Councillor Olsen

**AGAINST**

Councillor Gray

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Sander  
**Total (6)**

Councillor Burke  
Councillor Lyons  
Councillor Pynsent  
**Total (4)**

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

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

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Dunn  
1607  
**RESOLVED**

That Council, pursuant to Clause 22 of the *Environmental Planning and Assessment Regulations 2000*, repeal the following chapters of the Cessnock Development Control Plan 2010:

- **C2 Flora and Fauna Survey Guidelines**
- **C7 Trees and Vegetation Management**
- **D9 Outdoor Dining**
- **E1 Ellalong Lagoon**
- **E13 Cessnock Civic**
- **E5 Gingers Lane, Weston**
- **E9 Millfield Small Holdings**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE14/2021**

**SUBJECT: ADOPTION OF BUILDING LINE SETBACK POLICY**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1608

**RESOLVED**

1. That Council notes that no submissions were received during the public exhibition period.
2. That Council adopts the revised Building Line Setback Policy, with the following additional amendments:
  - The setback standards for new dwelling houses (including ancillary residential development) being wholly aligned with the setback standards for dwelling houses contained in Part 3 and Part 3A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
  - A secondary road setback of 3 metres being included for development in industrial zones.
  - Reference in to an 'Application to Vary the Building Line' being deleted.
  - Delegations relating to varying the policy being clarified.

**FOR**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (10)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE15/2021**

**SUBJECT: ENDORSEMENT OF HUNTER VALLEY WINE AND TOURISM ASSOCIATION'S OBJECTION TO THE APPLICATION BY MONASH COAL PTY LTD TO EXTEND COAL EXPLORATION LEASES, EL6123 AND EL7579**

---

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

**That Council endorses Hunter Valley Wine and Tourism Association's submission, objecting to the application to the Department of Planning, Industry and Environment by Monash Coal Pty Ltd to renew two coal exploration leases, EL6123 and EL7579.**

**AMENDMENT**    **Moved:**    Councillor Stapleford    **Seconded:**    Councillor Doherty

**That the Council write to the Deputy Premier objecting to lease Number EL6123**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Doherty
Councillor Stapleford	Councillor Dunn
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (8)</b>

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

**MOTION**      **Moved:**    Councillor Gray      **Seconded:**    Councillor Lyons  
1609  
**RESOLVED**

**That Council endorses Hunter Valley Wine and Tourism Association's submission, objecting to the application to the Department of Planning, Industry and Environment by Monash Coal Pty Ltd to renew two coal exploration leases, EL6123 and EL7579.**

**FOR****AGAINST**

Councillor Olsen

Councillor Doherty

Councillor Dunn

Councillor Stapleford

Councillor Fitzgibbon

Councillor Gray

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (10)****Total (0)*****CARRIED UNANIMOUSLY***

**PLANNING AND ENVIRONMENT NO. PE16/2021**

**SUBJECT: DRAFT CESSNOCK HOUSING STRATEGY**

---

*Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an indirect interest in an area which could be impacted by the plan. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Councillor Fitzgibbon left the meeting, the time being 07.22 pm*

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

**That Council adopts the revised Cessnock Housing Strategy.**

**PROCEDURAL MOTION Moved:** Councillor Stapleford  
**Seconded:** Councillor Doherty

**That the report be deferred for a Councillor Briefing**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillor Fitzgibbon returned to the meeting, the time being 07.24 pm*

**PLANNING AND ENVIRONMENT NO. PE18/2021**

**SUBJECT: DRAFT URBAN TREE CANOPY POLICY**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1610

**RESOLVED**

1. That Council place the draft Urban Tree Canopy Policy on public exhibition for a minimum period of twenty-eight (28) days.
2. That should public submissions be received or amendments made to policy, a further report be prepared and submitted to Council for consideration.
3. That should no public submissions be received and no amendments made, the draft Urban Tree Canopy Policy be adopted by Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE19/2021**

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING  
REPORT - DECEMBER QUARTER 2020-2021**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1611  
**RESOLVED**

**That Council receives and notes the Development Performance Monitoring Report for December quarter 2020/21.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC13/2021**

**SUBJECT: 2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT -  
COUNCILLOR REQUESTS TO ATTEND AND MOTIONS SUBMITTED**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1612

#### **RESOLVED**

- 1. That Council endorses the request to attend the 2021 National General Assembly of Local Government from Mayor Pynsent and that Mayor Pynsent be determined as the voting delegate.**
- 2. That Council notes that no motions for the Assembly have been received.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC14/2021**

**SUBJECT: T412021HUN ROAD SAFETY BARRIERS - REGIONAL  
PROCUREMENT TENDER**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
1613  
**RESOLVED**

**That Council declines to accept the Regional Procurement Tender for Road Safety Barriers T412021HUN.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC15/2021**

**SUBJECT: DRAFT CREDIT CARD POLICY**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1614

**RESOLVED**

**That Council adopts the Credit Card Policy.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC16/2021**

**SUBJECT: POLICY REVIEW 2021 - REVOCATION OF POLICIES**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1615  
**RESOLVED**

**That Council revokes the following policies as outlined in this report.**

1. **Financial Internal Restricted Assets (1993)**
2. **Loan Borrowings (2011)**
3. **Access Crossing to Subdivisions (1996)**
4. **Changes to Garbage Service Days (1982)**
5. **Days Waste Service will be Rendered (1982)**
6. **Exemption to Domestic Waste Management charges (1981)**
7. **Garbage Bins and type of Material to be removed (1971)**
8. **Garbage Charges for Certain Types of Property (1983)**
9. **Sydney Waste (1999)**
10. **Tidy Towns Dollar for Dollar Grants (1996)**
11. **Bonding of Developing Works and Deferment of Contributions (1986)**
12. **Street Seats and Bus Shelter Advertising (1995)**
13. **Use of Council Sportsgrounds, Parks and Reserves by Fitness Groups and Personal Trainers (2012)**

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

Councillor Olsen

Councillor Doherty

Councillor Dunn

Councillor Stapleford

Councillor Fitzgibbon

Councillor Gray

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (10)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC17/2021**

**SUBJECT: LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2021 ANNUAL REVIEW**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1616  
**RESOLVED**

1. That Council does not make a submission to the Local Government Remuneration Tribunal review regarding the fees payable to elected officials noting the restrictions under section 242A of the *Local Government Act 1993* which limits the ability of the Local Government Remuneration Tribunal to consider submission seeking increases in excess of 2.5%.
2. That Council does not make a submission to the Local Government Remuneration Tribunal review regarding the classification of councils as the classification of Cessnock as a Regional Centre is considered appropriate noting the classification guidelines.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC18/2021**

**SUBJECT: BENEFITS OF EXTERNAL MEMBERSHIPS**

---

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Stapleford  
1617

**RESOLVED**

1. That Council notes the current memberships to organisations and the benefit to Council.
2. That Council formally withdraws its membership to the Advocacy body, Association of Mining & Energy Related Councils effective 1 July 2021.
3. That Council formally withdraws its membership to the Advocacy body, Regional Cities NSW effective 1 July 2021.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC19/2021**

**SUBJECT: SUBMISSION REGARDING IPART'S FINAL REPORT INTO LOCAL GOVERNMENT RATING SYSTEM**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1618  
**RESOLVED**

**That Council notes the submission in relation to “Towards a fairer rating system consultation - Review of Local Government Amendment (Rating) Bill 2020”.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC20/2021**

**SUBJECT: BI-ANNUAL COMPLAINT HANDLING REPORT - DECEMBER 2020**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
1619

**RESOLVED**

1. That Council notes the Bi-annual Complaint Handling Report for the period 1 July to 31 December 2020 and that of the 27 complaints received there was 9 substantiated.
2. That the previous number of complaints be included in the “Category of Complaints” table as comparative yearly data

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC21/2021**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1620  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC22/2021**

**SUBJECT: INVESTMENT REPORT - FEBRUARY 2021**

---

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Lyons  
1621

**RESOLVED**

1. That Council receives the Investment Report for February 2021 and notes that:
  - Investments are held in accordance with Council's Investment Policy, which accords with the Ministerial Investment Order.
  - Council's month end balance was \$48,237,519 year to date interest earned to 28 February was \$272,439 and the interest earned for February 2021 was \$23,262.
2. That the General Manager bring back a report to the next Council meeting as to why Council cannot divest in ANZ bank.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Dunn
Councillor Doherty	Councillor Gray
Councillor Stapleford	Councillor Burke
Councillor Fitzgibbon	Councillor Lyons
Councillor Sander	
Councillor Pynsent	
<b>Total (6)</b>	<b>Total (4)</b>

**CARRIED**



## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI10/2021**

**SUBJECT: MOLLY WORTHINGTON NETBALL COURTS**

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Sander  
1622

#### **RESOLVED**

- 1. That Council notes the information within the report and a future workshop to be held with Council with a further report to come back for the May Meeting.**
- 2. Further consultation to take place with Kurri Kurri Netball Association**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI11/2021**

**SUBJECT: KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2021**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1623  
**RESOLVED**

**That Council supports the Kurri Kurri Nostalgia Festival on 27 and 28 March 2021, by providing in-kind support valued at \$10,195, as detailed in the report for the following service: waste management, park management and amenity management.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI12/2021**

**SUBJECT: CESSNOCK LGA TRAFFIC AND TRANSPORT STRATEGY - IMPLEMENTATION PROGRAM**

---

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Sander  
1624  
**RESOLVED**

1. That Council notes progress to date on delivery of the adopted Cessnock LGA Traffic and Transport Strategy 2018.
2. That Council endorses the proposed community engagement to communicate the Implementation Program for Wollombi Road in the adopted Cessnock LGA Traffic and Transport Strategy 2018.
3. That Council monitor traffic conditions on Maitland Road, Cessnock from Allandale Road to Old Maitland Road with a view to re-prioritising the works identified in the Traffic and Transport Strategy for this section of road.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI13/2021**

**SUBJECT: STANFORD ROAD HEDDON GRETA - TRANSFER FROM COUNCIL TO CROWN LANDS**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1625  
**RESOLVED**

**That Council grants consent to the transfer of Stanford Road to the Crown and seek their concurrence to accept the transfer.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI14/2021**

**SUBJECT: MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE  
MEETING HELD 3 MARCH 2021**

---

**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Sander  
1626  
**RESOLVED**

1.      **That the Minutes of the Floodplain Management Committee Meeting of 3 March 2021 be adopted as a resolution of the Ordinary Council.**
  
2.      **FLOCLM2/2021**
  - 1) **That Council allocates \$50,000 in 2021-22 Floodplain Management Program to fund the development of Black Creek Restoration Plan downstream of Hunter Water stormwater channel outlet.**
  
  - 3) **That the outcomes of Black Creek Restoration Plan be reported back to the Committee.**
  
3.      **FLOCLM3/2021**
  - 2) **That Council applies for a NSW Floodplain Management Program grant in March 2021 for approximately \$80,000 to develop the Stage 2 Black Creek Floodplain Risk Management Study and Plan.**
  
  - 3) **That Council allocates approximately \$40,000 in the 2021-22 Floodplain Management Program as a co-contribution to meet the requirements of the NSW Floodplain Management Program grant to develop the Stage 2 Black Creek Floodplain Risk Management Study and Plan.**
  
4.      **FLOCLM4/2021**
  - 1) **That Council accepts the NSW Floodplain Management Program grant offers of \$298,666 in total for the design and construction of flood warning systems at Cessnock, and Abermain and Weston.**
  
  - 2) **That Council allocates \$149,333 in the 2021-22 Floodplain Management Program as a co-contribution to meet the requirements of the NSW Floodplain Management Program grant for the design and construction of flood warning systems at Cessnock and Abermain and Weston.**
  
5.      **FLOCLM5/2021**
  - 3) **That Council allocates a budget of \$231,000 in the 2021-22 Floodplain Management Program to implement the Mount View Detention Basin Action Plan.**
  
  - 4) **That a further report be brought back before the Committee to update on the progress of non-compliance issues.**

**6. FLOCLM6/2021**

**2) That Council endorses public exhibition of the revised draft Cessnock City Wide Flood Study 2020.**

**7. FLOCLM7/2021**

**1) That Council lowers the Flood Planning Level for lots in Stonebark Court, Greta impacted by overland flooding from 0.5m to 0.3m if the 1% AEP maximum flood depth is less than 0.3m and flood hazard is low (H1).**

**2) That Council applies for a Floodplain Management grant in 2021 for the Greta Floodplain Risk Management Study and Plan that includes an update of the Greta Flood Study 2019.**

**3) That General Manager arranges mapping of lots impacted by overland flooding across the City of Cessnock from adopted flood studies and reports the outcome back to the Committee.**

**8. FLOCLM7/2021**

**1) That Council endorses applications for NSW Floodplain Management Program grants in the following priority order:**

- **South Cessnock - Flood Mitigation Scheme - Construction;**
- **Greta - Floodplain Risk Management Study & Plan;**
- **Cessnock Stage 2 Black Creek - Flood Risk Management Study and Plan;**

**2) That Council allocates \$823,000 through the Standard Drainage Loan over the 2021-22 and 2022-23 Floodplain Management Programs as Council's anticipated co-contribution.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN6/2021**

**SUBJECT: GRANTS FOR WESTON BEARS FOOTBALL FIELD**

---

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

#### **RECOMMENDATION**

That the General Manager contact Northern NSW Football Federation regarding available grants to assist with the upgrade of Weston Football Field as per our Master Plan.

**AMENDMENT**      **Moved:** Councillor Sander      **Seconded:** Councillor Burke

1. That the General Manager contact Northern NSW Football Federation regarding grants to assist with the upgrade of all of fields as per our Master Plans.
2. The General Manager bring back a report on implementing a detailed design and concept plan for the Weston Football Field.
3. A priority for the funding should be for Weston and all other fields be included in the funding.

Councillor Olsen moved dissent from the Chairperson's ruling in regard to being able to speak on a changed Amendment.

The Motion of dissent was **PUT** and **LOST**.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Doherty
Councillor Dunn	Councillor Stapleford
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (8)</b>

#### **CARRIED**

The Mayor's ruling was upheld

**AMENDMENT Moved:** Councillor Sander **Seconded:** Councillor Burke

1. That the General Manager contact Northern NSW Football Federation regarding grants to assist with the upgrade of all of fields as per our Master Plans.
2. The General Manager bring back a report on implementing a detailed design and concept plan for the Weston Football Field.
3. A priority for the funding should be for Weston and all other fields be included in the funding.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

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



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

**MOTION**            **Moved:**    Councillor Sander            **Seconded:**    Councillor Burke  
1627

**RESOLVED**

1.     **That the General Manager contact Northern NSW Football Federation regarding grants to assist with the upgrade of all of fields as per our Master Plans.**
2.     **The General Manager bring back a report on implementing a detailed design and concept plan for the Weston Football Field.**
3.     **A priority for the funding should be for Weston and all other fields be included in the funding.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ1/2021**

**SUBJECT: ANSWERS TO QUESTIONS OF WHICH WRITTEN NOTICE HAS  
BEEN GIVEN**

---

**FOR COUNCIL'S INFORMATION**

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO6/2021**

**SUBJECT: W172/2020 - ROAD RECLASSIFICATION**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1628  
**RESOLVED**

**That Council notes the correspondence received from the Member for Cessnock, which forwarded a response to representation made from the Parliamentary Secretary for Regional Roads and Infrastructure, on behalf of the Minister for Regional Transport and Roads, in relation to Council's request seeking support for MR181 to be transferred to the State from regional road status.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO7/2021**

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

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Lyons  
1629  
**RESOLVED**

**That Council notes the correspondence received from Clayton Barr MP, Member for Cessnock who forwarded a response to representations made to the Office of the Hon Greg Hunt MP, Minister for Health, Minister Assisting the Prime Minister for the Public Service and Cabinet, in relation to Medicare eligibility for Magnetic Resonance Imaging Unit at the new Maitland Hospital.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Gray

### **Hunter Power Project Community Working Group 10 March 2021**

Councillor Gray advised he is on the Community Working Group and reported on the 10 March Meeting.

Still not confirmed to be built the proposal is to construct a power station and electrical switchyard with capacity to generate 750MW of 'on-demand' electricity.

The power station will operate as a peak load electricity generator that will only be switched on when demand is highest. Commonly known as firming power, that underpins the stability of the electricity grid.

If approved, it is expected to be under construction 2022 and operational by 2023.

This is an \$800 million dollar investment in critical infrastructure and is expected to generate 600 jobs during the construction phase as well. 1200 indirect jobs, with 20 operational and maintenance staff expected to be employed ongoing.

Snowy Hydro displayed a commitment to local procurement and employment as well as raining opportunities for apprentices and trainees going forward.

They indicated that the Kurri Kurri site is perfect for this type of infrastructure like few places in Australia, with high voltage powerlines that were used to feed the Aluminium Smelter being run in the other direction to feed back into the grid, as well as it being a remediated brown field site with little clearing of vegetation required.

A new gas pipeline will be required to be constructed under a different contract that will inter connect with the existing east coast pipeline and run to an onsite storage facility to be used when needed.

I can tell Councillors that after my initial knee jerk reaction of negativity towards the project on climate and green house gas grounds, I have swung behind this project as an interim generator to ensure a smooth transition to renewable future.

I am very impressed, I see this as the same as desalination plant for power, only switches on when required and only expected to run for 300 to 400 hours a year, with a life expectancy of 35 years.

Some of the community concerns raised was local procurement policy, job opportunities, noise and pollution issues. These issues will be addressed in more depth at the next meeting.

I can say that Snowy Hydro has shown a commitment to being a good corporate citizen and work to address all community concerns going forward.

More information can be viewed at <https://www.snowyhydro.com.au/hunter-power-project>

*The Meeting Was Declared Closed at 8.30pm*

**CONFIRMED AND SIGNED** at the meeting held on 21 April 2021

.....**CHAIRPERSON**

.....**GENERAL MANAGER**