



12 August 2016

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 17 August 2016 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

PAGE NO.

<b>(1) OPENING PRAYER</b>	
<b>(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	
<b>(3) RECEIPT OF APOLOGIES</b>	
<b>(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	
Minutes of the Ordinary Meeting of Council held on 3 August 2016.....	5
<b>(5) DISCLOSURES OF INTEREST</b>	
DI14/2016 Disclosures of Interest .....	59
<b>(6) PETITIONS</b>	
<b>(7) ADDRESS BY INVITED SPEAKERS</b>	
<b>(8) MOTIONS OF URGENCY</b>	
MOU14/2016 Motions of Urgency.....	60
<b>(9) GENERAL MANAGER'S UNIT</b>	
GMU10/2016 Minutes of the Internal Audit Committee Meeting held 2 August 2016 commencing at 9.00am in the Ante Room .....	61
<b>(10) PLANNING AND ENVIRONMENT</b>	
PE60/2016 Section 96(1A) Application proposing to amend Development Consent 2013/735 which granted approval for a two lot subdivision. The application seeks to amend the proposed lot configuration	
	10 Anderson Avenue, Paxton .....
10 Anderson Avenue, Paxton .....	67
‡ PE61/2016 Development Application Performance Monitoring Report - June 2016 Quarter.....	85
PE62/2016 June 2016 Quarter Review of 2013-17 Delivery Program and Fit for the Future Improvement Proposal .....	94

**(11) CORPORATE AND COMMUNITY**

CC52/2016	Local Government NSW - Contribution to Legal Assistance for Cowra Shire Council.....	105
CC53/2016	Revoting of Expenditure from 2015-16 to 2016-17 .....	107
CC54/2016	Investment Policy .....	110
‡ CC55/2016	Investment Report - July 2016.....	114
‡ CC56/2016	Resolutions Tracking Report .....	120

**(12) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

BN6/2016	Provision of Funds to Local Government for Infrastructure Projects .....	121
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**(13) ANSWERS TO QUESTIONS FOR NEXT MEETING**

‡ AQ54/2016	Ecological considerations in regard to the Cessnock Correctional Centre Draft Submission to include Regent Honey Eater .....	122
‡ AQ55/2016	Cessnock Basketball Stadium Contract.....	123
‡ AQ56/2016	Cessnock Skate Park .....	124
‡ AQ57/2016	Sanitary Service .....	125
‡ AQ58/2016	Council's storage area adjacent to the Football Fields – Margaret Johns .....	126
AQ59/2016	East Cessnock Flying Foxes - Camp Management Plan .....	127

**(14) QUESTIONS FOR NEXT MEETING**

**(15) COUNCILLORS' REPORTS**



### ***Council's Charter***

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- To exercise community leadership.
- To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism.
- To promote and to provide and plan for the needs of children.
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- To have regard to the long term and cumulative effects of its decisions.
- To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- To engage in long-term strategic planning on behalf of the local community.
- To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government.
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- To keep the local community and State Government (and through it, the wider community) informed about its activities.
- To ensure that, in the exercise of its regulatory functions, its acts consistently and without bias, particularly where an activity of the Council is affected.
- To be a responsible employer.

### ***Council's Values***

- |             |              |              |
|-------------|--------------|--------------|
| • Respect   | • Innovation | • Teamwork   |
| • Integrity | • Fairness   | • Commitment |

### ***Our Community's Vision***

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

*Cessnock – thriving, attractive and welcoming.*

### ***Our Community's Desired Outcomes***

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



## ***Council Model Code of Conduct***

Council adopted its current Code of Conduct on 3 February 2016. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 3 AUGUST 2016, COMMENCING AT  
6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Gibson, Troy, Doherty, Olsen, Ryan, Stapleford, Hawkins, Smith, Campbell and Parsons.

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Human Resource Manager  
Integrated Planning & Strategic Property Manager  
Manager Governance and Business Services  
Acting Development Services Manager (Team Leader – Development Services)  
Strategic Land Use Planning Manager  
Media & Communication Officer  
Corporate Administration Officer

<b>MINUTES:</b>	<div> <div><b>MOTION</b></div> <div><b>Moved:</b> Councillor Parsons</div> <div><b>Seconded:</b> Councillor Stapleford</div> </div>																								
	<div>1756</div> <div><b>RESOLVED</b> that the Minutes of the Ordinary Meeting of Council held on 20 July 2016, as circulated, be taken as read and confirmed as a correct record.</div>																								
	<table> <tr> <th data-bbox="494 1198 798 1243"><b>FOR</b></th><th data-bbox="798 1198 1414 1243"><b>AGAINST</b></th></tr> <tr> <td>Councillor Gibson</td><td>Councillor Troy</td></tr> <tr> <td>Councillor Doherty</td><td></td></tr> <tr> <td>Councillor Olsen</td><td></td></tr> <tr> <td>Councillor Ryan</td><td></td></tr> <tr> <td>Councillor Stapleford</td><td></td></tr> <tr> <td>Councillor Hawkins</td><td></td></tr> <tr> <td>Councillor Smith</td><td></td></tr> <tr> <td>Councillor Campbell</td><td></td></tr> <tr> <td>Councillor Parsons</td><td></td></tr> <tr> <td>Councillor Pynsent</td><td></td></tr> <tr> <td><b>Total (10)</b></td><td><b>Total (1)</b></td></tr> </table> <div><b>CARRIED</b></div>	<b>FOR</b>	<b>AGAINST</b>	Councillor Gibson	Councillor Troy	Councillor Doherty		Councillor Olsen		Councillor Ryan		Councillor Stapleford		Councillor Hawkins		Councillor Smith		Councillor Campbell		Councillor Parsons		Councillor Pynsent		<b>Total (10)</b>	<b>Total (1)</b>
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## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI13/2016**

**SUBJECT: DISCLOSURES OF INTEREST**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Troy  
1757  
**RESOLVED**

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

**PE58/2016 - Cessnock Correctional Centre Expansion** - Councillor Olsen declared a Non Pecuniary Less Than Significant Interest for the reason that he is employed by Corrective Services. Councillor Olsen advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because his position at the centre will not change if it is approved or not.

**PE58/2016 - Cessnock Correctional Centre Expansion** - Councillor Hawkins declared a Pecuniary Interest for the reason that his family's property is directly adjacent to the proposed facility. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

**WI42/2016 – Minutes of Dollar for Dollar Committee Meeting held 20 July 2016** – The Mayor declared a Non Pecuniary Interest - Significant Conflict for the reason that his wife works at Kearsley Public School who applied for a \$500 grant. The Mayor advised that would leave the Chamber and take no part in discussion and voting.

**WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury** – The Mayor declared a Non Pecuniary Less Than Significant Interest for the reason that he was a fellow Councillor of Jeff Maybury and a member of the ALP. The Mayor advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because this will not interfere with his decision making.

**WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury** – Councillor Smith declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a member of the same political party. Councillor Smith advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

**WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury** – Councillor Campbell declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a party colleague. Councillor Campbell advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

**WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury** – Councillor Parsons declared a Non Pecuniary Less Than Significant Interest for the reason that she was a Councillor with Councillor Maybury and a member of the same political party. Councillor Parsons advised that she will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

**WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury** – Councillor Hawkins declared a Non Pecuniary Less Than Significant Interest for the reason that he served on Council with Jeff and was a member of the Labor Party. Councillor Hawkins advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

## **PETITIONS**

NIL

### **ADDRESS BY INVITED SPEAKERS**

The Mayor advised that there were two representatives from the Corrective Services Department being Mr Glen Scholes, Regional Director Corrective Services and Mr Dave Mumford, General Manager Cessnock Facility who will take questions from Report PE58/2016 – Cessnock Correctional Centre Expansion.

#### **PROCEDURAL MOTION**

**Moved:**

Councillor Smith

**Seconded:**

Councillor Doherty

1758

#### **RESOLVED**

**That Report PE58/2016 – Cessnock Correctional Centre Expansion be brought forward to allow questions.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

#### **CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE58/2016**

**SUBJECT: CESSNOCK CORRECTIONAL CENTRE EXPANSION**

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*Councillor Olsen declared a Non Pecuniary Less Than Significant Interest for the reason that he is employed by Corrective Services. Councillor Olsen remained in the Chamber and participated in discussion and voting.*

*Councillor Hawkins declared a Pecuniary Interest for the reason that his family's property is directly adjacent to the proposed facility. Councillor Hawkins left the Chamber and took no part in discussion and voting.*

*Councillor Hawkins left the meeting, the time being 6.40pm*

**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Stapleford

1.     That Council endorse the submission to JBA Planning Consultants, acting on behalf of the NSW Department of Justice, reiterating Council's serious concerns and willingness to work together, in response to the proposed 1000 bed expansion of Cessnock Correctional Centre;
2.     That Council write to the Hon. David Elliott, MP, Minister for Corrections attaching Council's endorsed submission and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;
3.     That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;
4.     That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;
5.     That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;
6.     That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process and noting the potential effects on Cessnock Hospital.
7.     That Council write to the Hon. Leslie William, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.
8.     That Council write to the Hon. Troy Grant, MP, Minister for Justice and Police seeking advice on how the NSW Police facilities and personnel needs are being addressed in the current planning process.

**AMENDMENT**    **Moved:**    Councillor Ryan                      **Seconded:**    Councillor Olsen

1.     That Council endorse the submission and attach it in correspondence to the Hon. David Elliott, MP, Minister for Corrections and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;
2.     That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;
3.     That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;
4.     That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;
5.     That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process and note the potential effects on Cessnock Hospital.
6.     That Council write to the Hon. Leslie William, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.
7.     That Council write to the Hon. Troy Grant, MP, Minister for Justice and Police seeking advice on how the NSW Police facilities and personnel needs are being addressed in the current planning process.

**FOR**

Councillor Ryan

**Total (1)**

**AGAINST**

Councillor Gibson  
Councillor Troy  
Councillor Doherty  
Councillor Olsen  
Councillor Stapleford  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Pynsent

**Total (9)**

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

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

**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Stapleford  
1759  
**RESOLVED**

1.     That Council endorse the submission to JBA Planning Consultants, acting on behalf of the NSW Department of Justice, reiterating Council's serious concerns and willingness to work together, in response to the proposed 1000 bed expansion of Cessnock Correctional Centre;
2.     That Council write to the Hon. David Elliott, MP, Minister for Corrections attaching Council's endorsed submission and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;
3.     That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;
4.     That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;
5.     That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;
6.     That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process and note the potential effects on Cessnock Hospital.
7.     That Council write to the Hon. Leslie Williams, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.
8.     That Council write to the Hon. Troy Grant, MP, Minister for Justice and Police seeking advice on how the NSW Police facilities and personnel needs are being addressed in the current planning process

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>
<b><i>CARRIED UNANIMOUSLY</i></b>	

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

## **NOTICE OF INTENTION NO. NI2/2016**

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

**MM3/2016 – REPORT OF THE REVIEW OF GENERAL MANAGER’S  
EMPLOYMENT ARRANGEMENTS COMMITTEE MEETINGS HELD ON  
24 MAY 2016 AND 9 JUNE 2016**

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**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Stapleford  
1760

### **RESOLVED**

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

**Report No. MM3/2016 – Report of the Review of General Manager’s Employment Arrangements Committee Meetings held on 24 May 2016 and 9 June 2016 as it deals with personnel matters concerning particular individuals.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **MOTIONS OF URGENCY**

### **MOTIONS OF URGENCY NO. MOU13/2016**

**SUBJECT:     MOTIONS OF URGENCY**

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NIL

*Councillor Hawkins returned to the meeting, the time being 7.07pm.*

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU9/2016**

**SUBJECT: CONTRACTUAL CONDITIONS OF SENIOR STAFF**

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**MOTION**      **Moved:**    Councillor Smith      **Seconded:**    Councillor Stapleford  
1761  
**RESOLVED**

**That the report by the General Manager on the Contractual Conditions of senior staff be received and the information be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Troy	Councillor Ryan
Councillor Doherty	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (2)</b>

**CARRIED**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE52/2016**

**SUBJECT: DA 8/2015/551/1 - ALTERATIONS AND ADDITIONS TO EXISTING MEDICAL CENTRE**

**259 MAITLAND ROAD, CESSNOCK**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Hawkins

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the conditions provided in Schedule 1 with Condition 5 amended to delete the second and third paragraph, and with the following words added to Condition 3 “these hours may be varied in exceptional circumstances”.

#### **SCHEDULE 1**

##### **TERMS OF CONSENT**

##### **1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Project No. 101 Drawing No. A000 Site Plan	CJ	1.9.15
Project No. 101 Drawing No. A100 Floor Plan	CJ	1.9.15
Project No. 101 Drawing No. A101 Roof Plan	CJ	1.9.15
Project No. 101 Drawing No. A201 North and South Elevations	CJ	1.9.15
Project No. 101 Drawing No. A202 East and West Elevations	CJ	1.9.15

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



## **2. CC Required**

In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; 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.

## **3. Hours of Operation**

The medical centre is to operate between the hours of 8.00am to 6.00pm from Monday to Friday and 9.00am to 11.00am on Saturdays. These hours may be varied in exceptional circumstances.

## **4. Disabled Access & Facilities**

The building is to be provided with access and facilities for people with disabilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010.

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

### **5. Car Park – Amended Plans**

Prior to issue of a CC, plans shall be submitted with the CA for approval identifying the provision of a minimum of eight (8) on-site parking spaces (including the provision of one (1) disabled car park).

### **6. Disabled Car Parking Spaces**

A total of one (1) 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 CA 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
- \* AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.

## **7. 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 CA as satisfying this requirement prior to the issue of the CC.

## **8. Car Park Stormwater – Detailed Design Requirements**

A detailed drainage design shall be prepared for the disposal of surface water from the carpark, 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 CA as satisfying this requirement prior to the issue of a CC.

## **9. Landscaping - Carpark**

A detailed landscaping plan for the carpark shall be prepared by a suitably qualified person in accordance with the provisions of Council's DCP 2010 (Chapter C.1 – Parking and Access) and approved by the CA prior to 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:**

## **10. PCA 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 PCA 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.

## **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.

## **DURING WORKS**

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

## **14. Construction Hours**

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

## **15. 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.

## **16. 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.

## **17. 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.

## **18. 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.

## **19. Waste Management**

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## **21. Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

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

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):**

## **22. Finish of Surface Around Site**

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

## **23. 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.

## **24. Completion of Car Park**

Prior to issue of an OC, the car park shall be completed, suitably line marked and landscaped in accordance with the approved CC plans.

## **25. Certification of Fire Services**

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation of the building or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

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The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Dowlan Lane Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim 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 (gravel in place but prior to sealing of the crossing).

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.

## 27. 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.

**AMENDMENT Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the conditions provided in Schedule 1 with Condition 5 amended to delete the second and third paragraph, and with the following words added to Condition 3 “these hours may be varied in emergency or other situations when no alternative is available”.

### SCHEDULE 1

#### TERMS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

Plan Reference	Drawn By	Dated
Project No. 101 Drawing No. A000 Site Plan	CJ	1.9.15
Project No. 101 Drawing No. A100 Floor Plan	CJ	1.9.15
Project No. 101 Drawing No. A101 Roof Plan	CJ	1.9.15
Project No. 101 Drawing No. A201 North and South Elevations	CJ	1.9.15
Project No. 101 Drawing No. A202 East and West Elevations	CJ	1.9.15

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

##### 2. CC Required

In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- A CC has been issued by the consent authority, Council or an accredited certifier; and
- A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and

- c) If Council is not the *PCA*, notify Council no later than two (2) days before building work commences as to who is the appointed *PCA*; 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.

### **3. Hours of Operation**

The medical centre is to operate between the hours of 8.00am to 6.00pm from Monday to Friday and 9.00am to 11.00am on Saturdays. These hours may be varied in emergency or other situations when no alternative is available

### **4. Disabled Access & Facilities**

The building is to be provided with access and facilities for people with disabilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010.

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

### **5. Car Park – Amended Plans**

Prior to issue of a CC, plans shall be submitted with the *CA* for approval identifying the provision of a minimum of eight (8) on-site parking spaces (including the provision of one (1) disabled car park).

### **6. Disabled Car Parking Spaces**

A total of one (1) 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 *CA* 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
- \* AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.

### **7. 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 *CA* as satisfying this requirement prior to the issue of the CC.

## **8. Car Park Stormwater – Detailed Design Requirements**

A detailed drainage design shall be prepared for the disposal of surface water from the carpark, 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 CA as satisfying this requirement prior to the issue of a CC.

## **9. Landscaping - Carpark**

A detailed landscaping plan for the carpark shall be prepared by a suitably qualified person in accordance with the provisions of Council's DCP 2010 (Chapter C.1 – Parking and Access) and approved by the CA prior to 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:**

## **10. PCA 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 PCA 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.

## **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.

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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:**

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### **27. Drainage Works**

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**FOR**

Councillor Troy  
 Councillor Doherty  
 Councillor Olsen  
 Councillor Ryan

**Total (4)**

**AGAINST**

Councillor Gibson  
 Councillor Stapleford  
 Councillor Hawkins  
 Councillor Smith  
 Councillor Campbell  
 Councillor Parsons  
 Councillor Pynsent

**Total (7)**

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

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

**MOTION**            **Moved:**    Councillor Smith            **Seconded:**    Councillor Hawkins  
 1762

**RESOLVED**

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the conditions provided in Schedule 1 with Condition 5 amended to delete the second and third paragraph, and with the following words added to Condition 3 “these hours may be varied in exceptional circumstances”.

**SCHEDULE 1****TERMS OF CONSENT****1.    Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

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If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

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

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Prior to issue of a Final OC, 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.

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Prior to issue of an OC, the car park shall be completed, suitably line marked and landscaped in accordance with the approved CC plans.

## **25. Certification of Fire Services**

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation of the building or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

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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 (gravel in place but prior to sealing of the crossing).

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.

## **27. 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.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	

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

**PLANNING AND ENVIRONMENT NO. PE53/2016**

**SUBJECT: DEVELOPMENT APPLICATION 8/2015/663/1 PROPOSING ERECTION OF A BUSINESS IDENTIFICATION SIGN**

**141 MAIN ROAD 195, HEDDON GRETA**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Olsen

**That Council determine Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report**

**REASONS FOR REFUSAL**

1. The development is contrary to the provisions of Council's Development Control Plan 2010 *Chapter D.5 – Advertising Signage* in that the maximum display area and height of the sign is exceeded and an objective is not complied with (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979).
2. The development is contrary to the provisions of the *State Environmental Planning Policy No 64 – Advertising and Signage* in that the *Schedule 1 Assessment Criteria* is not complied with (Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
3. The development is likely to have an unsafe impact on the built environment (Section 79C(1)(b) Environmental Planning and Assessment Act 1979).
4. The development is not suitable on the site given the unsafe vehicle situation likely to arise with the sign location (Section 79C(1)(c) Environmental Planning and Assessment Act 1979).
5. The development is not in the public interest in that an unsafe environment is likely to be created for passing motorists viewing the sign (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).

**AMENDMENT**      **Moved:** Councillor Gibson      **Seconded:** Councillor Troy

**That Council determine Development Application No. 8/2015/663/1 proposing erection of a Business Identification Sign on Lot 112, DP 1205440, 141 Main Road 195, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the following conditions:-**

## **SCHEDULE 1**

### **TERMS OF CONSENT**

#### **1. General Terms of Approval**

Development must be carried out strictly in accordance with DA No. 8/2015/663/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Pylon Elevations, Dwg No. A003, Rev 4	GWH Build	27.08.15
Overall Site Plan, Dwg No. A001, Rev 2	GWH Build (KB)	27.08.15
Detailed Site Layout, Dwg No. A002, Rev 2	GWH Build (KB)	27.08.15
Statement of Environmental Effects	Stevens Group	November 2015

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

#### **2. BCA Compliance**

All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

#### **3. Advertising and Signage**

The development shall be undertaken in accordance with the plans submitted with the application, or as modified by these further conditions. There must be no flashing, scintillating advertising material and no animated advertising except with further approval.

#### **4. Advertising and Signage**

The business identification sign shall be finished in the colours detailed on the plans submitted with the application.

#### **5. Advertising and Signage**

The advertising sign shall be constructed entirely within private property and shall not encroach or overhang into the road reserve or existing easements on the site.

#### **6. Advertising and Signage**

The advertising sign shall meet the criteria contained in Section 3 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – Advertisements and Road Safety.

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

### **7. Electricity Infrastructure**

Prior to the release of the CC, the applicant shall satisfy the requirements specified within the Ausgrid NSW letter dated 3 June 2016 and as attached to this consent. The developer shall submit an 'Earthing Review Report' assessing the potential hazards associated with the business identification sign and the electricity infrastructure within the vicinity of the site. Specifically, Earth Potential Rise (EPR) voltages shall be considered. The report must be deemed acceptable by Ausgrid prior to the release of any CC.

## **DURING CONSTRUCTION**

### **8. Service Relocation**

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

### **9. BCA Compliance**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, however must be removed when the work has been completed.

### **10. Construction Hours**

Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

### **11. Excavations and Backfilling**

Any 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.

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

### **12. Terms of Approval**

Occupation or use of signage for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

### **13. Excavations and Backfilling**

The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Troy	Councillor Ryan
Councillor Doherty	Councillor Stapleford
Councillor Hawkins	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (4)</b>	<b>Total (7)</b>

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

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

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Olsen  
1763  
**RESOLVED**

**That Council determine Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report**

### **REASONS FOR REFUSAL**

1. The development is contrary to the provisions of Council's Development Control Plan 2010 *Chapter D.5 – Advertising Signage* in that the maximum display area and height of the sign is exceeded and an objective is not complied with (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979).
2. The development is contrary to the provisions of the *State Environmental Planning Policy No 64 – Advertising and Signage* in that the *Schedule 1 Assessment Criteria* is not complied with (Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
3. The development is likely to have an unsafe impact on the built environment (Section 79C(1)(b) Environmental Planning and Assessment Act 1979).

4. The development is not suitable on the site given the unsafe vehicle situation likely to arise with the sign location (Section 79C(1)(c) Environmental Planning and Assessment Act 1979).
5. The development is not in the public interest in that an unsafe environment is likely to be created for passing motorists viewing the sign (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Troy
Councillor Stapleford	Councillor Doherty
Councillor Smith	Councillor Hawkins
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (4)</b>

***CARRIED***

**PLANNING AND ENVIRONMENT NO. PE54/2016**

**SUBJECT: 18/2014/4: PLANNING PROPOSAL - ORICA**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Doherty  
1764  
**RESOLVED**

1. That Council endorse the Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011* to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'.
2. That Council delegate authority to the General Manager to execute the associated Planning Agreement.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**



**PLANNING AND ENVIRONMENT NO. PE55/2016**

**SUBJECT:      MODIFICATION TO CLIFTLEIGH LOCAL INFRASTRUCTURE  
VOLUNTARY PLANNING AGREEMENT**

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**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Stapleford  
1765  
**RESOLVED**

1.    That Council accept the offer by Winten (No23) Pty Ltd to modify the Cliftleigh Voluntary Planning Agreement.
2.    That Council prepare a draft (modified) Voluntary Planning Agreement and make this available for inspection by the public for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act.
3.    That Council receive a report back on the draft (modified) Voluntary Planning Agreement if unresolved written objections are received, otherwise the Voluntary Planning Agreement be finalised.
4.    That Council authorise the General Manager to execute the Voluntary Planning Agreement between Cessnock City Council and Winten (No23) Pty Ltd.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE56/2016**

**SUBJECT: STRATEGIC PROPERTY REVIEW - PHASE 2 PROGRESS REPORT - PART 2**

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**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Doherty  
1766  
**RESOLVED**

1. That Council receive and note the information on the progress of the Strategic Property Review.
2. That Council transfer Lot 6, DP9252, North Ave Cessnock (Parcel ID 3372) to the Property Investment Fund.
3. That Council confirm its previous resolution of 20 November 2002 to commence the process to reclassify the site from community land to operational land.
4. That Council request a Gateway determination for a Planning Proposal, to reclassify the site, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
6. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE57/2016**

**SUBJECT: INTEGRATED PLANNING & REPORTING PROGRAM - PROPOSED ENGAGEMENT STRATEGY**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1767  
**RESOLVED**

**That Council endorse the proposed Engagement Strategy for the 2017-21 round of integrated planning and reporting.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC49/2016**

**SUBJECT: MEETING NOTES OF THE INQUORATE ACCESS ADVISORY COMMITTEE HELD 6 JULY 2016**

---

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Smith  
1768  
**RESOLVED**

**That Council notes the summaries of the topics discussed at the inquorate Access Advisory Committee meeting held on 6 July 2016.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC50/2016**

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER  
ADVISORY COMMITTEE MEETING OF CESSNOCK CITY COUNCIL  
HELD ON 15 JULY 2016**

---

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Doherty  
1769

**RESOLVED**

1. That Council adopt the Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 15 July 2016.
2. That in the review of all Council Committees following the September 2016 elections re-establishment of the Aboriginal and Torres Strait Islander Advisory Committee be favourably viewed by the new Council to enable the work that has been achieved by this Committee over the past four years to continue.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC51/2016**

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2016**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Hawkins  
1770  
**RESOLVED**

1. That Council notes the interim actions taken in regards to registering four delegates and voting delegates to the Local Government NSW Annual Conference 2015, pending the Council elections to be held in September 2016.
2. That Councillors consider motions to be submitted and provide advice to the General Manager by 8 August 2016 so they can be collated and referred to Council for consideration.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI41/2016**

**SUBJECT: PERPETUAL TRIBUTE OPTIONS FOR THE LATE COUNCILLOR JEFF MAYBURY**

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*The Mayor declared a Non Pecuniary Less Than Significant Interest for the reason that he was a fellow Councillor of Jeff Maybury and a member of the ALP. The Mayor remained in the Chamber and participated in discussion and voting.*

*Councillor Smith declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a member of the same political party. Councillor Smith remained in the Chamber and participated in discussion and voting.*

*Councillor Campbell declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a party colleague. Councillor Campbell remained in the Chamber and participated in discussion and voting.*

*Councillor Parsons declared a Non Pecuniary Less Than Significant Interest for the reason that she was a Councillor with Councillor Maybury and a member of the same Political Party. Councillor Parsons remained in the Chamber and participated in discussion and voting.*

*Councillor Hawkins declared a Non Pecuniary Less Than Significant Interest for the reason that he served on Council with Jeff and was a member of the Labor Party. Councillor Hawkins remained in the Chamber and participated in discussion and voting.*

**MOTION      Moved:** Councillor Hawkins      **Seconded:** Councillor Troy

- 1. That Council rename “Peace Park” to “Jeff Maybury Peace Park” subject to gazettal by the New South Wales Geographical Names Board;**
- 2. That if approval is received from the New South Wales Geographical Names Board, Council install appropriate signage in line with the adopted Cessnock LGA Signage Strategy;**
- 3. That the Maybury family be advised of the outcome of the application.**

**AMENDMENT      Moved:** Councillor Parsons      **Seconded:** Councillor Campbell

**That Council not make an application to the NSW GNB, but install a suitable commemorative plaque within Peace Park recognising the late Councillor Maybury’s contribution to the local area and Peace Park.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Troy
Councillor Smith	Councillor Doherty
Councillor Campbell	Councillor Stapleford
Councillor Parsons	Councillor Hawkins
	Councillor Pynsent
<b>Total (5)</b>	<b>Total (6)</b>

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

**PROCEDURAL MOTION**

**Moved:**

Councillor Smith

**Seconded:**

Councillor Campbell

1771

**RESOLVED**

That the Motion be put.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Troy	Councillor Ryan
Councillor Doherty	Councillor Hawkins
Councillor Stapleford	Councillor Parsons
Councillor Smith	
Councillor Campbell	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (4)</b>

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

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

**MOTION**

**Moved:**

Councillor Hawkins

**Seconded:**

Councillor Troy

1772

**RESOLVED**

1. That Council rename “Peace Park” to “Jeff Maybury Peace Park” subject to gazettal by the New South Wales Geographical Names Board;
2. That if approval is received from the New South Wales Geographical Names Board, Council install appropriate signage in line with the adopted Cessnock LGA Signage Strategy;
3. That the Maybury family be advised of the outcome of the application.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Troy	Councillor Ryan
Councillor Doherty	Councillor Campbell
Councillor Stapleford	Councillor Parsons
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (4)</b>

**CARRIED**



## **WORKS AND INFRASTRUCTURE NO. WI42/2016**

**SUBJECT: MINUTES OF DOLLAR FOR DOLLAR COMMITTEE MEETING HELD 20 JULY 2016**

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*The Mayor declared a Non Pecuniary Interest - Significant Conflict for the reason that his wife works at Kearsley Public School who applied for a \$500 grant. The Mayor left the Chamber and took no part in discussion and voting.*

*Mayor Pynsent vacated the Chair, the time being 7.49pm*

*Deputy Mayor, Councillor Stapleford assumed the Chair*

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Hawkins  
1773  
**RESOLVED**

1. That Council adopt the Minutes of the Dollar for Dollar Committee held 20 July 2016.
2. That Council thank all applicants for their contribution towards the enhancement of the local environment.
3. That Tidy Towns Dollar for Dollar Scheme funding be provided as detailed in the table below with additional Scheme allocation of \$1,200.37 sourced from the recurrent Tidy Towns operational budget;

TIDY TOWN GROUP	GRANT FUNDS PROVIDED
Branxton Tidy Town	\$5,583.00
Greta Tidy Town	\$4,161.50
North Rothbury Tidy Town	\$334.00
Weston Heritage and Tidy Town	\$1,121.87

4. That Council supports the application for funding and an amount of \$500 be granted to the Kearsley Public School.

5. That Council funds nine further eligible applications for the Schools Environment Dollar for Dollar Grant Scheme and remain within the allocated budget, as detailed below;

SCHOOL	FUNDING PAYABLE
Nulkaba Preschool	\$500.00
Cessnock Occasional Childcare Centre	\$500.00
Branxton Preschool	\$209.52
Greta Preschool	\$290.48
Kurri Kurri Public School	\$500.00
Cessnock West Public School	\$500.00
Abermain Public School	\$500.00
Nulkaba Public School	\$500.00
Bees Nees Early Learning	\$500.00
Paxton Public School	\$500.00

<b>FOR</b>	<b>AGAINST</b>
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Councillor Gibson  
 Councillor Troy  
 Councillor Doherty  
 Councillor Olsen  
 Councillor Ryan  
 Councillor Stapleford  
 Councillor Hawkins  
 Councillor Smith  
 Councillor Campbell  
 Councillor Parsons  
**Total (10)**

**Total (0)**

**CARRIED UNANIMOUSLY**

*The Deputy Mayor, Councillor Stapleford vacated the Chair.*

*The Mayor returned to the meeting, the time being 7.52pm*

**WORKS AND INFRASTRUCTURE NO. WI43/2016**

**SUBJECT: AUSTRALIAN POSTIE BIKE GRAND PRIX - 30 OCTOBER 2016**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Hawkins  
1774  
**RESOLVED**

That Council supports the Australian Postie Bike Grand Prix on 30 October 2016 by providing the following in-kind support:

1. Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and NSW Roads and Maritime Services, under the approved Traffic Management Plan and Traffic Control Plan;
2. Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ47/2016**

**SUBJECT: HUMAN RESOURCES STAFF EMPLOYMENT**

---

The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ48/2016**

**SUBJECT: PRISON WORK CREWS - ACTUAL WORK PERFORMED**

---

The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ49/2016**

**SUBJECT: "A" FRAME ADVERTISING SIGNAGE**

---

The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ50/2016**

**SUBJECT: FUTURE DEVELOPMENTS IN BUCHANAN**

---

The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2016**

**SUBJECT: GARDEN IN YANGO STREET, CESSNOCK**

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2016***

***SUBJECT: INTERSECTION OF GRETA AND COLLIERY STREETS, ABERDARE -  
GIVE WAY***

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2016***

***SUBJECT: COUNCIL STORAGE AREA ADJACENT TO FOOTBALL FIELDS -  
MARGARET JOHN PARK***

---

The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor James Hawkins*

### **DUFFIE DRIVE ROUND-A-BOUT**

Councillor Hawkins asked for an update on the Duffie Drive round-a-bout.

The Director Works & Infrastructure advised that a meeting was held with RMS and they indicated they have funds to relocate utilities in 16/17 budget and are planning to undertake round-a-bout works in the 17/18 year subject to available funding.

*Councillor Rod Doherty*

### **CESSNOCK CORRECTIONAL CENTRE DRAFT SUBMISSION**

Councillor Doherty referred to the Ecological considerations in regard to the Cessnock Correctional Centre Draft Submission and asked if the Regent Honey Eater could be included as a species.

*Councillor Cordelia Troy*

### **CESSNOCK BASKETBALL STADIUM CONTRACT**

Councillor Troy asked for details surrounding the contract for Cessnock Basketball Stadium.

*Councillor Cordelia Troy*

### **CESSNOCK SKATE PARK**

Councillor Troy asked what the status is in regard to the Cessnock Skate Park.

*Councillor Catherine Parsons*

### **COSTS FOR SANITARY SERVICE**

Councillor Parsons referred to interest free loans that were available for residents to connect to the septic system and asked how many sanitary services are there still and how much does it cost.

*Councillor James Ryan*

### **COUNCIL STORAGE AREA ADJACENT TO FOOTBALL FIELDS - MARGARET JOHNS PARK**

Councillor Ryan referred to the answer provided in regard to Council's storage area adjacent to the Football Fields – Margaret Johns Park and asked whether a risk assessment was carried out in regard to exposure to children from dust etc.

*Councillor Bryce Gibson*

**EAST CESSNOCK FLYING FOXES - CAMP MANAGEMENT PLAN**

Councillor Gibson referred to correspondence from the Hon. Greg Hunt, former Minister for the Environment advising that the little red flying fox is not protected under National Environment Law and asked whether the information will be taken into consideration when finalising the Camp Management Plan.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO2/2016**

**SUBJECT: EAST CESSNOCK FLYING-FOXES**

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**MOTION**      **Moved:** Councillor Campbell      **Seconded:** Councillor Parsons  
1775  
**RESOLVED**

**That Council note the correspondence.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLOR'S REPORTS**

NIL



7.55PM

**Confidential reports (closed session)**

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Hawkins  
1776

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

8.05PM

**Open Session**

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

**MAYORAL MINUTES NO. MM3/2016**

**SUBJECT:      REPORT OF THE REVIEW OF GENERAL MANAGER'S EMPLOYMENT  
ARRANGEMENTS COMMITTEE MEETINGS HELD ON 24 MAY 2016  
AND 9 JUNE 2016**

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

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**MOTION              Moved:**    Councillor Smith              **Seconded:**    Councillor Stapleford  
1777

**RESOLVED**

1.    That the Performance Review of the General Manager for the period of November 2014 to April 2016 contained in the Confidential Attachment be received and noted.
2.    That the General Manager be awarded a discretionary increase in the total remuneration package because of better than satisfactory performance accordance with Clause 8.3 of the Standard Contract of Employment, effective from the next full pay period.
3.    That the Performance Agreement for the General Manager for 2016/2017 in accordance with Clause 7.10 of the Standard Contract of Employment be signed by the Mayor on behalf of Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Troy	Councillor Gibson
Councillor Doherty	Councillor Olsen
Councillor Stapleford	Councillor Ryan
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (3)</b>

**CARRIED**

*The Meeting Was Declared Closed at 8.06pm*

**CONFIRMED AND SIGNED** at the meeting held on 17 August 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI14/2016**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

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**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

**Motions of Urgency**

**Report No. MOU14/2016**

**Corporate and Community Services**



**SUBJECT:** *MOTIONS OF URGENCY*

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

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**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU10/2016  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE INTERNAL AUDIT COMMITTEE MEETING  
HELD 2 AUGUST 2016 COMMENCING AT 9.00AM IN THE  
ANTE ROOM*

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

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**RECOMMENDATION**

That the Minutes of the Internal Audit Committee of 2 August 2016 be adopted as a resolution of the Ordinary Council.

***MINUTES OF THE AUDIT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN THE ANTE ROOM ON TUESDAY, 2 AUGUST 2016, COMMENCING AT 9.00 AM***

**PRESENT:** Mr Jason Masters - Independent Chair  
Mayor Bob Pynsent  
Mr Neal O'Callaghan - Independent Representative  
Dr Felicity Barr - Independent Representative

**IN ATTENDANCE:** Mr Stephen Glen - General Manager  
Mr Robert Maginnity – Director Corporate & Community Services  
Mr Gareth Curtis – Director Planning & Environment  
Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure  
Ms Darrylen Allan – Human Resource Manager  
Mr Ian Lyall – Internal Auditor  
Mr John Oliver – Chief Financial Officer  
Ms Robyn Larsen – Minute Taker

**INVITEES:**

***APOLOGIES***

Apologies accepted on behalf of Councillor Morgan Campbell and Mr Geoff Allen, External Auditor, Forsyths Business Services Pty Ltd.

***CONFIRMATION OF MINUTES***

**MINUTES:** **MOTION** *Moved:* Dr Felicity Barr  
*Seconded:* Mr Neal O'Callaghan

***RECOMMENDED*** that the Minutes of the Audit Committee held on 3 May 2016, as circulated, be taken as read and confirmed as a correct record.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU10/2016  
General Manager's Unit



## ***DISCLOSURES OF INTEREST***

### ***COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI3/2016***

***SUBJECT: DISCLOSURES OF INTEREST***

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NIL

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

Nil

## ***LISTED MATTERS***

### ***LISTED MATTERS - COMMITTEE NO. ACCLM15/2016***

***SUBJECT: INTERNAL AUDIT OF ENVIRONMENTAL MANAGEMENT SYSTEMS***

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***MOTION***      ***Moved:*** Mayor Pynsent      ***Seconded:*** Dr Felicity Barr

### ***RECOMMENDATION***

That the Audit Committee receives the internal audit report on Environmental Management Systems and notes the agreed management action plan.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU10/2016  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM16/2016***

***SUBJECT: INVESTMENT POLICY***

***MOTION***      ***Moved:*** Mr Jason Masters  
                     ***Seconded:*** Mayor Pynsent

***RECOMMENDATION***

That the Audit Committee note the revised Investment Policy and recommend management review the short term credit rating table to ensure the ability to appropriately invest in local institutions prior to the policy being presented to Council at the 17 August 2016 meeting.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM17/2016***

***SUBJECT: Q1 INTERNAL AUDIT REPORT***

***MOTION***      ***Moved:*** Dr Felicity Barr      ***Seconded:*** Mr Neal O'Callaghan

***RECOMMENDATION***

1. That the Audit Committee note the Q1 Internal Audit Report.
2. That the Audit Committee approves the revised schedule of audits to be completed during 2016/17, and will monitor closely the delivery of those audits.
3. That the Audit Committee note the current status of outstanding management action plans

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU10/2016  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM18/2016**

**SUBJECT: APRIL STORM DEBRIEF**

**MOTION**      **Moved:** Mayor Pynsent  
                  **Seconded:** Dr Felicity Barr

**RECOMMENDATION**

1. That the Audit Committee receives and notes the status report.
2. The Committee commends management and staff for the actions taken to date.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM19/2016**

**SUBJECT: INTERNAL AUDIT QUALITY SELF ASSESSMENT**

**MOTION**      **Moved:** Mr Jason Masters      **Seconded:** Mr Neal O'Callaghan

**RECOMMENDATION**

That the Committee receives the report on the results of a self-assessment of compliance by the internal audit function with the International Standards for the Professional Practice of Internal Auditing.

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE**

NIL



## **GENERAL BUSINESS**

### **GENERAL BUSINESS - COMMITTEE NO. ACCGB3/2016**

**SUBJECT:     AUDIT COMMITTEE OUTSTANDING ITEMS REPORT**

**MOTION**       **Moved:**   Mr Jason Masters       **Seconded:**   Dr Felicity Barr

#### **RECOMMENDATION**

**That the Committee notes the list of outstanding Audit Committee action items.**

#### **CARRIED UNANIMOUSLY**

*The Chief Financial Officer provided a verbal update on the year end process.*

## **QUESTION**

### *Council's Social Media Policy*

Dr Felicity Barr asked whether Council has a Social Media Policy?

It was confirmed that Council did have a Social Media Policy, which has been communicated and links into Council's Code of Conduct.

## **PRESENTATIONS**

- Manager Economic Development/General Manager – Economic Development Update.
- Integrated Planning Manager/Director Planning and Environment – Integrated Planning and Reporting – New Community Strategic Plan Process.
- Strategic Project Manager – Service Review/Director Corporate and Community Services – Service Review – Process, Structure and Controls.

General Manager's Unit

Report No. GMU10/2016

General Manager's Unit

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The Mayor gave a thanks to the Committee for their work as this term of Council draws near.

*The Meeting Was Declared Closed at 11.04am*

**ENCLOSURES**

There are no enclosures for this report

Planning and Environment

Report No. PE60/2016

Planning and Environment



**SUBJECT:** ***SECTION 96(1A) APPLICATION PROPOSING TO AMEND DEVELOPMENT CONSENT 2013/735 WHICH GRANTED APPROVAL FOR A TWO LOT SUBDIVISION. THE APPLICATION SEEKS TO AMEND THE PROPOSED LOT CONFIGURATION***

***10 ANDERSON AVENUE, PAXTON***

**RESPONSIBLE OFFICER:** ***Team Leader Development Services - Richard Forbes***

<b>APPLICATION NUMBER:</b>	8/2013/735/2
<b>PROPOSAL:</b>	Section 96(1A) Application proposing to amend Development Consent 8/2013/735/1 which granted approval for a two lot subdivision. The application seeks to amend the proposed lot configuration.
<b>PROPERTY DESCRIPTION:</b>	Lot 305, DP 1091621
<b>PROPERTY ADDRESS:</b>	10 Anderson Avenue, Paxton
<b>ZONE:</b>	RU5 Village and R5 Large Lot Residential under Cessnock Local Environmental Plan 2011
<b>OWNER:</b>	Mr G W G Armstrong
<b>APPLICANT:</b>	Mr G W G Armstrong

## RECOMMENDATION

1. That Council determine the Section 96(1A) Application (8/2013/735/2) proposing to modify Development Consent 8/2013/735/1, seeking to amend the lot configuration at 10 Anderson Avenue, Paxton, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.
2. That Council prepare a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 to resolve development constraints relating to the dual zoning and dual lot size anomalies in Anderson Avenue, Paxton.

Planning and Environment

Report No. PE60/2016

Planning and Environment



## REASON FOR REPORT

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The Section 96(1A) Application proposing to modify Development Consent 8/2013/735/1 is being referred to Council for determination as the Application is recommended for refusal and the refusal is considered to be merits-based.

## EXECUTIVE SUMMARY

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Council is in receipt of a Section 96(1A) Application (8/2013/735/2) proposing to modify Development Consent 8/2013/735/1, which granted approval for a two lot subdivision. The Application seeks to amend the approved lot configuration.

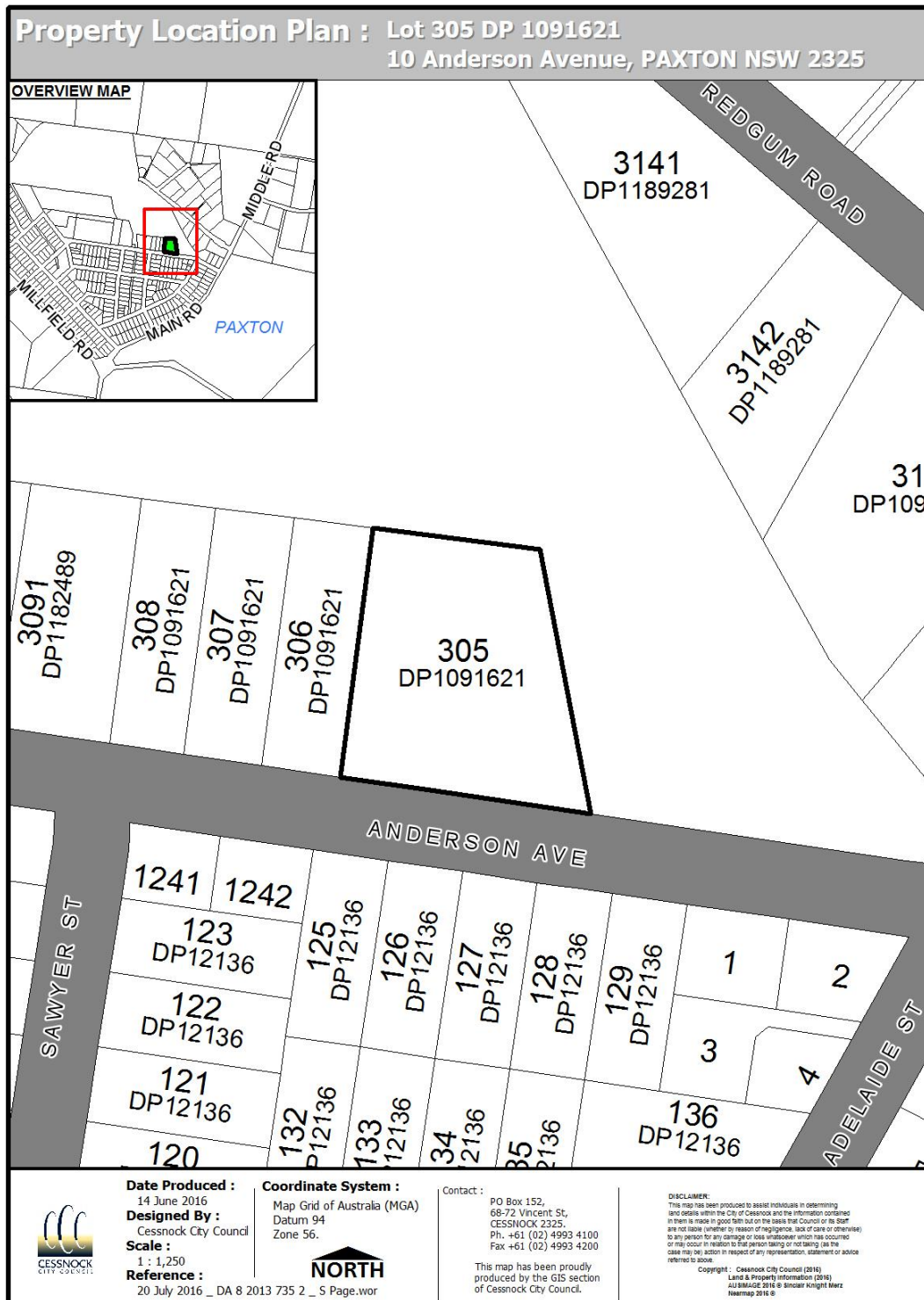
The Section 96(1A) Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Section 96(1A) Application was not required to be publicly exhibited.

The Section 96(1A) Application proposes changes to the lot configuration approved under the original development consent. The resultant lots do not comply with the required minimum lot size for the R5 Large Lot Residential zone. Clause 4.6, which provides for exceptions to development standards, does not apply in this instance as the proposed lots do not meet the provisions of Clause 4.6(6)(a).

Based on the assessment, it is recommended that the Section 96(1A) Application be refused subject to the reasons for refusal included in this report.

## LOCATION MAP





## AERIAL

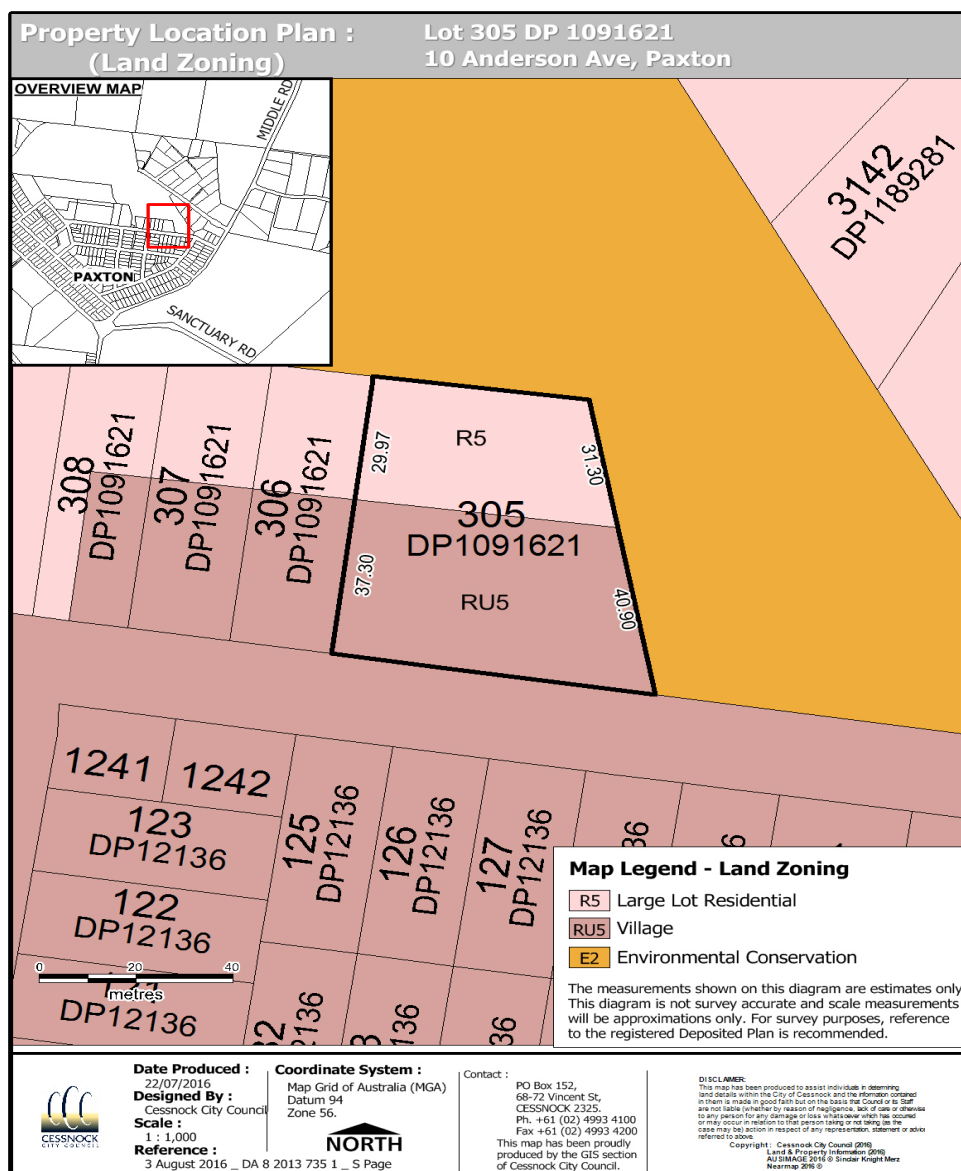


## SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 10 Anderson Avenue, Paxton, and is legally described as Lot 305, Deposited Plan 1091621.

The subject site is located on the northern side of Anderson Avenue. The site has a frontage of 66.2m to Anderson Avenue, a depth of between 65m and 68.4m, and an overall site area of 3605m<sup>2</sup>. Vehicular access to the site is available from the Anderson Avenue frontage.

The site is zoned part RU5 Village and part R5 Large Lot Residential under Cessnock Local Environmental Plan 2011, as depicted below:





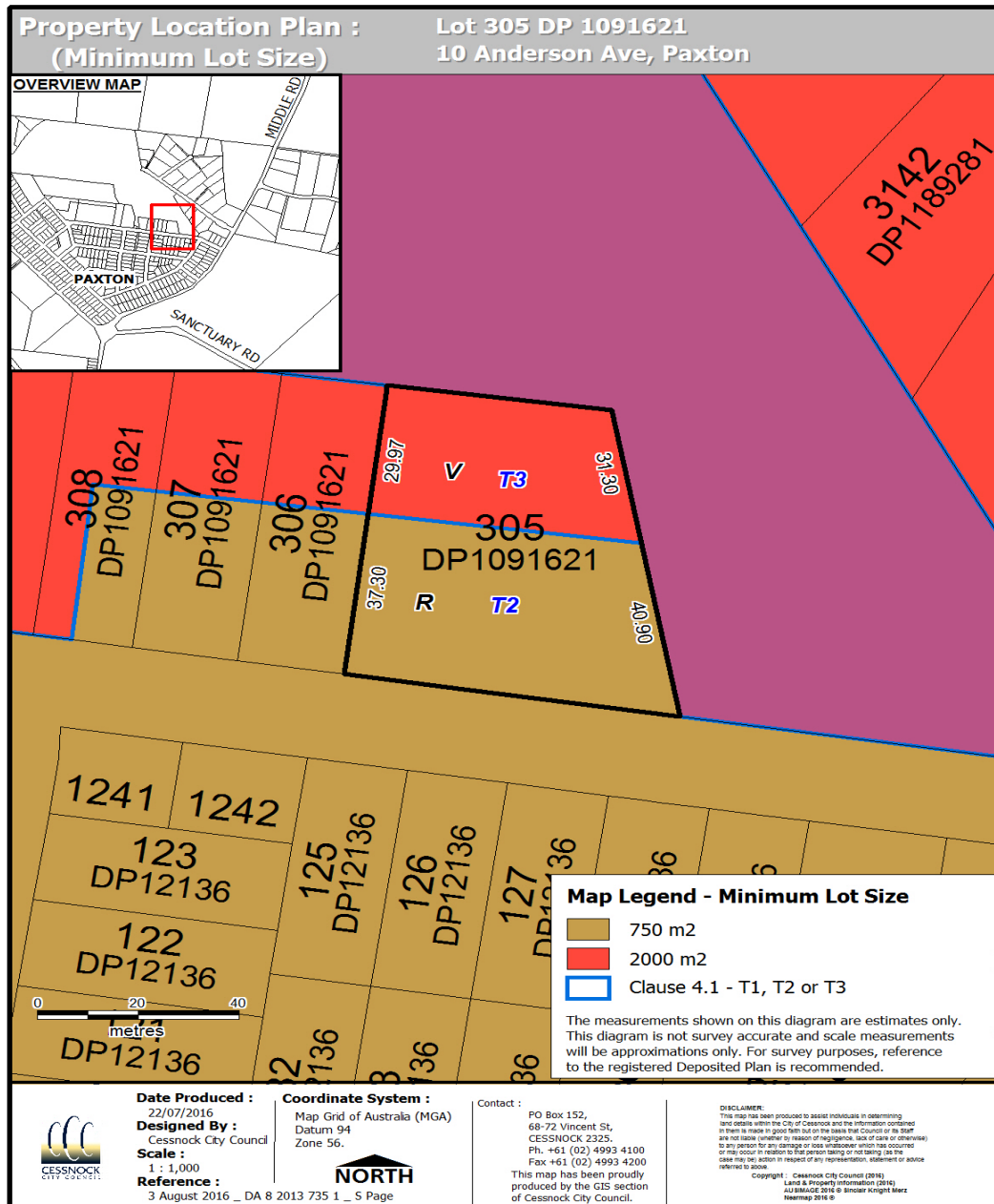
Planning and Environment

Report No. PE60/2016

Planning and Environment



The site is subject to two (2) minimum lot sizes prescribed under Cessnock Local Environmental Plan 2011, as depicted below:



The subject site is currently occupied by a single-storey dwelling house.

The surrounding properties are characterised by recently constructed contemporary dwellings to the west of the site, the village of Paxton with an ageing housing stock to the south, and an area of environmental conservation land to the east and north of the site.



## BACKGROUND AND DETAILS OF THE SECTION 96(1A) APPLICATION

Development Application No. 8/2013/735/1 proposing a two (2) lot subdivision was approved by Council on 10 April 2014. A copy of the approved subdivision plan is included as Enclosure 1.

The Section 96(1A) Application, proposes the following modifications:

1. Amend lot configuration/size. A copy of the proposed subdivision plan is included as Enclosure 2.

The following table outlines the lot sizes originally approved under Development Consent No. 2013/735, and the lot sizes sought under this Section 96(1A) Application:

Proposed Lot	Originally approved	Section 96(1A) Application
3051	770m <sup>2</sup>	1802.5m <sup>2</sup>
3052	3835m <sup>2</sup>	1802.5m <sup>2</sup>

2. Correct typographical error in the Advice section (b) that currently states that the consent will lapse on 10 April 2014.

## HISTORY

The history of the original Development Application and Section 96(1A) Application is summarised in the following table:

Date	Action
10 April 2014	Development Consent 8/2013/735/1 which granted approval for a two (2) lot subdivision was issued. The consent provided for proposed Lot 3051 – 770m <sup>2</sup> and proposed Lot 3052 – 3835m <sup>2</sup> . Both lots were able to achieve the minimum lot size required for the respective zones.
17 June 2015	The Applicant met with the following Council staff to discuss the issues associated with the zoning of the site and the relevant minimum lot sizes: Director Planning and Environment; Development Services Manager; Coordinator Strategic Land Use Planning; and Senior Planning Assessment Officer.

**Planning and Environment**

**Report No. PE60/2016**

**Planning and Environment**



16 July 2015	<p>Correspondence issued to the applicant in respect of the outcomes from the meeting held on 17 June 2015. Applicant made aware of the option to lodge a Planning Proposal to seek the removal of the split zoning.</p> <p>The Applicant was further advised that Council's 2013-17 Delivery Program identified a comprehensive review of the City Wide Settlement Strategy (2010) which would follow a rural strategic land study being prepared which will investigate rural land uses across the City, including zoning, lot size, dwelling entitlement and conservation outcomes.</p> <p>The Applicant was advised that the findings and recommendations of these studies would inform the review of the City Wide Settlement Strategy and future amendments to the Cessnock Local Environmental Plan.</p>
4 April 2016	Section 96(1A) Application lodged seeking to amend the lot configuration comprising proposed Lot 3051 - 1802.5m <sup>2</sup> and proposed Lot 3052 - 1802.5m <sup>2</sup> .
13 May 2016	Referral comments received from Council's Ecologist advising that the applicant's proposal is supported as it is unlikely to result in further clearing of native vegetation.
23 May 2016	Referral comments received from Council's Consultant Development Engineer advising that the applicant's proposal is supported with no required changes to the engineering conditions.
27 May 2016	Applicant afforded the opportunity to withdraw the Application due to non-compliance with the required minimum lot size under Council's Local Environmental Plan. Applicant advised that he does not wish to withdraw the Application, and requested the matter be referred to Council for determination.
27 June 2016	New South Wales Rural Fire Service issued General Terms of Approval.
12 July 2016	Assessment finalised.

## **APPLICANT'S POSITION IN RELATION TO THE SECTION 96(1A) APPLICATION**

The application lodged a submission in support of the Section 96(1A) Application, which is included as Enclosure 3. The applicant's comment and the officer's response are outlined below:

Applicant's justification:

In the submission which included legal advice in support of the Section 96(1A) Application, the applicant's justification is summarised as follows:

*The proposal is to modify DA/8/2013/735/1 as the lot layout approved by Council does not suit my needs. The proposal is still for a one into two lot subdivision, however, both lots are to have an area of 1,802m<sup>2</sup>. The dwelling approved and constructed under DA/8/2007/109/1 will be located on proposed Lot 3051. Proposed Lot 3052 will be a vacant lot suitable for residential development with frontage to Anderson Avenue. Neither lot is less than 90% of the minimum lot size for the applicable zones (cl.4.6(6)(b)) of the CLEP and there is no other provision in the CLEP that would preclude this layout.*

Planning and Environment

Report No. PE60/2016

Planning and Environment



*Council are required to adhere to the provisions available to them under the CLEP. Clauses 4.1 'Minimum subdivision lot size' and 4.6 'Exceptions to development standards' are the key provisions of the current CLEP that apply to the land and the proposed subdivision. Applying those clauses, each lot must meet the 90% of the minimum lot size test. The lot layout as proposed meets that requirement with each lot being 1,802.5m<sup>2</sup>. Both lots therefore, comply with both the R5 and RU5 zoning.*

*The total area of the land is 3,605m<sup>2</sup>. The land is zoned both RU5 Village and R5 Large Lot Residential under CLEP. Approximately 1,837.5m<sup>2</sup> is zoned as RU5 Village and approximately 1,767.5m<sup>2</sup> is zoned as R5 Large Lot Residential Land. Under the provisions of the CLEP, the minimum lot size for the RU5 zone is 750m<sup>2</sup> and the minimum lot size for the R5 zone is 2,000m<sup>2</sup>. 1,800m<sup>2</sup> is 90% of the minimum lot size for the R5 zone. The proposed lot layout subdivides the land into two split zoned lots and we can find no provision under the CLEP that would prevent that configuration being in compliance.*

*It is assumed that the prohibitive clause is 4.6(6)(b). This provision states that consent must not be granted for a subdivision of R5 land if the subdivision will result in at least one lot having an area less than 90% of the minimum lot size.*

*Putting aside, that this clause does not apply in this case, as Council has accepted that a split zone subdivision can be the only result from this land, we believe that the solution for a greater compliance to the CLEP and the R5 lot size is the amended lot layout. This would result in each lot having a greater land mass to comply with the objectives of both zones and each lot being 1,802.5m<sup>2</sup>. That is, each lot is greater than 90% of the minimum lot size for the larger R5 zone.*

*In addition to modifying the lot layout, there is a need to correct a typographical error in the consent. This currently states that the consent will lapse on 10 April 2014, which is the same date that the consent was issued. This needs to be amended to state that the consent lapses on 10 April 2019.*

Assessing Officer's Response

As previously noted in this report, the Section 96(1A) Application proposes to create the following lots:

Proposed Lot 3051:	1802.5m <sup>2</sup>
Proposed Lot 3052:	1802.5m <sup>2</sup>

As stated in the applicant's justification, the proposed lots do not comply with the 2000m<sup>2</sup> minimum lot size prescribed for the R5 zone as identified on the Lot Size Map. Clause 4.6 'Exception to development standards' applies to the proposal, specifically 4.6(6) (a) and (b) which states:

*Development consent must not be granted under this clause for subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if :*

Planning and Environment

Report No. PE60/2016

Planning and Environment



- a) *the subdivision will result in 2 or more lots of less than the minimum area specific for such lots by a development standard, or*
- b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.'*

When Clause 4.6(6)(a) and (b) is applied, the proposed subdivision does not comply with the provisions of the Clause as the subdivision will result in two lots less than the minimum areas specific for such lots by a development standard. The proposed subdivision requires the lots to be a minimum of 2000m<sup>2</sup> to achieve the minimum lot size for the R5 zone and the lots proposed are only 1802.5m<sup>2</sup>.

As stated in the applicant's justification, the proposed subdivision complies with 4.6(6)(b) in that the proposed subdivision does not propose a lot that is less than 90% of the minimum area specified for such a lot by a development standard.

However, 4.6(6)(b) cannot be applied in isolation, both 4.6(6)(a) and 4.6(6)(b) apply to the modification application and the proposed lot configuration does not meet the provisions of 4.6(6) (a) and is therefore not able to be supported.

In relation to the second amendment sought in conjunction with the application, no objection is raised to correcting the error regarding the lapsing date prescribed in the Advice (b) section of the determination notice. However, the Section 96(1A) Application must be determined in its entirety, and therefore, because the amendment to the lot configuration is not supported, the second component of the Application cannot be approved. The applicant has been advised that a separate Section 96(1) Application can be lodged to correct the misdescription.

## ASSESSMENT

### ***Environmental Planning and Assessment Act 1979 – Section 96***

#### **Section 96(1A) Modifications involving minimal environmental impact**

Section 96(1A) of the EP&A Act states: -

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Planning and Environment

Report No. PE60/2016

Planning and Environment



- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Comment:**

The following is noted in response to the above:

- (a) The proposed modification is of minimal environmental impact, and will not directly result in alterations to the amenity of the area.
- (b) The modifications sought will result in the development somewhat similar as it is a two lot subdivision of different configuration. The modification however presents a layout that is significantly different in that it is one that no longer complies with the provisions of the Cessnock Local Environmental Plan 2011 and does not afford the opportunity for Council to approve the development. That is, the subdivision is proposed in a manner that cannot be approved and therefore is substantially different to the approved development.
- (c) The Section 96(1A) Application was not required to be publicly exhibited as the modification proposed only a minor variation to the original proposal that was notified in accordance with the Development Control Plan. The original application was notified and there were no objections received in response to the subdivision at the time.
- (d) N/A as public exhibition not required.

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

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

The following matters are relevant to the assessment of the Section 96(1A) Application:

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

The Environmental Planning Instruments that relate to the Section 96(1A) Application are:

- 1. State Environmental Planning Policy No. 55 – Remediation of Land; and
- 2. Cessnock Local Environmental Plan 2011.

An assessment of the Section 96(1A) Application under the Environmental Planning Instruments is provided below:

**1. State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Section 96(1A) Application. The provisions of the SEPP were considered during assessment of the initial development application, and as the approved land use remains the same, no further assessment under the SEPP is required.

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

### **2.1 Permissibility**

The subject site is zoned Part RU5 Village and Part R5 Large Lot Residential under the provisions of Cessnock Local Environmental Plan 2011 (CLEP).

The matter of permissibility of the development is not relevant to consideration of this Section 96(1A) Application, as the approved land use remains the same.

### **2.2 Objectives**

The objectives of the RU5 Village zone and R5 Large Lot Residential zone are as follows:

#### **RU5 Village**

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To ensure that development is compatible with the amenity, functioning and scale of a rural village.*

The proposal is consistent with the RU5 Village zone as it will result in the creation of a new lot for the purpose of a dwelling with services and facilities available. The resultant lot will be compatible with the amenity, functioning and scale of the village. The current subdivision lot configuration approved under 8/2013/735/1 meets the objectives of the RU5 village zone.

#### **R5 – Large Lot Residential**

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal is inconsistent with the R5 Large Lot Residential zone as it will result in two undersized lots that would not minimise impacts on, or conflict between, land uses within the R5 zone and the adjoining environment conservation land.

### **2.3 Relevant Clauses**

The Section 96(1A) Application was assessed against the following relevant clauses of CLEP 2011:

Planning and Environment

Report No. PE60/2016

Planning and Environment



Clause 4.1 - Minimum subdivision lot size

This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent. The subject site is split zoned with the land being zoned RU5 Village at the Anderson Avenue frontage of the site and the R5 Large Lot Residential zoning at the rear of the lot.

The minimum lot sizes as shown on the Lot Size Map are as follows:

- RU5 Village – 750m<sup>2</sup>
- R5 Large Lot Residential – 2000m<sup>2</sup>.

The proposed subdivision does not comply with the CLEP provisions for the minimum lot size within the R5 Large Lot Residential zone.

Clause 4.1B - Minimum lot sizes for certain split zones

This Clause does not apply to the subject site because the 'original lot' does not contain land zoned E2 or E3.

Clause 4.2 - Rural Subdivision

This Clause does not apply as the subject site is not within a rural zone.

Clause 4.6 - Exceptions to development standards

Clause 4.6 is the provision of the CLEP 2011 that can be utilised to make exceptions to development standards. Clause 4.6(6) states that *'Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- c) the subdivision will result in 2 or more lots of less than the minimum area specific for such lots by a development standard, or*
- d) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.'*

Whilst Clause 4.6 seeks to provide flexibility, it specifically precludes the granting of development consent unless the provisions of Clause 4.6(6) are satisfied with respect to no two lots being less than the minimum area prescribed and no single lot being less than 90% of the minimum area prescribed.

The NSW Government Planning & Infrastructure "Varying development standards: A Guide – August 2011" addresses the flexibility in the application of planning controls by Clause 4.6 however it specifically states that Clause 4.6 is not to be used to allow subdivision of land that will result in two or more lots less than the minimum area specified for such lots by a development standard, or the subdivision of land that will result in any lot less than 90% of the minimum area specified for such lot by a development standard in the R5 Large Lot Residential zone. The proposed subdivision must comply with both Clause 4.6(6)(a) and (b).

Planning and Environment

Report No. PE60/2016

Planning and Environment



When Clause 4.6(6)(a) and (b) are applied, the proposed subdivision does not comply as the subdivision will result in two lots less than the minimum areas specified for such lots by a development standard. The proposed subdivision requires the lots to be a minimum of 2000m<sup>2</sup> to achieve the minimum lot size for the R5 zone and the applicant is proposing two lots of 1802.5m<sup>2</sup> within the R5 zone.

The Applicant has been advised that a comprehensive review of the City Wide Settlement Strategy (2010) will follow a rural strategic land study being completed and that this will investigate rural land uses across the City, including the issue of split zoning and lot sizes. The investigation may result in future amendments to the Cessnock Local Environmental Plan that will better address split zones at the periphery of rural-residential settlement and enable the proposed subdivision in the future. Council's Strategic Land Use Planners were consulted in respect to this proposal and whilst they agreed that the Cessnock Local Environmental Plan prohibits the subdivision, there was support for further consideration to introduce greater flexibility to the Cessnock Local Environmental Plan to facilitate this type of subdivision. Accordingly, a further recommendation is provided to enable a Planning Proposal to provide for subdivision of land as proposed by the applicant.

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

No Draft Environmental Planning Instruments are relevant to the Section 96(1A) Application.

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

**Cessnock Development Control Plan 2010**

The following provisions of Cessnock Development Control Plan 2010 are relevant to consideration of the Section 96(1A) Application.

**DCP - Part D – Specific Development**

**1.3: General Requirements for Subdivision**

The prescriptive measures in the DCP require the minimum lot size to be the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.

**1.5: Specific Requirements for RU5 Village Subdivision**

The proposed lot configuration is able to comply with the minimum lot size area shown on the Lot Size Map for the RU5 Village Subdivision. The minimum lot size for the RU5 Village zone is 750m<sup>2</sup> and the proposed lot configuration will achieve a minimum lot size of 1,802.5m<sup>2</sup>.



Planning and Environment

Report No. PE60/2016

Planning and Environment



1.6: Specific Requirements for R5 Large Lot Residential Subdivision

The proposed lot configuration does not comply with the minimum lot size area shown on the Lot Size Map for the R5 Large Lot Residential Subdivision. The minimum lot size for the R5 Large Lot Residential zone is 2000m<sup>2</sup> and the proposed lot configuration will only achieve a minimum lot size of 1802.5m<sup>2</sup>.

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

No such agreement has been proposed as part of this Section 96(1A) Application.

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

There are no matters prescribed by the Regulations that apply to this Section 96(1A) Application.

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

A two lot subdivision of undersized lots within the R5 Large Lot Residential zone would not minimise impacts on, or conflict between, land uses within the R5 zone and the adjoining environment conservation land.

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

As previously determined, the site is considered suitable for a two lot subdivision subject to the site being subdivided in accordance with the provisions of Cessnock Local Environmental Plan 2011, specifically the prescribed minimum lot sizes.

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

The Section 96(1A) Application was not required to be publicly exhibited.

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

The public interest is served through the detailed assessment of this Section 96(1A) Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Based on the above assessment, the Section 96(1A) Application is contrary to the public interest.

## SECTION 94 CONTRIBUTIONS

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Section 94 Contributions are not relevant to assessment of the Section 96(1A) Application.

## INTERNAL REFERRALS

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The Section 96(1A) Application was referred to the following Council officer/s for comment:

Officer	Comment
Ecologist	The application can be supported as the development is unlikely to result in further clearing of native vegetation.
Consultant Development Engineer	The application can be supported with no required changes to the engineering conditions.
Strategic Land Use Planning	Council's Strategic Land Use Planners were consulted on this matter and agreed that the subdivision could not be approved as this form of development is prohibited by the current Cessnock Local Environmental Plan but there is scope to prepare a Planning Proposal to facilitate this type of subdivision to reflect the development pattern in Anderson Avenue, Paxton.

## EXTERNAL REFERRALS

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The Section 96(1A) Application was referred to the following external agency for comment:

Agency	Comment
New South Wales Rural Fire Service	General Terms of Approval were provided subject to specific conditions for: water and utilities; design and construction. General advice was included requiring a minimum asset protection for any future dwelling on proposed Lot 3052.

## CONCLUSION

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The Section 96(1A) Application has been assessed in accordance with Section 96(1A) and Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

The proposed modification is not in accordance with the minimum lot size prescribed for the R5 Large Lot Residential zone on the Cessnock LEP 2011 Lot Size Map.

The development standard is not able to be varied in this instance by Clause 4.6(6)(a) and (b) as the clause specifically prevents the granting of development consent unless the proposed modification can be undertaken in accordance with both clause 4.6(6)(a) & (b) which it cannot satisfy.

Based on the assessment, it is recommended that the Section 96(1A) Application be refused subject to the reasons for refusal contained in this report.

**Planning and Environment**

**Report No. PE60/2016**

**Planning and Environment**

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With respect to the long term resolution of issues arising from split zoned land such as this site, Council's 2013-17 Delivery Program identifies a comprehensive review of the City Wide Settlement Strategy (2010) which will follow a rural strategic land study being prepared. This will investigate rural land uses across the City, including the issue of split zoning, lot size, dwelling entitlement and conservation outcomes.

The Applicant has been advised that the findings and recommendations of these studies would inform the review of the City Wide Settlement Strategy and future amendments to the Cessnock Local Environmental Plan which may favour the proposal in the future. To address the matter in relation to the Paxton area, a further resolution has been included to progress a Planning Proposal for this type of subdivision.

## **ENCLOSURES**

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- 1** Approved subdivision layout
- 2** Proposed subdivision layout
- 3** Applicant's supporting documentation

## REASONS FOR REFUSAL

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1. The development as proposed, being a development that cannot be approved under the Cessnock Local Environmental Plan 2011 is a significant departure from the approved development. Council is not satisfied that the development to which the modification relates is substantially the same development as the development for which the consent was originally granted (pursuant to Section 96(1A)(b) Environmental Planning and Assessment Act 1979).
3. The development standard is not able to be varied in this instance by Clause 4.6(6)(a) and (b) of Cessnock Local Environmental Plan 2011 as the proposed modification is not consistent with the 'exception to development standards' criteria specified under Clause 4.6(6)(a) and (b) (pursuant to Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
2. The Section 96(1A) Application relating to Development Consent 8/2013/735/1 is contrary to Clause 4.1 of Cessnock Local Environmental Plan 2011 'Minimum subdivision lot size' as the lots proposed within the R5 Large Lot Residential zone do not comply with the minimum lot size prescribed for the R5 Large Lot Residential zone (pursuant to Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
4. The objection under Clause 4.6 of Cessnock Local Environmental Plan 2011 is not well founded and adherence to the development standard is considered to be reasonable in this circumstance (pursuant to Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).

## PREPARE PLANNING PROPOSAL

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That Council prepares a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 to enable subdivision of land as proposed by the applicant.

Planning and Environment

Report No. PE61/2016

Planning and Environment



**SUBJECT:** *DEVELOPMENT APPLICATION PERFORMANCE  
MONITORING REPORT - JUNE 2016 QUARTER*

**RESPONSIBLE OFFICER:** *Business Support Manager - Roslyn Ashton*

## **SUMMARY**

The purpose of this report is to provide Council with the June 2016 quarterly report in relation to development assessment performance monitoring data.

## **RECOMMENDATION**

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

## **BACKGROUND**

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for DAs, Section 96 Applications and complying development.

At its meeting of 20 July 2011, Council resolved:-

*"That Council receive quarterly reports on the development processing data which is collected as part of the reporting regime for the Department of Planning.*

*Such a report will allow Councillors to be updated on average processing times, median processing times etc.*

*Councillors can receive timely information on the performance of Council's planning function without consuming further of that Department's resources and without inappropriately interfering in individual DA's".*

## **REPORT/PROPOSAL**

This report provides Council with monthly data which is collated and will be included in the Department of Planning and Environment Performance Monitoring Data 2015-2016.

## **June Quarter 2016**

During the June quarter the number of development applications and section 96 applications received and the number of applications determined, were considerably higher when compared to the March quarter. Overall, 262 applications were received and 243 applications were determined.

Both the Median and Mean (average) processing times were consistent for the June Quarter when compared to previous quarters however, processing times for the month of June 2016 increased. This was primarily due to a higher than usual number of applications waiting until such time as satisfactory arrangements for State Infrastructure were made. This effectively

## Planning and Environment

Report No. PE61/2016

## Planning and Environment



prevented Council from issuing Development Consents on subdivisions in urban release areas. As a result, determination of these applications was delayed, often by hundreds of days, which has increased the overall average for that period.

Notwithstanding, the year to date (YTD) 2015/2016 processing time in relation to Development Applications only (excluding S96) resulted in a Mean (average) turnaround time of 49 days (gross) and YTD median turnaround time of 23 days (gross) as reported in the operational quarterly review for June. This is once again an outstanding result and has maintained our objectives of aiming for an under 50 day average. The median is also an improvement of 1 day on the last 12 month measurement period.

### JUNE QUARTER MONTHLY Development Applications - KPIs

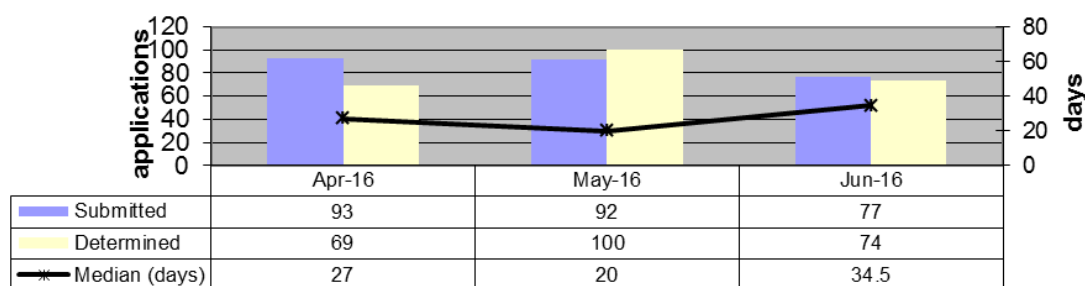


Table 1 (above): Monthly development applications submitted, determined and median processing time, Development Applications and Section 96.

### JUNE QUARTER MONTHLY Mean (Average) days

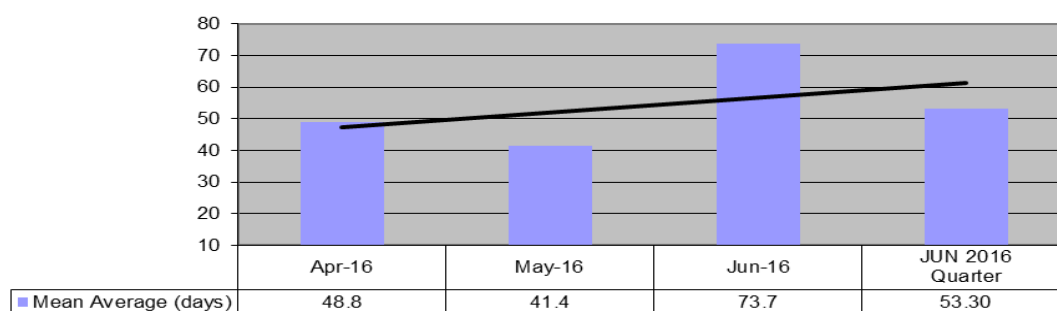


Table 2 (above): Mean development application processing time by month for Development Applications and Section 96.

## Planning and Environment

Report No. PE61/2016

## Planning and Environment

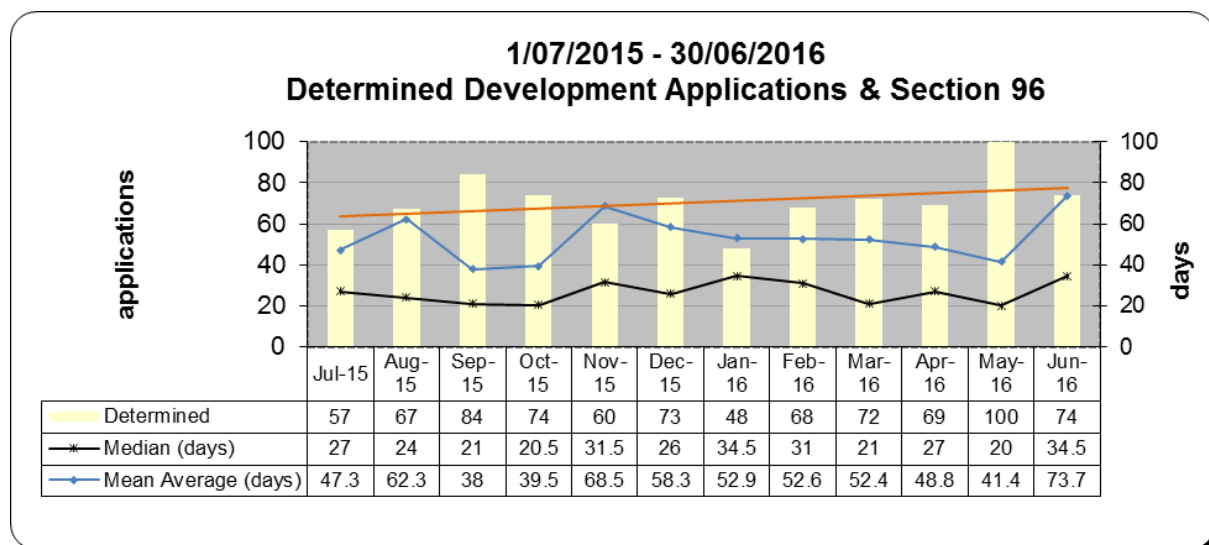


Table 3 (above): 12 month comparison of applications determined &amp; processing times.

**Determination Type & Body**

A total of 91 percent of applications determined were approved and a total of 99 percent of applications determined were by delegated authority.

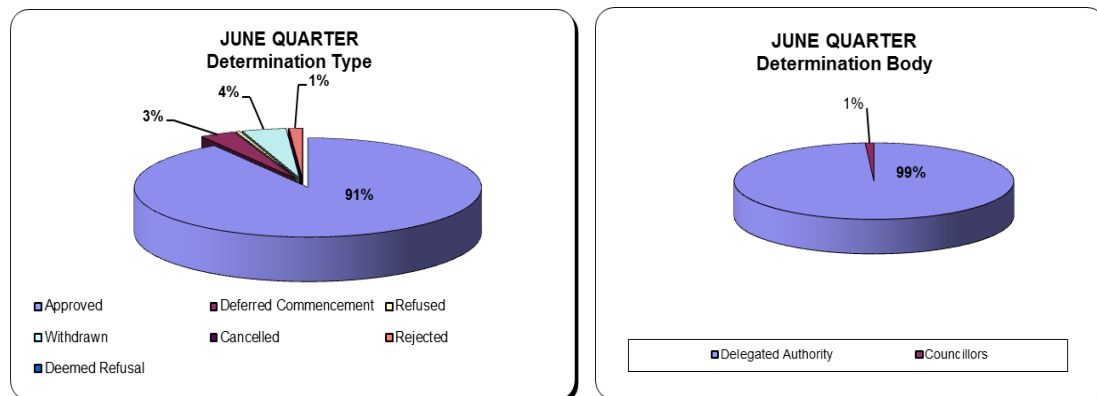


Table 4 (above): Determination Type &amp; Determination Body.

**Development Value**

During the quarter, the value of development applications approved was over \$48.5M. Major developments during the quarter approved included:

- Phased Development: Construction of Fifteen (15) Dwelling Houses and Community Title Subdivision – 1794 Wine Country Drive North Rothbury – \$1,900,000
- Expansion to Tourist Recreation Facility (Hunter Valley Gardens): Function Centre (Temporary Marquee), Ferris Wheel, Slide and Two Carousels – 2090 Broke Road Pokolbin - \$1,500,000

## Planning and Environment

## Report No. PE61/2016

## Planning and Environment



- Restaurant, Function Centre comprising Chapel, and Alterations to Existing Premises – 2342 Broke Road Pokolbin - \$2,968,985
- Torrens Subdivision Involving Two (2) into Two Hundred and Forty Eight (248) Residential Allotments – 66 Wyndham & 42 Orient Streets Greta - \$5,200,000

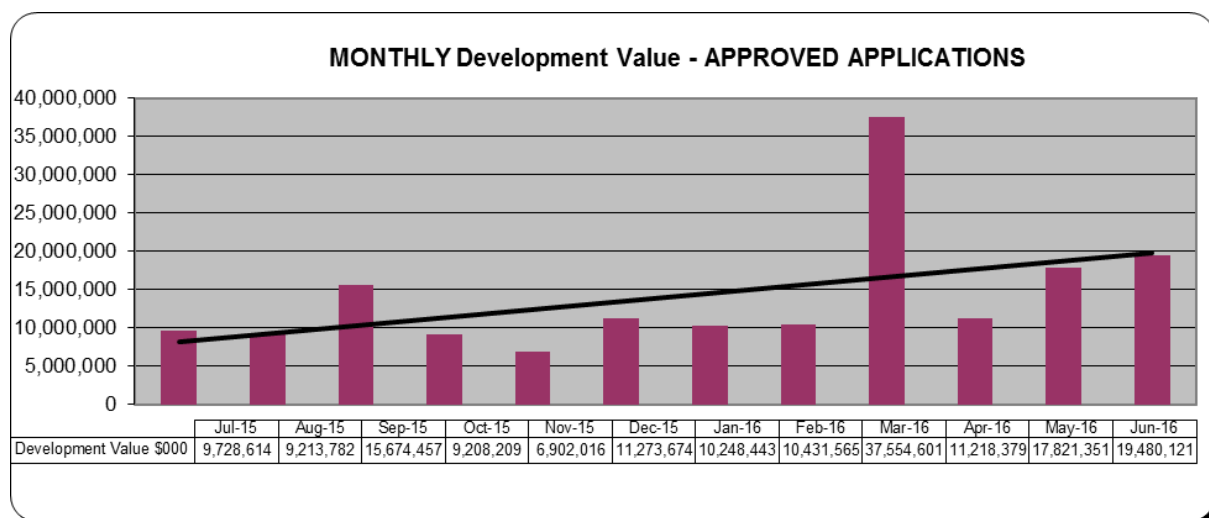


Table 5 (above): Value of all development applications by Month.

For Council's reference, the total value of all development applications approved during the current term of Council was over \$576.6Million.

The development value approved for 2015/16 was over \$168.4 Million and is one of the highest development values ever experienced in the Cessnock Local Government area for a 12 month period.

Table 5A below outlines the breakdown for each year. From an economic perspective, after a dip in value of approvals in 2014/15 (reflecting difficult economic conditions in the region) there has clearly been a recovery in the number and value of development applications approved in the last 12 months. This highlights the relationship of approval activity to the local economy.



## Planning and Environment

Report No. PE61/2016

## Planning and Environment

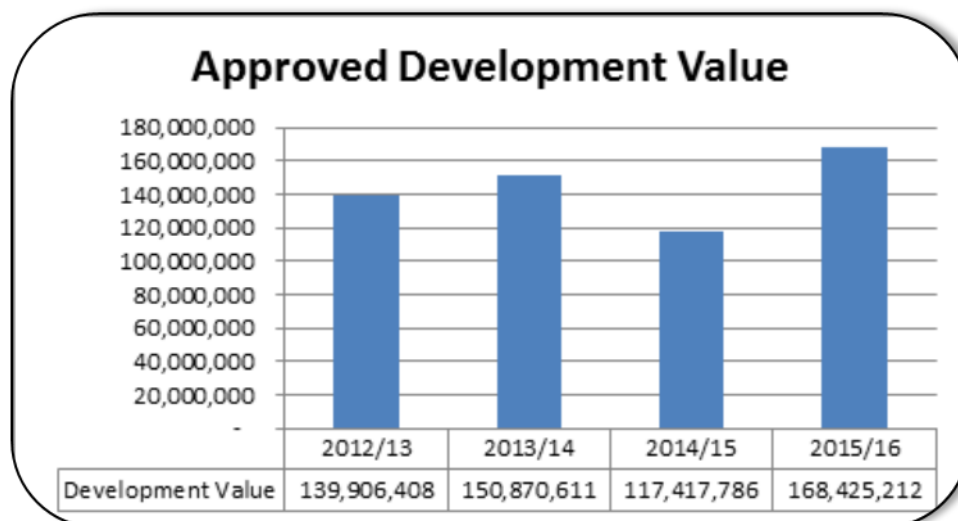


Table 5A: Approved Development Value breakdown 2012/13 to 2015/16

**Development Activity Types**

During the June quarter, the most common development activity included, single new dwellings, other residential, and Alterations and additions.

**KPI Statistics for the period: 1/04/2016 - 30/06/2016**

TYPE	Applications Submitted	Applications Determined	Mean Gross Days	Mean Net Days	Median Gross Days	Median Net Days
Alterations & additions	28	26	32.96	30.23	24.00	20.00
Single new dwellings	95	94	35.17	28.68	20.00	19.00
New Second Occupancy	5	9	106.78	35.33	82.00	14.00
New multi-unit <20	2	3	56.67	25.33	48.00	15.00
Other Residential	58	64	26.17	24.89	21.00	20.50
Tourist	5	3	103.33	12.33	126.00	14.00
Commercial/retail/office	13	10	96.20	68.30	82.50	36.00
Infrastructure	2	1	21.00	21.00	21.00	21.00
Industrial	1	0	0.00	0.00	0.00	0.00
Community Facility	1	1	101.00	21.00	101.00	21.00
Other	36	26	92.50	85.81	71.00	57.00
Subdivision	11	15	178.40	85.47	94.00	28.00

Table 6 (above): Quarterly Development Activity submitted and determined.

## Planning and Environment

Report No. PE61/2016

## Planning and Environment



## Development by Location

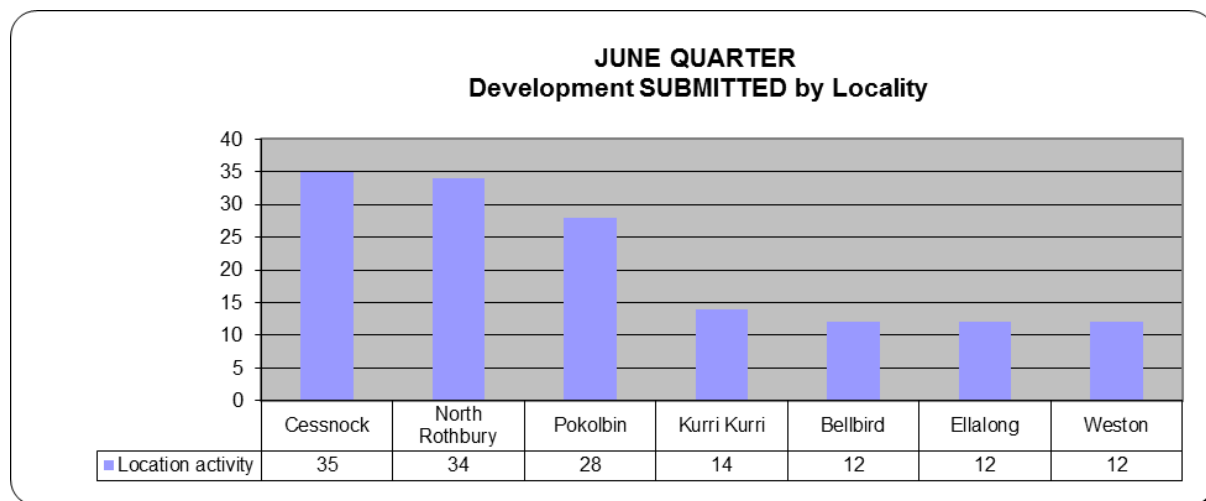


Table 7 (above): Number of development applications by locality. Note that North Rothbury includes "Huntlee" development applications.

## Development Applications Processing

The number of applications processing during the June quarter had a considerable increase due to a large number of applications received during April and May.

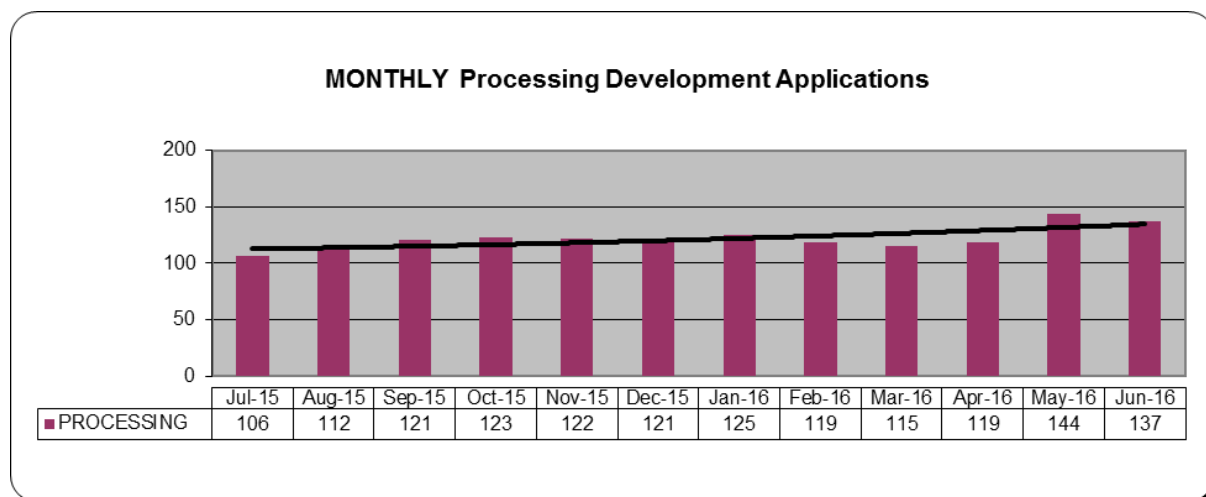


Table 8 (above): Number of development applications being processed at start of each month.

## Planning and Environment

Report No. PE61/2016

## Planning and Environment



	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16
> 40 days	60	61	56	57	66	66	60	82	63	58	61	71
>100 days	28	31	24	28	32	29	30	33	33	33	30	31
>300 days	3	2	3	5	7	4	3	5	4	4	5	5

Table 9 (above): Monthly processing times at the start of each month – number of applications processing greater than 40, 100 and 300 days.

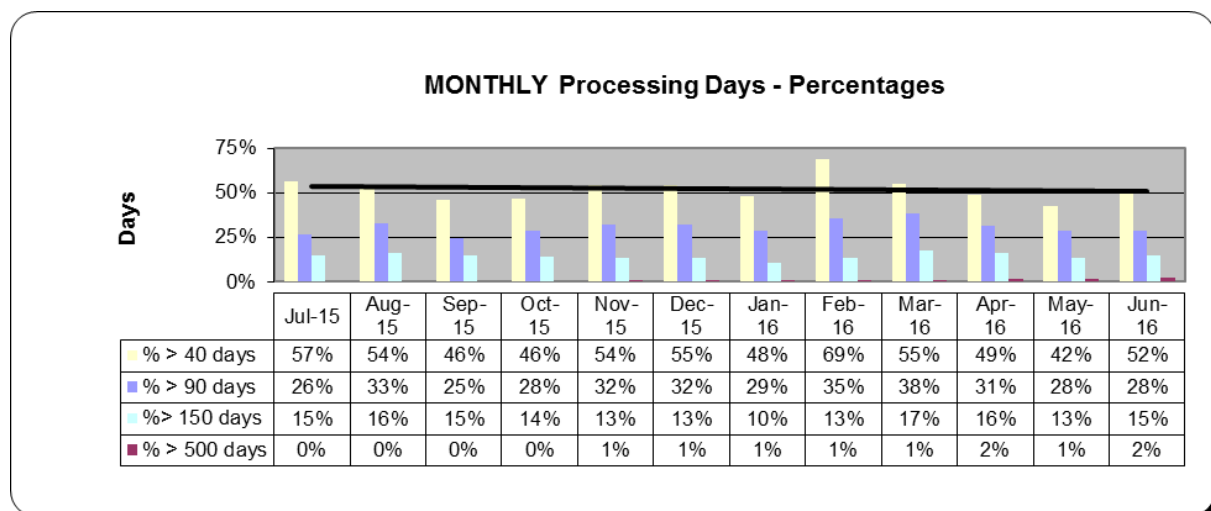


Table 10 (above): Monthly processing times at the start of each month –percentages greater than 40, 90, 150 and 500 Days.

## Certificates

Construction Certificates, Occupation Certificates and Complying Development during the June quarter Cessnock City Council issued 60 percent of the construction certificates issued in the Cessnock Local Government Area. For the same period Cessnock City Council issued 50 percent of Occupation Certificates issued in the Cessnock LGA.

**Planning and Environment**

Report No. PE61/2016

**Planning and Environment**

Council continues to use this data to assist in achieving a greater market share in all services where we compete against Private Certifiers.

<b>POST OCCUPANCY CERTIFICATES (totals)</b>	<b>Total issued by council</b>	<b>Total issued by private certifiers and lodged with council</b>
Construction certificates	110	74
Occupation Certificates (interim & final):	66	65
Subdivision Certificates	9	4
Strata Certificates	4	0
Complying Development	4	44

*Table 11 (above): Quarterly number of certificates issued (Council and Private Certifiers).*

**Building Certification**

Council continues to compete successfully in the building certification market within the LGA. Notwithstanding, implementation of the Swimming Pools legislation and inspection programs (required of the Council by the NSW Government) is having an impact on Council's certification competitiveness.

Resources continue to be directed to ensure legislative compliance regarding swimming pools (so as to ensure this does not hold up the process of property sales) and this will at times impact on the efficiency of the certification area and potentially impact on turnaround times for development applications, construction certificates and our ability to service clients who have grown accustomed to quicker turnaround times. These impacts will be monitored and updates provided in future development performance reports.

**CONSULTATION**

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

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

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

**b. Other Plans**

Nil

**Planning and Environment**

**Report No. PE61/2016**

**Planning and Environment**

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***IMPLICATIONS***

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

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

**d. Risk Implications**

N/A

**e. Other Implications**

Nil

***CONCLUSION***

This report provides for Council's information an overview of the quarterly performance of Development Assessment for the June 2016 Quarter.

***ENCLOSURES***

There are no enclosures for this report

Planning and Environment

Report No. PE62/2016

Planning and Environment



**SUBJECT:** ***JUNE 2016 QUARTER REVIEW OF 2013-17 DELIVERY PROGRAM AND FIT FOR THE FUTURE IMPROVEMENT PROPOSAL***

**RESPONSIBLE OFFICER:** ***Integrated Planning & Strategic Property Manager - Bronwyn Rumbel***

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## **SUMMARY**

Update of progress against Council's 2013-17 Delivery Program.

## **RECOMMENDATION**

1. That Council note the progress in implementing the 2013-17 Delivery Program as at 30 June 2016.
2. That Council endorse the following changes to the 2015-16 Capital Works Program:
  - a. Remove: CRL-2016-001 Kurri Kurri Library Raised Threshold
  - b. Add: CBS-2016-008 Sale St Greta foot bridge
  - c. Add: CBS-2016-002 Hetton St Bridge refurbishment
  - d. Add: CBS-2016-007 Cedar Creek Bridge
  - e. Add: CBS-2016-009 Lindsay St Bridge
  - f. Add: CBS-2016-010 Hunter St Bridge
  - g. Remove: PMF-2016-002 Wollombi Flood Risk Management Plan Priority Recommendations
  - h. Remove: PMF-2016-003 Cessnock City (Black Creek) Flood Risk Management Plan Priority Recommendations (grant funding dependent)
  - i. Remove: PMF-2016-004 Swamp/Fishery Creek Flood Risk Management Plan Priority Recommendations
  - j. Add: RFR-2016-008 Peace Park Pond Bank Stabilisation Investigation
  - k. Add: CFR-2014-006 Mount View Basin Drainage – stage 3
3. That Council note the inclusion of individual projects in the Capital Works Local Road Special Rate Variation Resurfacing Program and the Regional Road Special Rate Variation Resurfacing Program.
4. That Council note the progress in the implementation of Council's Improvement Proposal and the updated forecasts against the Fit for the Future benchmarks.

## **BACKGROUND**

Section 404(5) of the *Local Government Act 1993* requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program. Progress reports must be provided at least every six months.

Planning and Environment

Report No. PE62/2016

Planning and Environment



The Quarterly Budget Review Statements, required under clause 203 of the *Local Government (General) Regulation 2005*, provide financial information in regards to estimates of income and expenditure and are separately reported to Council.

Council adopted the 2013-17 Delivery Program in June 2013 and then adopted the revised 2013-17 Delivery Program in February 2014. The 2015-16 Operational Plan was adopted in June 2015.

The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan. The Delivery Program is a single point of reference for all principal activities undertaken by an elected Council during its term in office.

**REPORT**

**Executive Summary June 2016 Quarter**

An Executive Summary has been prepared summarising the progress against Delivery Program actions and the Capital Works Program. Refer to **Enclosure 1**.

Some highlights of the June 2016 quarter included:

- The inaugural Stomp festival was held in April 2016.
- Seniors Week, Reconciliation Week and Youth Week were celebrated in the Local Government Area.
- The Cessnock Local Government Area Youth Week Organising Committee has been nominated as a finalist for the '2016 Local Government Youth Week Awards – Best Local Youth Week Program in 2016'.
- Celtic Illusion at CPAC was a 'sell out' and attracted an audience from Cessnock, Muswellbrook, Newcastle, Central Coast and Sydney.
- People from out of the area attending events at CPAC have commenced providing comments on Trip Advisor. CPAC's online profile continues to excel and has a 4.5 star rating on Facebook.
- \$950,000 in grant funding obtained for Cessnock CBD Revitalisation.
- Two Mattress Musters were held in April collecting 1,650 mattresses.
- Asset Management Plans for key infrastructure were adopted by Council.
- The next three-year internal audit plan was endorsed.

## Planning and Environment

Report No. PE62/2016

## Planning and Environment



## 2013-17 Delivery Program

At 30 June 2016, 48 (or 80 percent) of the deliverables (from the Delivery Program) were on-track.

	<b>Status of Deliverables</b>	<b>Number</b>	<b>%</b>
	On Track	<b>48</b>	<b>80%</b>
	At Risk	<b>12</b>	<b>20%</b>
	Not achieved	-	-
	<b>Total Actions</b>	<b>60</b>	<b>100%</b>

At the end of this quarter, 12 deliverables were classified as “At Risk” because the actions from the adopted 2013-14, 2014-15 and/or 2015-16 Operational Plan have not yet been achieved. There is however, the opportunity for these deliverables to be achieved over the life of the Delivery Program (i.e. by 30 June 2017).

Details of these “At Risk” deliverables are below:

<b>Ref.</b>	<b>“At Risk” Deliverables</b>
2.1.1	Continue to update marketing material for the Local Government Area.  <i>The 2013-14 Action: “Develop an Investment Prospectus for the Cessnock Local Government Area” is not yet completed. This project is dependent on the Business Capability Study (which has been completed); a Gap Analysis (in progress) and the Employment Lands Study (in progress). Expected completion: 2016-17.</i>
2.1.3	Commence implementation of the Economic Development Strategy.  <i>The 2014-15 Action: “Develop a Business Investment Program” and the 2015-16 Action: “Implement the Business Investment Program” are not yet completed. The Business Capability Study has been completed and the Gap analysis has commenced to determine what businesses need to be attracted to Cessnock, followed by development of an Investment Program. Expected completion: 2016-17.</i>
2.1.4	Commence implementation of the Cessnock CBD Masterplan.  <i>The 2015-16 Action: “Complete the development strategy for Cessnock CBD (including draft development control plan and draft contributions plan)” is not yet completed. The project is progressing however, it is waiting on housing and employment data from the concurrent Planning Strategy. The initial community consultation/engagement has commenced. Expected completion: 2016-17.</i>



Planning and Environment

Report No. PE62/2016

Planning and Environment



3.1.4	Commence implementation of Council's Trunk Stormwater Drainage Strategy.
	<i>The 2013-14 Action: "Complete Trunk Stormwater Drainage Strategy" and the 2014-15 Action "Complete the Trunk Stormwater Drainage Needs Analysis component of the City Wide Infrastructure Strategy" is not completed. A consultant has been engaged to prepare the Needs Analysis. The Draft Trunk Stormwater Drainage Strategy has identified preliminary sub-catchment priorities. Expected completion: 2016-17.</i>
3.1.6	Continue to efficiently and effectively process development applications and respond to planning-related enquiries.
	<i>The 2013-14 Action: "Implement on-line applications relating to development assessment" is not yet completed. Expected completion: 2016-17.</i>
3.2.1	Complete the Recreation Needs Analysis and review the Recreation & Open Space Strategic Plan 2009-2014.
	<i>The 2015-16 Actions: "Complete the Open Space Needs Analysis" and "Complete the review of the Recreation &amp; Open Space Strategic Plan" are not yet completed. The Recreation Needs Analysis is expected be finalised in the September quarter with the review of the Strategic Plan to follow. Expected completion: 2016-17.</i>
4.1.3	Complete all components of the City Wide Infrastructure Strategy.
	<i>The 2014-15 Action: "Complete the Transport &amp; Land Use Planning Needs Analysis component of the City Wide Infrastructure Strategy" is not yet completed. A consultant has been engaged and the strategy is in progress. Expected completion: 2016-17.</i>
4.2.5	Adopt the City Wide Section 94 Contributions Plan.
	<i>The 2014-15 Action: "Continue preparation of the City Wide Section 94 Contributions Plan" is not yet completed. A Section 94A Plan is being investigated as a priority.</i>
4.3.1	Advocate for health services on behalf of the community.
	<i>The 2014-15 Action: "Finalise the development of a Health Strategic Plan for the Cessnock Local Government Area" is not yet completed. A preliminary draft plan has been prepared with stakeholder review to commence in July 2016. Expected completion: 2016-17.</i>
5.2.2	Improve Council's use of technology to inform and engage the community.
	<i>The 2013-14 Action: "Implement on-line customer requests" is not yet completed. The system infrastructure has been implemented and tested however, accompanying business processes need to be developed prior to any roll-out to the public. A software upgrade with new customer service online functionality is due in 2016. Expected completion: 2016-17.</i>

## Planning and Environment

Report No. PE62/2016

## Planning and Environment



5.3.2	Implement systems and strategies to improve productivity across the organisation.
	<i>The 2013-14 Actions: "Implement the Performance Management System" and "Implement a new remuneration system" are not yet completed. In June 2015 Council commenced the industrial negotiations associated with implementing a new remuneration system at Council. This industrial negotiation involves a project group representative of Council's workforce, including management, union, and union delegates and facilitated by the NSW Industrial Relations Commission. The project team continues to meet regularly and is currently meeting every fortnight. Expected completion: 2016-17.</i>
5.3.3	Develop and implement a strategic and operational internal audit program.
	<i>The 2014-15 Action: "Implement the annual internal audit program" is not yet completed. Following the recruitment of a new Internal Auditor, the scheduled Environmental Management Systems audit was finalised in 2016. The Records Management audit was incorporated into the 2015-16 program and will be undertaken in September-December quarters of 2016. Expected completion: December 2016.</i>

At 30 June 2016, 7 (or 41 percent) of the Delivery Program measures were on-track.

	<b>Status of Measures</b>	<b>Number</b>	<b>%</b>
	On Track	<b>7</b>	<b>41%</b>
	At Risk	<b>9</b>	<b>53%</b>
	Not achieved	<b>1</b>	<b>6%</b>
	<b>Total Actions</b>	<b>17</b>	<b>100%</b>

Nine measures have been classified as "At Risk". There is however, the opportunity to make up these results over the life of the Delivery Program (i.e. by 30 June 2017).

Details of the "At Risk" measures are below:

Completion of programmed health & safety inspections	
<i>Target: 100%</i> <i>2015-16 Result: 95%</i>	<i>During 2015-16 735 regulated premises inspections and 91 public swimming pool and spa inspections were carried out.</i>  <i>Inspections not completed relate to closed premises and tourist accommodation inspections. These inspections will be caught up during 2016-17.</i>

Planning and Environment

Report No. PE62/2016

Planning and Environment



Library Utilisation	
Target: >235,000 p.a. combined visits and hits Year to date: 191,413	Due to a change in data collection software for website hits; it appears unlikely that the Delivery Program target is going to be met.
Cessnock Performing Arts Centre Audience	
Target: 18,500 p.a. Actual: 17,528 (2015)	The 2015 audience numbers exceeded both the 2013 (11,835) and 2014 (16,262) results.
Grants secured for the community	
Target: 94 applied for, 46 secured, >\$2.3m secured.  Actual: 81 applied for, 43 (\$9.5m) secured during 2015-16.	While the funding secured has exceeded the target, the number of grants applied for is not meeting the Delivery Program target.
Environmental health and protection inspections	
Target: >900 2015-16 Result: 749	Resourcing issues impacted the program during 2016. These inspections will be caught up during 2016-17.
Completion of Capital Works Program - Recreation	
Target: >85% 2015-16 Result: 64%	During 2015-16 nine construction projects were completed and five were carried over to 2016-17.
Completion of Capital Works Program – roads, bridges and drainage	
Target: >85% 2015-16 Result: 84%	During 2015-16 48 projects were completed and 9 were carried over to 2016-17.
Response to Telephone Calls	
Target: 90% 2015-16 Result: 86.5%	The 2015-16 result is consistent with the previous year's result (of 86.6%).
Response to Customer Requests	
Target: 80% 2015-16 Result: 74%	For the first 36 months of the Delivery Program the response rate was 76%.

One measure has been classified as “Not Achieved” as the adopted target will not be met during over the life of the Delivery Program (i.e. by 30 June 2017).

Planning and Environment

Report No. PE62/2016

Planning and Environment



Details of the “Not Achieved” measure is below:

Km of Cycleways in the LGA	
<p><i>Target: &gt;13.6km</i></p> <p><i>Actual: 9.7km</i></p>	<p><i>Asset data collection for the asset revaluation process confirmed the length of off-road cycleways (now defined as shared paths of 2m or more in width) as 9.7km.</i></p> <p><i>The Delivery Program target will not be met, as the 2016-17 Capital Works Program does not include projects to make up this shortfall during the next twelve months.</i></p>

Details of progress against each action and measure in the 2013-17 Delivery Program are included in **Enclosure 2** to this report.

**2011-13 Delivery Program – carried forward deliverables**

At its meeting of 21 August 2013, Council resolved to continue to monitor the incomplete deliverables from the 2011-13 Delivery Program in future quarterly reviews.

Ten deliverables were carried forward from the 2011-13 Delivery Program and during the June 2016 quarter one further deliverable was completed. Of the remaining three deliverables, one of them is substantially (over 85 percent) complete.

Details of the remaining carry-forward deliverables, along with progress comments, are included in **Enclosure 2** to this report.

**2015-16 Capital Works Program**

In the June quarter, the annual Capital Works Program has been expanded to reflect the individual projects in the Local Road Special Rate Variation Resurfacing Program and the Regional Road Special Rate Variation Resurfacing Program (This has resulted in 17 individual projects being separately reported in place of the overall programs).

Five additional projects were added to the bridge construction program during the quarter: Sale St Greta foot bridge, Hetton St Bridge, Cedar Creek Bridge, Lindsay St Bridge, and Hunter St Bridge.

In addition, two additional projects were included in the Recreation Facilities Renewal Program: Peace Park Pond Bank Stabilisation Investigation (RFR-2016-008) and Mount View Basin Drainage – Stage 3 (CFR-2014-006).

Following a site investigation it was determined that the Kurri Kurri Library Raised Threshold (CRL-2016-001) project was no longer required due to other traffic management schemes now in place in Lang and Barton Streets.

Also, as no grant funding was received during 2015-16 for the Cessnock City (Black Creek) Flood Risk Management Plan Priority Recommendations, this unconfirmed project was removed from the Capital Works Program.

## Planning and Environment

## Report No. PE62/2016

## Planning and Environment



In addition, the grant funding announcements for Wollombi Flood Risk Management Plan Priority Recommendations and Swamp/Fishery Creek Flood Risk Management Plan Priority Recommendations came through late in the financial year, so these projects have been included in the adopted 2016-17 Capital Works Program.

During the June quarter, 16 projects (plus the 22 additional projects noted above) were completed.

	<b>Planning</b>	<b>Construction</b>	<b>Renewal</b>	<b>Total Projects</b>	<b>%</b>
Completed	-	41	46	87	84%
Carryover	-	15	2	17	16%
<b>Total Works</b>	-	<b>56</b>	<b>48</b>	<b>104</b>	<b>100%</b>
Not required/No funding	1	1	-	2	
Adopted 2016-17 Prog	-	-	2	2	
Planning	4	-	-	4	
<b>Total Program</b>	<b>5</b>	<b>57</b>	<b>50</b>	<b>112</b>	

\* All of the 17 new projects are completed.

The works finalised during the June quarter included:

- Sandy Creek Road Mount Vincent Rehabilitation Stage 3
- Wollombi Rd Millfield Rehabilitation Stage 2
- Barton St Kurri Kurri pathway (from Hampden St to Allworth St)
- Refurbish Williams Bridge Wollombi
- Minor Drainage works at Stringybark PI Weston and Lang St Kurri Kurri
- Branxton Oval RV Area Stage 1
- Weston Civic Centre internal floor renewal
- Wollombi Community Hall toilet refurbishment

In addition, the final Capital Works Project (Replace Hunters Lodge Bridge Laguna) that was carried forward from 2014-15 was also completed during the June quarter.

Detailed information on the Capital Works Program is included in **Enclosure 2**.

### Fit for the Future Improvement Proposal

Council's Improvement Proposal was based on the adopted Financial Sustainability Initiative – an umbrella initiative for a series of projects that will contribute to securing Council's fiscal future by focusing on reducing costs, increasing revenues and improving value-for-money. A fourth objective, to improve governance, was also included in the Improvement Proposal because a robust governance framework is an essential part of an organisation having the capacity to be fit for the future.

The *Fit for the Future* Improvement Proposal noted that a central theme was to address “the Operating Performance Ratio without compromising the other benchmarks – the key focus is incremental advances commencing with a service review and the identification of productivity

Planning and Environment

Report No. PE62/2016

Planning and Environment



*improvements and efficiencies underpinned by a continuous improvement culture change program."*

The Improvement Proposal noted that monitoring of the implementation of the identified projects would be embedded into Council's Integrated Planning and Reporting Framework (and this commenced in the December 2015 quarter).

As at June 2016, most of the Improvement Proposal projects had commenced. Detailed information on progress against the Improvement Proposal is included as **Enclosure 3**.

The most recent *Fit for the Future* criteria forecasts from the Finance Section are based on the actual results for 2014-15, the March 2016 quarterly budget review forecast for 2015-16, and the draft 2016-17 budget while retaining the forecasts from 2017-18 (and in some cases from 2016-17) onwards from the adopted Long-Term Financial Plan.

**Summary of when Fit for the Future benchmarks will be met as at 31 March 2016**

<b>Ratio</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Operating Performance	Yes	Yes	Yes	Yes	Yes	Yes
Own Source Revenue	Yes	Yes	Yes	Yes	Yes	Yes
Building & Infrastructure Asset Renewal	Yes	Yes	Yes	Yes	Yes	Yes
Infrastructure Backlog	Yes	Yes	Yes	Yes	Yes	Yes
Asset Maintenance	-	-	-	Yes	Yes	Yes
Debt Service	Yes	Yes	Yes	Yes	Yes	Yes
Real Operating Expenditure per capita	N/A	-	-	Yes	Yes	Yes

Detailed information on progress against each of the *Fit for the Future* criteria forecasts is included as **Enclosure 3**.

**OPTIONS**

N/A

**CONSULTATION**

The General Manager, Directors, Managers and Coordinators provided the information for inclusion into this report and its enclosures.

Project Managers provided updates on the status of the adopted Council Improvement Proposal projects; and Council's Financial Accountant provided the financial forecasts for inclusion in **Enclosure 3** to this report.

## **STRATEGIC LINKS**

### **Delivery Program**

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

This report is a crucial part of the organisation's governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

In addition, the key actions in the Improvement Proposal have been incorporated into Action 5.3.7.a of the adopted 2015-16 Operational Plan.

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

Council's *Fit for the Future* Improvement Proposal is consistent with Council's adopted Financial Sustainability Initiative.

## **IMPLICATIONS**

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

As part of Council's plan to become *Fit for the Future* there may be policy and procedural implications and, if these arise, they will be separately reported to Council.

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

The audited financial results for 2015-16 will be incorporated into Council's Annual Report.

The IPART assessment of Council's fitness has been predicated on the assumption that the strategies (in the proposal) would be implemented and financial projections realised.

The Office of Local Government will monitor and publicly report on Councils' performance against projections.

The financial implication of this is that annual budgets must be closely aligned with the Long-Term Financial Plan forecasts that formed the basis of Council's *Fit for the Future* Improvement Proposal.

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

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

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

The IPART report noted that the implications of a Council not meeting its *Fit for the Future* projections will be matters for the NSW Government.

#### **e. Other Implications**

N/A

## **CONCLUSION**

The review of the Delivery Program for the quarter ended 30 June 2016, along with the progress in implementation of Council's Improvement Proposal and updated forecasts against the *Fit for the Future* benchmarks are submitted for Council's consideration.

## **ENCLOSURES**

- 1** Enclosure 1 - June Quarter Review Executive Summary
- 2** Enclosure 2 - June 2016 Quarter Review of progress against 2013-17
- 3** Enclosure 3 - June 2016 Quarter Review of progress against Financial Sustainability Initiative and Fit for the Future Improvement Proposal



Corporate and Community

Report No. CC52/2016

Corporate and Community Services



**SUBJECT:** *LOCAL GOVERNMENT NSW - CONTRIBUTION TO LEGAL ASSISTANCE FOR COWRA SHIRE COUNCIL*

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

## **SUMMARY**

Correspondence has been received from Local Government NSW (LG NSW) advising that Cowra Shire Council has successfully made an application for legal assistance under the LG NSW Legal Assistance Policy and Guidelines. Council now needs to consider the request for a voluntary contribution towards legal expenses incurred by Cowra Shire Council.

## **RECOMMENDATION**

**That Council makes a voluntary contribution of \$584.38 in legal assistance for Cowra Shire Council in accordance with the Local Government NSW request for contribution.**

## **BACKGROUND**

Individual Councils may apply to LG NSW for legal assistance under the Legal Assistance Policy and Guidelines. Under the Guidelines, voluntary contributions from Councils are requested if the LG NSW Board “*considers the matter to be of importance to Local Government throughout NSW.*”

## **REPORT/PROPOSAL**

Correspondence has been received from LG NSW advising that Cowra Shire Council has successfully made an application for legal assistance under the LG NSW Legal Assistance Policy and Guidelines. The LG NSW Board “*considered that this matter to be of importance to Local Government throughout NSW as the appeal relates to the interpretation of Councils’ powers under the Local Government Act (the Act) and Councils’ ability to rely on the Act to issue notices and orders where animal welfare issues are not covered by laws.*”

Cowra Shire Council issued orders under S 124 of the Local Government Act limiting the number of cats to be kept on a premise. An appeal was lodged in the Land and Environment Court challenging the validity of the orders under S 136 and S 180 of the Act. Cowra Shire Council defended the appeal with the Court finding that Councils should be able to issue orders under Section 124 of the Act.

The judgement can be viewed on the Court website under *McCudden v Cowra Shire Council (2016) NSWLEC 14*. <https://www.caselaw.nsw.gov.au/decision/56d78577e4b05f2c4f04ba78>

A voluntary contribution is now being sought from the Association and the associated correspondence is provided as **Enclosure 1**. Council is not obligated to provide such assistance; however the amount of \$584.38 has been requested.

## **OPTIONS**

As the contribution is voluntary, Council can elect to contribute or not contribute.

## **CONSULTATION**

Executive Leadership Team

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

### **b. Other Plans**

Nil

## **IMPLICATIONS**

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

Nil

### **b. Financial Implications**

Funding for the voluntary contribution can be met from within existing operational budgets.

### **c. Legislative Implications**

N/A

### **d. Risk Implications**

Provision of financial support to other NSW Councils is considered appropriate as the matters covered are relevant to all NSW Councils and usually relate to legislation interpretation.

### **e. Other Implications**

Nil

## **CONCLUSION**

A voluntary contribution for legal assistance is sought under the LG NSW Legal Assistance Policy and Guidelines. It is recommended that Council contribute \$584.38 as the matter is considered relevant to Cessnock City Council.

## **ENCLOSURES**

### **1 LG NSW Request for Legal Contribution for Cowra Council**

Corporate and Community

Report No. CC53/2016

Corporate and Community Services

**SUBJECT:** *REVOTING OF EXPENDITURE FROM 2015-16 TO 2016-17***AUTHOR:** *Chief Financial Officer - John Oliver  
Management Accountant - Paul Grosbernd***SUMMARY**

A report seeking Council endorsement of projects not substantially completed at 30 June 2016 and requiring funding to be revoted to the 2016-17 operational budget.

**RECOMMENDATION**

**That Council authorise the revoting of expenditure from 2015-16 to 2016-17 being:**

	<b>Council Funds</b>	<b>Section 94 Funds</b>	<b>Grants</b>	<b>Total Revotes</b>
Local Road Renewal Program	291,000			291,000
Local Road Construction Program		28,600		28,600
Vineyard Roads Construction Program	548,800			548,800
Pathways Construction Program	211,800			211,800
Strategic Infrastructure Planning Projects	183,000			183,000
<b>Total Roads, Bridges &amp; Drainage</b>	<b>1,234,600</b>	<b>28,600</b>		<b>1,263,200</b>
Recreational Buildings & Pools Renewal Program	44,500			44,500
Recreation Facilities Construction Program	47,100		185,400	232,500
Recreation Buildings Construction Program		600,000	130,300	730,300
Cessnock Civic Precinct Revitalisation Project		38,100		38,100
<b>Total Recreation Services</b>	<b>91,600</b>	<b>638,100</b>	<b>315,700</b>	<b>1,045,400</b>
Visitors Information Centre	19,600			19,600
CYCOS Building		25,000		25,000
<b>Total Other Projects</b>	<b>19,600</b>	<b>25,000</b>	<b>0</b>	<b>44,600</b>
<b>Total Revotes – All sources</b>	<b>1,345,800</b>	<b>691,700</b>	<b>315,700</b>	<b>2,353,200</b>

**BACKGROUND**

A number of projects which were funded within the Operational Plan for 2015-16 were not substantially completed at year end and following a review these projects are submitted for Council endorsement to carry forward the votes to the 2016-17 operational budgets. These projects are funded from a combination of Council, grant and Section 94 funds.

## Corporate and Community

Report No. CC53/2016

## Corporate and Community Services

**REPORT**

The following items have been requested to be revoted from funds allocated in the 2015-16 Operational Plan. The projects were reviewed by the responsible line Managers, endorsed by the responsible Director, and the Executive Leadership Team has reviewed the proposed revotes from a corporate perspective. Funds are needed to complete projects in 2016-17.

The works are substantially capital related projects and in a number of cases are works funded by grant funds or Section 94 funds, as well as Council funds. A summary is shown below and a detailed listing is provided in **Enclosure 1**.

Category	Council Funds	Section 94 Funds	Grants	Total Revotes
Roads, Bridges & Drainage	1,234,600	28,600	0	1,263,200
Recreation Services	91,600	638,100	315,700	1,045,400
Other	19,600	25,000	0	44,600
<b>Total Revotes</b>	<b>1,345,800</b>	<b>691,700</b>	<b>315,700</b>	<b>2,353,200</b>

Councillors should note that in a number of cases the projects being proposed for revotes were multi staged projects or subject to environmental factors where the final works were unable to be completed. In other cases, the works were subject to tender requirements, with the tenders being let late in the financial year. Some of the major items are commented on below and the enclosure document provides further information.

The roads, bridges and drainage revote of \$1,263,200 included Local Road Renewal Program works at Aberdare St Kurri Kurri \$291,000, Local Road Construction Program works at Lang St Kurri Kurri \$28,600, Vineyard Roads Construction Program works at Deasy's Rd \$548,800, Pathways Construction Program works at Station St Weston \$111,800 and Dalwood St Branxton \$100,000, and Strategic Infrastructure Planning Projects \$183,000.

The Recreation Services proposed revotes of \$1,045,400 included Section 94 Funds and grant funds for Birrale Seniors Amenities \$730,300 and Grant funds for Kitchener Poppethead Park \$185,400.

As part of the year end procedures, the requested revotes of Council funds will be provided for as a transfer to restricted assets. This already occurs for the other funds proposed to be revoted.

**OPTIONS**

Council could elect to not allocate the funding to those items requested for revote. However this would result in those items not having a funding source in 2016-17 which would require either an alternate source of funding or that the projects not be completed or completed by inclusion in the current year's works programs. Additionally a number of the projects are subject to contractual arrangements and are works underway.

Corporate and Community

Report No. CC53/2016

Corporate and Community Services



## **CONSULTATION**

Relevant Budget Managers  
Executive Leadership Team

## **STRATEGIC LINKS**

### **a. Delivery Program**

The Operational Plan 2016-17 provides the required funding allocations to meet the outcome detailed within the Delivery Program.

### **b. Other Plans**

N/A

## **STATUTORY IMPLICATIONS**

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

N/A

### **b. Financial Implications**

The Operational Plan includes the Council's budgetary allocations for 2016-17 and the requested revotes will enable completion of projects not completed from 2015-16, without a detrimental effect on the 2016-17 Operational Plan.

### **c. Legislative Implications**

Regulation 211 of the Local Government (General) Regulation 2005 requires Council to vote the funds necessary to meet the expenditure required for projects to be revoted to 2016-17.

### **d. Risk Implications**

N/A

### **e. Other Implications**

N/A

## **CONCLUSION**

The revoting of funds will enable those projects not finished to be completed in 2016-17.

## **ENCLOSURES**

### **1 Summary of Revotes from 2015-16 to 2016-17**

Corporate and Community

Report No. CC54/2016

Corporate and Community Services



**SUBJECT:** *INVESTMENT POLICY*

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

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## **SUMMARY**

The purpose of this report is to seek Council endorsement of the revised Investment Policy.

## **RECOMMENDATION**

**That Council adopt the revised Investment Policy.**

## **BACKGROUND**

In accordance with the Office of Local Government "Investment Policy Guidelines", the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy, Council is required to review its Investment Policy on an annual basis and to adopt the revised Policy by resolution.

## **REPORT/PROPOSAL**

On 7 September 2011, Council adopted a revised Investment Policy in accordance with the legislative requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The revised Policy conformed to the then Division of Local Government "Investment Policy Guidelines" and the Minister's Order "Forms of Investment".

As part of these requirements, the Investment Policy is subject to annual review and is required to be adopted by Council resolution on an annual basis. The latest review occurred at the Council meeting of 5 August 2015 (report CC67/2015) when Council re-adopted the revised Policy with minor editorial changes.

The objectives of the Office of Local Government Investment Policy guidelines are to:

- Assist Councils in investing funds in a prudent and appropriate manner;
- Outline legislation associated with the investment of surplus funds;
- Assist Councils in preparing a suitable Investment Policy;
- Outline key issues when investing funds;
- Define duties and obligations of the Council and Council officers;
- Outline requirements for internal control procedures; and
- Establish proper reporting and monitoring procedures.

The main tenet in the guidelines, and by extension an Investment Policy, is that a Council's primary objective in investing funds should be to preserve the capital, i.e. prevent any loss to the amount invested, while gaining the most advantageous rate of return with minimum risk.

The Investment Policy should set maximum investment levels for each financial institution and investment type and should set a suitable benchmark for the Council to review the returns on its portfolio. The Policy should also detail information to be reported to Council.

## Corporate and Community

## Report No. CC54/2016

## Corporate and Community Services



Council's existing Investment Policy is considered to meet the requirements of the Investment Guidelines and has been reviewed with the guidelines in mind, particularly in relation to conflicts of interest, prudent person standards and preservation of capital.

During the current review process, feedback on the Policy was sought from NSW Treasury Corporation (TCorp), which recommended a number of changes, most of which have been incorporated into the amended Policy.

Recommendation	Outcome
• Reduce the portfolio cap applicable to A rated entities from 60% to 40%	Rejected. A reduction in higher credit rated entities is not desirable from a risk management perspective
• Reduce the single party caps for BBB rated entities to 10% (and later to 5%)	Accepted.
• Investment in unrated entities should be avoided	Accepted
• Permit investments exceeding 5 years term	Accepted
• A long term performance benchmark is absent	Accepted TCorp suggested benchmark
• Include a liquidity buffer in the Policy	Not currently accepted. Council's cashflow forecasting and financial management maturity does not yet provide sufficient accuracy to permit this to be beneficial
• Investment Advisers	The Policy covers this adequately
• Body to oversight Investment Policy and make strategic decisions	The Council is the most appropriate body for this function and is the currently responsible body
• Reference to Ministerial Investment Order should reference the 2011 Order	Current policy wording allows for changes to the Order, but we have included a note as to which is the current Order

With a review of the Local Government Act, and a number of Financial Sustainability Initiative projects under way, there may be a possibility that the Policy will require further amendment at the conclusion of those processes.

The revised Investment Policy is presented to Council for endorsement with relatively minor amendments and clarifications recommended. As the changes proposed to the Investment Policy are considered minor in nature it is not considered that the Policy requires to be publicly exhibited. The prohibition on CDO type investments remains within the Policy.

The Policy was referred to the Audit Committee who recommended the following: *"That the Audit Committee note the revised Investment Policy and recommend management review the short term credit rating table to ensure the ability to appropriately invest in local institutions prior to the policy being presented to Council at the 17 August 2016 meeting"*. This table has been reviewed and the initial consideration to reduce the lower level (unrated and BBB) individual institutions percentage is no longer supported and it is recommended to retain these at the same current level. This is considered to adequately allow for investments with local institutions without compromising capital safety or return opportunities.

**Corporate and Community**

**Report No. CC54/2016**

**Corporate and Community Services**



For Councillor's information, the Revised Investment Policy with highlighted changes is provided at (**Enclosure 1**) and the TCorp response is provided at (**Enclosure 2**).

**OPTIONS**

Council can adopt the revised Investment Policy or make changes to the Policy as desired.

**CONSULTATION**

Director Corporate & Community Services  
Management Accountant  
Financial Accountant  
NSW TCorp  
Audit Committee

**STRATEGIC LINKS**

**a. Delivery Program**

Review of this Policy will assist to achieve Strategy 5.3.3 in the Cessnock 2020 Community Plan to "improve the efficiency and transparency of Council processes".

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

Greater security of investment income due to reduced risk exposure.

**c. Legislative Implications**

Revision of the Investment Policy satisfies the legislative requirement of the Local Government Act 1993, the Local Government (General) Regulation 2005, the Ministerial Investment Order and the Office of Local Government "Investment Policy Guidelines".

**d. Risk Implications**

N/A

**e. Other Implications**

N/A



Corporate and Community

Report No. CC54/2016

Corporate and Community Services

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***CONCLUSION***

Council is required to annually review and adopt its Investment Policy.

***ENCLOSURES***

- 1** Investment Policy
- 2** TCorp Investment Policy Review

Corporate and Community

Report No. CC55/2016

Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - JULY 2016*

**RESPONSIBLE OFFICER:** *Chief Financial Officer - John Oliver*  
*Management Accountant - Paul Grosbernd*

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### **SUMMARY**

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

### **RECOMMENDATION**

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

### **BACKGROUND**

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

### **REPORT**

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

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

#### **General Investment Commentary**

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy.

The Reserve Bank of Australia (RBA) official cash rate as at 31 July 2016 was 1.75 percent. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The August meeting held on 2 August 2016 reduced the official cash rate to 1.50 percent.

Investment revenues to the end of July 2016 exceeded budget and the adopted benchmark in the Investment Policy, with an actual level of return 14.6 percent more than budget.

## Corporate and Community

Report No. CC55/2016

## Corporate and Community Services

**Investment Portfolio Information**

Total cash and investments held by Council as at 31 July 2016 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	Cash			1.40%	1,891
	Commonwealth Bank	At Call			0.95%	691
1243	AMP Bank	At Call			2.30%	500
1233m	Suncorp Bank	TD	188	14-Sep-16	3.10%	700
1236m	Maitland Mutual BS	TD	118	28-Sep-16	2.90%	600
1255m	ANZ Bank	TD	182	18-Jan-17	2.70%	800
1256i	National Australia Bank	TD	153	05-Oct-16	3.01%	900
1258k	ANZ Bank	TD	182	11-Aug-16	2.95%	700
1260g	National Australia Bank	TD	186	11-Oct-16	3.10%	1,000
1262l	Newcastle Permanent BS	TD	91	1-Sep-16	2.85%	600
1263g	Westpac Bank	TD	91	23-Aug-16	2.50%	600
1264h	IMB Bank	TD	182	17-Aug-16	2.90%	600
1266h	Westpac Bank	TD	91	10-Aug-16	2.75%	700
1269e	Maitland Mutual BS	TD	183	21-Sep-16	3.10%	900
1270j	Bendigo & Adelaide Bank	FRN	91	15-Aug-16	3.26%	500
1273f	Members Equity Bank	TD	147	21-Dec-16	2.70%	600
1276j	Newcastle Permanent BS	TD	182	8-Dec-16	2.80%	800
1277i	Greater Building Society	FRN	92	24-Aug-16	3.30%	500
1281d	National Australia Bank	TD	167	3-Aug-16	3.03%	700
1282c	Maitland Mutual BS	TD	196	19-Oct-16	3.10%	700
1284d	National Australia Bank	TD	197	5-Oct-16	3.10%	800
1285d	National Australia Bank	TD	182	14-Dec-16	2.98%	600
1286d	IMB Bank	TD	91	1-Sep-16	2.65%	900
1287f	IMB Bank	VRD	94	15-Aug-16	2.74%	700
1288c	Members Equity Bank	TD	182	17-Aug-16	2.95%	800
1289c	Suncorp Bank	TD	181	24-Nov-16	2.95%	800
1290f	Newcastle Permanent BS	VRD	91	5-Sep-16	2.79%	700
1292b	Suncorp Bank	TD	182	11-Aug-16	3.07%	700
1293c	Maitland Mutual BS	TD	210	8-Feb-17	2.80%	800
1295e	Newcastle Permanent BS	TD	91	20-Sep-16	2.70%	900
1297b	Members Equity Bank	TD	189	8-Sep-16	2.95%	900
1298d	Newcastle Permanent BS	VRD	92	4-Oct-16	2.75%	800
1300b	Members Equity Bank	TD	183	8-Sep-16	2.95%	800
1301a	Maitland Mutual BS	TD	196	28-Sep-16	3.10%	800
1302a	Suncorp Bank	TD	182	24-Aug-16	3.05%	900
1303a	IMB Bank	TD	181	25-Aug-16	2.90%	700
1304a	AMP Bank	TD	181	22-Aug-16	3.00%	800
1305a	Commonwealth Bank	TD	184	3-Aug-16	2.92%	900

## Corporate and Community

Report No. CC55/2016

## Corporate and Community Services



Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1306a	Suncorp Bank	TD	183	15-Sep-16	2.95%	900
1307b	Bankwest	TD	153	11-Oct-16	2.80%	800
1308b	Bankwest	TD	91	17-Aug-16	2.80%	900
1311a	Bankwest	TD	119	18-Oct-16	2.85%	600
<b>TOTAL</b>						<b>32,482</b>

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

Financial Institution	Amount \$'000	% of Portfolio
National Australia Bank	4,000	12.31%
Suncorp Bank	4,000	12.31%
Newcastle Permanent Building Society	3,800	11.70%
Maitland Mutual Building Society	3,800	11.70%
Commonwealth Bank of Australia	3,482	10.73%
Members Equity Bank	3,100	9.54%
IMB Bank	2,900	8.93%
Bankwest	2,300	7.08%
ANZ Bank	1,500	4.62%
Westpac Bank	1,300	4.00%
AMP Bank	1,300	4.00%
Bendigo & Adelaide Bank	500	1.54%
Greater Building Society	500	1.54%
<b>TOTAL</b>	<b>32,482</b>	<b>100.00%</b>

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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	26,200	80.66%
Cash/At Call Deposits	Low	Low	3,082	9.49%
Variable Rate Deposit	Low	Low	2,200	6.77%
Floating Rate Notes	Low	Low	1,000	3.08%
<b>TOTAL</b>			<b>32,482</b>	<b>100.00%</b>

Corporate and Community

Report No. CC55/2016

Corporate and Community Services



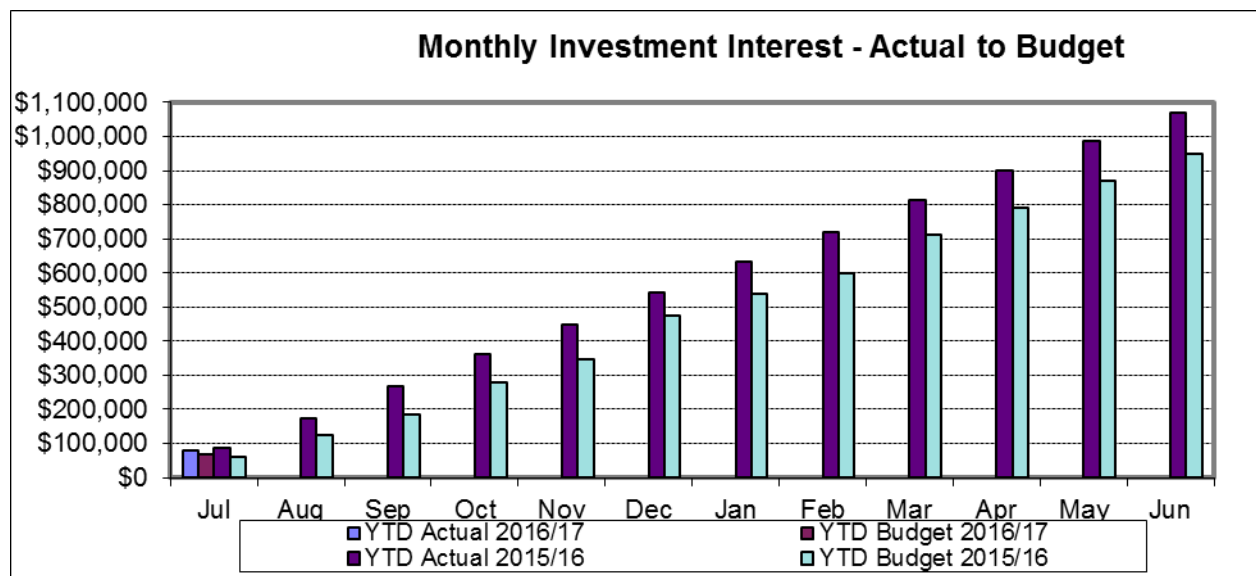
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.73%	2.74%
BBSW Average Interest Rate (year to date) *	1.93%	2.14%
Actual Investment Interest Earned (year to date)	\$78,763	\$85,115
Budget Investment Interest (year to date)	\$68,750	\$62,166
Original Budget Investment Interest (Annual)	\$825,000	\$650,000
Revised Budget Investment Interest (Annual)	\$825,000	\$650,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$37,684,000	\$37,253,000
Month End Current Balance	\$32,481,813	\$36,174,000

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

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

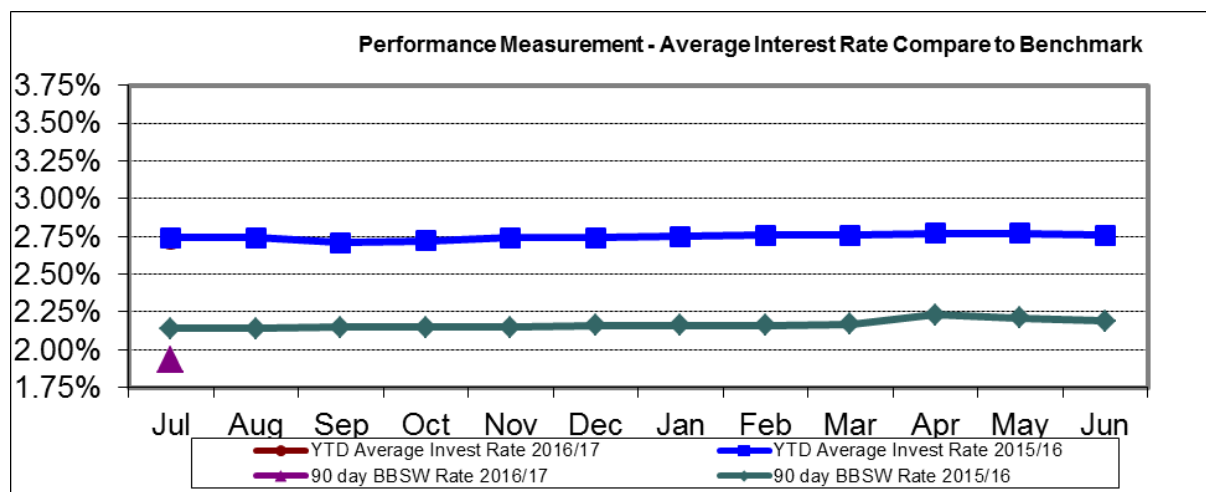


The following graph compares current year portfolio performance to prior year performance.

## Corporate and Community

Report No. CC55/2016

## Corporate and Community Services

**OPTIONS**

N/A

**CONSULTATION**

Financial Accountant

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

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

**b. Other Plans**

N/A

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

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

The Investment Policy is due for review and a revised Policy is being presented to Council for consideration.

**b. Financial Implications**

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

**Corporate and Community**

**Report No. CC55/2016**

**Corporate and Community Services**

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

**c. Legislative Implications**

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

**d. Risk Implications**

Investment risks are detailed within this report.

**e. Other Implications**

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

**CONCLUSION**

The report details investments held and meets statutory and policy reporting obligations.

**ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC56/2016

Corporate and Community Services

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**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

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

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**SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for the month of July 2016

**RECOMMENDATION**

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

**ENCLOSURES**

- 1 Completed Actions - July 2016
- 2 Outstanding Actions



Notices Of Motion

Report No. BN6/2016

General Manager's Unit



***NOTICES OF MOTION No. BN6/2016***

**SUBJECT:** ***PROVISION OF FUNDS TO LOCAL GOVERNMENT FOR INFRASTRUCTURE PROJECTS***

**COUNCILLOR:** ***Morgan Campbell***

***MOTION***

1. That Council notes that the Reserve Bank has lowered the cash rate to a historic low of 1.5%, as a response to persistently low inflation and sluggish economic growth.
2. That Council notes that 10 year Government bond yields have fallen below 2%.
3. That Council notes that councils around Australia face long-standing infrastructure backlogs, with the issue especially acute in regional areas.
4. That Council writes to the Prime Minister and the Treasurer urging them to stimulate local economies by providing funds to Local Governments for infrastructure projects.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 August 2016.

**RATIONALE**

The Reserve Bank's recent decision reflects ongoing concerns about the weakness of the Australian economy. It appears that the RBA is so desperate to get the economy going that they are even willing to risk the further inflation in the east coast housing market likely to be created by cheaper money. However tweaking interest rates can only do so much to stimulate the economy.

The Federal Government has far greater power to create economic activity than the Reserve Bank, and historically low bond yields mean that Government spending has never been cheaper.

At the same time, local Councils are facing large infrastructure backlogs, some of which are likely to be insurmountable without assistance. The Federal Government should take the opportunity presented by cheap debt to help Councils clear their works backlogs, whilst at the same time creating work and all of its associated benefits for Australia's cities and towns.

Sgd: Morgan Campbell

Date: 9 August 2016

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ54/2016

General Manager's Unit



**SUBJECT:** *ECOLOGICAL CONSIDERATIONS IN REGARD TO THE  
CESSNOCK CORRECTIONAL CENTRE DRAFT  
SUBMISSION TO INCLUDE REGENT HONEY EATER*

**RESPONSIBLE OFFICER:** *Director Planning and Environment - Gareth Curtis*

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**Q53/2016 – Ecological Considerations in Regard to the Cessnock Correctional Centre Draft Submission to include Regent Honey Eater**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 3 August 2016.

*“Councillor Doherty referred to the Ecological considerations in regard to the Cessnock Correctional Centre Draft Submission and asked if the Regent Honey Eater could be included as a species?”*

The submission endorsed by Council at its meeting of 3 August 2016 provided two specific bird species (Latham’s Snipe and Grey-Crowned Babbler) and three Endangered Ecological Communities potentially impacted by the expansion proposal at the Cessnock Correctional Centre. Those species are specifically recorded in Council’s GIS as occurring on the site.

Whilst the Regent Honeyeater is not specifically recorded at the site, under Office of Environment and Heritage Guidelines, it will still be required to be considered as part of the Flora and Fauna Assessments given there is potential habitat for the species at the site. The endorsed submission outlines our request for the OEH Guidelines to be followed in the preparation of the Flora and Fauna studies and as such the Regent Honeyeater should be included in that process.

Council has since been advised that we should have access to studies before the REF is determined and we will review the issue raised as part of that process.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ55/2016

Works and Infrastructure



**SUBJECT:** ***CESSNOCK BASKETBALL STADIUM CONTRACT***

**RESPONSIBLE OFFICER:** ***Recreation & Community Facilities Co-ordinator - Nathan Eveleigh***

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**Q54/2016 - Cessnock Basketball Stadium Contract**

Asked by Councillor Troy at the Ordinary Meeting of Council held on 03 August 2016.

*Councillor Troy asked for details surrounding the contract for Cessnock Basketball Stadium?"*

Council has a licence agreement with Hunter Basketball Pty Ltd for the management and operation of the Cessnock Civic Indoor Sports Centre (the Centre) located on Mount View Road in Cessnock. The agreement is for a two (2) year period and it expires in October 2017.

As part of the agreement it is Council's objective that the Centre will be managed and operated to provide a safe, clean and fun environment for the community. The specific objectives of the Centre are to:

- Provide facilities that are accessible to a broad range of the community, including increased provision of programs and services;
- Ensure the cost effective management of facilities;
- Maintain strong affiliation with user groups and the community; and
- Examine future opportunities in the delivery of indoor sports services.

The general scope of services expected to be delivered by Hunter Basketball Pty Ltd include:

- Optimising the performance of the Centre against key criteria as outlined within the agreement;
- The operation and management of the Centre in accordance with industry best practice and legislation;
- The management, marketing, promotion and delivery of programs, activities and events for the Centre;
- The provision of Centre programs and services that meet the needs of the local community, increases community use, provides health and wellness opportunities and engages with the local community;
- The provision of these services in co-operation with Council, the community, Centre key user groups and other relevant organisations; and
- The maintenance of the Centre as specified within the agreement.

Management options for the Centre will be reviewed in March 2017 before the current agreement expires.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ56/2016

Works and Infrastructure

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**SUBJECT:** *CESSNOCK SKATE PARK*

**RESPONSIBLE OFFICER:** *Strategic Recreation & Facilities Planner - Paul Burton*

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**Q55/2016 - Cessnock Skate Park**

Asked by Councillor Troy at the Ordinary Meeting of Council held on 03 August 2016

*“Councillor Troy asked what the status is in regard to the Cessnock Skate Park?”*

Council has allocated funds in the 2016-2017 Operational Plan to design the proposed Cessnock Skate Park at Mt View Park, Cessnock. This will be undertaken in conjunction with the revision of the Mt View Park Masterplan and is scheduled to commence in Quarter 2 of the 2016/17 financial year i.e. (October to December 2016).

Once the design is complete, Council officers will continue to seek grant opportunities to fund construction.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ57/2016

Works and Infrastructure



**SUBJECT:** *SANITARY SERVICE*

**RESPONSIBLE OFFICER:** *Environmental & Waste Services Manager - Michael Alexander*

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**Q56/2016 - Sanitary Service**

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 3 August 2016

*“Councillor Parsons referred to interest free loans that were available for residents to connect to the septic system and asked how many sanitary services are there still and how much does it cost?”*

There are no sanitary services remaining in the local government area.

Council will recall the initiative to phase out the sanitary collection service commenced in 2003 and Council withdrew the collection service in 2004. (Refer Report No 69/2004).

At that time a combination of options were in place including connection to sewer, installation of onsite sewage management system and provision of port a loo service where no alternative was available (with Council support).

Investigation was also undertaken to provide short term loans for septic installation with a caveat that tied the funding to the property. No loans were taken up, with residents opting for their own finance arrangement.

Council provided servicing support for two years to residents with no option other than the port a loo, advising residents/customers that the support would be withdrawn after that time and individual service arrangements would be required.

The support terminated 30 June 2005 after which time residents were responsible for their own service arrangement and cost. This arrangement remains in place in areas of Hebburn Estate with all other areas either connected to sewer or have approved on-site sewage management systems.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ58/2016

Works and Infrastructure



**SUBJECT:** *COUNCIL'S STORAGE AREA ADJACENT TO THE FOOTBALL FIELDS – MARGARET JOHNS*

**RESPONSIBLE OFFICER:** *Works Delivery Manager - Geoffrey Bent*

**Q57/2016– Council's storage area adjacent to the Football Fields – Margaret Johns Park**

Asked by Councillor Ryan at the Ordinary Meeting of Council held on 03 August 2016.

*“Councillor Ryan referred to the answer provided in regard to Council's storage area adjacent to the Football Fields – Margaret Johns Park and asked whether a risk assessment was carried out in regard to exposure to children from dust etc?”*

It should be noted that Council maintenance crews have removed a significant quantity of material from the temporary stockpile site for reuse on Council projects over the last month.

A risk assessment on the material has not been undertaken as it is excavated/road base material that is considered to be low risk.

A review of the existing fencing will be undertaken to determine if additional restrictive fencing is required to further control access to the area.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ59/2016

Planning and Environment

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

**RESPONSIBLE OFFICER:** ***Principal Natural Environment Planner - Ian Turnbull***

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**Q58/2016 - East Cessnock Flying-foxes – Camp Management Plan**

Asked by Councillor Gibson at the Ordinary Meeting of Council held on 3 August 2016

“With reference to correspondence from the Hon. Greg Hunt, former Minister for the Environment advising that the little red flying fox is not protected under National Environment Law and asked whether the information will be taken into consideration when finalising the Camp Management Plan?”

The Camp Management Plan will take the information provided by the Minister for Environment into consideration.

**ENCLOSURES**

There are no enclosures for this report