



30 June 2017

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 5 July 2017 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**  
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## ***Principles for Local Government***

### **Exercise of functions generally**

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

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

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

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

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

*Cessnock – thriving, attractive and welcoming.*

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

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



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

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

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 JUNE 2017, COMMENCING AT  
6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Acting Director Corporate and Community Services (Human Resource Manager)  
Director Works and Infrastructure  
Development Services Manager  
Media & Communication Officers  
Economic Development Manager  
Strategic Land Use Planning Manager  
Principal Strategic Land Use Planner  
Senior Strategic Land Use Planner  
Acting Development Services Manager (Team Leader Development Services)  
Integrated Planning & Strategic Property Manager  
Chief Financial Officer  
Management Accountant  
Acting Human Resource Manager (Senior Human Resource Advisor)  
General Manager's Executive Assistant  
Director Corporate & Community Services Executive Assistant

**APOLOGY:** NIL

**MINUTES:** **MOTION** **Moved:** Councillor Burke  
**Seconded:** Councillor Sander  
260  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 7 June 2017, as circulated, be taken as read and confirmed as an accurate record.

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

**CARRIED**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI10/2017**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**WI39/2017 - Minutes of the Dollar for Dollar Committee Meeting held 31 May 2017 -** Councillor Dagg declared a Non Pecuniary Less than Significant Conflict for the reason that she is a member of one of the recipient organisations. Councillor Dagg advised that she will remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

**CC44/2017 - Hire of Plant and Equipment (T1617-05) –** Councillor Dagg declared a Pecuniary Interest for the reason that she is an executive of an organisation which receives sponsorship from one of the recipients. Councillor Dagg advised that she will leave the Chamber and take no part in discussion and voting.

**WI39/2017 - Minutes of the Dollar for Dollar Committee meeting held 31 May 2017 -** Councillor Gray declared a Non Pecuniary Less than Significant Conflict for the reason that he is a presenter for 2CHR Radio. Councillor Gray 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.

**WI39/2017 - Minutes of the Dollar for Dollar Committee Meeting held 31 May 2017 -** Councillor Burke declared a Non Pecuniary Less than Significant Conflict for the reason that his children attends one of the recipients, Cessnock Multi-Purpose Centre. Councillor Burke 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.

**CC44/2017 - Hire of Plant and Equipment (T1617-05) -** Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has a personal connection with one of the Tenderers. Councillor Fitzgibbon advised that she will leave the Chamber and take no part in discussion and voting.

**WI39/2017 - Minutes of the Dollar for Dollar Committee Meeting held 31 May 2017 –** Mayor Pynsent declared a Non Pecuniary Less than Significant Conflict for the reason that he served on Cessnock City Council with Catherine Parsons who applied for funding through the Abermain Eisteddfod. 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 it is only a working relationship.

## ***PETITIONS***

NIL

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

NIL

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

## **NOTICE OF INTENTION NO. NI4/2017**

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

**PE26/2017 - CODE OF CONDUCT MATTER**

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**MOTION**

261

**Moved:** Councillor Burke

**Seconded:** Councillor Dagg

**RESOLVED**

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

Report No. PE26/2017 – Code of Conduct Matter as it contains alleged contraventions of any Code of Conduct requirements applicable under Section 440(g).

2. That Council request the Mayor in accordance with Section 253 of the 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 Dunn	Councillor Olsen
Councillor Fagg	Councillor Doherty
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (2)</b>

**CARRIED**



***MOTIONS OF URGENCY***

***MOTIONS OF URGENCY NO. MOU10/2017***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU10/2017**

**SUBJECT: CONSIDERATION OF COUNCIL'S ATTENDANCE AT THE 2018 SYDNEY ROYAL EASTER SHOW**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
262  
**RESOLVED**

**That Council does not participate in the 2018 Sydney Royal Easter Show.**

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

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE27/2017**

**SUBJECT: BOUNDARY ADJUSTMENT - TWO (2) LOTS INTO TWO (2) LOTS**

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

That Council determine Development Application No. 8/2017/116/1, proposing a boundary adjustment - two (2) into two (2) lots, at 2 Anstey Street and 1A George Street, Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

**PROCEDURAL MOTION**      **Moved:** Councillor Olsen  
   **Seconded:** Councillor Fagg

That the report be **DEFERRED** to come back with correct information regarding lot sizes.

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

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

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

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

263

**RESOLVED**

That Council determine Development Application No. 8/2017/116/1, proposing a boundary adjustment - two (2) into two (2) lots, at 2 Anstey Street and 1A George Street, Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

# CONDITIONS OF CONSENT

## SCHEDULE 1

### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/116/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan Title: Existing Layout – Site Plan File Name: 28776 pSP.dwg Page No: 1 of 2	North Point Surveys (NSW) Pty Ltd	02/03/17
Plan Title: Proposed Subdivision Plan File Name: 28776 PSP.dwg Page No: 2 of 2	North Point Surveys (NSW) Pty Ltd	02/03/17

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

##### 2. CC, PCA & Notice 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
- 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
- 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.

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

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

### **3. Inter-allotment Drainage Line**

A detailed drainage design shall be prepared for the Inter-allotment Drainage Line to drain proposed Lot:232. The plans must be designed in accordance with Council's 'Engineering Requirements for Development' and be submitted to, and approved by the CA as satisfying this requirement prior to the issue of a CC.

### **4. Parking – Minimum Requirement**

Onsite car parking shall be provided for a minimum of two (2) vehicles and such being set out generally in accordance with Council's Car Parking Code.

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.

## **PRIOR TO COMMENCEMENT OF WORKS**

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

### **5. Public Liability Insurance**

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

### **6. Demolition Proposed**

Consent is granted for the demolition of the existing structure labelled 'fibro garage metal roof' on the plan labelled 'existing layout – site plan' prepared by North Point Surveys (NSW) Pty Ltd dated 02/03/2017, currently existing on the Lot 3 Section B DP 6326, subject to strict compliance with the following conditions:

- a) The developer is to notify adjoining residents seven working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: *Demolition of structures*.
- f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- i) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- k) The burning of any demolished material on-site is not permitted, and offenders will be prosecuted.
- l) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of AS 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.

- o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover Authority licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal, a sign “DANGER ASBESTOS REMOVAL IN PROGRESS” is to be erected in a visible position on the site to the satisfaction of Council, and AS 2601:2001: *Demolition of structures*.
  - iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to Council/CA at the completion of the demolition works.

## **7. 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.**

## **8. Demolition and Construction Hours**

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

## **9. Demolition and Construction Noise**

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

## **10. 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.

#### **11. 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.

#### **12. Stormwater Runoff**

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

#### **13. Demolition**

All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from NSW Workcover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

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

**The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.**

#### **14. Inter-allotment Drainage Easement**

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lot 232. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to, and approved by, Council prior to release of the Subdivision Certificate.

Note:

- a) A suitable 88B instrument creating the easement, in accordance with the requirements of the *Conveyancing Act 1919*, shall be submitted to Council, prior to endorsement of the surveyor's transparency.
- b) Construction shall be completed prior to endorsement of the surveyor's transparency.



## **15. Access Crossing – Anstey Street**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Anstey Street to the property boundary of Lot:231, 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 SC.

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 1 construction inspection (steel and formwork inspection).

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

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

## **16. Car Parking – Completion**

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

## **17. Section 50 – Hunter Water Board (Corporation) Act 1991**

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

## **18. Requirement for a Subdivision Certificate**

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

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument plus six copies
- d) All surveyor's or engineer's certification required by the Development Consent

## **19. 88B Certificate Required**

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

## **ONGOING USE**

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

### **20. Stormwater – Impact on Adjoining Land**

Filling shall not be placed in such a manner that obstructs natural drainage from adjoining land.

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

### **21. Driveways to be Maintained**

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

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

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE28/2017**

**SUBJECT: DRAFT CESSNOCK PLANNING AGREEMENT POLICY**

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

264

**RESOLVED**

1. That Council note the Background Report on the Review of Planning Agreement Policies and Procedures (Enclosure 1);
2. That Council place the Draft Cessnock Planning Agreement Policy on public exhibition for a minimum period of 28 days (Enclosure 2); and
3. That Council be provided a further report following public exhibition of the draft Cessnock Planning Agreement Policy.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE29/2017**

**SUBJECT: DRAFT PLANNING AGREEMENT - BATTERY RECYCLING FACILITY**

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

265

**RESOLVED**

1. That Council publicly notify the draft Planning Agreement – Battery Recycling Facility Kurri Kurri for a minimum of 28 days (Enclosure 1).
2. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

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

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE30/2017**

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

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

266

**RESOLVED**

1. That Council place the Draft East Cessnock Flying-fox Camp Management Plan on public exhibition for 28 days.
2. That a report be provided to Council after the public exhibition period to consider any submissions received.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE31/2017**

**SUBJECT: MINUTES OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE HELD 7 JUNE 2017**

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**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Fitzgibbon  
267  
**RESOLVED**

1. That the Minutes of the Strategic Property and Community Facilities Committee of 7 June 2017 be adopted as a resolution of the Ordinary Council.
2. That Council adopt the Terms of Reference for the Strategic Property & Community Facilities Committee.
3. That Council endorse the Chair determined by the Strategic Property & Community Facilities Committee.
4. That Council note the balance of the Property Investment Fund as at 31 March 2017.
5. That Council notes the background report on the Strategic Property Review.
6. That Council receive and note the information on the progress of the Strategic Property Review.
7. That Council transfer the following properties to the Property Investment Fund and commence the process to reclassify them from community land to operational land:
  - a. Lot 3, DP4927, William St Cessnock (Parcel ID 4115)
  - b. Lot 61, DP263594, Evatt St Pelaw Main (Parcel ID 12393)
  - c. Lot 9, DP259718, Tulloch St East Branxton (Parcel ID 11697)
  - d. Lot 9, DP758576, Cessnock St Kitchener (Parcel ID 14118)
  - e. Lot 10, DP758576, Cessnock St Kitchener (Parcel ID 14117)
  - f. Lot 11, DP758576, Aberdare St Kitchener (Parcel ID 13942)
  - g. Lot 12, DP758576, Aberdare St Kitchener (Parcel ID 13945)
8. That Council transfer the following properties to the Property Investment Fund, commence the process to reclassify them from community land to operational land and investigate the potential to rezone to residential zone R3:
  - a. Lot 18 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 897)
  - b. Lot 17 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 899)
  - c. Lot 16 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 900)
  - d. Lot 15 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 901)
  - e. Lot 14 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 903)
  - f. Lot 13 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 904)
  - g. Lot 12 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 905)
  - h. Lot 11 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 908)

9. That Council transfer Lot 7, DP5015, Stephen St Cessnock (Parcel ID 2225) to the Property Investment Fund and commence the process to reclassify the site from Community Land to Operational Land and rezone in line with surrounding properties.
10. That Council lodge a Plan of Subdivision for Lot 7, DP1140055 Maitland Street Kurri Kurri (Parcel ID 507711) to separate the land containing the netball courts from the land containing part of the Kurri Kurri Early Childhood Centre.
11. That Council transfer the new lot containing the netball courts to the Property Investment Fund and commence the process to reclassify the site from Community Land to Operational Land and investigate rezoning in line with the outcomes of the Kurri Kurri District Masterplan.
12. That Council transfer the following properties to the Property Investment Fund, obtain valuations and authorise the General Manager to negotiate the sale of the property for no less than 95 percent of the valuation obtained:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
13. That Council authorise the sale, by private treaty following advertising through local real estate agents, of the following properties:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
14. That Council authorise the Common Seal of Cessnock City Council be affixed to the Transfer of Land between Cessnock City Council and the purchaser/s of the following properties:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
15. That Council authorise the Mayor and the General Manager to execute the Transfer of Land between Cessnock City Council and the purchasers of the following properties:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)

**FOR****AGAINST**

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

**Total (0)**

***CARRIED UNANIMOUSLY***



**PLANNING AND ENVIRONMENT NO. PE32/2017**

**SUBJECT: ADOPTION OF COMMUNITY STRATEGIC PLAN, 2017-21 DELIVERY PROGRAM, RESOURCING STRATEGY AND 2017-18 OPERATIONAL PLAN & BUDGET**

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**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Fitzgibbon  
268  
**RESOLVED**

1. That Council adopt the Community Strategic Plan, *Cessnock 2027*, as exhibited.
2. That Council adopt the Resourcing Strategy as exhibited.
3. That Council adopt the 2017-21 Delivery Program, as exhibited with the following amendments:

**Deliverables**

- Change deliverable 3.3.3 to Continue implementation of the priority projects from the Waste Management Strategy 2014-19 and the EPA Waste Less Recycle More program.
- Amend deliverable 3.3.4 to Update the Waste Management Strategy for the period 2020-24.
- Add deliverable 3.3.5 Continue to implement programs that target litter and illegal dumping.

**Measures**

- Replace the measure of Library Utilisation with a measure of Library Programs with a target for programs and attendees of greater than the NSW median.
  - Change the target for Environmental Health & Protection Inspections to greater than 80 percent.
4. That Council adopt the 2017-18 Operational Plan, as exhibited, with the amendments outlined in this report, including:

**Actions**

- Add action 3.3.1.a Construct and commission the Waste Transfer Facility including a Community Recycling Centre.

**Interest on Overdue Rates**

- Change the maximum rate of interest payable on overdue rates and charges to 7.5 percent.

**Ad Valorem Amount (Cents in the \$)**

- Change the ad valorem amount (cents in the \$) for Ordinary Residential Rates to 0.463289.

**Setting of Levy for Hunter Catchment Contribution**

- Change the levy for the Hunter Catchment Contribution to 0.0110 cents in the dollar on the current land value of the land within the Council area for 2017-18.

### **Fire & Emergency Services Levy**

- Remove the section regarding the Fire & Emergency Services Levy.
- 5 That Council set the Fees and Charges for 2017-18 as detailed in the Draft Operational Plan with the amendments outlined in this report including:
- Change the fee for Section 603 Certificates to \$80
  - Change the fee for Urgency Processing of Section 603 Certificates to \$90
  - Remove the fee for Fire and Emergency Services Levy application for classification review.
  - Remove the fee for Cessnock Waste Management Centre Processed Concrete and Brick materials
  - Change the fee for Domestic/Household Generated Garden Organics to \$140 per tonne
  - Change the minimum fee for Commercial/Business Generated Garden Organics (Trucks) to \$0.
  - Change the minimum fee for Tree Waste Non-Processable (Large Trunks and Stumps etc). to \$0
  - Remove the fee for Commercial/Business Generated Tree Waste – Box Trailers.
  - Remove the fee for Commercial/Business Generated Tree Waste – Trucks.
  - Change the fee for Special Wastes (By Prior Arrangement Only) to \$405 per tonne and change the minimum fee to \$0.
  - Add a fee for Recyclables – Cardboard of \$140 per tonne.
  - Add a fee for Recyclables - Co-mingled Recyclables of \$140 tonne.
  - Add a fee for Recyclables – E-waste (commercial) of \$140 per tonne.
  - Change the fee for Processable Waste – Domestic clean uncontaminated hard waste to \$140 per tonne and change the minimum fee to \$0.
  - Add a fee for Processable Waste – Commercial clean uncontaminated hard waste of \$170 per tonne and a minimum fee of \$0.
  - Add a fee for Processable Waste – Contaminated hard waste of \$350 per tonne and a minimum fee of \$0.
  - Change the fee for Processable Waste – Cycle Tyres to \$7 per tyre and change the minimum fee to \$0.
  - Change the fee for Processable Waste – Vehicle Tyres to \$20 per tyre and change the minimum fee to \$0.
  - Change the fee for Processable Waste – Wheels (fitted) to \$30 per wheel and change the minimum fee to \$0.
  - Change the fee for Processable Waste – Truck Tyres (up to 1.2m diameter) to \$45 per tyre and change the minimum fee to \$0.
  - Change the fee for Processable Waste – Tractor Tyres (up to 1.2m diameter) to \$50 per tyre and change the minimum fee to \$0.
  - Change the fee for Processable Waste – Shredded Tyres to \$350 per tonne and change the minimum fee to \$0.

6. That the General Manager report back to Council on or before 18 October 2017, a suite of options for Council to consider on raising the funding ratio for Works and Infrastructure as a percentage resembling that optimum level referred to in the 12 April Roads Briefing Report, which was in the order of a \$10M per annum spend on roads.
7. That a road prioritisation list be included in the report.

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

**CARRIED**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC39/2017**

**SUBJECT: AUTHORISATION OF EXPENDITURE 2017-18**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
269  
**RESOLVED**

**That Council approve the expenditure for the year commencing 1 July 2017 as detailed in the 2017-18 Operational Plan and that funds be voted to meet expenditure in accordance with Clause 211 of the Local Government (General) Regulation 2005.**

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

**CARRIED**

## **CORPORATE AND COMMUNITY NO. CC40/2017**

**SUBJECT: MAKING THE RATE 2017-18**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
270  
**RESOLVED**

**That Council make the following rates and charges for the year commencing 1 July 2017 to 30 June 2018:**

### **1. Ordinary Rates**

The following Ordinary Rates now be made for the year commencing 1 July 2017.

Category	Sub Category	Ad-valorem Amount Cents in \$	Base Amount \$	Base % of Total Rate
Residential		0.463289	430.00	38.54%
Residential	Rural	0.442012	430.00	22.83%
Farmland		0.375040	430.00	17.04%
Farmland	Mixed Use	0.914965	535.00	7.61%
Farmland	Low Intensity	0.442034	430.00	32.51%
Farmland	Business Rural	0.914965	535.00	9.25%
Business		1.848091	535.00	15.11%
Mining		4.470583	1,500.00	0.73%

### **2. Waste Charges**

Council do hereby prescribe and order under Section 496 of the Local Government Act 1993 for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2017.

#### Domestic Waste Management Service Charge

Domestic Waste Management Availability Charge <sup>1</sup>	\$67.00
Domestic Waste Management Service Charge <sup>2</sup>	\$540.00
Additional Domestic Waste Management Service Charge <sup>3</sup>	\$540.00
Additional Domestic Waste Management Service Charge – Recycling	\$55.00
Additional Domestic Waste Management Service Charge – Organics	\$74.00

1. Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Domestic Waste Management Service Charge, and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2017.

#### Waste Management Service Charge

Waste Management Service Charge (GST inclusive) <sup>1</sup>	\$733.00
Additional Waste Management Service Charge (GST inclusive) <sup>2</sup>	\$733.00
Additional Waste Management Service Charge - Recycling	\$55.00
Additional Waste Management Service Charge - Organics	\$74.00

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Additionally, each premise is entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

### **3. Stormwater Management Services Charges**

Council do hereby prescribe and order under Section 496A of the Local Government Act 1993, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2017.

#### Stormwater Management Service Charge

Stormwater Management Service Charge - Residential	\$25.00
Stormwater Management Service Charge - Residential Strata	\$12.50
Stormwater Management Service Charge - Business	\$25.00 per 350m <sup>2</sup> (or part thereof) to a maximum of \$500

### **4. Interest on Overdue rates and Charges**

Council do hereby determine and order, in accordance with Section 566 of the Local Government Act 1993, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at seven and one half per cent (7½ percent) per annum, simple interest, calculated daily for the year commencing 1 July 2017.

### **5. Hunter Local Land Services**

Council, in accordance with Clauses 36 and 40, Part 4, of the Local Land Services Regulation 2014, prescribes that the rate for the year commencing 1 July 2017 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2017 to 30 June 2018 inclusive being 0.0110c per \$ of rateable land value.

**FOR****AGAINST**

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

**Total (0)**

***CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC41/2017**

**SUBJECT: RATES POLICY SUITE**

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**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Stapleford  
271  
**RESOLVED**

1.     **That Council considers the amended draft policies:**
  - R5.1 – Granting of Councils’ Rebate Contribution on Pensioner Rates Policy
  - R5.2 – Rates Subsidy to Community Organisation Policy
2.     **That Council considers and rescinds the policy:**
  - R5.3 – Waiver of Interest on Rates Policy
3.     **That Council places the draft new policies on public exhibition for a period of 28 days. That Council adopts the policies at the conclusion of the exhibition period if no submissions are received:**
  - R5.4 – Debt Collection (Rates, Annual Charges and Sundry Debt) Policy
  - R5.5 – Hardship Policy

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

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC42/2017**

**SUBJECT: INVESTMENT REPORT - MAY 2017**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Stapleford  
272  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC43/2017**

**SUBJECT: REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF HARDWARE (REGPRO031718)**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Fitzgibbon  
273  
**RESOLVED**

1. That Council accepts the Regional Procurement Tender for the Supply and Delivery of Hardware (REGPRO031718).
2. That J Blackwood and Son Pty Ltd be accepted as the single source supplier to Cessnock City Council under Regional Procurement Tender for the Supply and Delivery of Hardware (REGPRO031718) for the period 1 July 2017 to 31 December 2019.
3. That Council review the spending with Blackwood's against other suppliers to determine the appropriateness of the price.

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

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC44/2017**

**SUBJECT: HIRE OF PLANT AND EQUIPMENT (T1617-05)**

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*Councillor Dagg declared a Pecuniary Interest for the reason that she is an Executive of an organisation which receives sponsorship from one of the recipients. Councillor Dagg left the Chamber and took no part in discussion and voting.*

*Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has a personal connection with one of the Tenderers. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Councillors Dagg and Fitzgibbon left the Chamber, the time being 7.04pm.*

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Suvaal  
274

**RESOLVED**

1. That Council accept the tenders from the following listed Tenderers to a standing offer contract panel for the Hire of Plant and Equipment (T1617-05) from 1 July 2017 to 30 June 2019:

A Plus Contracting Pty Ltd	Ian Rich Asphalt Pty Ltd
Australian Civil & Environmental Services Pty Ltd	J & L Plant Hire Pty Ltd
Base Course Management NSW Pty Ltd	Keegan Civil Pty Ltd
Coates Hire Limited	Kennards Hire Pty Ltd
Conplant Pty Ltd	Lovetts Cessnock Earthmoving
D & S Lock	Mr Diggitt Pty Ltd
Dannenberg Earthmoving Pty Ltd	Newpro Pty Limited
Daracon Contractors Pty Ltd	Rollers Queensland
Double S Industries Pty Ltd	Sharpe Bros (Aust) P/L
Downer EDI Works Pty Ltd	Sherrin Rentals Pty Ltd
Fenech Group Pty Ltd	Specialised Pavement Services Pty Ltd
Fenworx Pty Ltd Trading as Newpave	Stabilcorp Pty Ltd
Goldsprings Equipment Hire Pty Ltd	Stabilised Pavements of Australia Pty Ltd
Hartcher's Water Haulage	Woodbury Civil Pty Ltd

**2. That a review be undertaken on how the tenders are carried out.**

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

**Total (11)**

**Total (0)**

***CARRIED UNANIMOUSLY***

*Councillors Dagg and Fitzgibbon returned to the meeting, the time being 7.06pm.*

**CORPORATE AND COMMUNITY NO. CC45/2017**

**SUBJECT: T1516-12 WORK HEALTH AND SAFETY MANAGEMENT SYSTEM  
TENDER EVALUATION**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
275  
**RESOLVED**

That Council accept the Tender from DoneSafe Pty Ltd in the amount of \$47,564 (GST inclusive) for the implementation of the WHS system plus a software usage charge of \$165,000 (GST inclusive) over five years for a combined total of \$212,564 (GST inclusive).

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC46/2017**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
276  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI34/2017**

**SUBJECT: CEMETERY MOWING & TRIMMING TENDER T1617-04**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
277  
**RESOLVED**

That Council accept the Tender from Caloola Vocational Services Inc. in the lump sum amount of \$302,160 (incl. GST) for Cemetery Mowing and Trimming for the period of 1 July 2017 to 30 June 2020.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI35/2017**

**SUBJECT: HYDRO ALUMINIUM KURRI KURRI PTY LTD PROPOSED ROAD CLOSURES**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
278  
**RESOLVED**

1. That Council resolve to make an application to NSW Department of Industry - Lands to close those parts of Bishops Bridge Road, McGarva Avenue, Horton Road and Dickson Road (hereafter referred to as Proposed Closed Roads) as indicated in the Property Location Plan in accordance with the provisions of the Roads Act 1993.
2. That Council comply with the provisions of Section 35 of the Roads Act 1993 and the Memorandum of Understanding entered into with the Department of Lands, now the NSW Department of Industry - Lands, with respect to notifications and advertising in the local newspaper.
3. That provided no unresolved submissions are received following notifications and advertising, Council proceed under the provisions of Section 37 of the Roads Act 1993 to advise NSW Department of Industry - Lands to place a notice in the Government Gazette to close the Proposed Closed Roads.
4. That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Road Closure if required.
5. That Council authorise the Mayor and the General Manager to execute the Plan of Road Closure for the Proposed Closed Roads if required.
6. That following successful Gazettal of the closed roads and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI36/2017**

**SUBJECT: REFORMING OF THE FLOODPLAIN MANAGEMENT COMMITTEE**

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

279

**RESOLVED**

1.     That Council appoint representatives from stakeholder agencies being:-
  - Office of Environment & Heritage (one representative)
  - State Emergency Services (two representatives)
2.     That Council appoint community representation on the Floodplain Management Committee being:-
  - Craig Schultz - Cessnock
  - Adam Davies – Kurri Kurri

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI37/2017**

**SUBJECT: EASEMENT FOR DRAINAGE OF WATER WITHIN 11 RIDLEY STREET, ABERMAIN**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
280  
**RESOLVED**

1. That Council acquire an easement for the drainage of water being 3m wide on the northern boundary of Lot 313 DP 720687 being 11 Ridley Street, Abermain.
2. That Council authorise the General Manager to negotiate the terms of the easement and prepare the necessary documents for registration at Land and Property Information (LPI).
3. That Council authorise the Common Seal of Cessnock City Council to be affixed to the documents relating to the granting of the easement over Lot 313 DP 720687.
4. That Council authorise the Mayor and/or General Manager to execute the documents relating to the granting of the easement over Lot 313 DP 720687.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI38/2017**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE  
HELD 29 MAY 2017**

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

That the recommendations of the Local Traffic Committee Meeting of 29 May 2017 be adopted as a resolution of the Ordinary Council being:

1. TC9/2017 - That a pedestrian refuge be installed on Keene Street, Cessnock adjacent to the existing pedestrian laneway as follows:
  - pedestrian island,
  - kerb extensions with kerb ramps,
  - NO STOPPING signage for 7.5m on both approaches, and
  - BB centre line marking for 10m on both approach.
2. TC10/2017 - That traffic facilities be installed on Goulburn Street, Abermain as follows:
  - Children's Crossing and standard signage to replace the existing pedestrian refuge,
  - NO STOPPING signage either side of existing vehicular access crossing, and
  - Line marking of spaces in existing 45° REAR TO KERB parking zone.
3. TC11/2017 - That a GIVE WAY sign be installed on Pokolbin Mountains Road, Pokolbin, 2.1km from Oakey Creek Road, as follows:
  - One R1-2 GIVE WAY sign facing north bound vehicles.
4. TC12/2017 - That GIVE WAY controls be installed at the intersection of Connel Drive and Glen Close with Traders Way, Heddon Greta, as follows:
  - Two R1-2 GIVE WAY signs and supplementary pavement marking, and
  - BB centre line for 10m on each approach to Traders Way.
5. That a load limit be applied on Westcott Street, Cessnock as follows:
  - BRIDGE LOAD LIMIT 12t signs either side of the bridge,
  - BRIDGE LOAD LIMIT AHEAD signs on both approaches, and
  - Heavy Vehicle Detour signs at the intersections of:
    - Wollombi Road and Westcott Street,
    - McGrane Street and Leonard Street, and
    - Wollombi Road and Mount View Road.

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

That Points 2 to 5 be adopted and Point 1 (TC9/2017) be referred back to the Traffic Committee.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Suvaal
Councillor Doherty	Councillor Fitzgibbon
Councillor Dunn	Councillor Burke
Councillor Fagg	Councillor Sander
Councillor Stapleford	Councillor Lyons
Councillor Gray	Councillor Pynsent
Councillor Dagg	
<b>Total (7)</b>	<b>Total (6)</b>

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

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

**MOTION**            **Moved:**    Councillor Stapleford    **Seconded:**    Councillor Dunn  
281  
**RESOLVED**

**That Points 2 to 5 be adopted and Point 1 (TC9/2017) be referred back to the Traffic Committee for review.**

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

**CARRIED**

## **WORKS AND INFRASTRUCTURE NO. WI39/2017**

**SUBJECT: MINUTES OF THE DOLLAR FOR DOLLAR COMMITTEE MEETING  
HELD 31 MAY 2017**

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*Councillor Dagg declared a Non Pecuniary Less than Significant Conflict for the reason that she is a member of one of the recipient organisations. Councillor Dagg remained in the Chamber and participated in discussion and voting.*

*Councillor Gray declared a Non Pecuniary Less than Significant Conflict for the reason that he is a presenter for 2CHR Radio. Councillor Gray remained in the Chamber and participated in discussion and voting.*

*Councillor Burke declared a Non Pecuniary Less than Significant Conflict for the reason that his children attends one of the recipients, Cessnock Multi-Purpose Centre. Councillor Burke remained in the Chamber and participated in discussion and voting.*

*Mayor Pynsent declared a Non Pecuniary Less than Significant Conflict for the reason that he served on Cessnock City Council with Catherine Parsons who applied for funding through the Abermain Eisteddfod. The Mayor remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Dagg

282

### **RESOLVED**

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 31 May 2017.
2. That Council fund all eligible projects, as per the 'Funding Payable' column listed in the below table.
3. The Committee at its next meeting consider the Community Cultural Grant Scheme and its position on awarding funds as part of future grant rounds to organisations for the purpose of prizes and/or awards.
4. The Community Cultural Grant Scheme Guidelines be reviewed and discussed at the next Dollar for Dollar Committee Meeting with Draft Guidelines to be presented that includes the eligibility of community development projects.

APPLICANT	PROJECT DESCRIPTION	FUNDING PAYABLE
Abermain Eisteddfod Society	Contribution for trophies and cash prizes for the 100th Abermain Eisteddfod	\$2,370
Central Hunter Community Broadcaster Association 2CHR	Purchase of 4 microphone stands and 3 first aid kits	\$379.50

Cessnock Community and Youth Development	Greta/Branxton/Huntlee community Halloween themed disco to be held at the Branxton Community Hall – project delivery costs including advertising, entertainment and hall hire	\$1,950
Cessnock Multipurpose Children's Centre LTD	Budding Artists – excursions to the Cessnock Regional Art Gallery to participate in art classes to engage children in a variety of art forms	\$2,355.80
Cessnock Regional Art Gallery (CRAG)	CRAG Spring Art Fair, Cessnock Local Government Area Art Prize – prize money for artists	\$2,000
Cessnock Woodturners Inc	Replacement of band saw and includes dust collecting system	\$1,245
Coalfields Heritage Group	Research of Hunter Valley local history with research information to be provided to Cessnock City Library and Sir Edgeworth David Museum to support their collection	\$1,500
Korreil Wonnai Aboriginal Education Consultative Group	Kullaburra Awards Ceremony – sponsorship of 4 youth scholarships	\$1,500
Marthaville Arts and Culture Centre	Promotional sign advertising the Marthaville Arts and Culture Centre	\$559.50
Richmond Vale Railway Museum	Ride on mower and fuel costs	\$2,249
Sculpture in the Vineyards Inc	Sculpture in the Vineyards 2017 – contribution towards marketing, curator and project delivery costs	\$3,000
Towns with Heart	Prize money for artists (Major Award and Regional Award) - 2017 Town of Murals Art Show	\$2,370
Wine Country Music Association	Purchase of 2 x 6m x 3m gazebos plus accessories to enable shelter when performing	\$770.90
Wollombi Valley Arts Council Inc	12 <sup>th</sup> Emerging Artists Award 2017 – art award prize money	\$2,000
Wollombi Valley Progress Association	9 <sup>th</sup> Annual Wollombi Lantern Parade – purchase of lantern kits	\$2,150
	<b>TOTAL</b>	<b>\$26,399.70</b>

**FOR****AGAINST**

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

**Total (0)**

***CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI40/2017**

**SUBJECT:       NOTES OF THE INQUORATE FLOODPLAIN MANAGEMENT  
COMMITTEE MEETING HELD ON 26 MAY 2017**

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**MOTION**           **Moved:**   Councillor Burke           **Seconded:**   Councillor Dagg  
283  
**RESOLVED**

1.     That Council notes the topics discussed at the Inquorate Floodplain Management Committee held on 26 May 2017.
2.     That the feedback provided by the Inquorate Floodplain Management Committee on the Draft Flood Risk Management Policy (Enclosure 1) and Draft Cessnock Development Control Plan Chapter 9 - Development on Flood Prone Land (Enclosure 2) be reviewed and considered for inclusion in the draft documents prior to exhibition.
3.     That the Draft Cessnock Flood Risk Management Policy, and Draft Chapter 9 of the Cessnock Development Control Plan 2011 - Development on Flood Prone Land be endorsed by Council for public exhibition (28 days).
4.     That a further report be provided to the Floodplain Management Committee outlining the outcomes of the public exhibition, including any submissions received and changes required to the draft documents.
5.     That Council adopt the Voluntary House Raising Policy.
6.     That Council acknowledge the contribution that Mr Noel Mitchell has made during his tenure on the Committee since 2005.

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

**CARRIED**



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

### **BUSINESS WITH NOTICE NO. BN28/2017**

**SUBJECT: LODGEMENT OF DEVELOPMENT APPLICATIONS**

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

284

#### **RESOLVED**

1. That the General Manager evaluates the effectiveness of the lodgement of development applications through Customer Service.
2. That a report is received by Council outlining the benefits or otherwise of development applications being specifically lodged through a Planner at Customer Service.

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

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ76/2017**

**SUBJECT:     KERB AND GUTTER STRATEGY**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ77/2017**

**SUBJECT:     GINGERS LANE SPEED LIMIT**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ78/2017**

**SUBJECT:     NORTH ROTHBURY SEWER CONNECTION**

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Ian Olsen*

### **MOUNT VIEW ROAD - ROAD WORKS**

Councillor Olsen asked how much money has been spent repairing Mount View Road since it was resealed.

*Councillor Ian Olsen*

### **RESTRUCTURE**

Councillor Olsen asked for a copy of Council's previous structure of staff as well as the new structure of Staff. Also, how many staff positions have been lost, how many staff positions have been reduced in wages, and how many staff would have increased their wages.

*Councillor Anthony Burke*

### **REAL ESTATE SIGNAGE**

Councillor Burke believes the limit of licensed signage is 1 square metre and asked what action is Council taking regarding recent installations of large billboards by Real Estate Agents from outside the Local Government Area, when local agents are complying with the policy.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO15/2017**

**SUBJECT:**     **NEW LOWER HUNTER HOSPITAL -  
CORRESPONDENCE FROM CLAYTON BARR'S OFFICE**

---

**MOTION**           **Moved:**   Councillor Burke           **Seconded:**   Councillor Stapleford  
285

**RESOLVED:**

**That Council note the correspondence received.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO16/2017**

**SUBJECT: NEWCASTLE CITY COUNCIL REQUEST FOR CONSIDERATION OF PROHIBITION OF PERFORMING EXOTIC ANIMALS IN CIRCUSES**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
286  
**RESOLVED**

**That Council receive and note the correspondence received from Newcastle City Council.**

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

**CARRIED UNANIMOUSLY**

## **COUNCILLOR'S REPORTS**

Councillor Gray –

### **Hydro Community Consultative Committee**

Councillor Gray advised of his attendance at the Hydro Community Consultative Committee meeting last Thursday and that the plans for the new Containment Cell were extensively discussed and displayed. Councillor Gray advised that it was very state of the art and also that when it is publicly exhibited it should allay the public's fears

Mayor Pynsent

### **ALGA Conference**

Mayor Pynsent attended the ALGA Conference and advised that the motion put forward by our Council in regard to Infrastructure spending to Local Government was endorsed and while interest rates are low throughout Australia it is the optimum time for Governments to be assisting Councils with infrastructure.

There were one hundred motions put forward; the interesting one to him was the very close vote on examining the date of Australia Day - recommendation to the Australian Government to examine if 26 January is the appropriate date.

Mayor Pynsent advised that he voted against the motion regarding the concept of Councils using funds from banks who invest in fossil fuel related entities which was unsuccessful 72-76.

Sister City arrangements and the formalisation of conditions or procedures for the Sister City process throughout Australia. There are agents for Sister City arrangements who are being financially rewarded on success.

There was a motion regarding the use of helium in balloons and celebrations which was to ban the release of helium balloons in public places right across Australia which was not successful but other Councils have banned them which is quite interesting.

The Mayor advised that overall it was a very interesting conference with speakers enlightening the General Manager and himself in regard to Smart Cities and they would both be recommending to the Council that in looking at Council's Kurri Kurri and Cessnock CBD Strategies, Council needs to take on board some of the Smart City concepts and whether they be sensor waste receptacles, that there is alert given out when it is full to be emptied and the modern day lighting.

BMW were a sponsor and spoke on electric cars and the stages to get cars without necessarily a complete driver. BMW put between four and five billion dollars into research and development each year.

7.31PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Lyons  
287  
**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 Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

8.03PM

**Open Session**

That the meeting move back into open session and the General Manager reported on the outcome of the Confidential Session.

**PLANNING AND ENVIRONMENT NO. PE26/2017**

**SUBJECT: CONFIDENTIAL - CODE OF CONDUCT MATTER**

*This matter is considered to be confidential under the report contains alleged contraventions of any code of conduct requirements applicable under section 440*

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Lyons  
288  
**RESOLVED**

That Council, in consideration of the nature of the conduct, together with all relevant circumstances including the risk of further transgression, take the following actions in accordance with Clause 8.35 of the Procedures for the Administration of the Model Code of Conduct:

1. That Councillor Olsen attend mandatory training in the Code of Conduct and Code of Meeting Practice. Such training should also include education of acceptable standards of behaviour, and that which may be considered misconduct, or otherwise unacceptable. (s8.35(b))
2. That Councillor Olsen be counselled in relation to his behaviour, with the purpose of unambiguously advising him of the unacceptable nature of same and potential consequences for further transgression; realigning expectations of behaviours; and determining future terms of engagement. (s8.35(c))
3. That Council take no action in relation to Recommendation 3 of the Investigation report prepared by Pinnacle Integrity for Cessnock City Council dated 31 May 2017 as it could affect Part 9 of the Procedures for the Administration of the Model Code of Conduct and would serve no useful purpose and risk adverse impact on Council's reputation in a public forum.
4. That Councillor Olsen be formally censured for the breach under section 440G of the Local Government Act 1993 (8.35 (g)) on the grounds that the Code of Conduct has been breached as detailed in the investigation report prepared by Pinnacle Integrity for Cessnock City Council dated 31 May 2017.

FOR	AGAINST
Councillor Stapleford	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (7)</b>	<b>Total (3)</b>

**CARRIED**



*The Meeting Was Declared Closed at 8.04pm*

**CONFIRMED AND SIGNED** at the meeting held on 5 July 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI11/2017**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

**Motions of Urgency**

**Report No. MOU11/2017**

**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. GMU11/2017

General Manager's Unit



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

**RESPONSIBLE OFFICER:** ***Economic Development Manager - Jane Holdsworth***

## **SUMMARY**

The purpose of this report is to provide the Economic Development sponsorships for the 2017/2018 year and the measures, guidelines for submissions, and distribution of funding.

## **RECOMMENDATION**

1. That Council maintain the current Economic Development sponsorships as shown in this report for the 2017/2018 year.
2. That upon submission for funding, the applicants provide the following:
  - a. Demonstrate how the project/s aligns with Council's 2017/2018 Operational Plan (economic development outcomes)
  - b. KPI's must be set by the applicant and approved by the General Manager before funds are released.
  - c. Must show sustainability e.g. tapering of funding over multiple years.
3. That funds provided through a sponsorship must not be devolved.
4. That quarterly update reports on each of the project/s must be made to Council, with a final acquittal report provided on completion of the project/s.

## **BACKGROUND**

Throughout the year, Council makes significant contributions to the community through direct funding contributions, fee waivers, sponsorships, support of worthy projects, providing in-kind support as well as statutory funding requirements to ensure the successful delivery of projects, events, community programs and delivery of emergency services.

## **REPORT/PROPOSAL**

### ***Council Sponsorships/Contributions 2017/2018***

Following is the Economic Development sponsorships for external groups included in the budget for 2017/2018.

Kurri Kurri Town Coordinator	\$39,600
Cessnock Town Coordinator	\$39,600
Branxton Town Coordinator	\$10,000
Cessnock Chamber of Commerce – Cessnock Stomp Festival	\$10,000
Cessnock Customer Service Awards	\$2,500
Hunter Region Business Hub (BEC)	\$10,000
Kurri Kurri Visitor Centre – Rental	\$7,500
Kurri Kurri Nostalgia Festival	\$5,000
Kurri Kurri Community Festival	\$3,000
Kurri Kurri Community Festival (In-Kind)	\$2,000

General Manager's Unit

Report No. GMU11/2017

General Manager's Unit



Kurri Kurri Nostalgia Festival (In-Kind)	\$9,900
Stomp Festival (In-Kind)	\$9,900
Australian Postie Bike Grand Prix (In-Kind)	\$13,400
<b>TOTAL</b>	<b>\$162,400</b>

### ***Sponsorships***

One of the critical areas of funding is sponsorship, as these are usually discretionary in nature.

A sponsorship generally refers to a commercial relationship between two parties, governed by a written agreement. It involves provision of financial or non-financial (in-kind) support in return for mutually agreed and measured economic, cultural, community or reputational benefits. Sponsorships therefore need regular review to ensure that they are meeting agreed objectives in terms of:

1. Return on Investment for Council in meeting its Delivery Plan goals and the goals of the community;
2. That the funding is still appropriate for the purposes for which the funding is provided;
3. That the recipient of the funding is taking opportunities to become self-sustaining, so as to scale back the levels of funding;
4. That funding provided is equitable;
5. That assessment of the funding is made to ensure there are no other projects/programs that would provide a greater return to the Council and the Community if funding was diverted (i.e. opportunity cost). Extensive and wide ranging.

In-kind funds are not included in the budget for 2017/2018 as specific line items, rather they are funded from existing accounts.

### ***OPTIONS***

#### **Option 1**

1. That Council maintain the current Economic Development sponsorships as shown in this report for the 2017/2018 year.
2. That upon submission for funding, the applicants provide the following:
  - a. Demonstrate how the project/s aligns with Council's 2017/2018 Operational Plan (economic development outcomes)
  - b. KPI's must be set by the applicant and approved by the General Manager before funds are released.
  - c. Must show sustainability e.g. tapering of funding over multiple years.
3. That funds provided through a sponsorship must not be devolved.
4. That Quarterly update reports on each of the project/s must be made to Council, with a final acquittal report provided on completion of the project/s.

***This is the preferred option***

General Manager's Unit

Report No. GMU11/2017

General Manager's Unit



## Option 2

1. That Council make changes to the current Economic Development sponsorships shown in this report for the 2017/2018 year.
2. That upon submission for funding, the applicants provide the following:
  - a. Demonstrate how the project/s align with Council's 2017/2018 Operational Plan (economic development outcomes)
  - b. KPI's must be set by the applicant and approved by General Manager before funds are released.
  - c. Must show sustainability e.g. tapering of funding over multiple years.
3. That funds must not be devolved.
4. That Quarterly update reports on each of the project/s must be made to Council, with a final acquittal report provided on completion of the project/s.

## CONSULTATION

General Manager  
Director Works and Infrastructure  
Environmental & Waste Services Manager  
Chief Financial Officer  
Design Delivery Manager  
Principal Natural Environment Planner  
Council Officers

## STRATEGIC LINKS

### a. Delivery Program

Objective 2.2: Achieving more sustainable employment opportunities.

### b. Other Plans

Nil

## IMPLICATIONS

### a. Policy and Procedural Implications

Several policies and procedures exist regarding donations and bequests to external groups and projects, with governance protocols in place to ensure appropriate use of Council funding. Some of the funding listed is provided on the basis of competitive grants, with a strict application and acquittal process.

However, with changing community needs and to ensure good governance protocols are being met, it is appropriate for Council to review sponsorship arrangements, which under the definition is mutually agreed, mutually beneficial and measurable.

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General Manager's Unit



**b. Financial Implications**

As sponsorships are discretionary in nature, with some absorbed within existing budgets and programs, they must also be reviewed to ensure there is value for money and that long standing sponsorships are reviewed to assess whether they are still appropriate.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Without a review of sponsorships, there may be a risk of missing other opportunities or undertaking different arrangements that could provide greater Return on Investment for both the Council and the community.

**e. Environmental Implications**

Nil

**f. Other Implications**

Many external groups and programs rely upon Council's generosity to continue providing the same standard of service or project.

Sustainability should be a contingency of future funding relationships with high standards of governance to continue where contributions are made. Historical recurrent seed type funding relationships require a review to ensure they are appropriate and are achieving the desired outcomes.

**CONCLUSION**

As Council prepares for greater financial sustainability, a review of external sponsorship funding is seen as necessary for the reasons stated above. Further, transparency and accountability is also seen as necessary, with strict guidelines on the eligibility of the applicant, clear key performance indicators that are agreed by both Council and the applicant, regular reporting and a comprehensive acquittal report to ensure funds have been used appropriately for the economic benefit of the community.

**ENCLOSURES**

There are no enclosures for this report



**SUBJECT:** ***SECTION 96(2) MODIFICATION TO AN APPROVED BOARDING KENNEL TO AMEND CONDITION 3 TO INCREASE THE NUMBER OF DOGS FROM 72 TO 100 AND CATS FROM 20 TO 30 AND DELETION OF CONDITION 4 TO ALLOW DOGS TO EXERCISE OUTSIDE DESIGNATED AREAS CONTAINED WITHIN THE FACILITY***

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

<b>APPLICATION NUMBER:</b>	8/2005/1221/3
<b>PROPOSAL:</b>	Section 96(2) modification to an approved animal boarding facility to amend condition 3 to increase the maximum number of dogs from 72 to 100 and cats from 20 to 30 and deletion of condition 4 to enable dogs to exercise outside designated areas contained within the facility.
<b>PROPERTY DESCRIPTION:</b>	Lot 30, DP 10660818
<b>PROPERTY ADDRESS:</b>	254 Bathurst Street, Sawyers Gully
<b>ZONE:</b>	RU2 Rural Landscape
<b>OWNER:</b>	Mr M A Nicholls & Ms A Endean
<b>APPLICANT:</b>	Marcus Nicholls

## RECOMMENDATION

1. That Council determines Section 96(2) Application No. 8/2005/1221/3 proposing the modification to an approved animal boarding facility to amend condition 3 to increase the maximum number of dogs from 72 to 100 and cats from 20 to 30 and deletion of condition 4 to enable dogs to exercise outside designated areas contained within the facility at 254 Bathurst Street, Sawyers Gully pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 by refusing to grant consent for the reasons detailed in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.



## REASON FOR REPORT

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Section 96(2) Application No. 8/2005/1221/3 is being referred to Council for determination as:

- The Application is recommended for refusal and the refusal is considered to be merits-based.
- Objections were also received in response to the public exhibition period, and it is considered such submissions constitute 'significant objection' (i.e. the number of submissions received represents 75 percent of those properties notified).

In accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications, applications for merit-based refusals or those with significant objection may only be determined by Council.

## EXECUTIVE SUMMARY

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Council is in receipt of Section 96(2) Application No. 8/2005/1221/3 seeking approval for the modification to an approved animal boarding facility to amend condition 3 to increase the maximum number of dogs from 72 to 100 and cats from 20 to 30 and deletion of condition 4 to enable dogs to exercise outside designated areas contained within the facility.

The Section 96(2) Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The proposed modification is not supported as the offensive and intrusive nature of anticipated acoustic impacts has not been suitably addressed. The existing boarding facility was supported on the basis that the number of animals was restricted and conditions imposed to protect the residential amenity of the locality. As such, the proposed modification undermines the suitability of the site in accommodating an animal boarding establishment.

Council received 'significant objection' (75 percent of those notified objected to the application) to the proposed modification following the public exhibition period. The surrounding residents have raised valid concerns in relation to noise impacts.

Upon review of the proposal, it was noted that an unauthorised pool known as the 'doggy splash zone' was constructed on the approved on-site waste disposal area. The outcome of this investigation has direct implications on the proposal given increased water usage for washing dogs and recreational activities may impact on the capacity of the on-site waste system.

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

## LOCATION MAP



## AERIAL



## SITE DESCRIPTION AND LOCALITY

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The subject site is commonly known as 254 Bathurst Street, Sawyers Gully and is legally described as Lot 30, Deposited Plan 1060818.

The subject site is located on the eastern side of Bathurst Street. The site has a frontage of 185 metres and a depth of 213 metres, providing for an overall site area of 3.4 hectares. Vehicular access to the site is directly available from Bathurst Street, a predominately unsealed dual carriageway with a sign posted speed limit of 60 kilometres.

The property achieves natural fall to the street, accounting for overall fall of 4 percent. The property adjoins an access handle to the south which provides vehicle access for residents at 248 and 246 Bathurst Street.

The land is currently occupied by a dwelling and ancillary residential development, two dams, a former cattery and an animal boarding facility with associated carpark. The remainder of the site is occupied by woodland vegetation.

The existing Akuna boarding facility comprises 83 kennels and an internal courtyard which is used as an exercising area. An unauthorised 'dog water park' comprising swimming pool, and splash areas has been constructed to the south of the boarding facility, directly on the approved wastewater treatment area.

The surrounding locality is predominately characterised by small rural holdings comprising dwelling houses. There are ten residences immediately surrounding the existing animal boarding facility (refer to Figure 1 below). The closest adjoining residence is located 130 metres to the south of the animal boarding facility.





Figure 1: Aerial image showing separation distances from the subject animal boarding facility to adjoining residences (Source: NearMaps)

Measured distances to adjoining residences

- |    |   |
|----|---|
| 1  | 130 metres to No. 240 Bathurst Street Sawyers Gully |
| 2  | 409 metres to No. 223 Bathurst Street Sawyers Gully |
| 3  | 167 metres to No. 247 Bathurst Street Sawyers Gully |
| 4  | 166 metres to No. 261 Bathurst Street Sawyers Gully |
| 5  | 319 metres to No. 275 Bathurst Street Sawyers Gully |
| 6  | 147 metres to No. 276 Bathurst Street Sawyers Gully |
| 7  | 228 metres to No. 280 Bathurst Street Sawyers Gully |
| 8  | 322 metres to No. 290 Bathurst Street Sawyers Gully |
| 9  | 190 metres to No. 248 Bathurst Street Sawyers Gully |
| 10 | 285 metres to No. 246 Bathurst Street Sawyers Gully |

According to the Cessnock City Wide Settlement Strategy 2010, 'rural-residential' land was not recognised by the Standard Instrument (Local Environmental Plans) Order 2006. It was therefore decided that land zoned 1(c2) Rural (Small Holdings) at Sawyers Gully would retain the rural lands classification in recognition of existing rural pursuits undertaken in the locality. The existing 4ha minimum lot size and associated dwelling entitlements were retained for this suburb.

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Previous approvals issued in relation to the property include:

- Building Application 834/1974 proposing an animal boarding facility for 125 dogs. There is anecdotal evidence that the business operated well below the approved capacity with a maximum of 72 dogs kept on premises.
- Development Application 8/2005/1221/1 proposing an animal boarding facility for 125 dogs and 28 cats was submitted on 7 December 2005.

The proposal was intended to relocate the existing business accommodating 72 dogs and 20 cats (the keeping of cats assumingly without approval) into a facility that was more enclosed.

The application received three (3) objections in response to the public exhibition period on the basis of ongoing noise complaints. In order to address the noise issues raised in the public submissions, the applicant revised the proposal by reducing the number of dogs and cats to be in accordance with the scale and operation of the existing facility (i.e. reducing the number of dogs from 125 to 72 and cats from 28 to 20).

- Development Application 5/1996/25 proposing the subdivision of parent Lot 3 DP 553308 into three (3) allotments (i.e. the creation of Lots 30-32 DP 1060818).
- Section 96 Application 8/2005/1221/2 proposing the modification of Condition No. 15 which no longer required animals to be delivered or collected via an enclosed compound.

## **HISTORY**

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

<b>Date</b>	<b>Action</b>
23 September 2016	Subject application is lodged.

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7 October 2016	<p>Correspondence issued to the applicant advising the following:</p> <ul style="list-style-type: none"> <li>• The application was lodged under Section 96(1A) of the Environmental Planning and Assessment Act 1979 as a 'minor modification'. Given the proposed amendment is likely to result in significant noise impacts, that the application could only be considered under Section 96(2) of the Act.</li> <li>• The original application was deemed 'Nominated Integrated Development' given separate approval was sought under the Rivers and Foreshores Improvement Act 1948. Accordingly, the subject modification is required to be exhibited in accordance with the original public consultation process.</li> <li>• A recent Acoustic Report prepared in accordance with the requirements of Council's submission matrix is required.</li> </ul> <p>The report will need to address the proposed intensification of land use and determine any potential impacts on adjoining sensitive noise receptors. Any recommendations for mitigation strategies such as noise shielding, acoustic treatment and operational management should be discussed in the report.</p>
21 October 2016	Correspondence is issued by the applicant advising that the proposal is to be amended to seek modification pursuant to Section 96(2) of the Act.
28 October 2016	A recently prepared Acoustic assessment is submitted.
16 November 2016 - 30 November 2016	The application is publicly exhibited.

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<p>8 December 2016</p>	<p>Correspondence is issued to the applicant advising that the application was not supported for the following reasons:</p> <p><u>Acoustic impacts</u></p> <p>The proposed increase in number of animals kept on-site and deletion of Condition No. 4 results in unreasonable acoustic impacts to adjoining residences.</p> <p>The original application (DA 8/2005/1221/1) for alterations and additions to an existing dog boarding kennel and cattery was only supported on the basis that the proposed number of dogs and cats was reduced, from 125 to 72 and 28 to 20 respectively, in order to respect the residential amenity of adjoining neighbours.</p> <p>Furthermore, the submitted acoustic report prepared by Spectrum Acoustics dated 26 October 2016 is considered unreliable as it is dismissive of the offensive and intrusive nature of anticipated noise impacts.</p> <p><u>Unauthorised works</u></p> <p>Upon assessment of the application, it has been identified that unauthorised structures have been built over the approved transpiration area. This has resulted in a loss of approximately 75 percent of the approved transpiration area and the remainder of the site is unable to contain the wastewater as per conditions of the original consent for the following reasons:</p> <ul style="list-style-type: none"> <li>• There are mature trees within the portion of the site currently being used as the transpiration area which are not suitable for use in wet soil environment;</li> <li>• The transpiration area is immediately adjacent to a dam and an unsealed roadway;</li> <li>• The waste disposal area is currently failing with sodden and boggy areas evidenced along the length of the remaining disposal area; and</li> <li>• Wastewater from unauthorised works is being directed into drainage pipes currently being constructed and directed towards the on-site dam.</li> </ul> <p>An increase in loading on the wastewater system is therefore not supported as the current system is unable to cope with the current demands and will result in the disposal area continuing to fail.</p>
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	<p><u>Traffic and Parking</u></p> <p>The proposed intensification of land use has not been supported by a traffic and parking assessment to justify the suitability of the existing access and parking arrangement.</p> <p>In light of concerns raised in relation to onsite waste disposal, increased car parking and impervious surface area would need to be considered in the assessment of the area available to dispose of wastewater.</p> <p><u>Public interest</u></p> <p>Significant objection from surrounding neighbours has been received in response to the public exhibition period. Valid concerns have been raised in relation to intensification of land use and acoustic impacts.</p> <p>In light of the abovementioned matters, it is considered that the proposed development is contrary to public interest.</p> <p>On the basis of the above, it was recommended that the subject Section 96 (2) Application be withdrawn.</p>
12 December 2016	<p>A consultant (PCB) acting on behalf of the applicant advises that a response will be prepared in relation to Council's intention to refuse letter.</p> <p>In the absence of any available Council Meetings which would allow the application to be determined, the application remained on hold.</p>
31 January 2017	<p>A response is provided in relation to Council's intention to refuse letter dated 8 December 2016.</p>
14 February 2017	<p>A Building Certificate is lodged for the unauthorised works (dog splash park) identified during the assessment of the subject application.</p>
17 February 2017	<p>Assessment finalised and report recommending refusal prepared.</p>
27 February 2017	<p>Meeting held at Council with the applicant, applicant's planning consultant, Council's Development Services Manager, Council's Health and Building Manager, Council's Team Leader Development Services and Council's Environmental Health Team Leader in attendance.</p> <p>The purpose of the meeting was to discuss Council's correspondence of 8 December 2016, and the information that has since been lodged by the applicant and assessed by Council officers.</p> <p>Specifically, issues surrounding categorisation of the Application, acoustics, on-site sewage management and traffic were discussed with the applicant and their planning consultant.</p>

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8 March 2017	Correspondence issued to the applicant summarising the matters discussed and conclusions reached in the Meeting held on 27 March 2017.
1 May 2017	Applicant submits additional information including a revised acoustic report and traffic assessment in response to the issues raised by Council.
17 May 2017 - 31 May 2017	Application is re-advertised.
31 May 2017	Submission received in response to second exhibition period.
31 May 2017	<p>Correspondence issued to the applicant advising that following review of the supplementary documentation, the proposal was not supported for the following reasons:</p> <p><b>1. Noise Impact Assessment</b></p> <p>The concerns in relation to anticipated noise impacts were discussed in detail at Council's Meeting held 27 February 2017. It was confirmed in writing on 8 March 2017 that:</p> <p><i>"The submitted report is considered to be ambiguous, rather than definitive. The report should be amended to include specific measures that will be taken to abate noise impacts. Submission of a noise management plan along with modelling that utilises data from noise monitoring is recommended. The monitoring to be conducted during peak use periods (Easter Holidays suggested)".</i></p> <p>A third Acoustic Report dated April 2017 was received on 1 May 2017. Data was collected at four locations on or near the boundary of the site, in the direction of the nearest receivers.</p> <p>Noise measurements were obtained for a one-hour period on Friday, 31 March 201 which was outside the requested peak use period and not in compliance with the INP for "measurement period for low risk sources". Similarly to the earlier report received 28 October 2016, this report failed to address the impact of F-Class temperature inversions, which according to the INP dataset for the location would further impact noise measurements, occurring at between 25-30 percent of the time during the winter months.</p> <p>Sufficient evidence that the acoustic impacts of the proposed modification are within the limits provided by the NSW Industrial Noise Policy has not been provided. Accordingly, the conclusions of the revised Acoustic Report are not supported.</p>



	<p><b>2. Wastewater Management</b></p> <p>An order was issued in response to improvement works following the initial site inspection on 24 November 2016, which indicated the presence of unauthorised structures and a greatly reduced wastewater disposal area which had failed due to overloading.</p> <p>The provided Wastewater Report does not address the management of wastewater from the grassed dog exercise yards.</p> <p>The applicant was encouraged to withdraw the application by 7 June 2017 otherwise a report recommending refusal for the reasons outlined would be referred to the next available Council Meeting.</p>
2 June 2017	The applicant responds to Council and informs the application will not be withdrawn as it is considered that the acoustic impacts and wastewater management have been appropriately addressed. It was also indicated further justification would be provided by 7 June 2017.
7 June 2017	The application was not withdrawn nor did the applicant provide a further submission as previously indicated. Accordingly, Council proceeded to determine the application on the basis of information submitted.
14 June 2017	Assessment of the application finalised.
15 June 2017	Applicant submits two (2) submissions in relation to Council's intention to refuse letter dated 31 May 2017. These submissions argue that the application should not be refused but do not provide adequate reasoning to alter the recommendation of this Section 96, copies are included as enclosures to this report.

## DETAILS OF THE PROPOSED DEVELOPMENT

Section 96(2) Application No. 8/2005/1221/3, proposes the following modifications:

### 1. Amendment of Condition 3

Condition 3 currently prescribes as follows:

3. *In total, no more than 72 dogs and 20 cats may be kept on the premises at any one time. Whilst the new facility is being constructed, the dogs and cats may be split between the existing kennel facility and the new kennel facility but the number of dogs may not exceed 72 for the whole facility.*

The applicant proposes to amend Condition 48(b) to read as follows:

3. *In total, no more than 100 dogs and 30 cats may be kept on the premises at any one time.*

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**2. Deletion of Condition 4**

Condition 4 currently prescribes as follows:

4. *Dogs may only be exercised in the designated grassed exercise areas, not in the grassed access areas or outside the facility.*

**APPLICANT'S POSITION IN RELATION TO THE SECTION 96(2) APPLICATION**

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The applicant was provided several opportunities to address Council's concerns and lodged three (3) submissions (dated 19 September 2016, 31 January 2017 and 26 April 2017) in support of the Section 96(2) Application, which are included as enclosures to this report. The applicant's comments, and the officer's response, are outlined below:

**1. Amendment of Condition 3**

*The proposed modification would allow the facility to operate more efficiently for the size and scale of the existing development. The proposed modification does not require the construction of additional kennels or infrastructure and will result in substantially the same development.*

Officer's comment:

The proponent's justification that the existing facility has the physical area to accommodate an increase in boarding numbers is irrelevant as the primary impacts from the proposed modification relate to acoustic impacts and wastewater disposal.

It is considered that the subject site is not suitable for accommodating an increase in the maximum number of dogs permitted onsite. The proposed increase is significant, representing an increase in the maximum number of animals by approximately 41 percent collectively, and results in an unreasonable intensification of land use based on the following:

- There is a history of ongoing noise complaints relating to the operation of the animal boarding facility. These concerns were addressed by the original determination limiting the number of dogs permitted on-site and restricting noise impacts from within the facility. It is noted that the original proposal did not involve walking dogs on the property which introduces an additional opportunity to create a noise nuisance.

It is important to note that since the original application was determined, an additional dwelling has been approved and constructed within immediate vicinity of the subject site. Therefore, the number of sensitive noise receptors has increased in addition to no new measures being introduced to alleviate anticipated noise complaints.

Accordingly, the proposed modification will undermine the effectiveness of the original conditions imposed unless the impacts on amenity and wastewater disposal are suitably addressed.

- The submitted acoustic assessment is not supported as it does not consider the intrusive nature of noise impacts on surrounding residents nor have suitable mitigation strategies been recommended to address these concerns.

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- The subject site is not considered suitable for accommodating an intensification of land use given the site does not provide for adequate buffers to surrounding residences. Furthermore, the subject site is inconsistent with the objectives of the RU2 Rural Landscape zone in that the small rural holding does not provide for isolation from surrounding sensitive land uses.

*The data obtained from the attended noise monitoring event was assessed against the governing Industrial Noise Policy (INP) and demonstrated compliance against the rigorous noise criteria. The report concludes that the proposed Section 96 application (DA 8/2005/1221/3) will not create any adverse noise impacts and there is no acoustic reason why the changes cannot be approved.*

Officer's comment:

The revised Acoustic Report dated 26 April 2017 does not demonstrate compliance with the Industrial Noise Policy (INP) for the following reasons:

- The revised report states that data was collected at four locations on or near the boundary of the site, in the direction of the nearest receivers. Noise measurements were obtained for a one-hour period on Friday, 31 March 2017.

Section 3.2 Table 3.2 of the INP requires a measurement period for low risk sources for one day, covering the defined day/evening/night periods relevant to the periods the proposed development would operate.

As such, the results of the acoustic assessment are considerably lacking and the report has not undertaken appropriate monitoring for the required measurement period.

- The report fails to address the impact of F-Class temperature inversions, which according to the INP dataset for the location would further impact noise measurements, occurring at between 25-30 percent of the time during the winter months.

Further consideration of F-Class temperature inversion impacts is warranted as this has significant implications for anticipated noise impacts. Winter is selected as the appropriate season in which to determine whether temperature inversions are significant, as it represents the season with the highest frequency of occurrence of temperature inversions.

For the reasons stated above, the proposed intensification is likely to result in noise impacts that exceed legal requirements and will result in unacceptable impacts on neighbouring properties. The intensification is also likely to require ongoing monitoring and compliance action from Council.

The proposed increase in the number of animals has led to the consideration of the adequacy of the wastewater treatment, to determine if it is capable of accepting the projected load resulting from an increase in animals. In this respect a Wastewater Management Plan prepared by EP Risk, dated 21 April 2017 concludes that the on-site effluent system is suitable for the proposed use, provided the recommendations in the report are implemented.

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Officer's comment:

The presence of unauthorised structures has largely compromised the approved wastewater disposal area which has failed due to overloading. In light of this matter, the submitted Wastewater Management Plan does not address the management of wastewater from the grassed dog exercise yards.

**2. Deletion of Condition 4**

*The facility includes provision for controlled walks around the subject site grounds, due to isolation of the site from neighbouring developments.*

Officer's comment:

The applicant refers to 'controlled walks' but does not provide details of any mitigating measures to reduce noise impacts from animals being outside the compound. It should be noted that the compound and animal enclosures have been designed in a manner to reduce noise impacts to surrounding properties, with measures including buffer distances to other properties, acoustic shielding and visual barriers. The proponent proposes no limit on the number of animals being walked, no routes, does not specify hours and no set buffers. Whilst the animals will be controlled the acoustic impacts will not be.

The subject site is not considered to be isolated given the animal boarding facility is situated within relative proximity to at least ten surrounding residences (refer to Figure 1 above). As such, the suitability of the proposed modification within context of the surrounding locality needs to be taken into consideration.

Whilst it is acknowledged that setbacks to neighbouring properties are relatively generous for a rural site when compared to a residential setting. Sufficient buffers are not maintained to adjoining residences to warrant the removal of this condition, particularly given the closest dwelling is 130 metres from the existing facility.

It is considered that the condition should remain so that all noise impacts and potential for disruption to adjoining companion animals are maintained within the confinements of the established facility.

**Section 96(2) Other Modifications**

Section 96(2) of the Environmental Planning & Assessment 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 development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

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- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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*
- (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) Council initially advised the applicant that the proposed development, by way of likely impacts, was no longer substantially the same development as that which was originally approved and therefore required separate consent.

The applicant responded to Council's position by stating that the 'proposed application results in substantially the same development, as well as, minimal environmental impact; as concluded within the various sub-consultant reports that were commissioned'.

In order to determine whether the proposal is 'substantially the same development', the court has held that the legal test of qualitative and quantitative impacts be considered: *Moto Projects (No 2) Pty Ltd v North Sydney Council*.

The comparison of qualitative and quantitative elements of the development involves consideration of the numerical differences, anticipated impacts and whether changes relate to an essential feature of the approved development. The test involves an appreciation of development being compared in its proper context, including the circumstances in which the development consent was granted.

Accordingly, Council agrees that the proposal passes the 'substantially the same development' threshold test for the following reasons:

- The proposal does not result in a qualitative change since assessment of the application relies on the original aspects of the development (i.e. the proposed site, location of development, land use and floor area of the animal boarding facility are to remain as per the original approval).
- The qualitative impacts of the proposed modification (i.e. traffic and acoustic privacy) are consistent with the original development.
- The original Development Application (8/2005/1221/1) submitted on 7 December 2005 initially proposed an animal boarding facility for 125 dogs and 28 cats. The

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quantitate aspect of the assessment is therefore comparative to that considered in the previous determination.

Therefore, the modifications sought will result in the development being substantially the same as that originally approved.

- (b) The subject application does not seek to modify a condition of consent imposed as a requirement of concurrence by the Minister, public authority or approval body.
- (c) The Section 96(2) Application was publicly exhibited in accordance with Clause 118 of the Regulations, being advertised development that is published in the local newspaper.
- (d) Submissions have been received, these are discussed later in this report.

## ASSESSMENT

### ***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(2) Application:

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

The Environmental Planning Instruments that relate to the Section 96(2) Application are:

1. Cessnock Local Environmental Plan 2011

An assessment of the Section 96(2) Application under the Environmental Planning Instruments is provided below:

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

##### ***2.1 Permissibility***

The subject site is zoned RU2 Rural Landscape under Cessnock Local Environmental Plan 2011 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(2) Application, as the approved land use remains the same.

##### ***2.2 Objectives***

The objectives of the Zone RU2 Rural Landscape are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*



Comment: The proposal is not for the purposes of primary production.

- *To provide for a range of compatible land uses, including extensive agriculture.*

Comment: The proposed land use is permissible in the subject zone, however the anticipated impacts on residential amenity are considered unacceptable.

- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*

Comment: In this instance, the existing animal boarding facility is not situated within an isolated location as it is established on a small rural holding and is immediately surrounded by at least 10 residences. Given that the minimum lot size for Sawyers Gully is significantly less than the typical settlement pattern for RU2 land in the Cessnock LGA (i.e. 4 hectares when 40 is generally prescribed), the subject site is not considered suitable in accommodating an intensification of land use and the proposed amendments are expected to result in unreasonable noise impacts.

- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*

Comment: The intensity of development is inappropriate when considering the suitability of the land and proximity to sensitive noise receptors.

- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*

Comment: The proposal does not require the extension of services.

- *To maintain the rural landscape character of the land.*

Comment: The proposed development does not involve any physical works, for this reason there are no implications for the above objective.

- *To maintain and enhance the scenic character of the land.*

Comment: The proposed development does not involve any physical works, for this reason there are no implications for the above objective.

- *To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.*

Comment: The proposed development does not involve any physical works, for this reason there are no implications for the above objective.

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- *To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.*

Comment: The proposed development does not involve any physical works, for this reason there are no implications for the above objective.

- *To ensure development does not intrude into the skyline when viewed from a road or other public place.*

Comment: The proposed development does not involve any physical works, for this reason there are no implications for the above objective.

The proposed development is inconsistent with the objectives of the RU2 Rural Landscape zone in that the intensity of development is inappropriate when considering the suitability of the land.

### **2.3 Relevant Clauses**

The following clauses of CLEP 2011 are relevant to the subject Section 96(2) Application:

- **Clause 7.14 Essential services**

Where development is proposed on land zoned RU2 Rural Landscape, the consent authority must be satisfied that adequate arrangements have been made for essential services. In this circumstance, it has been identified that unauthorised works have occurred over the approved onsite waste disposal area.

Council's Environmental Health Officer has considered the proposed method of disposal and management of sewage is not supportive of the submitted wastewater report.

- **Clause 7.15 Groundwater vulnerability**

Council's Environmental Health Officer has considered the proposed modification and is concerned that urine and residual faecal matter from the exercise yards will not be captured and treated to prevent contamination of land and water.

***(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(2) Application.

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

#### **Cessnock Development Control Plan 2010**

The following non-compliances have been identified in relation to the Cessnock Development Control Plan 2010:

**Chapter C.4 Land Use Conflict & Buffer Zones**

Whilst it is acknowledged that the current animal boarding facility benefits from an existing approval, the proposed intensification of land use is required to be considered in light of Council's land use conflict controls.

The subject proposal involves modifications to an approved animal boarding establishment, recognised as a Category C land use under this DCP Chapter. This classification of land use requires adequate buffer distances to be provided for residual emissions such as noise from barking animals, odour from kennels and dust caused by client vehicles.

An animal boarding facility is required to provide for a minimum separation distance of 500 metres from Category A land uses. These types of land uses are considered sensitive and warrant protection from amenity reducing off-site impacts. Typical examples of Category A land uses include residential development such as dwellings.

The proposed intensification of land use does not provide for a minimum separation distance of 500 metres to adjoining residential development and at least 10 residences are located within this required separation buffer (refer to image 2 below).

The DCP provides flexibility in reducing the requirements of the numerical control where the application is able to demonstrate compliance with noise, waste and odour requirements.

Given that the proposed modification does not demonstrate reasonable outcomes with respect to noise, and wastewater requirements and the departure from numerical requirement is significant (i.e. the separation distance to the southern adjoining residence represents a non-compliance of 74 percent) a variation to Council's controls is unreasonable and not supported.



*Image 2: Aerial image showing that adjoining residences are located within a 500 metres buffer zone as measured from the centre of the animal boarding facility (Source: NearMaps)*

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***(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***

A Planning Agreement does not apply to the subject site.

***(a)(iii) The Regulations***

Clause 118 *Applications under sections 96 (2) and 96AA for modification of certain development consents* relates to the subject application. Accordingly, the subject Section 96(2) application was advertised in the local newspaper and was publicly exhibited from 16 to 30 November 2016.

***(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***

As there are no specific controls relating to commercial development in this location, the proposal has been assessed on its merits under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* as follows:

Noise and vibration

*Acoustic Report*

An Acoustic Report dated 23 May 2012 was initially submitted with the subject application. This report was prepared for an earlier Section 96 application (8/2005/1221/2) which related to the removal of a consent condition prohibiting dogs to be walked around the dedicated car park and areas of the site located beyond the kennel enclosure.

The specialist report was found to be substantially deficient and resulted in a request for additional information dated 7 October 2016.

A further Acoustic Report was provided to Council on 28 October 2016 relating to noise data obtained on 25 October 2016. The revised report stated that “the noise from the dogs was measured over several minutes at locations at the boundary of the site in directions of each of the nearest receivers”. Table 1 of the results indicates that noise monitoring was conducted between 12:02pm and 12:35pm including setup, pack up and relocation between three sites.

The conducted noise monitoring was contrary to the requirements contained under Section 3.2 (Table 3.2) of the NSW Industrial Noise Policy (INP), whereby a measurement period for low risk sources is specified as a complete day. This requirement covers the defined day/ evening/ night periods relevant to the times the proposed development would operate. In this instance, noise monitoring should have been conducted for the entire duration of the day and night given animals are to be kept onsite for extended periods of time.

Furthermore, the Acoustic Report failed to address the impact of F-Class temperature inversions, which according to the INP dataset for the location, would further impact noise

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measurements occurring at between 25-30 percent of the time during the winter months. Section 5.2 of the INP determines that an occurrence of temperature inversions of 30 percent is significant and requires further assessment.

For the above reasons, the revised Acoustic Report dated October 2016 was found to be deficient and resulted with an email dated 28 March 2017 advising *"in order for Council's Environmental Health Team to be able to assess the impact of the proposed development, the Acoustic Report and investigations must comply with the NSW Industrial Noise Policy."*

A subsequent meeting, held 27 February 2017, between the applicant and several Council representatives resulted with acoustic matters being discussed in further detail. The discussions held at Council were confirmed in correspondence dated 5 March 2017, stating:

*"The submitted report is considered to be ambiguous, rather than definitive. The report should be amended to include specific measures that will be taken to abate noise impacts. Submission of a Noise Management Plan along with modelling that utilises data from noise monitoring is recommended. The monitoring to be conducted during peak use periods (Easter Holidays suggested)".*

Council provided the applicant with a generous extension of time in which to respond to the identified concerns and undertake appropriate noise monitoring during the suggested peak period being the Easter School Holidays (i.e. between 8 and 25 April 2017).

A third Acoustic Report dated April 2017 was received on 1 May 2017. Data was collected at four locations on or near the boundary of the site and in the direction of the nearest receivers. Noise measurements were obtained for a one-hour period on Friday, 31 March 2017 which was outside the requested peak use period and not in compliance with the INP for "measurement period for low risk sources". Similarly to the earlier report received on 28 October 2016, this report failed to address the impact of F-Class temperature inversions, which according to the INP dataset for the location would further impact noise measurements, occurring at between 25-30 percent of the time during the winter months.

It has not been successfully demonstrated that the proposed acoustic impacts resulting from an increase in number of dogs and request to exercise dogs outside the compound will be within the limits provided by the NSW INP. On this basis, it is likely that the proposed modification will have an adverse impact on the acoustic privacy of surrounding residents.

*Compliance with Current Noise Conditions*

The original consent (8/2005/1221/2) provides for conditions of approval with restrictions relating specifically to noise impacts as follows:

16. *The L(Aeq 15 min) operating noise level of the premises, including dogs barking, plant and equipment when measured at the boundary of the worst affected residential premises shall not exceed 35 dB(A) during day, evening or night-time hours.*
17. *During night time hours (between 7:00pm and 7:00am) the LMax noise level of the premises shall not exceed 45dB(A).*
44. *A Noise Management Plan is to be adhered to at all times. The Noise Management Plan must consider factors such as noisier dogs' identification, housing and*

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*management and isolation, staff procedures and policies for reducing noise disturbances, exercise area use and transferring of dogs, handling of complaints and after hours contacts. A copy of the current Noise Management Policy is to be provided to Cessnock City Council's Environmental Health Coordinator prior to implementation and at any point in which changes are made.*

Despite the data reported by the Acoustic Study conducted on 31 March 2017 being significantly deficient, Table 1 (below) indicates that the measured noise levels (dB(A) Leq 15) exceed the requirements prescribed by Condition No. 16 of the original consent (DA 8/2005/1221/2).

Table 1 Akuna Care - Noise Monitoring Results – 31 March 2017			
Location	Time	dB(A), Leq	Identified Noise Sources
1	10:15 am	51	Local traffic (51), birds & insects (39), domestic noise (35), distant traffic (34) <b>Kennel (25)</b>
2	10:15 am	44	Birds & insects (43), <b>Kennel (37)</b> , traffic (34)
3	11:20 am	46	Birds & insects (45), <b>Kennel (38)</b> , traffic (33)
4	11:20 am	46	Birds & insects (42), traffic (40), domestic noise (36), other dogs (20), <b>Kennel occasional audible</b>

*Table 1: Results of the noise monitoring conducted on 31 March 2017 as reproduced from the submitted acoustic report prepared by Spectrum Acoustics dated 4 April 2017*

Furthermore, the failure to satisfactorily investigate temperature inversion events means noise levels could potentially increase by a further 2-5 dB(A) dependent on the distance to the receiver.

#### *Public Submissions*

A review of the public submissions received highlights instances where kennel operations may have contravened noise management practices reportedly in place, for example afterhours drop off/pick up and failure to confine dogs in interior kennels during night time hours.

Furthermore, the nature of significant objections received indicates that current operational practices and resulting noise levels are of concern to surrounding residents. On this basis, an intensification of land use is not supported as it is expected that increased noise impacts will be experienced by surrounding residents.

#### Water

##### *Wastewater treatment*

Following an inspection of the site undertaken on 24 November 2016, it was identified that the presence of unauthorised structures had significantly reduced the approved wastewater disposal area which had subsequently failed due to overloading.

A subsequent Wastewater Management Report was provided as part of the works order issued under the *Local Government Act 1993*. The submitted report provides for an amended design that currently does not meet the required specifications raised in the Order.



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Furthermore, the Wastewater Report does not address the management of wastewater from the grassed dog exercise yards. Given that the failure of the existing system has not been rectified, additional loading resulting from the proposed modification is not supported.

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

As demonstrated by the above assessment, the site does not support an intensification of land use. Whilst the subject site is zoned RU2 Rural Landscape, the subject zoning does not accurately represent the patterns of land use in the location.

The immediate locality is more reflective of the R5 Large Lot Residential zone (i.e. residential housing in a rural setting) in that the settlement pattern is largely defined by small rural holdings accommodating dwelling houses. Whilst it is evident that small-scale rural pursuits (e.g. an equestrian training facility and the keeping of farm animals) are undertaken in Sawyers Gully, rural commercial activities such as intensive agriculture are not represented in the location.

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

The Section 96(2) Application was publicly exhibited between 16 November and 30 November 2016.

Six submissions objecting to the proposal were received in response to the exhibition period. The response received constitutes 'significant objection' (i.e. the number of submissions represents 75 percent of those properties notified).

The application was re-advertised between 17 and 31 May 2017 following the submission of a revised Acoustic Report and traffic assessment in response to the issues raised by Council. A further submission was received in relation to the second exhibition period.

The issues raised are acknowledged to represent planning concerns and the following discussion addresses the matters highlighted in the submissions:

- *An increase in dog numbers and deletion of Condition 4 will impact on the lifestyle of surrounding residents.*

Comment: The existing animal boarding facility does not provide for adequate separation distance to adjoining properties in order to reduce residential amenity impacts experienced by adjoining landowners.

- *An increase in the number of dogs would exacerbate current noise issues.*

Comment: There is evidence of noise issues relating to the operation of the business at its existing scale. The proposed increase in number of permitted dogs by approximately 39 percent will exacerbate these issues.

- *Increased traffic movements results in accidents and generation of dust.*

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Comment: The application was accompanied by a Traffic and Parking Statement which addressed expected traffic movements. The anticipated increase in traffic is considered to be manageable and does not warrant upgrades to the unsealed section of Bathurst Street.

- *There are insufficient regulations to protect the residential community from the operations of the facility.*

Comment: Council needs to be satisfied that the anticipated acoustic impacts will be suitably addressed before consenting to an increase in dog numbers. In this circumstance, suitable mitigation strategies need to be imposed to protect the residential amenity of the locality.

An increase in noise complaints from the facility is a likely outcome of the increase in animal numbers with the following unsatisfactory results:

- Unreasonable demand is placed on Council's resources when responding to noise complaints;
  - The intensification of land use is not considered suitable in the absence of suitable measures to address the adverse impact of the development on residential amenity;
  - Council is limited in its ability to respond to noise complaints during the public holiday and shutdown periods, which coincide with peak boarding numbers for the business; and
  - Investigation and enforcement of noise abatement issues is complex and often unable to resolve issues quickly.
- *There are no footpaths in the area to safely exercise dogs and the walking of dogs sets off others and is not supported by noise reduction or screening measures.*

Comment: The exercising of dogs should occur within the compound to ensure that the operations of the site do not conflict with traffic movements occurring on and off site or trigger kenneled dogs from barking. It is acknowledged that no mitigation strategies are in place or have been proposed to address these concerns.

- *An agreement was made with Council to withdraw a submission provided in response to the original application on the basis that Conditions 3 and 4 were imposed. The cumulative impact of modifications that have occurred to the facility is unfair.*

Comment: The proposed modification undermines the measures imposed on the original consent in order to protect surrounding residents.

- *The modification will affect property values.*

Comment: Concerns relating to the depreciation of property values are not a matter for planning consideration.

- *The submitted Acoustic Report does not cover the holiday periods that residences have experienced intrusive noise*



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Comment: Noise monitoring was not conducted during the peak holiday period as requested by Council.

- *The claims made in the Acoustic Report in relation to the walking of a few dogs outside the boarding complex and monitoring of 60 dogs are not reflective of a typical environment. Furthermore, the report does not allow for noise which travels from the runs area to surrounding residences elevated above the subject site*

Comment: The deficiencies of the report in demonstrating compliance with the Industrial Noise Policy guidelines are acknowledged and this issue has not been satisfactorily resolved by the application.

**(e) The public interest**

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

Based on the above assessment, the proposed development is contrary to the public interest.

## SECTION 94 CONTRIBUTIONS

Section 94 Contributions are not payable for the proposal.

## INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	<p><i>Road/ Traffic / Parking</i></p> <p>The applicant has provided a Traffic Impact Assessment as required by Council in order to address the proposed rate of land use intensification (i.e. 41 percent increase) and subsequent increase in traffic generation.</p> <p>The total number of vehicles using Bathurst Road is 30 vehicles per hour as stated in the TIA, given the number of additional vehicles generated and the existing volume of traffic on Bathurst Road, the conclusion of the TIA that the development would have minimal impact on the surrounding road network is considered acceptable.</p>

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Environmental Health Officer	<p><i>Acoustic Impact</i></p> <p>Despite repeated requests for the submission of an Acoustic Report compliant with the NSW Industrial Noise Policy, the applicant has repeatedly submitted substantially deficient reports. The conclusions of Spectrum Acoustics (author of reports) cannot be supported.</p> <p><i>Wastewater Impact</i></p> <p>The provided Wastewater report does not address the management of wastewater from the grassed dog exercise yards.</p>
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## EXTERNAL REFERRALS

The Section 96(2) Application was referred to the following external agencies for pursuant to Section 120 *Notification of concurrence authorities and approval bodies* of the Environmental Planning and Assessment Regulation 2000:

Agency	Comment
Office of Water	The NSW Office of Water advised on 3 February 2017 that the Section 96(2) Application did not impact on any physical infrastructure or works on waterfront land. It was therefore considered that no further approval from DPI Water is required for this Section 96 modification.

## CONCLUSION

The Section 96(2) Application has been assessed in accordance with Section 96 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

The proposed modification is not supported as the significant increase in number of animals kept onsite will have detrimental impact on residential amenity. Insufficient separation distances are provided to surrounding residents to reduce anticipated noise impacts. As such, the site is not considered to be suitable for the proposed development.

Based on the assessment, Section 96(1A) Application is recommended for refusal due to reasons listed below.

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## ENCLOSURES

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- 1 Site plan (no new works proposed)
- 2 Objection 1
- 3 Objection 2
- 4 Objection 3
- 5 Objection 4
- 6 Objection 5
- 7 Objection 6
- 8 Objection 7
- 9 Applicant's submission dated 16 September 2016
- 10 Applicant's submission dated 31 January 2017
- 11 Applicant's submission dated 26 April 2017
- 12 Applicant's submission in relation to noise impacts received 15 June 2017
- 13 Applicant's submission in relation to wastewater received 15 June 2017

## REASONS FOR REFUSAL

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- 1) The proposal is likely to result in unreasonable acoustic impacts to adjoining residences (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
- 2) The proposed development is inconsistent with the objectives of the 2011 RU2 Rural Landscape zone, as provided by the Cessnock Local Environmental Plan, in that the intensity of development is inappropriate when considering the suitability of the land (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 3) The proposed development is inconsistent with Clause 7.14 of the Cessnock Local Environmental Plan 2011 requiring adequate arrangements for the disposal and management of sewage on land zoned RU2 Rural Landscape. (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 4) The proposed development is inconsistent with Clause 7.15 of the Cessnock Local Environmental Plan 2011 as animal waste from the exercise yards will not be suitably captured and treated to prevent contamination of land and water (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 5) The subject site is not deemed suitable for the intensity of the proposed development as adequate separation distances are not provided to adjoining properties (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
- 6) The proposal is not deemed to be in the public interest as anticipated impacts on residential amenity are considered unreasonable (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).

Corporate and Community

Report No. CC47/2017

Corporate and Community Services

**SUBJECT: FIRE AND EMERGENCY SERVICES LEVY COSTS****RESPONSIBLE OFFICER: Chief Financial Officer - John Oliver****SUMMARY**

The purpose of this report is to present to Council the costs that Council incurred as part of the proposed implementation of the Fire and Emergency Services Levy (FESL).

**RECOMMENDATION**

**That Council receive the report and note the information regarding the cost of preparing to implement the Fire and Emergency Services Levy.**

**BACKGROUND**

At its 7 June 2017 Ordinary Meeting, Council considered a report (CC38/2017) on the deferral of the Fire and Emergency Services Levy (FESL). Council then requested a further report to outline the costs Council has incurred as a result of the preparation for and deferral of the FESL.

**REPORT/PROPOSAL**

The NSW Premier and Treasurer have provided Councils with a source of funding for the preparation and implementation of the FESL. The funding comprised of both grants and cost reimbursements.

- Grant Funding
  - lump sum payment based on the population of the Local Government Area; and
  - the choice of formula or cost recovery for a number of cost heads. Council chose the formula approach after extensive consideration as the cost recovery approach would result in a further cost impact due to the time taken to record the actual costs, which would not be able to be recovered.

The cost reimbursement component of the funding was related to the reimbursement of the software changes.

A breakdown of the costs and income is provided in the table below:

<b><u>Expenses</u></b>		
Wages and Salaries	\$ 90,953.65	
Travel Expenses	\$ 1,021.30	
Software Changes	\$ 7,923.00	
		\$ 99,897.95
<b><u>Income Received</u></b>		
Software Changes	\$ 7,923.00	
Grant Funding	\$ 91,291.45	
		\$ 99,214.45
<b><i>Net Cost to Council</i></b>		<b>\$ 683.50</b>

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Council will be receiving a further payment of approximately \$3,000 as payment for the testing of the software changes that was completed before the announcement of the deferral.

**OPTIONS**

N/A

**CONSULTATION**

The following Council Officers were consulted during the preparation of this report:

- Acting Director Corporate and Community Services
- Chief Financial Officer

**STRATEGIC LINKS**

**a. Delivery Program**

Council's involvement with the working parties for FESL is consistent with 'Objective 5.2 – Encouraging More Community Participation in Decision Making' of the Cessnock Delivery Program 2013-2017 and the following Strategic Direction:

- We have improved relationships between different levels of government.

This report also links with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

To date there has been no material impact on Council.

**c. Legislative Implications**

NIL

**d. Risk Implications**

There may be a reputational risk to Council from the deferral of the introduction of this levy. There may also be a risk that NSW Treasury will not make the third payment to Council which will result in Council having incurred a cost of \$683.50.

**Corporate and Community**

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**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

***CONCLUSION***

Whilst there was a perception that the FESL was going to have a significant financial impact on Council to implement, Council involvement with the working parties meant that Council was able to use the funding provided to ensure the best outcome possible.

***ENCLOSURES***

There are no enclosures for this report

Corporate and Community

Report No. CC48/2017

Corporate and Community Services



**SUBJECT:** *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ON FRIDAY 9 JUNE 2017*

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

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**RECOMMENDATION**

That the minutes of the meeting of the Aboriginal and Torres Strait Islander Committee held on 9 June 2017 be adopted as a resolution of the Ordinary Council.

***MINUTES OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ANTE ROOM ON FRIDAY, 9 JUNE 2017, COMMENCING AT 9.00 AM***

**PRESENT:** Councillor Rod Doherty (left meeting 9:58am)  
Councillor Darrin Gray  
Ms Michelle Earl (Community Representative)  
Mr Craig Layer (Community Representative)  
Ms Susan Mulyk (Community Representative) (left meeting 9:58am)  
Ms Sonia Sharpe (Community Representative)  
Ms Tara Dever (Community Representative)

**IN ATTENDANCE:** Ms Natalie Drage – Acting Community & Cultural Engagement Manager (Principal Community Planner)  
Ms Jo Miller – Community & Cultural Engagement Officer as Minute Taker

**INVITEES:** N/A

***APOLOGIES***

Mayor Bob Pynsent  
Ms Tracey Skene (Community Representative)





## **CONFIRMATION OF MINUTES**

**MINUTES:**

**RECOMMENDED** that the Minutes of the Aboriginal and Torres Strait Islander Committee held on 28 April 2017, as circulated, be taken as read and confirmed as a correct record.

**MOTION**

**Moved:** Sonia Sharpe

**Seconded:** Craig Layer

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. AACLM6/2017**

**SUBJECT:** CESSNOCK LGA SIGNAGE STRATEGY UPDATE

#### **RECOMMENDATION**

That the Committee have the opportunity to provide Aboriginal design input into works undertaken to implement the Cessnock and Hunter Valley Wine Country Signage Strategy.

**MOTION Moved:** Councillor Darrin Gray

**Seconded:** Tara Dever

### **LISTED MATTERS - COMMITTEE NO. AACLM7/2017**

**SUBJECT:** BRIDGES HILL MASTERPLAN

#### **RECOMMENDATION**

That a Draft Concept Design for the Bridges Hill Playground be presented to the Committee for consideration and feedback.

**MOTION Moved:** Sonia Sharpe

**Seconded:** Susan Mulyk

Corporate and Community

Report No. CC48/2017

Corporate and Community Services



## **GENERAL BUSINESS**

### **GENERAL BUSINESS - COMMITTEE NO. AACGB1/2017**

**SUBJECT:** **RICHMOND VALE RAIL TRAIL CYCLEWAY - ARCHAEOLOGICAL SURVEY REPORT**

#### **RECOMMENDATION**

That the Committee note the information in the report and provide further comment to be considered as part of the Draft Richmond Vale Rail Trail Cycleway - Archaeological Survey Report. A further report will come back to the Committee for consideration and feedback following public exhibition.

**MOTION**      **Moved:** Michelle Earl      **Seconded:** Craig Layer

Councillor Rod Doherty left the meeting, the time being 09:58 am

Ms Susan Mulyk left the meeting, the time being 09:58 am

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. AACLM8/2017**

**SUBJECT:** **COMMUNITY CULTURAL CONTACTS DATABASE**

#### **RECOMMENDATION**

That the Committee provide contact details of people that could potentially be included in a database of community cultural contacts.

**MOTION**      **Moved:** Tara Dever      **Seconded:** Craig Layer

Corporate and Community

Report No. CC48/2017

Corporate and Community Services



***LISTED MATTERS - COMMITTEE NO. AACLM9/2017***

***SUBJECT: INNOVATE RECONCILIATION ACTION PLAN***

***RECOMMENDATION***

The Committee to review the Draft Cessnock City Council Innovate RAP and be provided with an opportunity to propose actions for Council to consider in its Plan. The Committee will provide draft amendments and present at the next meeting.

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

***CORRESPONDENCE***

*Nil*

*The Meeting Was Declared Closed at 10.40am*

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

.....***CHAIRPERSON***

.....***GENERAL MANAGER***

***ENCLOSURES***

There are no enclosures for this report

**SUBJECT:** *OPTIONS FOR CESSNOCK POOL*

**RESPONSIBLE OFFICER:** *Acting Manager Recreation Services - Nathan Eveleigh*

## **SUMMARY**

The purpose of this report is to seek Council's endorsement of a preferred option for the strategic direction of Cessnock Pool.

## **RECOMMENDATION**

1. That Council notes the Report and endorses Option 3 (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.
2. That Council endorses Option 2 (upgrade at current location) as an interim strategic direction for Cessnock Pool.
3. That Council undertakes further work to determine the scope, design and cost of Option 3, incorporating indoor and outdoor water and play features, with an estimated capital cost of up to \$20M to be wholly or partly funded through development contributions.
4. That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option 2.
5. That Council receives a further report on how Option 2 and 3 will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant.

## **BACKGROUND**

At its meeting of 16 November 2016, Council was presented with the recommendations of the draft Cessnock Aquatic Centre Feasibility & Design Report (SGL Consulting, November 2016). After considering the recommendations of the Report, Council resolved:

1. *That Council acknowledges the draft Cessnock Aquatic Centre Feasibility and Design Report.*
2. *That Council be briefed on the process that has been followed to date including the 2014 Aquatics Needs Analysis; the 2016 Cessnock Aquatic Centre Feasibility and Design Report; Councillor Briefings and Council Reports.*
3. *That Council considers a further report outlining facility options that exclude the need for a Special Rate Variation.*

This Report is in response to Resolution Item 3 above.

**Works and Infrastructure**

**Report No. WI47/2017**

**Works and Infrastructure**



***REPORT/PROPOSAL***

The following three options that exclude the need for Special Rate Variation have been identified for Council's consideration. A brief SWOT Analysis has been prepared for each option and discussed below.

**Option 1 – Continue to operate Cessnock Pool (Status Quo)**

Cessnock Pool was constructed during the 1930s and includes an outdoor 50 metre pool with six lanes, a small covered toddler pool and leisure pool with water play features. The Pool operates from September to March and is heated near the beginning and end of the season, or as required. Option 1 involves continuation of current operating arrangements.

The strengths of Option 1 are mainly focused on continuity. Option 1 would mean that current programs would experience minimal disruption and Council would not be required to raise initial capital funding. Option 1 also means however that the issues currently being encountered at the pool would continue including; increasing maintenance and operating costs, lack of suitable parking and inefficient plant and equipment due to its age.

Should Council resolve to implement Option 1, an opportunity exists to continue to operate Cessnock Pool seasonally and invest money to enclose Branxton Pool to increase the amount of indoor water available all year round. The threats presented by Option 1 are that Cessnock Pool would not meet the aquatic needs of the community and that Council cannot continue to fund the rising costs of operations.

**Option 2 – Upgrade Cessnock Pool at its current location**

Upgrades at the current location would aim to improve the capacity of Cessnock Pool and offer more diverse uses to increase patronage. Works may include upgrading the program pool, installing a splash pad and/or upgrading the change rooms and amenities. All upgrades considered would be entirely contained within the existing site.

Option 2 would result in a more diverse offering of aquatic experiences which would likely encourage more people to visit. The weakness of Option 2 is similar to that of Option 1 in that the constraints imposed by the site (i.e. access and parking) would continue to inhibit visitation and the ongoing sustainability of the pool.

An opportunity exists for Option 2 to acquire adjacent residential properties to the north to accommodate the expansion of facilities. Funding may also be sourced through development contributions and grants as the works involve increasing the capacity of the pool. The threat of Option 2 is that due to site constraints, future expansion of the facility is limited and may not be able to meet the aquatic needs of future populations. Latent site conditions encountered during construction may also result in unforeseen costs.

**Option 3 – Relocate Cessnock Pool to Turner Park**

Relocating Cessnock Pool to Turner Park would aim to meet the aquatic needs of the current and future population and address the constraints presented within the current location. Option 3 could be undertaken in two stages, the first being to establish an outdoor 51m pool and amenities with associated administration, retail and kiosk space. The second stage could be to provide indoor water including 25m pool, program pool, leisure pool and learn to

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swim pool. This is a modified version of the facility presented in the Cessnock Aquatic Centre Feasibility Design Report 2016. Key components which have been excluded are a gym, crèche and slide tower.

The strengths of Option 3 include capacity to meet current and future needs of the community. Turner Park is of an adequate size to accommodate a large aquatic facility. Option 3 would also take advantage of the synergies generated by co-locating recreational facilities. The inclusion of an aquatic centre would complement the existing sporting facilities at Turner Park as well as nearby schools and residents. A new aquatic facility would also improve the environmental sustainability of operating the pool through adopting contemporary design and technology. Option 3 also has a number of weaknesses being that it may require the relocation of sporting groups and would also require a significant capital outlay.

An opportunity of Option 3 is acquiring and developing the former Bowling Club site to minimise disruption and dislocation of existing uses at Turner Park. Option 3 would also present an opportunity to dispose of the land currently occupied by Cessnock Pool. Funds generated by the sale may go towards offsetting the cost of the new facility. Option 3 would also be an appropriate project to fund through development contributions and grants.

The threat of Option 3 is that due to the significant capital outlay and planning required the ability for Council to deliver the facility in a timely manner is reduced.

***Funding Sources***

Potential funding sources for the upgrade and operation of Cessnock Pool include general revenue, development contributions, loans, grants and reserves. These are discussed in more detail below.

**General Revenue**

General revenue is predominantly generated through Council's rates and charges. General revenue is currently set aside for Cessnock Pool to fund the operation and maintenance of plant and equipment, administration expenses, employee expenses and utilities. Table 1 sets out a budget summary for Cessnock Pool 2016/17.

**Table 1 – Cessnock Pool Budget Summary 2016/17**

<b>Budget</b>	<b>Amount</b>
Employee	\$296,000
Administrative	\$9,350
Utilities	\$71,721
Cessnock Pool Maintenance Program	\$48,103
Pool Facilities Renewal Program	\$20,700
Other	\$26,966
<b>TOTAL</b>	<b>\$472,840</b>
% of Council's total GR budget	0.82%

General Revenue expenditure budgeted for Cessnock Pool in 2016/17 totaled \$472,840, making up 0.82 percent of Council's total budgeted General Revenue expenditure.

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Development contributions are amounts of money or works of equivalent value payable to deliver support infrastructure to service incoming population growth. Contributions can be facilitated either through a Section 94 Plan, Section 94A Plan or Planning Agreement. Council does not currently have a Section 94A Plan; however, contributions are being collected under various Section 94 Plans and Planning Agreements.

Table 2 outlines development contributions identified for collection which are eligible to be spent at Cessnock Pool. It is understood that the upgrades proposed to Cessnock Pool, as identified in the Mount View Road - Millfield Precinct Section 94 Contribution Plan 2011, are set over two stages:

- Stage 1 – Indoor 25m swimming pool, purpose built leisure/program pool, change rooms, meeting room, toilets, storage, kiosk, office space and spectator areas incorporating seating. Estimated Cost \$5M.
- Stage 2 - 50 metre outdoor pool, dry facilities incorporating gymnasium, change room, program rooms. Estimated Cost \$5M.

The rate at which development contributions are collected is determined by the rate in which land is developed. Historically, Cessnock has experienced relatively slow rates of development which has delayed the collection of contributions and delivery of infrastructure.

**Table 2 – Development contributions for Cessnock Pool**

<b>Contribution Plan / Planning Agreement</b>	<b>Description</b>	<b>Cost</b>	<b>Apportionment</b>	<b>Contribution</b>	<b>Funds collected</b>
Kitchener (Planning Agreement) 2015	Upgraded aquatic facilities	\$10M	1%	\$60,000	\$20,000
Bellbird North Plan 2009	Upgrade of Cessnock pool	\$10M	25%	\$2,500,000	\$15,000
Government Road Precinct Plan 2011	Upgraded aquatic facilities	\$10M	2.6%	\$260,000	Nil
Mount View Road Millfield Precinct Plan 2011	Upgrade/replacement of Cessnock pool	\$10M	1.36%	\$136,000	Nil
Nulkaba Plan 2014	Upgrade District Aquatic Facilities - Cessnock	\$5M	1%	\$211,402	\$2,000
			<b>TOTAL</b>	<b>\$2,907,000</b>	<b>\$37,000</b>

Since the adoption of the Bellbird North Section 94 Plan in 2009, Council has collected \$37,000 of \$2.9M in development contributions to upgrade Cessnock Pool.

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Loans

Loans may be sought to access money to fund key infrastructure projects. Council has previously sought loans to fund the construction of the Cessnock Performing Arts Centre and Kurri Kurri Aquatic and Fitness Centre. Loans are required to be paid back within a defined period and incur interest rate charges. Loan repayments would need to be funded from Council's General Revenue. As an example, a loan of \$1M over 10 years at 5 percent interest would incur annual repayments of approximately \$127,000.

Grants

Grants are competitive bids to attract funding for a specified use or project. Grants may be funded and administered by Federal or State Government or private enterprise. They are opportunistic and often vary in eligibility requirements and funding amounts. At the time of writing this report, the following grants may be suitable to fund upgrades at Cessnock Pool:

- Building Better Regions Fund – administered by the Australian Government Department of Infrastructure and Regional Development this program provides funding for infrastructure and community investment projects that will create jobs, drive economic growth and build stronger regional communities into the future. Funding of up to \$10M is available for nominated projects. Applications are currently closed. No future funding has been announced at the time of writing this report.
- Sport and Recreation Infrastructure Grant – administered by the NSW Government's Department of Industry – Liquor and Gaming this program focuses on developing and enhancing sport and recreation facilities. Funding of up to \$1M is available for nominated projects. Applications are currently closed. No future funding has been announced at the time of writing this report.
- Community Building Partnership – administered by the NSW Government's Department of Family and Community Services this program offers funding for the enhancement of community facilities. Funding of up to \$300,000 is available for the entire Cessnock electorate. Applications are currently closed. Applications for 2017 will be opening soon (typically June/July).

The following grants are available to not-for-profit organisations:

- Local Sports Program – administered by the NSW Government's Office of Sport this program aims to increase regular and on going participation in sport and active recreation. Funding of up to \$20,000 is available to improve sport and recreation facilities however Council is not eligible to apply. Applications are currently closed. No future funding has been announced at the time of writing this report.
- Newcastle Permanent Building Society Charitable Foundation – administered by Newcastle Permanent Building Society; this program aims to support projects that deliver benefits to disadvantaged, isolated and marginalised communities. Up to \$2M is available annually on an ongoing basis with funding not to exceed \$500,000 for any one project. Council is not eligible to apply. Applications for the current funding round close on 16 October 2017.



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**Reserves**

Council has a number of Reserves in which it holds money to be accessed for specific purposes. Reserves which are considered 'unrestricted' (i.e. they may be utilised for any purpose) may be accessed to fund upgrades at Cessnock Pool. Currently there is approximately \$200,000 in unrestricted Reserves.

**OPTIONS**

The following Options are identified for Council's consideration:

1. Note the Report and endorse Option 1 (status quo) as the preferred strategic direction for Cessnock Pool.
2. Note the Report and endorse Option 2 (upgrade at current location) as the preferred strategic direction for Cessnock Pool.
3. Note the Report and endorse Option 3 (relocate to Turner Park) as the preferred strategic direction for Cessnock Pool.
4. Note the Report and endorse Option 3 as the long term strategic direction for Cessnock Pool and Option 2 as an interim strategic direction. This is the preferred option.

**CONSULTATION**

The following internal stakeholders were consulted during the preparation of this report:

- Manager Recreation Services
- Principal Strategic Land Use Planner
- Management Accountant
- Asset Engineering Officer
- Director Works & Infrastructure
- Councillor Fitzgibbon

A Councillor Briefing was held on 10 May 2017 outlining the planning process that has been followed to date for Cessnock Pool.

Council Officers met with St Phillips Christian College, Nulkaba to discuss the school's intention to build an aquatic facility.

**STRATEGIC LINKS**

**a. Delivery Program**

The Report is consistent with the following Objectives of Council's Revised 2013-17 Delivery Program:

- Objective 1.2: Strengthening community culture.
- Objective 3.2: Better utilisation of existing open space.

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**b. Other Plans**

The Report is linked to the following Council Plans:

- Recreation & Open Space Strategic Plan 2009
- Turner Park Plan of Management 2010
- Aquatic Needs Analysis 2014
- Cessnock Aquatic Centre Feasibility & Design Report 2016
- Recreation Needs Analysis 2017
- Draft Recreation & Open Space Strategic Plan 2017
- Draft Turner Park Masterplan 2017
- Council's Section 94 Contribution Plans and Voluntary Planning Agreements.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The disposal of the current Cessnock Pool site would be subject to Council's adopted Property Investment Policy 2014 and Property Management Policy 2014.

**b. Financial Implications**

The financial implications of each of the options have been considered below.

**Option 1 - Status Quo**

As noted in the Cessnock Aquatic Centre Feasibility & Design Report (2016), over the 5 years from 2010/11 to 2014/15, Cessnock Pool's operating losses increased 26 percent (an average increase of 5.2 percent per annum) from \$300,025 to \$378,528. Applying a straight line average of expense increase forward 10 years, the annual operating expense would increase from \$378,528 in 2014/15 to \$628,428 in 2024/25.

Operating losses at Cessnock Pool are expected to continue to increase as replacement costs on plant and equipment rise and visitation continues to remain steady. Operating losses are not eligible to be funded through development contributions or grants and therefore must be funded through Council's general revenue.

Council's Asset Engineering Officer has also advised that there are a number of anticipated expenses in excess of \$150,000 that will be incurred in the short to medium term at Cessnock Pool including:

- Replacement of heat pump.
- Change room roof replacement.
- Replace fitting, floor coverings, kitchen cabinetry.
- Rust treatment and roof replacement of grandstand.
- Office and kiosk floor covering replacement.

To comprehensively understand and plan for plant and equipment replacement Council will need to engage a suitably qualified professional to undertake a Review of Plant. Anticipated expenses associated with plant and equipment replacement along with stagnant visitation

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numbers will result in increases in operational losses and an eventual major facility upgrade. Option 1 is therefore not a financially sustainable option over the medium to long term.

**Option 2 - Upgrade at current location**

Upgrades at the current location have been selected with a focus on increasing facility capacity and visitation. Costs have been based on rates provided in the Indicative Cost Plan prepared by Turner & Townsend (May, 2016) to accompany the Cessnock Aquatic Centre Feasibility & Design Report.

**Table 3 – Proposed upgrades for Option 2**

<b>Upgrade</b>	<b>Cost</b>
Program/Warm Up pool w/ Spa	\$1,600,000
Splash Pad w/ Features	\$450,000
Upgrade Amenities	\$661,500
<b>TOTAL</b>	<b>\$2,711,500</b>

Upgrades at the current location would be expected to improve visitation however this would be limited by the parking and access constraints imposed by the site's location. The higher costs to operate additional infrastructure may negate the financial benefits of increased visitation. Option 2 would be eligible for funding via development contributions and grants. Alternatively, a loan of \$2.71M (at 5 percent interest over 10 years) would incur annual repayments of approximately \$345,115 or total repayments of \$3.45M over the 10 years.

The costs provided in Table 3 are only indicative and exclusions have been applied. Should Council wish to proceed with Option 2, costings will need to be revised following further design work and site specific investigations.

**Option 3 – Upgrade and relocate to Turner Park**

This option is the most consistent with the recommendations of the Aquatic Needs Analysis (2014) and Cessnock Aquatic Centre Feasibility and Design Report (2016). It would require a staged approach to ensure the facility is able to meet the community's needs and be delivered within Council's financial capacity. Costs have been based on rates provided in the Indicative Cost Plan prepared by Turner & Townsend (May, 2016) to accompany the Cessnock Aquatic Centre Feasibility & Design Report.

**Table 4 – Proposed upgrades for Option 3**

<b>Upgrade</b>	<b>Cost</b>
<b>STAGE 1</b>	
51m 8 lane outdoor pool	\$3,600,000
Outdoor concourse to 51m pool	\$311,400
Shaded tier seating on concourse	\$405,000
Outdoor Aquatic Area with splash pad	\$144,000
Splash pad w/ features	\$450,000
Toddler Pool	\$300,000
BBQ Shade structure and play areas	\$139,500
Store rooms	\$144,000
Plant room	\$567,000
Swim club offices and stores	\$88,000

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Foyer	\$160,000
Reception	\$66,000
Admin office and staff room	\$418,000
Dry lounge	\$220,000
Café servery, kitchen, stores	\$182,000
Merchandising/promo store	\$110,000
Store rooms	\$100,000
Café access amenities	\$16,500
Staff amenities	\$60,000
First aid	\$37,500
Main amenities	\$661,500
Family Change and Accessible Change	\$110,000
Plant room/Plant Platform	\$150,000
Loading services and hard stand	\$152,000
Site entry	\$100,000
Landscaping	\$150,000
<b>STAGE 1 TOTAL</b>	<b>\$8,842,400</b>
<b>STAGE 2</b>	
Pool Hall	\$6,168,000
School / event change amenities	\$283,500
25m pool incl ramp entry (indoor)	\$1,400,000
Program pool amenities	\$229,500
Learn-To-Swim Pool	\$300,000
Free form leisure pool	\$1,125,000
Warm Water Program Pool and Spa	\$1,600,000
Car Park Upgrade	\$1,216,000
<b>STAGE 2 TOTAL</b>	<b>\$12,322,000</b>
<b>TOTAL</b>	<b>\$21,164,400</b>

The costs provided in Table 4 are only indicative and exclusions have been applied. Should Council wish to proceed with Option 3, costings will need to be revised following further design work and investigations. Option 3 would be eligible for funding via development contributions and grants.

Council Officers also engaged Bob Roberts Property Valuer Pty Ltd to prepare a Short Form Property Valuation Report (14 June 2017) on the Cessnock Pool site. The estimated value of land if it were to be cleared of existing improvements and rezoned from RE1 Public Recreation to B4 Mixed Use would be \$3.55M.

**c. Legislative Implications**

N/A

**d. Risk Implications**

In considering the preferred option for Cessnock Pool, there are a number of notable risks that should be taken into account.

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The first risk is committing to a facility that does not address the community's needs. Understanding demographic profiles, industry trends, community feedback and attendance data is critical to determining what type of facilities the community need or want. Cessnock's Aquatic Needs Analysis identified that current aquatic facilities will not meet the community's needs and significant investment is required to address this gap. Facilities that do not meet community needs mean that Council misses out on the widespread health benefits provided by recreational infrastructure like aquatic centres. Aquatic centres also rely on money collected through visitation and investing in capital that is not in demand will reduce visitation and increase the likelihood of an aquatic facility being unsustainable.

The second risk is committing to a facility that is unaffordable. To properly understand the cost of an asset it is important to understand the life-cycle cost, including capital, operations, renewal and depreciation. There is little benefit to constructing a facility that is affordable to build but places tremendous stress on budgets to operate. Conversely, there is little benefit to borrowing money to construct an expensive facility if budgets are not able to service the loan or other infrastructure of high importance is unable to be delivered. Affordability also refers to the ability to raise funding. Due to the strict requirements of funding through grants or development contribution plans, it is important to commit to a facility that is able to address the requirements of these funding sources to diversify potential funding and improve affordability.

The third risk is committing to a facility that is unachievable. The Aquatics Needs Analysis has demonstrated that current aquatic facilities will not meet the community's needs. It is therefore important to commit to a facility that is able to be delivered within reasonable time to ensure the community is adequately serviced by aquatic facilities. Development contribution plans, a fundamental source of funding for large infrastructure projects, also require Councils to demonstrate deliverability within the life of the plan. It is therefore critical to commit to a facility that can either be holistically delivered, or staged, in accordance with the deliverability requirements of Development Contributions Plans.

**e. Environmental Implications**

Energy consumption is a significant factor in the ongoing environmental sustainability of Cessnock Pool. Considerable improvements to energy efficiency may be achieved through the upgrading of plant and equipment which in turn may result in a net reduction of operating costs and reduce the output of CO<sup>2</sup> emissions. Upgrades proposed in Option 2 and Option 3 could achieve considerable improvements to operating efficiencies through contemporary design and technology and contribute to Council's environmental sustainability targets.

**f. Other Implications**

Relocating Cessnock Pool to Turner Park would impact existing user groups currently utilising the facility. Through the development of the Cessnock Aquatic Centre Feasibility & Design Report 2016 and draft Turner Park Masterplan 2017, Council Officers have consulted the groups that will be directly impacted by the proposal and will continue to work closely with them throughout the planning, design and construction process to ensure any disruption to their activities and operations is minimal.

Council Officers met with St Phillips Christian College, Nulkaba on 21 June 2017 to discuss the school's intent to build an aquatic facility. The school is currently in the Masterplanning phase for the facility and is eager to work with Council to deliver a favourable outcome for the

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community. The school is considering the feasibility of constructing an indoor 50m pool and making it available to the general public. Therefore any upgrades proposed for Cessnock Pool need to consider and complement the proposed facility at Nulkaba.

***CONCLUSION***

Three options that exclude the need for a Special Rate Variation for Cessnock Pool have been identified for Council's consideration.

Each option presents its own opportunities and challenges however Option 3 is considered to be the preferred long term strategic option as it best meets the community's needs. Option 2 is a suitable interim strategic option as it would address gaps in aquatic facility provision and increase visitation at Cessnock Pool.

Regardless of which option Council resolves to endorse, a significant amount of funding (estimated to be in excess of \$150,000) is required to keep the existing plant and equipment operational. Planning and investigations would be required for all Options such as a Review of Plant (Option 1) and site specific planning and design (Option 2 and 3).

***ENCLOSURES***

There are no enclosures for this report

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**SUBJECT:** *OPERATION OF NEW WASTE TRANSFER STATION*

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

**SUMMARY**

This report provides an overview of the planned operation of the new Waste Transfer Station being constructed at the Cessnock Waste Management Centre. It includes details of the required functions to operate the Transfer Station and proposed staffing levels.

**RECOMMENDATION**

1. That Council endorses a proposed increase in Full Time Equivalent (FTE) staff numbers to accommodate the appointment of four additional Waste Services staff in order to adequately manage the new Waste Transfer Station.
2. That the new positions be funded from within Council's existing landfill operational budgets.

**BACKGROUND**

The construction contract for the new Waste Transfer Station (WTS) was adopted by Council in December 2016 (Report WI56/2016) and works commenced in January 2017. The construction is scheduled over 30 weeks and is anticipated to be completed by late July.

The new WTS at the Cessnock Waste Management Centre is a purpose built facility designed to promote resource recovery by providing users with greater opportunity to recycle materials including:

- Garden organics (those delivered to the Centre);
- Building demolition waste, such as bricks, concrete, tiles;
- Metal items including whitegoods;
- Household recyclables and cardboard;
- Household problem wastes such as oil, paint, batteries, gas bottles, fire extinguisher fluorescent globes/tubes and smoke detectors;
- Mattresses;
- Electronic waste.

The Cessnock Waste Management Centre operates seven days per week (362 days per year) and current operational tasks include operating the weighbridge and two plant items (loader and compactor) at the landfill working face. These three functions at the site utilise 4.2 FTE over the seven day operations of the site.

The current staffing levels at the Cessnock Waste Management Centre are low compared to similar sized facilities at neighbouring Council's, particularly when based on the volume of users attending the site. Table 1 (below) presents a comparison of neighbouring Council

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waste facility staffing levels. Both the Port Stephens and Maitland facility have a dedicated on-site Supervisor.

**Table 1 – Comparison of Staffing Levels in Nearby Council Landfill Sites**

Council	Staff on site	Average Site Users	
		Weekday	Weekend
Cessnock	3	200	475
Port Stephens	6	94	107
Maitland	6 – 8*	130	320

\* Maitland City Council has 6 staff onsite during the week and 8 staff on weekends

The operation of the new WTS will require three additional staff resources to effectively deliver the desired outcomes by providing staff to monitor the operation of each area within the transfer station, provide direction and advice to customers and to operate the loader and transfer of material to the landfill face. In addition, the site requires a dedicated operational site supervisor to provide on-site management of both the operation and staff working on the site with a single point of responsibility for the entire site.

The purpose of this report is to seek Council's endorsement for the creation of four new Waste Services positions within Council's Full Time Equivalent (FTE) establishment.

### **REPORT/PROPOSAL**

Council's current landfill is approaching capacity and the landfill extension project is underway to secure additional landfill space. Whilst the development will provide landfill capacity for approximately 20 years, the centerpiece of the project is the introduction of a WTS.

Council's current landfill site has operated for over 30 years. The site has functioned primarily as a landfill with an ad-hoc approach to resource recovery in recent years.

Since 1996, a NSW Government Waste Levy has been applied to the operation of the landfill. This has resulted in every tonne of waste received at a landfill site being liable for the levy. The levy for 2017/18 is \$138.20/t. Currently, the levy increases annually by the CPI. The monthly levy liability is calculated using data recorded via the weighbridge. Council's current levy contribution is in the order of \$6.8 million per year. On-site management of waste is an effective way to reduce waste through active resource recovery and recycling activity. Each tonne of material exported from site for recycling and resource recovery attracts a levy rebate.

An additional weighbridge has been included in the site design for the new WTA, to allow for differential pricing between the resource recovery areas and mixed waste area of the site, further encouraging users to effectively and actively participate in resource recovery.

The WTS provides users both incentive and additional opportunity to recycle the above materials, which will increase resource recovery and divert waste from landfill therefore extending the life of the current and future landfills.

The community will no longer attend the landfill face removing the interaction with operational equipment and reducing the potential risk. The layout of the transfer station has been designed to separate operational and service vehicles from small vehicles, thus improving



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safety for all site users. Small vehicles that use the site will move in a constant forward motion and will have the benefit of hardstand unloading areas with some being undercover. This will further improve safety of the site as well as convenience for users.

Council's Waste Management Service consists of two distinct activities; the kerbside general waste collection and operation of the Cessnock Waste Management Centre. Council currently employs a Coordinator and Team Leader to coordinate these services, along with twelve multi-skilled Waste Service Operators that are rostered to fill the eight roles currently required over the seven days of the operations.

The introduction of the WTS and the role it will play in Council's overall waste management and education cannot be understated. Council's Waste Management Strategy focusses on providing increased service levels and opportunities to actively capture resources for recovery and provide opportunity for materials to be diverted from landfill.

In the long term, the effect of active recycling and diversion will deliver increased life of the landfill site and amortise the capital expenditure over greater time. In the short term, greater diversion via capture of resources and export of material off-site will reduce the amount of waste levy Council is liable for. Council receives levy rebate for the waste exported off-site to licensed re-processors. Currently Council's annual waste levy liability is in the order of \$6.8 million.

The WTS will operate in three distinct areas:

- resource recovery / recycling area
- the Community Recycling Centre for problem wastes
- the mixed waste disposal area

It is expected that increased staff presence will lead to greater recapture of materials and export off the site, will be achieved further reducing the levy liability.

To achieve the goals of the WTS, i.e. increase resource recovery and minimise the waste levy liability, it is proposed that four additional staff members, comprising an Operational Site Supervisor and three Waste Service Operators be employed to operate the facility. The four additional employees will allow for three staff members to work at the WTS over the seven days of the operation.

**Appointment of additional staff**

The appointment of additional staff has certain requirements under the Local Government Act 1993 namely:

**Section 332**

(1A) The General Manager must, after consulting the Council, determine the positions (other than the senior staff positions) within the organisation structure of the Council.

(1B) The positions within the organisation structure of the Council are to be determined so as to give effect to the priorities set out in the strategic plans (including the Community Strategic Plan) and Delivery Program of the Council.

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- Section 335 (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council; and  
(j) to implement the Council's Workforce Management Strategy.
- Section 403 (1) A Council must have a long-term strategy (called its Resourcing Strategy) for the provision of the resources required to implement the strategies established by the Community Strategic Plan that the Council is responsible for.

**Service Improvement Project**

The operation of the Waste Management Centre was the focus of a recent Service Improvement Project. As part of this project, the importance, operation and staffing of the site and WTS was presented to the Executive Leadership Team (ELT). A further Business Case was provided to ELT demonstrating that the proposed increased staffing costs can be off-set from improved and increased resource recovery and the corresponding waste levy rebate.

The success of the WTS relies on the effective management of the facility. Best practice management will deliver the greatest capture and diversion of resources from landfill, reducing Council's waste levy liability.

The proposed operation of the upgraded Waste Management Centre can be sustained without additional cost to Council.

**OPTIONS**

1. Increase Council's FTE numbers to accommodate four additional staff in the Waste Service Section to effectively operate the new WTS and achieve greater resource recovery and diversion from landfill. This is the preferred option.
2. Commence operation of the WTS utilising current staffing levels. This would compromise the success of the transfer station and landfill operations.

**CONSULTATION**

- Executive Leadership Team
- Human Resources
- Waste Service staff

**STRATEGIC LINKS**

**a. Delivery Program**

Council's 2013 – 2017 Revised Delivery Program.

Community Desired Outcome - A Sustainable and Healthy Environment:

- Objective 3.3 – Better Waste Management and recycling.
- Objective 3.3.1.a – Priority projects from the revised Waste Management Strategy.

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The better waste management and recycling objective has a strategic direction of diverting more of our waste for recycling and re-processing.

**b. Other Plans**

- Council's adopted Workforce Plan
- NSW State Government Waste Avoidance and Resource Recovery Strategy 2013–2021
- Regional Waste Avoidance and Resource Recovery Strategy 2014–2021
- Community Strategic Plan 2023 - Objective 3.3 Divert more waste to recycling or re-processing
- Waste Management Strategy 2014-19 - increase diversion rate from landfill

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The NSW Government Waste Levy must be paid for each tonne of waste received at the Cessnock Waste Management Centre. The levy for 2017/2018 is \$138.20 per tonne. The levy rate increases annually by the Consumer Price Index (CPI). Council's current levy contribution is in the order of \$6.8 million per year. For each tonne of materials exported from site for recycling and resource recovery a rebate of the levy is received.

Council incurs a cost for all waste management whether it involves recycling, recovery or landfilling of waste. The most effective, efficient and equitable management of the Waste Management Centre is to adopt a user pay system to recover those costs from the users of those services.

The proposed additional staff members will be part funded through effective management of the new WTS, where a consistent uniform price is placed on all recoverable materials.

A fee structure has been established to promote a user pay principal to encourage users to separate their recoverable materials. This fee structure will increase income generation from gate fees by applying fees to those customers using the service(s). The expected increase in income from gate fees is in the order of \$125,000.

The remaining funds for the additional staff members will come from savings made through a reduction in the NSW Government Waste Levy Liability. The potential savings associated with the reduced waste levy is in the order of \$356,000.

A Business Case for the proposal has been presented to and supported by ELT. The Business Case demonstrated that the cost of the additional employees is off-set by gate fees and the levy rebate gained by diversion of material from landfill, being exported from the site for resource recovery.

This level of capture of materials for resource recovery and export from site is reliant on monitoring and supervision at the various drop-off points within the WTS.

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**c. Legislative Implications**

The Cessnock Waste Management Centre operates under the Environmental Protection Authority Licence No. 6121 and the Protection of the Environment Operations Act 1997 and associated Regulations. The licence and POEO Act and Regulations place strict controls on the operation of the site to ensure appropriate environmental protection and waste management.

If the site is not managed effectively the NSW EPA can impose a range of measures including penalties.

**d. Risk Implications**

The new WTS will provide the Local Government Area with a modern waste management facility focused on best practice waste management, including resource capture, recycling export to processors and waste levy minimisation.

If the facility is understaffed the capture of resources and their export from site will be compromised. This will result in Council continuing to pay a higher waste levy contribution to the State Government.

The results of community consultation for the Waste Management Strategy 2014-19 indicated that the provision of more recycling opportunities was a high priority for the community. The new WTS will provide a contemporary facility with these additional recycling opportunities.

By having a number of highly visible staff operating and monitoring the WTS users are more likely to place materials in correct drop off locations. Without these additional staff there is a risk that some users will incorrectly dispose of waste, which could lead to contamination and rejection of recovered resource materials.

**e. Environmental Implications**

Resource capture, diversion and recycling are fundamental elements of sound environmental management and form the basis of Council's Waste Management Strategy. Specifically, the WTS station will make positive contribution to:

- Reducing volume of waste to landfill
- Reducing the production of greenhouse gas emissions
- Demonstrates Council's commitment towards environmental management
- Extend landfill life

**f. Other Implications**

Nil

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***CONCLUSION***

Waste Management is one of Council's core services and also one of the largest cost centres of Council's operations. The construction of the new WTS will deliver long term benefit to both Council and the Community.

All services involved in the delivery of waste management operation, whether recycling, recovery or landfill incur cost. The most effective, efficient and equitable management of these services is through the adoption of a user pay system to recover the costs of these services. Both service levels and cost have been considered in the design of the WTS with significantly reduced pricing aimed at rewarding recycling and resource recovery. Electronic measurement (using an additional weighbridge) will accurately distinguish between resource recovery and material destined for landfill.

The success of the facility will rely upon a sufficient level of staffing to monitor and supervise the operations of the new WTS and provide advice and assistance to customers. To achieve the goals of the new WTS, including increase resource recovery and minimise the waste levy liability, it is proposed to increase Council's (FTE) establishment with four additional positions as required.

***ENCLOSURES***

There are no enclosures for this report

Works and Infrastructure

Report No. WI49/2017

Works and Infrastructure



**SUBJECT:** ***DUST ABATEMENT - URBAN UNSEALED ROADS - KLINE STREET, WESTON***

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

**SUMMARY**

The purpose of this report is to provide Council with information in response to a Business With Notice (BN26/2017) resolution from the Council Meeting of 7 June 2017. The resolution relates to the proposed sealing of an unsealed section of Kline Street (between Eighth and Ninth Streets) Weston and seeks Council's direction as the request conflicts with Council's "Existing Unsealed Council Roads Policy".

**RECOMMENDATION**

1. That Council notes the cost to seal a 120 metre section of Kline Street, Weston is estimated to be \$30,000.
2. That Council considers the Options provided in the report with respect to the sealing of a 120 metre section of Kline Street, Weston.
3. That Council includes the list of unsealed roads across the LGA (provided as Enclosures 1, 2 and 3 to this report) as annexures to the Existing Unsealed Roads Policy.

**BACKGROUND**

At the 7 June 2017 Ordinary Council Meeting, Council considered Business With Notice (BN26/2017) and resolved:

1. *That the General Manager bring back costings to tar seal approximately 120 metres of Kline Street, Weston within one month.*
2. *That Council consider including sealing the unsealed section of Kline Street between Eighth and Ninth Street, Weston in its Delivery Plan 2017-2021 and Operational Plan 2017-2018.*
3. *That Council revisit its existing unsealed Council Roads Policy to include a current list of unsealed roads in residential and rural areas.*

This report provides information in response to Council's resolution.

**REPORT/PROPOSAL**

Council has approximately 330 kilometres of unsealed road network, which equates to approximately one third of Council's total road network. Dust generated from unsealed roads is an ongoing issue for some residents.

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**Existing Unsealed Roads Policy**

Council adopted the “*Existing Unsealed Council Roads Policy*” (the Policy) at the Ordinary Council Meeting of 6 August 2014 and revoked the previous Policy R35.4 “*Dust Abatement and Development Setback*” 2005.

Under the Policy Council will not seal any existing Council gravel roads:

*“2.1 Unless the property owner is prepared to contribute 100 percent, towards the cost of sealing the gravel road. The applicant is to refer to Council’s Guidelines and further approval must be obtained.*

*2.2 Council may consider sealing existing Council gravel roads, if an external funding grant is received and it has been identified for works within the 10 Year Strategic Plan.*

Since adoption, the Policy has supported responses to resident requests for sealing of unsealed roads.

The following information is provided in response to Council’s resolution of 7 June 2017:

**Estimated cost to seal 120m of Kline Street, Weston**

The estimated cost to provide a minimum layer of compacted aggregate base over the existing unsealed road with a one coat bitumen seal is \$30,000. It must be noted that the proposed works do not significantly alter the structural capacity of the road pavement as it currently exists. The life expectancy of this work is 3 – 5 years.

The cost does not include:

- contingency for latent site conditions
- road design
- geotechnical investigation/design
- utility alteration

**Funding**

The cost of the works have not been included in the preparation of Council’s 2017/21 Delivery Program and are not identified or programmed in the 2017/18 Operational Plan. Should Council resolve to undertake the works, funding would be drawn from Council’s Local Road Renewal Program.

**Unsealed Roads in the Cessnock LGA**

Table 1 below provides a summary of the unsealed road lengths across the LGA and the estimated costs to seal these roads (based on a minimum layer of compacted aggregate base over the existing unsealed road with a one coat bitumen sea). The life expectancy of this work is 3-5 years depending on location and traffic types / volumes.

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**Works and Infrastructure****Table 1 – Summary Unsealed Road Lengths across the LGA and Sealing Costs**

<b>Unsealed Road Type</b>	<b>Length (km)</b>	<b>Estimated Cost to Seal*</b>
Laneway	34	\$5,400,000
Rural Local	260	\$45,000,000
Urban Local	34	\$6,600,000

\*Note: the estimated cost to seal unsealed roads is based on existing road or laneway width hence the slight difference in cost between “Laneway” and “Urban Local” road types.

The above costs do not include:

- contingency for latent site conditions
- road design
- geotechnical investigation/design
- utility alteration
- road width or alignment improvements

**OPTIONS**

- Option 1 – That Council not support the request to provide dust abatement sealing works to a 120 metre section of Kline Street Weston in accordance with the Unsealed Roads Policy and that Council includes the list of unsealed roads across the LGA (provided as Enclosures to this report) as annexures to the existing Policy. This is the preferred option.
- Option 2 – That Council provide a dust control treatment along 120m of Kline St Weston using a single coat bitumen seal on a compacted base over the existing unsealed road surface as a medium term dust suppression treatment. This option conflicts with the Policy and would require Council to set aside funds to enable works to be undertaken. Funding for the project would be drawn from Council's Local Road Renewal Program.

**CONSULTATION**

- Works and Infrastructure Director
- Works Delivery Manager

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

Community's Desired Outcome: Accessible Infrastructure, services and facilities

Objective 4.2 – Improving the Road Network, specifically:

4.2.3 a : Renew and maintain roads, bridges and drainage infrastructure

**b. Other Plans**

Nil



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**IMPLICATIONS**

**a. Policy and Procedural Implications**

Council's Existing Unsealed Roads Policy states that Council will not seal any existing unsealed road:

*"2.1 Unless the property owner is prepared to contribute 100 percent, towards the cost of sealing the gravel road. The applicant is to refer to Council's Guidelines and further approval must be obtained.*

*2.2 Council may consider sealing existing Council gravel roads, if an external funding grant is received and it has been identified for works within the 10 Year Strategic Plan.*

**b. Financial Implications**

The dust abatement sealing works in Kline Street, Weston have not been considered in the preparation of the Delivery Program 2017/21 or in the 2017/18 Operational Plan.

The \$30,000 of funding required for the project would be sourced from Council's Local Road Renewal Program.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Risks identified with supporting the request include:

- Safety risk to road users as drivers may increase vehicle speed on the upgraded section in response to a perceived improvement in road standard.
- Perception of inequity as residents who requested sealing of an unsealed road adjacent to their property and have not received dust suppression upgrade works.
- A risk of an increase in requests for sealing unsealed roads could arise by allowing any relaxation of the current policy.
- Risk to Council's reputation as a Manager of Public Infrastructure Assets.
- Risk of insufficient funding in the Delivery Program 2017/21 and the 2017/18 Operational Plan requiring higher priority road renewal projects to be deferred or the scope reduced to enable the Kline Street works to occur.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

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***CONCLUSION***

Council has an extensive unsealed road network and significant funds are required to seal these roads. Council has an adopted Existing Unsealed Roads Policy to deal with requests relating to the treatment / upgrade of unsealed roads across the LGA. In line with the Policy it is recommended that Council not support the request to provide dust abatement sealing works on this occasion at Kline Street, Weston.

***ENCLOSURES***

- 1** Enclosure 1 - Unsealed Laneway
- 2** Enclosure 2 - Rural Local Unsealed
- 3** Enclosure 3 - Urban Local Unsealed

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Report No. WI50/2017

Works and Infrastructure



**SUBJECT:** *BRANXTON GRETA BUSINESS CHAMBER - COMMUNITY BBQ EVENT 25 JUNE 2017*

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

**SUMMARY**

Council has been approached by the organisers of the Branxton Greta Business Chamber (BGBC) Community BBQ, seeking a refund for fees relating to an event that was held at Miller Park, Branxton on Sunday, 25 June 2017.

The purpose of this report is to detail the extent and estimated cost of the assistance being requested by BGBC and to seek Council's approval to waive applicable fees associated with the event.

**RECOMMENDATION**

1. That Council waives the applicable fees associated with Branxton Greta Business Chamber Community BBQ that was held on Sunday, 25 June 2017, being:
  - a. An application fee in conjunction with the Event and;
  - b. The fee associated with providing six additional general waste bins at Miller Park and removal of the collected waste at the conclusion of the event.

**BACKGROUND**

The BGBC hosted a community BBQ event in Miller Park, Branxton on Sunday, 25 June 2017. The event was in aid of the Cancer Council and was an opportunity to bring together family and friends in the Branxton community.

Organisers of the event have approached Council seeking the waiving of fees associated with the event. This report details the extent of the sponsorship being requested by BGBC and seeks Council's endorsement to waive all applicable fees.

**REPORT/PROPOSAL**

A majority of the costs to host the Community BBQ were covered by the BGBC. To further assist with hosting the event, BGBC has approached Council seeking waiver of the following fees:

1. An application fee in conjunction with the Event;
2. The fee associated with supplying six additional general waste bins at Miller Park and removal of the collected waste at the conclusion of the event.

The costs associated with the requests are:

- Application fees of \$163.00;

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- Supply of six general waste bins and removal of collected waste at the conclusion of the event – approximately \$200.00.

In reviewing the requests, Council officers have determined that the waiving of fees for the above can be provided within existing recurrent operating budgets.

**OPTIONS**

1. Council waives applicable fees and provides support as requested at a total cost of \$363.00. This is the preferred option;
2. Council provides partial support for the requests;
3. Council provides no support.

**CONSULTATION**

In writing this report the following have been consulted:

1. Recreation and Community Liaison Officer
2. Recreation Services Manager
3. Environment and Waste Services Manager
4. Representatives of BGBC

**STRATEGIC LINKS**

**a. Delivery Program**

The proposed sponsorship for this event supports:

- Objective 1.2 – Our community organisations have opportunities to work together;
- Objective 2.3 – Increasing Tourism Opportunities & Visitation in the Area;
- Objective 5.3 – Our Council is responsive to the community.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The cost of providing the assistance requested made by BGBC is estimated to be \$363.00. This support can be absorbed within existing recurrent operating budgets.

**c. Legislative Implications**

Nil

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**d. Risk Implications**

Nil

**e. Other Implications**

Nil

***CONCLUSION***

On the basis of supporting events that provide opportunity for the community to work together and promote visitation across the Cessnock LGA, it is recommended that Council waive the fees associated with the BGBC Community BBQ that was held on Sunday, 25 June 2017.

***ENCLOSURES***

There are no enclosures for this report.

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**SUBJECT:** *HUNTER CENTRAL COAST RID SQUAD 2017- 2021*  
**RESPONSIBLE OFFICER:** *Environmental & Waste Services Manager - Michael Alexander*

**SUMMARY**

Correspondence has been received from the NSW Environment Protection Authority (EPA) advising that further funding will be provided toward the continuation of the Hunter Central Coast Regional Illegal Dumping (RID) Squad under the Waste Less Recycle More (WLRM) grant funding program. The funding will be available for the period July 2017 – June 2021.

The report details the provisions associated with the funding and seeks Council's endorsement to continue participation in the Squad as a Full Member Council.

**RECOMMENDATION**

1. That Council continues participation in the Hunter Central Coast RID Squad as a Full Member Council.
2. That Council allocates \$50,000 from its Better Waste and Recycling grant to fund the cost of being a Full Member in the squad.

**BACKGROUND**

Council resolved to join the Hunter Central Coast RID Squad in 2014 (Report WI 15/2014). The Squad at that time included Cessnock, Lake Macquarie and Wyong Councils as Full Member Councils; and Newcastle, Maitland, Muswellbrook, Singleton, Dungog and Upper Hunter as Associate Member Councils.

In 2015, Gosford, Muswellbrook and Singleton became Full Members of the Squad, and in 2016 Gosford and Wyong merged to become a Full Member as Central Coast Council.

The Squad was originally formed as part of an NSW EPA Waste Less Recycle More (WLRM) program. The funding arrangement for the program was made available for the 2013 – 2017 period and this funding expires on 30 June 2017.

The NSW State Government has recently announced that the WLRM funding for the Hunter Central Coast RID Squad will continue for a further four years under the WLRM II Program. The funding will be available for the period July 2017 – June 2021.

Under the WLRM II Program, a total of \$9M has been allocated towards illegal dumping across NSW, including continuation of the Hunter Central Coast RID Squad. The funding contribution to the Hunter Central Coast RID Squad is as follows:

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<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>Total Funding</b>
\$490,000	\$502,250	\$514,806	\$544,461	\$2,051,517

Whilst the establishment and operational budget for the Squad will be largely met from the EPA grant, there will be additional funding required from each of the Member Councils.

In addition, the EPA has advised that as a provision of the funding for 2017-2021 the following conditions apply:

- Lake Macquarie Council administers the Hunter Central Coast RID Squad including the management and employment of all RID staff;
- Hunter Central Coast RID Squad funding contribution works towards a 50/50 contribution between the EPA and Member Councils by 2021.

**REPORT/PROPOSAL**

The current membership of the Hunter Central Coast RID Squad is detailed in Table 1, below. Full Member Councils have a dedicated full-time investigation officer, with the exception of Muswellbrook and Singleton, who share an officer. Port Stephens Council is not involved in the RID Squad, choosing to operate its own illegal dumping compliance program.

**Table 1 – Membership of the Hunter Central Coast RID Squad**

<b>FULL MEMBER COUNCILS</b>	<b>ASSOCIATE MEMBER COUNCILS</b>
Cessnock	Dungog
Central Coast	Maitland
Lake Macquarie	Newcastle
Muswellbrook/Singleton	Upper Hunter

Investigation officers for Lake Macquarie, Singleton and Muswellbrook are currently employed by Lake Macquarie City Council (the officer shared by Singleton and Muswellbrook is seconded to those Councils), while Cessnock and Central Coast currently employ their investigation officers directly.

The work program of all investigators is directed by the RID Coordinator, employed by Lake Macquarie City Council, in close consultation with relevant line managers in Member councils.

The RID Squad, through the RID Coordinator, reports to the RID Squad Management Committee, which is made up of representatives of all RID Squad Member Councils and the EPA. The Hunter Regional Waste Coordinator and Public Land Managers have observer status.

The current contribution towards full membership is \$50,000 per annum. Associate Membership ranges from \$1500 per annum for smaller Councils to \$3500 per annum for larger Councils. These contributions will remain the same in the proposed new funding term, 2017-2021.

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The difference between Full and Associate Member services is shown in Table 2 below:

**Table 2 – Services for Full Member & Associated Member Councils**

Service	Full member	Associate member
Investigations	Yes	Fee for service
Patrols	Yes	Fee for service
Surveillance	Yes	Fee for service
Interviews with offenders	Yes	Fee for service
Preparation of evidence briefs	Yes	Fee for service
Preparation of penalty notices and clean-up notices	Yes	Fee for service
Support a Council run an operation or blitz	Yes	1 per year
Surveillance camera loan	Yes	Equivalent to 4 weeks per year for a single camera
Publicity and media	Yes	Yes
Education Resources	Yes	Yes
Access to data and intelligence	Yes	Yes
Training & development	Yes	Yes
Partner in grants available under the contestable WLRM Illegal Dumping grants scheme	Yes	Yes
Illegal Dumping Practitioners Forum	Yes	Yes

Continued participation in the Hunter Central Coast RID Squad will cost Council \$50,000. This contribution can be met from the Better Waste and Recycling grants received from the EPA. It is noted however that this funding has been reduced to approximately \$93,000 pa., therefore 54 percent of this funding will be consumed in order to maintain Full Membership in the RID Squad.

**Conditions of EPA WLRM II Funding**

As noted earlier in the report, the EPA has placed certain conditions on the funding for WLRM II program 2017-2021. These provisions are in response to the findings of a recent Independent Commission Against Corruption (ICAC) investigation into the conduct of RID Squad in Western Sydney.



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An ICAC public hearing last year centered on an investigation into the conduct of an officer from the Western Sydney RID Squad. In response to the matters raised following this investigation, the EPA engaged Procure Group P/L to conduct a review of the Hunter Central Coast RID Squad governance and probity procedures. The review, which is now complete, determined that there were no adverse findings regarding the operation of the Hunter Central Coast Squad.

Nonetheless, the review identified that the decentralised approach to the administration of the Squad presented potential oversight risks in regard to corruption and performance management. It was also noted that Lake Macquarie City Council, as the host Council, had demonstrated adequate measures and controls in relation to its employees to mitigate any governance and probity risks.

The effect of the new funding conditions attached to the EPA-WLRM II program will translate into Council having a RID Officer appointed by Lake Macquarie Council but operational as part of the Squad in the Cessnock LGA. The officer will be based at Council's Administration Building and engaged through a secondment arrangement.

The new arrangements will involve dedicated investigation officers being seconded to Full Member Councils, to work collaboratively with rangers as currently occurs. Their current entitlements and leave liabilities will be transferred to Lake Macquarie City Council. A formal secondment agreement will be made between Lake Macquarie City Council and each Council with a deployed investigation officer.

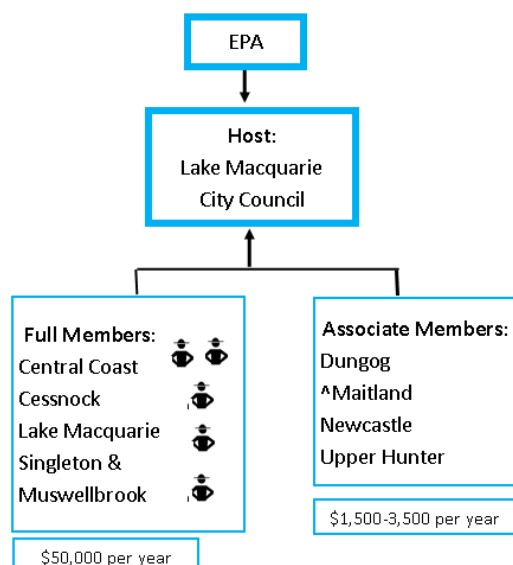
The investigation officers will report directly to the RID Coordinator, who in turn reports to the RID Management Committee. Oversight by the RID Management Committee provides a mechanism to resolve any potential issues associated with accountability of the officer seconded to a Member Council. In addition, the Strategic Alliance Agreement, which governs the operation of the RID Squad will be amended to include dispute resolution measures, in the event that Member Councils have concerns about the level of service provided by their seconded officer.

The proposed governance structure for the new WLRM II RID Squad Program can best be described as follows:

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\*Cessnock to determine a) membership and/or b) type

^ Maitland intend joining as Full Member 2018

Lake Macquarie City Council advises that it intends to maintain the spirit of a decentralised model, which has worked effectively during the current funding term (2013-2017). It is noted however that this arrangement may present a number of operational issues including:

- Delegation
- Responsibility
- Accountability
- Reporting

In light of the above, Council officers recommend that Council review its participation status at the end of twelve months to determine whether the new arrangement is meeting the desired objectives.

### RID Squad Management Committee

The RID Squad Management Committee met on 19 May 2017 to discuss on-going participation by Member Councils. All Hunter Councils currently involved in the RID Squad have indicated their intention to remain in the Squad in the next funding term. Most have elected to retain their current status; however, Maitland intends to become a full member in 2018 (year 2 of the WLRM II funding round) and Muswellbrook intends to become an associate member from 1 July 2017.

The Management Committee agreed that despite the proposed changes to conditions around the EPA funding, it is the intention to build upon the momentum the RID Squad has achieved by retaining the same level of service as is currently provided to participating Councils under a centrally hosted model i.e. officers allocated to a home Council would be embedded there and maintain a close working relationship with staff in that Council. In essence, there should not be any material or operational change other than the Regional Coordinator sign timesheets and Lake Macquarie Council being liable for all staff entitlements.

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Following feedback from all potential Member Councils, Lake Macquarie will prepare a report for a Hunter Councils GMAC meeting in July 2017.

It is anticipated the concerns around staffing, reporting and governance can be addressed within the reporting framework under the Strategic Alliance Agreement. Subject to those requirements and concerns being addressed it is recommended that Council continue its participation in the RID Squad as a Full Member.

**OPTIONS**

1. Council continues to participate as a Full Member Council in the Hunter Central Coast RID Squad with Council's contribution of \$50,000 coming from Council's Better Waste and Recycling grant and that a review be undertaken in 12 months to determine whether the new funding arrangement is meeting the desired objectives. This is the preferred option.
2. Council participate as an associate member of the RID Squad, with a Council contribution of \$3,500 per annum.
3. Council addresses illegal dumping in-house without assistance from the EPA.

**CONSULTATION**

Members of the Hunter Central Coast RID Squad  
EPA Representatives  
Human Resource Department  
Director Works & Infrastructure

**STRATEGIC LINKS**

**a. Delivery Program**

Cessnock Community Strategic Plan 2023  
Objective 3.3 – Better Waste Management and Recycling

**b. Other Plans**

Cessnock Waste Management Strategy 2014 -19

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The proposed model presents opportunity for support funding however, the conditions around appointment, staff management, responsibility, accountability and lines of communication/reporting are not desirable. In order to address the concerns, it is recommended that a further report come back to Council following a review of its participation status at the end of twelve months to determine whether the new arrangement is meeting the desired objectives.

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**b. Financial Implications**

Council has participated in the Hunter Central Coast RID Squad from its inception in 2014. The formation of the Squad attracted support funding from the EPA under the Waste Less Recycle More grant program.

The EPA has advised continued funding will be provided from the Waste Less Recycle More II funding program.

The proposed funding contribution to the Hunter Central Coast RID Squad is:

2017/18	2018/19	2019/20	2020/21	Total Funding
\$490,000	\$502,250	\$514,806	\$544,461	\$2,051,517

If Council elects to remain a member of the RID Squad, funding for Council's contribution will be met from the Better Waste and Recycling grants funds.

The support funding provided by EPA is shared between the RID Squad members meaning the more members the less funding provided by EPA and the greater the contribution required by Council.

Funding to continue with the Squad is \$50,000 per annum for full member status or \$3,500 per annum for associate member status.

The proposed option is for six RID Investigation Officers and a RID Coordinator, with Council contribution remaining at \$50,000 p.a. for the four years (2017 -2021).

**c. Legislative Implications**

Officers will require cross delegation under the Protection of Environmental Operations Act 1993, to operate in the participating LGA's. A similar arrangement has been in place for the first term of the Squad.

**d. Risk Implications**

- Participation in the RID Squad will attract financial support from the NSW EPA for the next four years. If Council elects to forego the participation, no funding support will be forthcoming;
- The proposed model and conditions of funding present questions around the staffing responsibility and accountability for both the operational Council and the host Council.

**e. Environmental Implications**

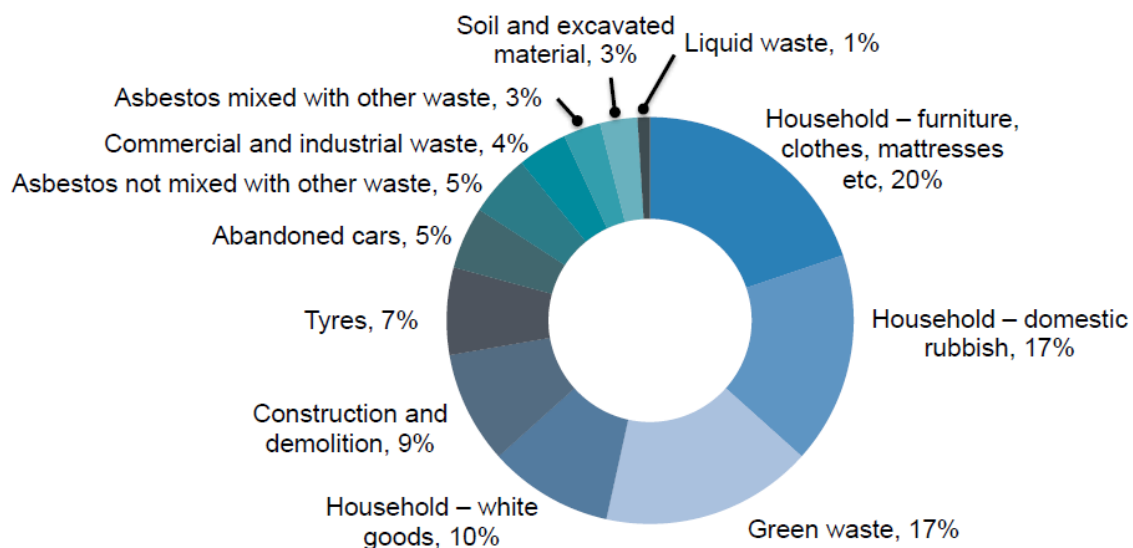
A quantitative survey of members of NSW LGA's was conducted by the EPA to explore the nature and extent of the issue of illegal dumping in their remit, and the measures and strategies in place (or planned for the future) to combat illegal dumping.

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More than 8/10 respondents from local government (81 percent) felt that illegal dumping in their area was a major or moderate problem. The figure below shows LGAs' estimates of the proportion of incidents that involve various types of waste. Household furniture was the most common type of waste dumped, followed by domestic and green waste. Household – furniture, clothes, mattresses, etc., 20 percent Household – domestic rubbish, 17 percent Green waste, 17 percent.

More than half of the responding LGAs had noticed an increase in the illegal dumping of household waste (54 percent) and asbestos (52 percent) in the past five years. Bushland, vacant lots and the roadside were thought to be the most common places for illegal dumping to occur. Householders, small businesses and large businesses were all identified as dumping waste illegally. Overall, householders were seen as the most likely to dump almost all types of waste.

Patrolling and surveillance was seen as the most effective strategy for reducing illegal dumping. Enforcement and community reporting were generally seen as the most effective prevention measures for most types of waste.

**f. Other Implications**

The issue of illegal dumping is seen by the community as unacceptable behaviour. This was made evident during the community consultation for the Cessnock Waste Management Strategy 2014 -19. Participation with a focused RID Squad will demonstrate Council's commitment to addressing this unacceptable behaviour.

**CONCLUSION**

Participation in the Hunter Central Coast RID Squad is an opportunity for Council to receive significant support funding from the NSW EPA in an effort to address the issue of illegal dumping. It will also demonstrate to the community that their concerns previously expressed have been taken into account and positive steps are being taken by Council to combat the unacceptable behaviour of illegal dumping.

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The EPA funding and conditions around acceptance of the funding raise concern around responsibility, accountability reporting and communication and will require close monitoring. For this reason it is recommended that Council review its Full Member status in twelve months to ensure its participation is meeting the desired outcomes.

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN29/2017

General Manager's Unit



***NOTICES OF MOTION No. BN29/2017***

**SUBJECT:** *CULTURAL FACILITIES*

**COUNCILLOR:** *Melanie Dagg*

***MOTION***

**That Council appoints a Committee of three Councillors, the General Manager or representative and including representation from the Art Gallery to further this issue.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 5 July 2017.

**RATIONALE**

Council has an action in the 2017-18 Operational Plan to “Investigate opportunities for the co-location of cultural facilities within existing cultural and arts related services and facilities.

To further this action with respect to the Art Gallery, Council appoints a Committee of three Councillors, the General Manager or representative and including representation from the Art Gallery to further this issue.

Sgd: Melanie Dagg

Date: 26 June 2017

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN30/2017

General Manager's Unit



***NOTICES OF MOTION No. BN30/2017***

**SUBJECT:** *SHOPPING TROLLEYS*

**COUNCILLOR:** *Paul Dunn*

***MOTION***

1. That an investigation be carried out into the policies of other Councils with reference to major CBD retailers' shopping trolleys, left in public and Council areas and the accountability of said major retailers for their removal.
2. That a policy come back to Council for adoption that provides a solution to the problem.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 5 July 2017.

**RATIONALE**

With the seemingly increasing amount of dumped shopping trolleys in drains and in side streets of the CBD in particular, there needs to be enforceable accountability to the owners of said shopping trolleys.

Sgd: Paul Dunn

Date: 27 June 2017

***ENCLOSURES***

There are no enclosures for this report



Questions of which Written Notice has been given

Report No. QWNG1/2017

General Manager's Unit

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**SUBJECT:** *COUNCIL'S ARTWORK COLLECTION*

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

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#### **Detail**

- 1- Where is the CCC artwork collection stored?
- 2- How many pieces are in the collection?
- 3- Are they properly recorded and documented?
- 4- Is their condition checked regularly?
- 5- Has their value ever been appraised and if so what is their aggregate value?

#### **FOR COUNCIL'S INFORMATION**

#### **ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ79/2017

Works and Infrastructure

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**SUBJECT:** *MOUNT VIEW ROAD - ROAD WORKS*

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

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**Q68/2017 – Mount View Road – Road Works**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 21 June 2017.

*How much money has been spent repairing Mount View Road since it was resealed.*

Council officers have investigated and advise that the maintenance cost for repairs on Mount View Road from 2014 to date is \$27,775.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ80/2017

General Manager's Unit



**SUBJECT:** *RESTRUCTURE*

**RESPONSIBLE OFFICER:** *Acting Human Resource Manager - Sonia Huthnance*

**Q69/2017 - Restructure**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 21 June 2017.

*“For a copy of Council’s previous structure of staff as well as the new structure of Staff. Also, how many staff positions have been lost, how many staff positions have been reduced in wages and how many staff would have increased their wages?”*

Council’s current organisation structure is shown below as at 27 June 2017. This structure does not yet reflect the proposed changes to Council structure as explained below.

On 5 April 2017, the Council resolved to adopt a three (3) directorate organisational structure in accordance with section 332 of the Local Government Act 1993 (the Act). In addition, on 5 April 2017, Council was consulted on proposed changes to the organisational structure below senior staff level in accordance with section 335(2) of the Act.

The Local Government (State) Award 2014 provides details regarding Council’s consultation obligations during periods of workplace change. Council is currently in the process of consulting with those who are significantly impacted by the workplace change and at the conclusion of this process Council will be in a position to respond to this question.

It is expected that the complete implementation process of the new structure including recruitment of vacant positions will take a further 3 to 4 months.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO17/2017

General Manager's Unit



**SUBJECT:** *NEW LOWER HUNTER HOSPITAL -  
CORRESPONDENCE FROM THE HON BRAD HAZZARD MP*

**RESPONSIBLE OFFICER:** *Acting Director Corporate & Community Services -  
Darrylen Allan*

**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 5 April 2017, Council considered a Notice of Motion regarding the New Lower Hunter Hospital and resolved as follows:

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

A response has been received from the Hon Brad Hazzard MP in appreciation for the interest that Cessnock City Council has shown in the new Maitland Hospital project and Council's advocacy on behalf of the local community.

An evaluation panel undertook extensive research on the shortlisted sites including visiting each site in August 2013 and the preferred site for the new hospital was identified following a rigorous selection process. The new Maitland Hospital will proceed at the Metford site.

A copy of the Minister's letter is provided for Council's information.

**ENCLOSURES**

**Correspondence**

**Report No. CO17/2017**

**General Manager's Unit**

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**1** Correspondence from the Hon Brad Hazzard MP