



9 November 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, 15 November 2017 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**
Apologies received from:
Councillor Anthony Burke
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
Minutes of the Ordinary Meeting of Council held on 1 November 20175
- (5) **LOCAL GOVERNMENT NSW SERVICE AWARDS AND CESSNOCK COUNCIL SERVICE AWARDS – PREVIOUS COUNCILLORS**
We are honoured to welcome Keith Rhoades, LGNSW President and Donna Rygate, Chief Executive LGNSW from Local Government NSW to conduct the Cessnock Service Awards Presentation.
- (6) **DISCLOSURES OF INTEREST**
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- (7) **PETITIONS**
- (8) **ADDRESS BY INVITED SPEAKERS**
- (9) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**
- (10) **MOTIONS OF URGENCY**
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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, 1 NOVEMBER 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
Director Corporate and Community Services
Director Works and Infrastructure
Health & Building Manager
Media & Communication Officer
Finance and Administration Manager
Management Accountant
Operations Accountant
Ranger Team Leader
Administration Support Officer – Corporate & Community Services

APOLOGY: **NIL**

MINUTES: **MOTION** **Moved:** Councillor Dagg
Seconded: Councillor Sander
306
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 18 October 2017, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI19/2017

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI85/2017 – Minutes of Dollar for Dollar Committee Meeting Held 4 October 2017 - Councillor Dagg declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that her child is a student at one of the recipient schools. Councillor Dagg advised that she would remain in the Chamber and participate in discussion and voting as the conflict will not influenced her in carrying out her public duty.

WI85/2017 – Minutes of Dollar for Dollar Committee Meeting Held 4 October 2017 – Councillor Burke declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he has a child that attends Cessnock Childrens Multipurpose Centre. Council Burke advised that he will remain in the Chamber and participate in discussion and voting as the conflict will not influenced him in carrying out his public duty.

WI85/2017 – Minutes of Dollar for Dollar Committee Meeting Held 4 October 2017 – Councillor Gray declared a Non Pecuniary Interest – Less Than Significant Conflict – for the reason that his granddaughter attends Kurri Kurri Infants School, a recipient of a grant. Council Gray advised that he will remain in the Chamber and participate in discussion and voting as the conflict will not influenced him in carrying out his public duty.

WI86/2017 – Minutes of Local Traffic Committee held 18 September 2017 – Councillor Gray declared a Pecuniary Interest for the reason that he owns a property in Swanson Street, which was an Amendment to the original recommendation and a conflict existed. Councillor Gray advised that he would leave the Chamber and take no further part in discussion and voting.

PETITIONS

Mayor Pynsent lodged a petition on behalf of Master Bo Heffernan for Eighth Avenue, Millfield in regards to a skate park at Millfield, with 40 to 50 signatures.

ADDRESS BY INVITED SPEAKERS

The following people have been invited to address the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Lawrissa Chan – Audit Office & Geoff Allen – Forsyths Business Services	For	CC78/2017 – Financial Statements for the Year Ended 30 June 2017	79	10 mins

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC78/2017

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Stapleford
307
RESOLVED

That the Annual Financial Statements incorporating the Auditor's Reports for the year ended 30 June 2017 be received and the information noted.

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	
Total (12)	Total (1)

CARRIED

MAYORAL MINUTES

MAYORAL MINUTES NO. MM16/2017

SUBJECT: AUDIT COMMITTEE - APPOINTMENT OF ALTERNATE DELEGATE

MOTION **Moved:** Councillor Pynsent
308

RESOLVED

That Councillor Lyons be appointed as alternate Councillor delegate for the Audit Committee.

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	
Total (12)	Total (1)

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU19/2017

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU19/2017

**SUBJECT: MINUTES OF THE EXTRAORDINARY AUDIT COMMITTEE MEETING
HELD 17 OCTOBER 2017**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Gray
309
RESOLVED

That the Minutes of the Extraordinary Audit Committee Meeting of 17 October 2017 be adopted as a resolution of the Ordinary Council with the amendment that the declared closing time of the meeting was amended to am not pm.

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	

Total (13)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE58/2017

SUBJECT: SHOPPING TROLLEYS

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Fitzgibbon
310
RESOLVED

1. That Council work with shopping trolley tracker companies for collection of abandoned and unattended shopping trolleys on their behalf which is consistent with Hunter Regional Councils.
2. That Council place the “Abandoned or Unattended Shopping Trolley Policy” on public exhibition for 28 days.
3. That in the event any submissions are able to be resolved, that Council adopt the Abandoned or Unattended Shopping Trolley Policy as amended.

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	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE59/2017

SUBJECT: REVISED POLICY - COMPLIANCE AND ENFORCEMENT POLICY

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Sander

1. That Council adopt the revised “Compliance and Enforcement Policy” as amended.
2. That Council investigate the issue of parking in the streets with rolled kerbs as part of a revised parking policy to brought back to Council in February 2018.
3. That the General Manager review the engineering standards with regards to the road width requirements for new estates to ensure that there is sufficient road pavement to allow for a free flow of traffic.

AMENDMENT **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal

1. That Council adopt the revised “Compliance and Enforcement Policy” and that Council has a zero tolerance approach to unlawful activities.
2. That Council investigate the issue of parking in the streets with rolled kerbs as part of a revised parking policy to be brought back to Council in February 2018.
3. That the General Manager review the engineering standards with regards to the road width requirements for new estates to ensure that there is sufficient road pavement to allow for a free flow of traffic.

FOR

Councillor Dunn
Councillor Stapleford
Councillor Dagg
Councillor Sander

Total (4)

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Lyons
Councillor Pynsent
Councillor Fagg

Total (9)

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

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

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Sander
311
RESOLVED

1. That Council adopt the revised “Compliance and Enforcement Policy as amended.
2. That Council investigate the issue of parking in the streets with rolled kerbs as part of a revised parking policy to brought back to Council in February 2018.
3. That the General Manager review the engineering standards with regards to the road width requirements for new estates to ensure that there is sufficient road pavement to allow for a free flow of traffic.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC76/2017

SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL DATES 2018

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Sander
312
RESOLVED

That Council adopt the following schedule of Ordinary Meetings of Council for 2018:

7 February	21 February
7 March	21 March
4 April	18 April
2 May	16 May
6 June	20 June
4 July	18 July
1 August	15 August
5 September	19 September
3 October	17 October
7 November	21 November
12 December	

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	
Total (13)	

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC77/2017

SUBJECT: COUNCIL RECESS PERIOD

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Burke
313
RESOLVED

1. That Council be in recess from 13 December 2017 to 7 February 2018.
2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2018 Ordinary Meeting of Council scheduled to be held on 7 February 2018.

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. CC79/2017

SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 13 OCTOBER 2017

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
314
RESOLVED

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 13 October 2017 be adopted as a resolution of the Ordinary Council.
2. That the Acknowledgement of Country wording for both the portable display banner and the Cessnock City Council website banner be:

Cessnock City Council acknowledges Aboriginal people as the traditional custodians of the land on which our offices and operations are located, and we pay our respects to Elders past, present and future.
3. That the Acknowledgement of Country wording for the plaque to be displayed in the foyer of the Council Administration Building be:

Cessnock City Council acknowledges that within its local government boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located and we pay our respects to Elders past, present and future.
4. That Council investigate installing a plaque with an Acknowledgement of Country in the Bridges Hill Park Redevelopment using the same wording as the plaque for the Council Administration Building.
5. That the Draft Innovate Reconciliation Action Plan include an action to provide Cultural Awareness training as part of the induction process for the future, newly elected Council.
6. That the Draft Innovate Reconciliation Action Plan include an action for the General Manager to consider inviting the present elected Council to participate in the current program of Cultural Awareness training.
7. That Council commence the formal endorsement process with Reconciliation Australia for the adoption of the Innovate Reconciliation Action Plan.
8. That the General Manager investigate and report back to the Aboriginal and Torres Strait Islander Committee:
 - standardising the Wedge-tailed Eagle motif park shelter proposed for the Bridges Hill Park Masterplan for use when replacing shelters in Regional Parks across the LGA.

- incorporating a metal Wedge-tailed Eagle motif into the park shelters used in Local and District Parks across the LGA.
- a suitable design and appropriate wording for plaques to be incorporated into the Wedge-tailed Eagle motif park shelter to explain the cultural significance of the motif, with the Committee consulted on design and wording.

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	
Total (13)	

	Total (0)
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CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI80/2017

SUBJECT: QUARRYBYLONG STREET, CESSNOCK

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Fitzgibbon

1. That Council note the estimated cost of \$625,000 for the construction of a concrete footpath, and kerb and gutter along Quarrybylong Street, Cessnock from Aberdare Road to Northcote Street;
2. That Council considers the project during the development of the Delivery Program 2021-25.

AMENDMENT **Moved:** Councillor Olsen **Seconded:** Councillor Dunn

1. That Council note the estimated cost of \$625,000 for the construction of a concrete footpath, and kerb and gutter along Quarrybylong Street, Cessnock from Aberdare Road to Northcote Street;
2. That Council put the project into the 2017-21 Delivery Program and move St Phillips footpath back to the 2021-25 Program.
3. That Council provide a report within 6 months with an audit of footpaths around schools.

Councillor Doherty left the meeting, the time being 7.47 pm.

FOR	AGAINST
Councillor Olsen	Councillor Dunn
Councillor Fagg	Councillor Stapleford
	Councillor Suvaal
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Dagg
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
Total (2)	Total (10)

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

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

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Fitzgibbon
315
RESOLVED

1. That Council note the estimated cost of \$625,000 for the construction of a concrete footpath, and kerb and gutter along Quarrybylong Street, Cessnock from Aberdare Road to Northcote Street;
2. That Council considers the project during the development of the Delivery Program 2021-25.

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Stapleford	Councillor Fagg
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (2)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI81/2017

SUBJECT: MOUNT VIEW ROAD, CESSNOCK

Councillor Doherty returned to the meeting, the time being 7.50 pm.

*Mayor Pynsent vacated the chair to enter into debate, the time being 7.50 pm.
Deputy Mayor Councillor Burke assumed the chair.*

MOTION Moved: Councillor Dagg **Seconded:** Councillor Sander

1. That Council note the estimated cost of \$5,525,000 to upgrade Mount View Road, Cessnock from Wollombi Road to O'Shea Circuit, including replacement of the existing bridge;
2. That Council considers the project during the development of the Delivery Program 2021-25.
3. That Council write to the Minister for Corrections The Hon. David Elliott MP, Parliamentary Secretary to the Hunter, Scot MacDonald MLC and the Member for Cessnock, Clayton Barr MP, expressing our concerns and asking the Minister for Corrections to reconsider the entrance to the Correctional Facility.
4. That Council reiterates:
 - A. Council's serious concerns and dissatisfaction over the failure to achieve a satisfactory outcome regarding access to the expanded Cessnock Correctional Centre, and seeking to resolve the issue of transport, traffic and access as soon as possible.
 - B. Council's position in relation to access to the expanded Cessnock Correctional Centre, particularly:
 - a) that access to the proposed expanded State facility be via direct routes to the State road network; and
 - b) that local roads paid for by Cessnock ratepayers should not shoulder the significant financial and maintenance burden of the significant expansion of this State facility.
5. That the General Manager investigates options for Council to seek compensation for the repair of the residential roads in and around Mount View Road and the apparent damage caused to other local roads by the usage of residential streets between the current entrance to the Correctional Centre and the State road network, being the Allandale Road - Wollombi Road intersection.

AMENDMENT **Moved:** Councillor Stapleford **Seconded:** Councillor Fagg

1. That Council note the estimated cost of \$5,525,000 to upgrade Mount View Road, Cessnock from Wollombi Road to O'Shea Circuit, including replacement of the existing bridge;
2. That Council considers the project after the Minister makes his decision on the road entry to the Correctional Facility.
3. That Council write to the Minister for Corrections The Hon. David Elliott MP, Parliamentary Secretary to the Hunter, Scot MacDonald MLC and the Member for Cessnock, Clayton Barr MP, expressing our concerns and asking the Minister for Corrections to reconsider the entrance to the Correctional Facility.
4. That Council reiterates:
 - A. Council's serious concerns and dissatisfaction over the failure to achieve a satisfactory outcome regarding access to the expanded Cessnock Correctional Centre, and seeking to resolve the issue of transport, traffic and access as soon as possible.
 - B. Council's position in relation to access to the expanded Cessnock Correctional Centre, particularly:
 - a) that access to the proposed expanded State facility be via direct routes to the State road network; and
 - b) that local roads paid for by Cessnock ratepayers should not shoulder the significant financial and maintenance burden of the significant expansion of this State facility.
5. That the General Manager investigates options for Council to seek compensation for the repair of the residential roads in and around Mount View Road and the apparent damage caused to other local roads by the usage of residential streets between the current entrance to the Correctional Centre and the State road network, being the Allandale Road - Wollombi Road intersection.

FOR

Councillor Doherty
Councillor Fagg
Councillor Stapleford

Total (3)

AGAINST

Councillor Olsen
Councillor Dunn
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

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

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

MOTION

316

RESOLVED**Moved:** Councillor Dagg**Seconded:** Councillor Sander

1. That Council note the estimated cost of \$5,525,000 to upgrade Mount View Road, Cessnock from Wollombi Road to O'Shea Circuit, including replacement of the existing bridge;
2. That Council considers the project during the development of the Delivery Program 2021-25.
3. That Council write to the Minister for Corrections The Hon. David Elliott MP, Parliamentary Secretary to the Hunter, Scot MacDonald MLC and the Member for Cessnock, Clayton Barr MP, expressing our concerns and asking the Minister for Corrections to reconsider the entrance to the Correctional Facility.
4. That Council reiterates:
 - A. Council's serious concerns and dissatisfaction over the failure to achieve a satisfactory outcome regarding access to the expanded Cessnock Correctional Centre, and seeking to resolve the issue of transport, traffic and access as soon as possible.
 - B. Council's position in relation to access to the expanded Cessnock Correctional Centre, particularly:
 - a) that access to the proposed expanded State facility be via direct routes to the State road network; and
 - b) that local roads paid for by Cessnock ratepayers should not shoulder the significant financial and maintenance burden of the significant expansion of this State facility.
5. That the General Manager investigates options for Council to seek compensation for the repair of the residential roads in and around Mount View Road and the apparent damage caused to other local roads by the usage of residential streets between the current entrance to the Correctional Centre and the State road network, being the Allandale Road - Wollombi Road intersection.

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	

Total (13)	
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	Total (0)
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CARRIED UNANIMOUSLY

Mayor Pynsent resumed the chair, the time being 8.24 pm.

WORKS AND INFRASTRUCTURE NO. WI82/2017

SUBJECT: RE-ESTABLISHMENT OF ALCOHOL FREE ZONES

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

317

RESOLVED

1. That Council re-establish the Alcohol Free Zones within specific locations outlined in Enclosure 1 in the Cessnock, Kurri Kurri and Weston, Central Business Districts for a period of four years, commencing 1 November 2017 and expiring 31 October 2021;
2. That Council review and update the signage in accordance with the Ministerial Guidelines on Alcohol-Free Zones, February 2009;
3. That Council advertise the renewal of the Alcohol Free Zones in accordance with the Local Government Act, 1993.

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	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI83/2017

SUBJECT: COST TO INCLUDE KURRI KURRI AQUATIC AND FITNESS CENTRE IN THE FREE POOL ENTRY TRIAL

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

318

RESOLVED

1. That Council includes KKAFC in the free pool entry trial and covers the cost through quarterly budget reviews;
2. That free entry to Branxton, Cessnock and Kurri Kurri swimming pools during the trial period includes the following categories:
 - Families;
 - Spectators;
 - Single Admission/Adult;
 - Child/Concession.
3. That a report come back to Council at the conclusion of the trial with the attendance numbers and costs to assist with the budget preparation for 2018/2019.

FOR

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

Total (12)

AGAINST

Councillor Stapleford

Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI84/2017

SUBJECT: REQUEST FOR FEE WAIVER FOR CHARITY DAY AT JEFFERY PARK KEARSLEY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
319
RESOLVED

1. That Council supports the Black Dog Institute charity day and waives the fees and charges, excluding the Market Stall fees at a total estimated cost of \$1,060.
2. That Council provides two road side variable message boards at a cost of approximately \$600 to assist with promotion of the event.

FOR	AGAINST
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	
Total (11)	Total (2)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI85/2017

SUBJECT: MINUTES OF DOLLAR FOR DOLLAR COMMITTEE MEETING HELD 4 OCTOBER 2017

Councillor Dagg declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that her child is a student at one of the recipient schools. Councillor Dagg remained in the Chamber and participate in discussion and voting.

Councillor Burke declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he has a child that attends Cessnock Children's Multipurpose Centre. Council Burke remained in the Chamber and participate in discussion and voting.

Councillor Gray declared a Non Pecuniary Interest – Less Than Significant Conflict – for the reason that his granddaughter attends Kurri Kurri Infants School, a recipient of a grant. Council Gray remained in the Chamber and participate in discussion and voting.

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Sander
320

RESOLVED

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 4 October 2017.
2. That Council write to all applicants advising them of the outcome of their applications and thank them for their ongoing support and commitment to the enhancement of either Council's sporting, community facilities or the local environment.

Community Facilities Dollar for Dollar Grant

3. That Council fund all eligible projects as per the 'Funding Payable' column listed in Table 1 of the Community Facilities Dollar for Dollar report.

Table 1 – Community Facilities Dollar for Dollar Grant

FACILITY / ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Abermain Plaza Hall Section 355 Management Committee	Purchase of 100 stacking chairs.	\$7,180	\$3,949	\$3,590
Cessnock Multi-Purpose Centre	Build an awning over the ramp entry to the children's dining room.	\$5,500	\$2,750	\$2,750
Greta Multi-Purpose Centre	Replace paper towel dispensers and install electric hand dryers.	\$1,640	\$820	\$820

Greta Multi-Purpose Centre	Upgrade external security light fittings to LED.	\$3,250	\$1,629	\$1,630
Greta Tidy Towns	Upgrade existing cemetery gates at Greta Cemetery	\$22,545	\$11,272	\$6,400
Kurri Early Childhood Centre	Purchase and installation of shade sail.	\$3,338	\$1,669	\$1,670
Wollombi Valley Progress Association	Sanding and re-staining of exterior walls at Laguna Hall and fix movement in the hall floor and re level.	\$6,270	\$3,135	\$3,140
TOTAL		\$49,723	\$25,224	\$20,000

Sporting Facility and Equipment Dollar for Dollar Grant

4. That Council fund all eligible projects as per the 'Funding Payable' column listed in Table 1 of the Sporting Facility and Equipment Dollar for Dollar report.
5. That further information be sought from the Kearsley Community Sporting Association regarding expectations and requirements for grounds maintenance at Jeffery Park, Kearsley.

Table 1 – Sporting Facility and Equipment Dollar for Dollar Grant

FACILITY / ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex. GST)
Cessnock District Hockey Association	Concrete entry pathway.	\$6,100	\$3,050	\$3,050
Cessnock Minor Rugby League	Installation of irrigation to international training field at Mt View Park.	\$30,154	\$7,538	\$7,540
Cessnock District Netball Association	Upgrade of netball posts and rings to courts 1 to 8.	\$4,419	\$2,141	\$2,140
Greta Branxton Football Club	Purchase and installation of PA system.	\$6,314	\$3,157	\$3,160
Kearsley Community Sporting Association	Purchase of a ride on lawn mower.	\$7,136	\$3,500	\$0
Wollombi Valley Pony Club	Purchase of new show jumps and replace old broken	\$4,690	\$2,272	\$2,270

	poles, wing cups.			
Wollombi Valley Tennis & Sports Association	Construction of verandah railings and slats to clubhouse.	\$6,757	\$3,378	\$1,350*
TOTAL		\$65,570	\$25,036	\$19,510

Tidy Towns Dollar for Dollar Grant

6. That Council fund all eligible projects as per the 'Proposed Funding Amount 2017-18' column in Table 1 of the Tidy Towns Dollar for Dollar report, with the inclusion of:-

- a) *\$2,250.21 from the 2018-19 Tidy Towns Dollar for Dollar Grant Scheme round being allocated to Greta Tidy Towns to make up the project budget shortfall. This additional funding is made with the understanding that the group is ineligible to apply for funding in the 2018-19 funding round.

Table 1 – Tidy Towns Dollar for Dollar Grant

TIDY TOWN GROUP	PROJECT	TOTAL COST (exc. GST)	GRANT FUNDS REQUESTED	PROPOSED FUNDING AMOUNT 2017-18
Branxton Tidy Town	Stage 3 Main Street Beautification	\$11,321.79	\$5,660.89	\$5,660.89
*Greta Tidy Town	Stage 2a Greta Cemetery Vehicle Entrance – site preparation and concrete laying.	\$12,001.00	\$6,000.50	Community Facilities \$ for \$ Grant
	Stage 2b Greta Cemetery Vehicle Entrance – bricklaying of wall and gate installation	\$11,814.00	\$5,907.00	\$3,257.29
Weston Heritage and Tidy Town	3 mowers and sign replacement	\$2,163.64	\$1,081.82	\$1,081.82
TOTAL		\$37,300.43	\$18,650.21	\$10,000.00

Schools Environment Grant

7. That Council fund the applications as outlined in Option 1 of the Schools Environment Grant report and is indicated in the table below.

Schools Environment Grant

School	Project Description	Total Cost	Grant Funds Requested	Proposed funding amount 2017-18
Bees Nees Early Learning	Recycling program	\$800	\$200	\$200
Natural Steps Preschool	Vegetable garden	\$1,500	\$200	\$200
Cessnock Multi-purpose Children's Centre	Edible garden	\$450	\$200	\$200
Honey Tree Preschool	Replacement tree for playground	\$500	\$200	\$200
Stanford Merthyr Infants School	Sensory garden path	\$1,500	\$500	\$500
Kurri Kurri Public School	Support Classes Sensory and Native Flower and Gnome Garden Project	\$1,752	\$500	\$500
Greta Public School	<ul style="list-style-type: none"> Compost bin and worm farm Teacher release for lesson development. 	\$1,000	\$500	\$500
Kitchener Public School	Extension of vegetable garden to include orchard and chicken run.	\$2,057	\$500	\$500
Pelaw Main Pubic School	Free play space for students with mental health issues including anxiety, depression and aggression.	\$2,888	\$500	\$500
Rosary Park Catholic School	Chicken Coop	\$2,749	\$500	\$500
Kurri Kurri High School	Raised garden beds for vegetables for use in cooking lessons	\$2,100	\$500	\$500
TOTAL		\$17,296	\$4,300	\$4,300

8. That Council approves that the remaining \$700 of the grant budget be allocated to the Environment and Waste section to expand their existing Better Waste and Recycling 'Waste Ops' project into local primary schools.

Community and Cultural Dollar for Dollar Grant

9. That Council adopt the updated Guidelines for the Community and Cultural Dollar for Dollar Grant Scheme.
10. That Council include in the updated Guidelines an exclusion for granting of funds to organisations for the purposes of providing prizes, gifts or donations.
11. That Council endorse the Dollar for Dollar Grant Committee to consider including acquisitional art prizes as a form of funding within the Community and Cultural Development Dollar for Dollar Grant Program.

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. WI86/2017

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 18 SEPTEMBER 2017

Councillor Gray declared a Pecuniary Interest for the reason that he owns a property in Swanson Street, which was an Amendment to the original recommendation and advised that a conflict existed. Councillor Gray left the Chamber at 8.42 pm and took no further part in discussion and voting.

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Sander
321
RESOLVED

That the recommendations of the Local Traffic Committee Meeting of 18 September 2017 be adopted as a resolution of the Ordinary Council being:

- 1. TC28/2017 – Two R5-15 “1/4P 8:30AM-6:00PM MON – FRI 8:30AM-12:30PM SAT signs with left and right directional arrows.**
- 2. TC29/2017 – That Council note the requisite warrant for the installation of STOP sign controls at the intersection of Neath and Quarrybylong Streets, East Cessnock is not satisfied and that the matter is referred back to the Traffic Committee with additional information to residents.**
- 3. TC31/2017 – That improvements be made in the Pelaw Main School Zone, Pelaw Main as follows:**
 - install a children’s crossing with kerb extensions and associated warning and regulatory signage on Abermain Street.**
 - remove the existing BUS ZONE and revert the space to unrestricted parallel parking on the northern side of Aberdare Street.**
- 4. That Council write to Roads & Maritime Services highlighting its safety concerns with the Old Maitland Road intersection as detailed in the business arising from the minutes, seeking a plan to move forward funding that infrastructure project.**
- 5. TC30/2017 – That a full briefing be provided to Councillors on all roadworks currently being planned and undertaken in the general vicinity but specifically in relation to Government Road, Gingers Lane, Baileys Lane and Orange Street with an indication as to a resolution of the numerous safety issues in this area and with timelines attached.**

Councillor Gray left the meeting, the time being 8.42 pm.

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

Total (12)	
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	Total (0)
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CARRIED UNANIMOUSLY

Councillor Gray returned to the meeting, the time being 8.43 pm.

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN53/2017

SUBJECT: NRMA RECHARGE POINTS

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
322
MOTION

That the General Manager write to the NRMA to ensure that Cessnock City Council is part of their roll out of electric car recharging stations in New South Wales and highlight the synergy that will be reached by installing them at current RV sites and caravan parks.

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

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ118/2017

SUBJECT: ASH STREET DEVELOPMENT APPLICATION

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ119/2017

SUBJECT: FRAME DRIVE, ABERMAIN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ120/2017

SUBJECT: ROAD WORKS - MULBRING

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ121/2017

SUBJECT: REMOVAL OF MAGNOLIA TREES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ122/2017

SUBJECT: GLENNIE STREET, ELLALONG

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ123/2017

SUBJECT: MAITLAND STREET, BRANXTON

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ124/2017

SUBJECT: DA PROCESSING TIMES

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Di Fitzgibbon

RELOCATION OF MAGNOLIA TREES & AGAPANTHUS

Councillor Fitzgibbon asked where were the Magnolia trees and Agapanthus relocated to from the Gordon Williams Cemetery.

Councillor Rod Doherty

WOLLOMBI BARNSTAY DA

Councillor Doherty requested Council dispense with standing orders and discuss a Development Application 8/2017/415 – The Wollombi Barnstay and asked what will happen with that over the next couple of weeks?

The General Manager responded that this could be discussed after the meeting closed.

Councillor Anne Sander

OPENING OF WASTE TRANSFER STATION

Councillor Sander asked what timeframe has Council got for the opening of the new Waste Transfer Station.

Councillor Mark Lyons

FOOTPATH ON THE WEST SIDE OF ALFRED STREET, WEST CESSNOCK

Councillor Lyons asked has there been any investigations and the feasibility into a footpath on the West side of Alfred Street, West Cessnock.

CORRESPONDENCE

CORRESPONDENCE NO. CO27/2017

SUBJECT: **TRANSPORT LINK BETWEEN THE HUNTER EXPRESSWAY AND
CESSNOCK - FUNDING FOR URGENT ROAD IMPROVEMENT WORKS
- NEW**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
323

RESOLVED:

That Council note the correspondence 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

CORRESPONDENCE NO. CO28/2017

SUBJECT: NSW GOVERNMENT FUNDING FOR TOURIST ROUTE 33 - WOLLOMBI ROAD - WOLLOMBI TO BELLBIRD

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

324

RESOLVED:

That Council note the correspondence received.

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	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO29/2017

SUBJECT: THE LOCAL GOVERNMENT COMMUNITY INFRASTRUCTURE REGISTER

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

325

RESOLVED:

That Council note the correspondence received.

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	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

Councillor Doherty – Hunter Valley Way Tourist Drive

A project that was established by various small Chambers and Tourism Association in the Hunter, not just Cessnock LGA have established a tourist drive called Hunter Valley Way. Report to Council that Singleton Council has come on board and sign posted the tourist route through to Jerrys Plains and is nearly complete. We would like to have Muswellbrook Council put a couple of signs up as well as Upper Hunter in Merriwa which would finalise the tourist drive. The RV points which have been established are being used and working well. It has been a great project.

Councillor Lyons – Sculpture in the Vineyards

The Sculpture in the Vineyards was a great success. Councillor Lyons and Stapleford attended the opening. It is the fifteenth year this has been going on and has been getting better and better every year. The quality of entrants was excellent and it was a wonderful evening at Stonehurst Vineyard. Congratulations to all Council Staff involved.

Mayor Pynsent – Meeting with the Minister for Planning, Anthony Roberts

Meeting held with the Minister for Planning, Anthony Roberts last Tuesday along with the Mayor and General Manager of Singleton and the Mayor and General Manager of Cessnock. This meeting was brought about by the actions of Councillors Danny Thompson (Singleton) and Melanie Dagg (Cessnock) at the Association of Mine Related Councils where a number of issues were raised. There was an open invitation for the Councils to come to speak with the Minister about Voluntary Planning Agreements with Mining Projects. What happens to the mines when mining leaves, land use conflict around mines, mine subsidence maps which are having an effect on some residential developments in our LGA. Mayor Pynsent reported back that the meeting was extremely positive. The Minister particularly liked the concept of reusing mine sites for other industries, particularly as mining leaves, some of the voids that are left are increasing the diversity of businesses around those old mine sites. It was a very positive meeting and the Minister was quite receptive to Council Representatives. Mayor Pynsent commends the Councillors from the Mine Related Councils for advocating to the Minister that we meet.

The Meeting Was Declared Closed at 8.52 pm

CONFIRMED AND SIGNED at the meeting held on 15 November 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI20/2017

Corporate and Community Services



SUBJECT: DISCLOSURES OF INTEREST

RESPONSIBLE OFFICER: Finance and Administration Manager - Andrew Glauser

RECOMMENDATION

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

SUMMARY

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

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

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

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

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU20/2017

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

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

RECOMMENDATION

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

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit
Report No. GMU20/2017
Works and Infrastructure



SUBJECT: *MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE HELD 14 SEPTEMBER 2017*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

RECOMMENDATION

That Council adopt the Minutes of the Floodplain Management Committee held 14 September 2017.

The recommendation in relation to the Draft Cessnock Flood Risk Management Policy and Draft Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land is to be considered in PE60/2017.

**MINUTES OF FLOODPLAIN MANAGEMENT COMMITTEE MEETING
OF CESSNOCK CITY COUNCIL
HELD IN ANTE ROOM ON THURSDAY, 14 SEPTEMBER 2017,
COMMENCING AT 9.00AM**

OPENING: The meeting was opened at 9.00am

PRESENT: The Mayor, Councillor Pynsent (in the Chair)
Mr Adam Davies of Kurri Kurri
Ms Alison Dee – SES Cessnock
Ms Angela Halcrow – Office of Environment and Heritage
Mr Tom Jory – Regional SES
Councillor Lyons
Mr Craig Schulz of Cessnock

IN ATTENDANCE: Mr Martin Conner – Project Engineer
Mr Gareth Curtis – Director Planning & Environment
Councillor Fagg
Mr Peter Jennings – Strategic Flooding & Drainage Engineer
Mr Martin Johnson – Strategic Land Use Planning Manager
Mrs Katrina Kerr – Acting Infrastructure Manager
Councillor Sander

INVITEES: Ms Keren Brown – Senior Strategic Land Use Planner

APOLOGIES

APOLOGY: **MOTION** *Moved:* Cllr Lyons **Seconded:** Mr Craig Schulz

RECOMMENDED that the apologies tendered on behalf of Councillor Gray and Ian Robinson - SES, for unavoidable absence, be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

MINUTES:

MOTION *Moved:* Clr Pynsent *Seconded:* Ms Angela Halcrow

RECOMMENDED that the Minutes of the inquorate Floodplain Management Committee held on 26 May 2017, as circulated, be taken as read and confirmed as a correct record.

DISCLOSURES OF INTEREST

NIL

BUSINESS ARISING FROM THE MINUTES

NIL

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. FLOCLM5/2017

SUBJECT: **ADOPTION OF THE DRAFT FLOOD RISK MANAGEMENT POLICY AND DRAFT DCP CHAPTER 9: DEVELOPMENT ON FLOODPRONE LAND**

MOTION *Moved:* Clr Lyons *Seconded:* Mr Craig Schulz

RESOLVED

That the Draft Cessnock Flood Risk Management Policy, (Enclosure 1) and Draft Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land (Enclosure 2) be referred to Council with a request that the Policy be adopted and the Plan be made.

CARRIED UNANIMOUSLY

CORRESPONDENCE

1. Minutes of the August Quarterly Meeting of Floodplain Management Australia.
2. Notification from Floodplain Management Australia of annual Conference to be held – May 2018 on the Gold Coast.

GENERAL BUSINESS

GENERAL BUSINESS - COMMITTEE NO. FLOCGB1/2017

SUBJECT: FLOODPLAIN MANAGEMENT GRANTS PROGRESS REPORTS

The following reports were discussed:

- South Cessnock Bund Wall Design,
- Wollombi Flood Warning System,
- Greta Flood Study, and
- Mine Subsidence in South Cessnock.

MOTION **Moved:** Clr Lyons **Seconded:** Clr Pynsent

RESOLVED

That Council note these reports.

CARRIED UNANIMOUSLY

SUBJECT: FLOOD LIABLE LAND POLICY

An update on flood mapping was given. Hazard mapping has been completed with categorisation mapping expected to be completed by 30 September 2017.

MOTION **Moved:** Clr Lyons **Seconded:** Mr Craig Shultz

RESOLVED

That Council note the information.

CARRIED UNANIMOUSLY

SUBJECT: SES RESTRUCTURE

Mr Tom Jory – Regional Representative SES gave an update on the SES restructure including the appointed Alison Dee and Ian Robinson.

The Meeting Was Declared Closed at 10.10 am

ENCLOSURES

There are no enclosures for this report

SUBJECT: ***ADOPTION OF THE DRAFT FLOOD RISK MANAGEMENT POLICY AND DRAFT CHAPTER 9 OF THE CESSNOCK DEVELOPMENT CONTROL PLAN 2011- DEVELOPMENT ON FLOOD PRONE LAND***

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

SUMMARY

The purpose of this Report is to seek Council's endorsement to adopt the draft Flood Risk Management Policy 2017 and Draft Chapter 9 of the Cessnock Development Control Plan 2011 following public exhibition and consideration of submissions.

The Report outlines the submissions that have been received and amendments that have been made to the draft documents.

RECOMMENDATION

1. That Council adopt the Cessnock Flood Risk Management Policy 2017 and Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land.
2. That Council repeal *Policy No. B30.6 Determination of Building Construction on Flood prone Land – East Branxton* and *Policy No. B25.2 Building in relation to Drainage Easements*.

BACKGROUND

The Cessnock Local Government Area (LGA) has a significant amount of land that is affected by flooding. Council has a legal obligation under the *Civil Liability Act 2002* and the *Local Government Act 1993* to protect the community from hazards, such as flooding, and follow best practice management.

Over the last five years a number of flood studies have been completed for catchments in the Cessnock LGA, including Black Creek, Branxton and Wollombi. These flood studies have allowed Council to understand the extent of flooding in the LGA and the risks associated with flooding. In order to manage the risk and avoid liability, Council must implement a Development Control Plan (DCP) Chapter and Policy to guide development on flood prone land. Until documents such as a DCP or Policy are implement to appropriately manage flood prone land the corporate risk to Council is high.

On 19 July 2017 Council endorsed the Draft Flood Risk Management Policy and Draft Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land to be placed on public exhibition for a minimum of 28 days. The documents were publicly exhibited from 26 July 2017 to 25 August 2017. The results of the public exhibition period were presented to the Floodplain Management Committee on 14 September 2017 and submissions and suggested amendments were also presented to Councillors at a briefing on 11 October 2017.

REPORT/PROPOSAL

Draft Cessnock City Council Flood Risk Management Policy

The Draft Cessnock Flood Risk Management Policy 2017 (the Draft Policy) (**Enclosure 1**) outlines Council's position on minimising the impact of flooding and states when flooding will be considered. The Draft Policy aims to allow flooding to be considered early in the planning and development process and ensure flood information is readily available to the public.

The NSW Flood Prone Land Policy 2005 controls the management of flood prone land within NSW. The principles in this Policy that affect local government have been incorporated into the Draft Policy.

Draft Chapter 9 of the Cessnock Development Control Plan 2011 - Development on Flood Prone Land

The need for a DCP Chapter for development on floodprone land

Draft Chapter 9 of the Cessnock Development Control Plan 2011 - Development on Flood Prone Land (Draft DCP) (**Enclosure 2**) has been prepared to ensure that appropriate development occurs on flood prone land. This is important to reduce the risk to life and property from flood events. Now that Flood Studies have been completed and the risks from flood events are understood it is essential that a DCP Chapter is implemented to manage development on flood prone land, reduce the risk to life and property and limit the liability placed on Council from flood events.

The Draft Policy and DCP will have additional benefits to property owners and developers as it will provide clear guidance on the information that is required to be submitted with a Development Application. Having this information available early in the development process will assist developers to have realistic expectation on time, cost and land uses that may be suitable on the site.

Controls in the DCP Chapter

The Draft DCP recognises that some level of development is suitable on most flood prone land, provided the development is appropriate to the nature of flooding on the site. The controls in the Draft DCP are based on the six hazard vulnerability categories outlined in the Australian Rainfall and Runoff Guidelines and the hydraulic categories of floodway, flood storage and flood fringe.

Flood refuges

Council has previously approved development on flood prone land with the provision of an on-site flood refuge. On-site flood refuges are no longer supported by the NSW State Emergency Service (SES) due to risk to life. The preferred option of the SES is self-evacuation.

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The Draft DCP supports the position of the SES and does not permit on-site flood refuges. Instead developers in a Hazard level H3 or above must demonstrate that users of the development will be able to evacuate to an area outside of the floodplain without traversing through flood waters of a higher hazard category. Development Applications that have already been approved with onsite flood refuges will not be affected by this change in position. The DCP will only apply to new development applications.

Structural Certification

In the absence of a DCP Chapter to manage flooding Council currently requests a structural assessment report for all development on flood prone land. The Draft DCP requires structural certification for development in hazard classification H3 and above. When the Draft DCP Chapter is adopted development in H1 and H2 will not be required submit a structural assessment report, as they are currently being requested to. Implementing a DCP Chapter will provide clear controls on when structural certification is required.

Subdivision

The Draft DCP contains specific controls for subdivision as Council needs to be satisfied that any newly created lots can accommodate uses that are permissible in the zone. Council does not want to subdivide a parcel of land only for it to be on sold and the new property owner discover that a dwelling cannot be safely built on the site.

It is important to note that the subdivision controls only apply to new development applications. Existing subdivision already approved are not subject to these subdivision requirements, but an application for a new building would need to meet the relevant building controls.

OPTIONS

1. Adopt the Draft Flood Risk Management Policy and Draft Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land.
This is the recommended option.
2. Amend the Draft Flood Risk Management Policy and Draft Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land. This may trigger the need for a new exhibition period.
3. Not proceed with the Draft Flood Risk Management Policy and Draft Chapter 9 of the Cessnock Development Control Plan 2011 – Development on Flood Prone Land. This option may result in inappropriate development on the floodplain and will not provide guidance to developers on how to address the hazard from flooding. Councils risk exposure is also increased by not having an adopted DCP Chapter

CONSULTATION

The draft documents were publicly exhibited from 26 July to 25 August 2017. Notice of the exhibition was placed in the Cessnock Advertiser and on Council's website.

Two submissions were received during the public exhibition period and raised two key points.

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Access to flood mapping

Both submissions requested that the flood mapping be made publicly available. A number of surrounding councils have flood mapping layers readily available on the internet. This assists potential property owners and developers to understand the extent of flooding on a site. Following receipt of these submissions, flood mapping layers have been placed on Council's external mapping system. Flood Information Certificates will still need to be purchased to obtain specific flood information such as flood depths. Flood layers that are now publicly available via Council's online mapping program are:

- Hazard categories
- Hydraulic categories
- Flood Extent - 1:100 year (1% AEP)
- Flood Extent – Flood Planning Level
- Flood Extent – Probable Maximum Flood (PMF)

These mapping layers have been publicly exhibited as part of each relevant flood study and have been previously adopted by Council.

Flooding in the Branxton B2 Local Centre zone

One submission suggested that development in flood prone areas in Branxton receive a merit based assessment. The Branxton commercial precinct, focused around Maitland Street is flood prone with sites having a hazard classification of H4, H5 and H6. These high hazard classifications are largely the result of the high flood depths experienced in the area. Branxton has a number of unique characteristics to consider:

- Type of flooding: Flooding in Branxton is typically river flooding that is of a low velocity and has sufficient warning time for occupants to leave or shops to close. The nature of flooding in Branxton is distinctively different to flooding in other areas of the Cessnock LGA that are subject to flash flooding with little warning time for occupants. The low velocity of flood water in Branxton and the longer warning times for significant flood events mean that some forms of development that are normally not supported in the higher flood hazard categories may be suitable in the higher flood hazard in Branxton if suitably justified by the applicant.
- Heritage: Maitland Street Branxton is a significant heritage precinct. It is recognised that some variances to flooding controls may be necessary to preserve the heritage character of Maitland Street. For example; it may not always be suitable to raise the floor level above the flood planning level without compromising the heritage character of the item or area.
- Branxton Subregional Land Use Strategy 2016: The Branxton Subregional Land Use Strategy outlines that the Branxton town centre is to be focused around Maitland Street, between Cessnock Road and Bowen Street. For this to occur commercial developments need to be located along Maitland Road, while still ensuring that the risk to life from flood events has been considered.

These unique characteristics justify the need for a merit based assessment of applications in Maitland Street Branxton. The DCP has been amended to include a precinct specific clause to allow a merit assessment of application in the B2 Local Centre zone on Maitland Street.

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The submission also suggested that Council undertake a floodplain risk management plan for Branxton to provide the basis for establishing separate flood planning levels for residential and commercial developments. This could be included in a future work program but would be subject to grant funding.

AMENDMENTS POST EXHIBITION

As a result of the submissions outlined above a specific clause for the B2 Local Centre zone in Branxton has been included to allow a merit based assessment. Applicants will need to demonstrate that the objectives of the DCP Chapter have been met and that the risk to life and property has been considered.

These amendments, along with the results of the public exhibition were presented to the Floodplain Management Committee on 14 September 2017. The Floodplain Management Committee endorsed these amendments.

A Councillor Briefing was held on 11 October 2017. This Briefing provided Councillors with an overview of the outcomes of the public exhibition period and the key controls in the DCP.

STRATEGIC LINKS

a. Delivery Program

The Draft Policy and Draft DCP align with the following objectives of the Cessnock 2027 Community Strategic Plan:

- 3.1 Protecting and enhancing the natural environment and the rural character of the area; and
- 5.2 Encouraging more community participation in decision making.

b. Other Plans

Other Strategic documents linked to the Draft Policy 2017 and Draft DCP Chapter include:

- NSW Floodplain Development Manual
- NSW Flood Prone Land Policy 2005
- Black Creek Flood Study Review 2013
- Black Creek Stage 2 Flood Study 2015
- Hunter River – Branxton to Green Rock Flood Study 2010
- Swamp Fishery Creek Flood Study 2011
- Wallis Creek Flood Study 2011
- Wollombi Flood Study 2014
- Branxton Sub-regional Land Use Strategy 2016

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IMPLICATIONS

a. Policy and Procedural Implications

The Draft Policy 2017, when adopted, will repeal two existing policies:

- Policy No. B30.6 Determination of Building Construction on Flood prone Land – East Branxton
- Policy No. B25.2 Building in relation to the Drainage Easements.

b. Financial Implications

Flood events have a significant financial cost to Council, property owners and insurance companies. It is important that a Draft DCP Chapter is implemented to avoid inappropriate development on flood prone land and reduce the risk to property damage from flood events.

c. Legislative Implications

The *Environmental Planning and Assessment Regulations 2000* outline the requirements for preparing and exhibiting a Draft DCP. The Regulations require any Draft DCP to be placed on public exhibition for a minimum of 28 days. The recommendations of this Report are consistent with the requirements of the *Environmental Planning and Assessment Regulations 2000*.

Once adopted, Council will be required to consider the Draft DCP Chapter when determining Development Applications in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*.

The *Local Government Act 1993* and the *Civil Liability Act 2002* outline that Council has a duty of care to protect the community, this includes from flood hazards.

d. Risk Implications

The Draft DCP Chapter has been prepared to ensure that appropriate development occurs on flood prone land. It will reduce the risk to life and property from future flood events.

Now that flood data is readily available and Council understands the extent of flooding, Council is legally obliged to appropriately manage development on flood prone land. This can be done through implementing a Policy and DCP. The *Local Government Act 1993* and the *Civil Liability Act 2002* outline that Council has a duty of care to protect the community, this includes from flood hazards. Not having a DCP does not eliminate Councils responsibility as the flood studies provide the evidence of flood impact and these have been adopted by Council.

Having a DCP helps Council better manage risk and minimise liability to Council. As part of the assessment of a Development Application under Section 79C of the *Environmental Planning and Assessment Act 1979* Council is required to consider any adopted studies, including flood studies.

Having a DCP in place assists property owners understand the implications of owning land in flood prone areas.

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e. Environmental Implications

By appropriately managing development on flood prone land the Draft Policy and Draft DCP Chapter will protect the integrity of the floodplain, including riparian vegetation and water quality.

The draft documents will also allow for variable factors such as increased rainfall to be considered through the inclusion of a freeboard in the flood planning level.

f. Other Implications

Nil

CONCLUSION

The Draft Policy (**Enclosure 1**) and Draft DCP Chapter (**Enclosure 2**) provide clear controls for development on flood prone land. These documents aim to ensure that development that occurs on flood prone land is acceptable to the level of risk on the site. The documents have been amended to reflect the submissions that have been received with the key change being the provision of a specific clause for the B2 Local Centre zone Land in Branxton.

ENCLOSURES

- 1** Draft Cessnock Flood Risk Management Policy 2017
- 2** Draft Chapter 9 of the Cessnock Development Control Plan 2010 - Development on Flood Prone Land

SUBJECT: *CESSNOCK PLANNING AGREEMENT POLICY*

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

SUMMARY

The purpose of this report is to seek Council's endorsement to adopt the Cessnock Planning Agreement Policy following public exhibition and consideration of submissions.

RECOMMENDATION

1. That Council adopt the Cessnock Planning Agreement Policy.
2. That Council write to all those persons who made a submission thanking them for their input and to advise of Council's decision.

BACKGROUND

The purpose of the Draft Policy is to provide a clear framework and sound governance for the negotiation and management of Planning Agreements in the Cessnock Local Government Area. The Policy will apply where a proponent voluntarily proposes a planning agreement referred to under section 93F of the *Environmental Planning and Assessment Act, 1979*.

At the Council Meeting 21 June 2017, the Draft Policy was endorsed to be placed on public exhibition. The exhibition period concluded on the 31 July 2017 and two submissions were received.

REPORT/PROPOSAL

Two submissions were received during the exhibition process and raised similar issues. The key matters raised relate to Clause 8.2 Provision of security under a planning agreement and Clause 9.7 Registration of planning agreements. (Refer to **Enclosure 2 and 3**)

Clause 8.2 Provision of security under a planning agreement

The primary purpose of this clause is to protect the organisation financially by seeking a security to cover legal costs to enforce the planning agreement, should the developer breach the agreement, and cover costs to make safe any civil works which are incomplete, constructed below standard or not constructed at all, as it is Council who will be required to rectify or deliver the works. There are clauses within planning agreements for dispute resolution, however, to enact these clauses it is often quite expensive – legal fees and staff resources costs of pursuing the matter through court plus civil works costs.

The submissions state that the 10% security of the works value was considered too high and that a flat rate of \$20,000 would be more appropriate.

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The 10% security for the works value was determined to be reasonable following consideration of the financial risk to Council, review of current planning agreements and comparisons with other councils. The majority of councils have a security clause for works which require security for *“the full value of the developers obligations under the planning agreement”*. The Roads and Maritime Services (RMS) actually require 200% security on their civil works in the Work Authorisation Deed. These approaches almost completely eliminate risk to either Council or the RMS should the developer breach the planning agreement.

Council's existing planning agreements have been developed over many years and the quality of the agreements has improved significantly over time. As a result there is a mix of security mechanisms used over the years such as 100% security, \$20,000 flat rate, cash payments and finally to the Huntlee PA which has a 10% Bank Bond. The Huntlee PA is robust and has been operating affectively.

One submission identifies that the Department of Planning and Environment require a flat rate of \$20,000 for security and recommends Council apply the same approach. This approach does increase the risk to Council should the developer breach the planning agreement provisions as it may only cover legal costs and no works if required. However, the risk to the Department of Planning and Environment would be minimal as they do not undertake works. If a planning agreement has no civil works a flat rate of \$20,000 would be appropriate and the Policy has been amended to reflect this instance.

The majority of planning agreements which include the construction of civil works are for Urban Release Areas which are staged development. The 10% security would then be based on the cost of each stage rather than 10% of the entire civil works. This approach assists developers by reducing the upfront cost but still manage the risk to Council associated with the works should the developer breach the planning agreement.

The request for any security to be refundable is supported as the refund would only occur if the works or services have been undertaken in accordance with the requirements of the planning agreement. Therefore there is no risk to Council in allowing the security to be refunded when the planning agreement has been complied to Council's satisfaction. The Draft Policy has been amended to reflect this.

Clause 9.7 Registration of planning agreements

As part of minimising the risk another mechanism councils, including this Council, uses as a “default” form of security is the requirement for the planning agreement to be applied to the title of the land. Essentially this provides Council with an enforcement mechanism to ensure provisions within the planning agreement are met prior to the removal of the restriction on the title. This mechanism is particularly important as the developer seeks the removal of the restriction at the end of each stage of the development. Council only agrees to this if all works comply with the planning agreement. This mechanism does not involve the courts and therefore does not involve financial cost to the organisation.

One submission in its argument for the replacement of the 10% security requirement with a \$20,000 flat rate is that Council has multiple security options available to it to ensure developers perform their obligations such as withholding the release of subdivision certificates and the withholding of the release of the planning agreement from the title of the land until satisfied the planning agreement requirements have been met. The second

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submission also argues the same point, however, then requests that the requirements for the planning agreement to be registered on the title of the land be removed due to administrative costs for the developer and the assertion it devalues the land when undertaking valuations. This proposed approach would put the organisation at significant financial risk and is not recommended.

As Council continues to update existing plans and the need for planning agreements are reduced to those seeking to deliver a material public benefit beyond the existing plans, the financial risk to Council will be further reduced. In addition to this and the continued requirement for the registering of planning agreements on the title of the land, it is recommended that a security of 10% of the value of the proponent's works be retained, with a provision allowing the 10% to be applied to each stage as the development progresses.

OPTIONS

The options of Council are:

1. That Council adopt the Cessnock Planning Agreement Policy.
The policy is attached in **Enclosure 1** of this Report.
This is the recommended option.
2. That Council amend and adopt the Cessnock Planning Agreement Policy.
This is not the recommended option. Council will need to specify any amendments made to the Policy provided at **Enclosure 1**.
3. That Council not adopt the Cessnock Planning Agreement Policy. This is not the recommended option.

CONSULTATION

Significant internal consultation was undertaken prior to the development of the Draft Policy to identify the current issues or gaps in the existing planning agreement process.

The Draft Planning Agreement Policy was placed on public exhibition from 28 June 2017 to 31 July 2017. Exhibition materials were available on Council's website, the Administration building and both Kurri Kurri and Cessnock Libraries. Two submissions were received and have been address in this Report.

Councillor Briefings were provided on the 12 April 2017 prior to the initial Council Report seeking public exhibition of the document and again on 11 October 2017 following public exhibition.

STRATEGIC LINKS

a. Delivery Program

Council's endorsement of the Planning Agreement Policy aligns with the following objectives of the Cessnock 2027 Community Strategic Plan:

Section 5 - Civic Leadership and Effective Governance:

- 5.2 – Encouraging More Community Participation in Decision Making: and

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- 5.3 – Making Council more responsive to the community

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The initiation of an offer of a planning agreement for contribution to, or physical provision of, infrastructure, biodiversity offsets or works in kind by a developer triggers significant implications for Council in regard to matters of policy, financial commitments and probity. Managing this process through an adopted policy ensures greater transparency and probity for the benefit of developers and the community.

b. Financial Implications

The Policy establishes a framework for both Council and developers to ensure:

- Sound management of monetary contributions of significantly high value;
- Accountability for the negotiation and implementation of capital projects; and
- Consideration and management of recurrent expenditure for ongoing maintenance and operational management of land and works dedicated to Council.

The Policy ensures the complete lifecycle of infrastructure management is considered and disclosed to the community up front.

c. Legislative Implications

The Policy ensures that Council satisfies all relevant legislation under the *Act*, and *Regulation* as well as both the existing and draft Practice Notes.

d. Risk Implications

The most significant risk management implications for Council are:

- a) The openness, transparency and general probity for negotiating, executing and implementing Planning Agreements which include significant implications for Council's governance and reputation as well as the integrity of the content of the Planning Agreements themselves;
- b) The accountability for the negotiation and management of significant monetary values of contributions submitted by developers, works in kind, delivery of infrastructure, land dedications and biodiversity offsetting;
- c) Ensuring the achievement of high quality outcomes for the planning and public benefits of the local community both existing and future; and
- d) Generally meeting internal and external auditing and financial accountability requirements.

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The Independent Commission Against Corruption (ICAC) Discussion Paper of 2007 particularly focused upon safe-guards to prevent any misuse of planning agreements. The implementation of this Policy will ensure that Council has minimised the potential risks raised by the ICAC.

Risk to the organisation when entering into a planning agreement could be almost completely eliminated if the developer was required to provide security for the entire cost of the obligations of a proponent. However, as stated this approach does place additional upfront costs on the developer and may jeopardise the viability of the development. Therefore a 10% security would likely cover costs associated with any potential legal action and any works that are required to make the works safe to the public but probably would not cover costs of completing the works. As full cost security is not recommended at this point in time the ongoing risk to Council should be monitored closely.

e. Environmental Implications

Nil.

f. Other Implications

Nil.

CONCLUSION

The Planning Agreement Policy will establish a sound framework to negotiate and manage planning agreements in the future. As the Policy has been developed in accordance with the relevant legislation and Practice Notes, the potential risks to the organisation have been minimised.

ENCLOSURES

- [1](#) Planning Agreement Policy
- [2](#) Submission UDIA
- [3](#) Submission JPG

SUBJECT: *CESSNOCK PUBLIC ART POLICY*

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

SUMMARY

The purpose of this Report is to seek Council's endorsement to adopt the Cessnock Public Art Policy following public exhibition and consideration of submissions.

RECOMMENDATION

1. That Council adopt the Cessnock Public Art Policy.
2. That Council write to those persons and groups who made a submission to thank them for their submission and to advise them of the Council's decision.

BACKGROUND

The Draft Public Art Policy has been developed to establish a transparent and planned approach to resourcing, commissioning, managing and maintaining public art on Council owned or managed land or buildings. The Draft Policy does not affect public art on private property. The Draft Policy is relevant to everyone from artists, art groups, residents, community groups, developers, philanthropic organisations, government agencies, developers, traders, artistic advisors, funding bodies and Council Officers

At the Council Meeting 19 July 2017, the Draft Policy was endorsed to be placed on public exhibition for a minimum of 28 days. The exhibition period concluded on the 25 August 2017. Two submissions were received during the exhibition process. There were also four responses provided on a survey conducted during the same time on Survey Monkey.

REPORT/PROPOSAL

The two submissions received were from Cessnock Chamber of Commerce (**Enclosure 2**) and the Towns with Heart Inc (**Enclosure 3**), both of which have played an active role in supporting, developing and implementing public art projects.

Cessnock Chamber of Commerce endorses the Draft Policy and recommends the additional wording to Section 5 Collaboration. The Chamber explained the work they have been doing with the Laneways Project and how it has been a positive collaboration with various people including Council. Additional wording was then suggested to include reference to the chambers of commerce and community based organisations in the list of potential stakeholders. This suggestion is supported and the wording has been included in the final document.

The second submission is from the Towns with Heart Inc (TWH) who supports the rationale for the need of the policy and are generally supportive of the content. TWH also provided information of their involvement with public art projects, particularly referencing the successful and ongoing Town of Murals Project at Kurri Kurri. The TWH request that the

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Draft Policy exclude all the public art that has been installed, funded and managed by them, specifically listing the following:

1. Existing murals located on public buildings
2. Existing murals located on Council owned property
3. Existing Big Kookaburra sculpture in Rotary Park, Kurri Kurri
4. Existing street banners in Victoria Street, Kurri Kurri
5. Existing and proposed Town Entry Murals
6. Proposed Pit Horse Statue for Rotary Park, Kurri Kurri

The Draft Policy will not be retrospectively applied to public art on Council land or buildings as there are already approvals and/or agreements in place. To clarify this point amendments have been made to the wording in Section 2. Policy Statement which now states:

“This Policy applies to public art which is located on Council owned or managed land or buildings including but not limited to works commissioned, developed, purchased or maintained by Council. This Policy excludes existing public art projects on Council owned land or buildings which are already managed through existing approvals and/or agreements at the date of the adoption of this Policy.”

The additional wording addresses points one to four and part of point five relating specifically to existing public art works.

A primary purpose for the development of this Policy was to establish a clear process for individuals or organisations such as TWH to follow when proposing public art on Council owned land or buildings. The TWH currently requires Council's approval to undertaken new projects on Council owned land or buildings. This Policy simply formalises this process. Therefore exclusion of proposed or future projects undertaken by the TWH is not supported and is not considered to be equitable for other organisations who may undertake similar projects in the future.

The Survey only received four responses which generally supported the need for the policy and public art as an opportunity to enhance the public domain.

OPTIONS

1. That Council adopt the Cessnock Public Art Policy.

This is the recommended option. The policy is attached in **Enclosure 1.**

2. That Council amend and adopt the Cessnock Public Art Policy.

Note: Council will need to specify the amendments required.

This is not the recommended option.

3. That Council not proceed with the Cessnock Public Art Policy.

This is not the recommended option.

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CONSULTATION

The Draft Public Art Policy was placed on public exhibition from Wednesday 26 July to Friday 25 August 2017.

The exhibition was advertised on Council's website, with information also being available at the libraries and advertised in the local paper. Thirty-two letters inviting input from key stakeholder such as community groups, historical societies and Tidy Towns were also sent. A general request to complete a short online survey as part of the exhibition was available on the Council's website.

Submissions were received from the Cessnock Chamber of Commerce and Towns with Heart. Four responses were made to the online survey. The key points have been address in the body of the Report.

STRATEGIC LINKS

a. Delivery Program

The Draft Policy responds to the vision and aims of the Community Strategic Plan: Cessnock 2023 – Our People Our Place Our Future

Objective 2.3, Increasing tourism opportunities and visitation in the area by providing a link between the planning and commissioning of public art and a range of diverse visitor experience across the LGA.

b. Other Plans

Other relevant Council Policies, Plans and Strategies include:

- Economic Development Strategy
- Heritage and Character Study
- Recreation and Open Space Strategy
- Towns with Heart
- Indigenous and Youth policies, plans and/or programs
- Crime Prevention Through Environmental Design

IMPLICATIONS

a. Policy and Procedural Implications

The Draft Policy is relevant to everyone from artists, art groups, residents, community groups, developers, philanthropic organisations, government agencies, developers, traders, artistic advisors, funding bodies and Council Officers.

To assess and advise on public art proposals, projects and commissions (including proposed gifts, bequests, loans, memorials) in accordance with the Draft Policy, Council will establish project specific Public Art Working Groups.

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A Public Art Working Group will be selected and convened by the Policy Owner (or their representative) on a project by project basis and may consist of relevant Council staff, artists and curators and other key stakeholders of the project as appropriate. A permanent working group is not considered necessary due to the likely small number of requests received.

b. Financial Implications

There are no direct financial impacts associated with the Draft Policy.

c. Legislative Implications

The Draft Policy is consistent with relevant State and local government legislation.

d. Risk Implications

If the Draft Policy is not endorsed by Council there will continue to be no policy guiding Council's decision making for matters related to the planning and commissioning of public art.

e. Environmental Implications

The Draft Policy aims to contribute to the development of a program for increasing the liveability of the Cessnock local government area, including its built natural spaces and public domain areas.

f. Other Implications

A well implemented public art policy will positively impact on a wide range of communities, providing for a strong and vibrant cultural community, which will contribute to the health and wellbeing of the local government area.

CONCLUSION

The Draft Cessnock Public Art Policy aims to provide clarity regarding art in the public domain by ensuring there is a clear and collaborative process to implementing new public art projects.

ENCLOSURES

- 1** Draft Public Art Policy
- 2** Submission - Cessnock Chamber of Commerce
- 3** Submission Towns with Heart Inc.

SUBJECT: *DRAFT CHAPTER 17 OF CESSNOCK DEVELOPMENT CONTROL PLAN 2011 - HUNTLEE*

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

SUMMARY

The purpose of this Report is to seek Council's endorsement to exhibit the Draft Chapter 17 of Development Control Plan 2011 - Huntlee for a minimum period of 28 days.

The existing Development Control Plan (DCP) for Huntlee sits outside Council's adopted policy framework. This has resulted in a level of confusion regarding the status of the Plan. Integrating the Huntlee DCP as a specific chapter in the Cessnock DCP, will clarify the Plan's status and provides an opportunity to review and update the Plan.

The Draft DCP Chapter has been developed in collaboration with the developer, LWP Property Group

RECOMMENDATION

1. That Council place the Draft Chapter 17 of Development Control Plan 2011 - Huntlee on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following public exhibition of the the Draft Chapter 17 of Development Control Plan 2011 - Huntlee.

BACKGROUND

Huntlee new town was gazetted as a State Significant Site on 9 January 2009. Development standards for Huntlee, including permitted and prohibited land uses for each of the Huntlee zones, were originally set out under Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (SEPP Major Development). A DCP was also adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure. The DCP for Huntlee came into force on 12 June 2013.

On 5 March 2015, the provisions of SEPP Major Development relating to Huntlee were transferred to the *Cessnock Local Environmental Plan 2011* (LEP 2011) by the Department of Planning and Environment. The Huntlee DCP 2013 was not integrated with the Cessnock DCP 2011 at that time. This was despite a lengthy submission by Council in December 2014, advising that the Huntlee DCP was activated by SEPP Major Development and would also need to be integrated.

Council became responsible for the Huntlee DCP when the transition from SEPP Major Development occurred in 2015. By that time, Council was beginning to receive applications for development at Huntlee and also began identifying anomalies with the existing Plan.

In April 2016, when additional resourcing became available, Council commenced consultation with the developer, LWP Property Group, to integrate and update the Plan.

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REPORT/PROPOSAL

The Huntlee DCP presently sits outside Council's adopted policy framework and this has created confusion regarding the status of the Plan. Council's planning and building staff have taken the view that the Huntlee DCP does not specifically apply as it is yet to be formally adopted within the Cessnock DCP. However, although the Minister didn't make provision for the DCP status to be resolved at the same time the LEP 2011 was amended, it is clear that the intent was for the DCP to be applied to Huntlee. To date, Council has not been challenged regarding the status of the Plan and still requires new development at Huntlee to demonstrate compliance with the Plan.

Integrating the Huntlee DCP as a specific chapter in the Cessnock DCP will clarify the status of the Plan. The integration process has also provided an opportunity to review and update the Plan to resolve several identified anomalies.

Council commenced discussions with the developer of Huntlee, LWP Property Group, to integrate and update the Plan in April 2016. The review process has been extensive and has resulted in a number of amendments to the original Plan. LWP have advised that they are satisfied with the amended DCP and integration process. LWP have provided a letter of support at **Enclosure 2** of this Report.

Key amendments include:

- updating the DCP controls to better align with the development standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- removing onerous or conflicting development controls;
- providing development standards for ancillary development, such as garages and pools; and
- referencing the existing Huntlee 'lot type maps'.

To enable integration of the Huntlee DCP with the Cessnock DCP, references to Singleton Council have also been deleted from the Plan, including amending the Land Application Map to identify land in the Cessnock LGA only. Development in the Singleton LGA has not yet occurred and this has allowed Singleton Council more time to update and integrate the DCP. It should be noted that discussions have occurred with Singleton Council regarding the intent of both Council and LWP to pursue the integration of the document into the existing policy framework. As a courtesy, Singleton Council will be advised of the public exhibition of the Draft DCP.

The amendments that have occurred as a result of the integration process are reasonably minor and do not significantly alter the intent of the original Plan or character outcomes for Huntlee but instead are more focused on simplifying and clarifying the wording to assist with interpretation. The amendments benefit Council and developers by clarifying certain controls, resolving minor anomalies and reflecting changes to the planning legislative framework that has occurred since the Plan was first adopted by the then Director-General of the Department of Planning and Infrastructure in 2013.

The Draft Cessnock Development Control Plan 2011 - Chapter 17 Huntlee is included as a separate enclosure.

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OPTIONS

1. Place the Draft Chapter 17 of Development Control Plan 2011 - Huntlee on public exhibition inviting submissions. This is the preferred option.
2. Amend the Draft Chapter 17 of Development Control Plan 2011 - Huntlee and place the Plan on public exhibition inviting public submissions.
3. Not place the Draft Cessnock Development Control Plan 2011 - Chapter 17 Huntlee on public exhibition.

CONSULTATION

The Draft DCP Chapter has been updated in consultation with:

- Development Services
- Building Services
- Singleton Council officers
- LWP Property Group (Refer to **Enclosure 2**)

STRATEGIC LINKS

a. Delivery Program

The Draft DCP aligns with the following objectives of the Cessnock 2027 Community Strategic Plan:

- 3.1 Protecting and enhancing the natural environment and the rural character of the area; and
- 5.2 Encouraging more community participation in decision making.

b. Other Plans

Cessnock Local Environmental Plan 2011

Permitted and prohibited land uses for each of the Huntlee zones were originally set out under Schedule 3 of *State Environmental Planning Policy (Major Development) 2005*, but were transferred to the LEP 2011 by the Department of Planning and Environment in March 2015. Schedule 1 of the LEP 2011 specifies a range of additional permitted uses at Huntlee.

IMPLICATIONS

a. Policy and Procedural Implications

The Huntlee DCP 2013 presently sits outside Council's adopted policy framework. Integrating the Huntlee DCP as a specific chapter in the Cessnock DCP will clarify the status of the Plan and simplify access to the information.

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b. Financial Implications

The exhibition costs will be funded from the Strategic Planning budget.

c. Legislative Implications

The *Environmental Planning and Assessment Regulations 2000* outline the requirements for preparing and exhibiting a Draft DCP. The Regulations require any Draft DCP to be placed on public exhibition for a minimum of 28 days. The recommendations of this Report are consistent with the requirements of the *Environmental Planning and Assessment Regulations 2000*.

Once adopted, Council will be required to consider the Draft DCP Chapter when determining Development Applications in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*.

d. Risk Implications

The purpose of the DCP Chapter is to:

- communicate the planning, design and environmental objectives and controls against which the consent authority will assess development applications;
- consolidate and simplify the planning controls for Huntlee;
- ensure the orderly, efficient and environmentally sensitive development of Huntlee; and
- promote high quality urban design outcomes within the context of environmental, social and economic sustainability.

e. Environmental Implications

By appropriately managing development that occurs at Huntlee, the Draft DCP Chapter will help reduce environmental impacts.

f. Other Implications

The Draft DCP Chapter will not apply to the Singleton Local Government Area. Singleton Council will assess development applications in their LGA against the existing Huntlee DCP 2013.

CONCLUSION

It is recommended that Council endorse Draft Cessnock Development Control Plan 2011 - Chapter 17 Huntlee for public exhibition for a minimum period of 28 days to enable the community to respond to the draft Plan. A further report will be presented to Council following the exhibition period responding to submissions received and any amendments required to the draft documents.

ENCLOSURES

- 1 Letter from LWP Property Group
- 2 Draft Huntlee DCP - Provided under Separate Cover

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SUBJECT: *DA 8/2017/415/1 PROPOSING CONSTRUCTION OF A FUNCTION CENTRE*

2674 PAYNES CROSSING ROAD, WOLLOMBI

RESPONSIBLE OFFICER: *Development Services Manager - Janine McCarthy*

APPLICATION NUMBER:	8/2017/415/1
PROPOSAL:	Construction of a function centre
PROPERTY DESCRIPTION:	Lot 101, DP 755272
PROPERTY ADDRESS:	2674 Paynes Crossing Road, Wollombi
ZONE:	RU2 Rural Landscape
OWNER:	Mr C R Browning
APPLICANT:	MMA Consulting

RECOMMENDATION

1. That Council determine Development Application No. 8/2017/415/1 proposing construction of a function centre at 2674 Paynes Crossing Road, Wollombi, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained within this report; and
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

Development Application No 8/2017/415/1 is being referred to Council for determination for the following reason:

Objections were received in response to the public exhibition period, and it is considered such submissions constitute 'significant objection'.

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In accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications, applications that generate significant objection may only be determined by Council.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2017/415/1 seeking approval for the construction of a function centre at 2674 Paynes Crossing Road, Wollombi.

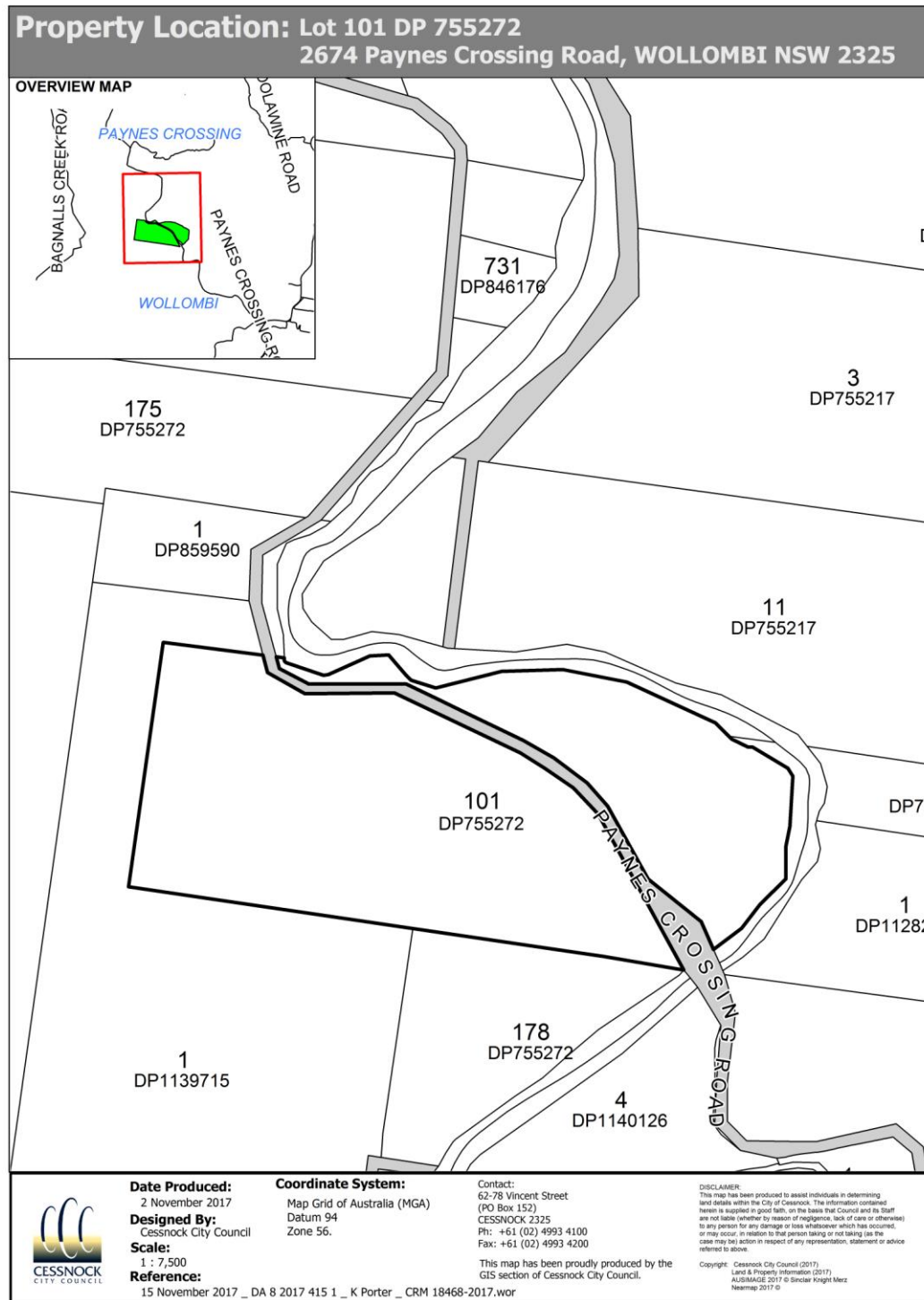
The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and seven (7) submissions were received objecting to the proposal. The issues and concerns raised in the submissions are addressed in the following report.

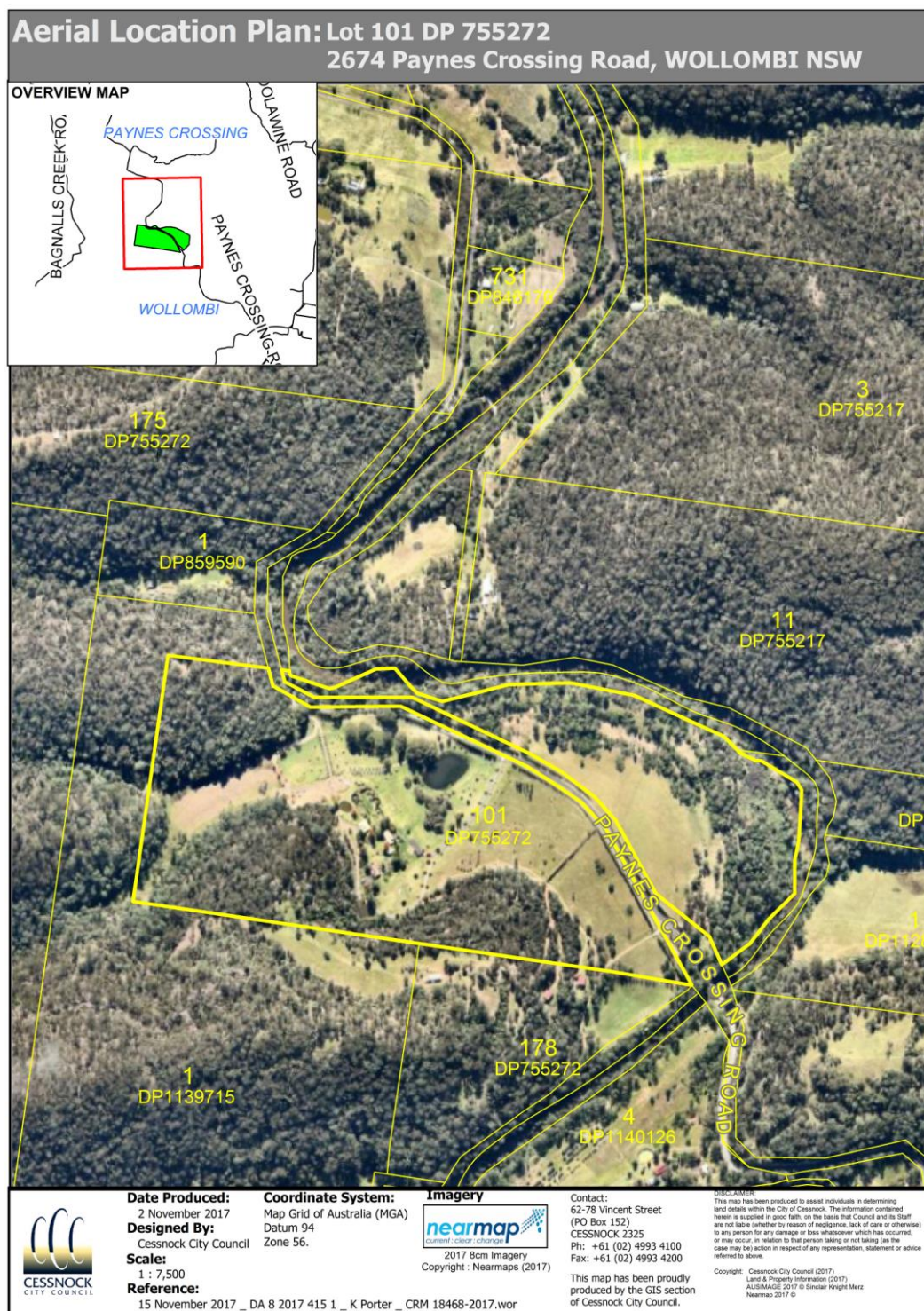
The applicant submitted an Acoustic Report in support of the proposal, and such report concluded that noise generated from the development would comply with the relevant noise criteria, and not cause a disturbance to nearby residents. Notwithstanding, upon review by Council officers, inconsistencies between the Acoustic Report and Statement of Environmental Effects (SOEE) were identified, mainly in relation to operational details. These inconsistencies were discussed with the applicant and their acoustic consultant, and following clarification, a number of issues/concerns were resolved. Furthermore, it is considered that the remaining issues can be addressed via submission of a noise management plan addressing matters such as implementation of noise control measures, and a complaints handling procedure. At the time of writing this report, a noise management plan has not been submitted for the consideration of Council officers, however, this requirement has been imposed on the determination notice as a condition of consent, in accordance with Section 80 of the Environmental Planning and Assessment Act 1979.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions contained within this report.

LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 2674 Paynes Crossing Road, Wollombi, and is legally described as Lot 101, Deposited Plan 755272.

The property is located approximately 2km north-west of the township of Wollombi and is divided by Paynes Crossing Road. The property has an overall site area of approximately 40 hectares, and currently contains a dwelling and tourist accommodation known as 'Wollombi Barnstay' which is located on the western portion of the land. It is noted that the 'Barnstay' building was approved by Council on 6 December 1995 via Development Consent No 5/1995/80161/1.

The site also contains 5 dams and has been extensively landscaped.

The site is adjoined by large holdings of rural land containing rural dwellings.

HISTORY

Prior to lodgement of the current Development Application, the applicant lodged Development Application No 8/2017/201/1 proposing the construction of a rural shed. Following assessment of the application by Council staff, and the identification of a number of issues/concerns in relation to the proposal, the applicant opted to withdraw the application. Subsequently, the current Development Application was lodged with Council.

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

DATE	ACTION
28 July 2017	Application lodged.
31 July 2017	Application reviewed by Council's Development Assessment Unit (DAU) and allocated to planning officer.
2 August 2017	Internal referrals undertaken (Flood Engineer and Environmental Health). Public notification not undertaken as advertising fees outstanding.
9 August 2017	Flood referral received and the application is referred to Council's Consultant Development Engineer. The applicant is requested to pay the advertising fees.
10 August 2017	Advertising fee paid by the applicant. Council's Environmental Health Officer completes assessment of on site wastewater disposal and requests the lodgement of a detailed wastewater report.
11 August 2017	Environmental Health referral completed (noise impacts) and no objection raised subject to conditions.

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16 August 2017	Development Engineering referral completed requesting additional information on flooding.
21 August 2017	Applicant requested to lodge additional flooding information and a detailed wastewater report.
24 August 2017	Application notified and advertised for 14 days. Seven (7) submissions received objecting to the proposal.
31 August 2017	Amended wastewater report lodged by applicant and referred to Environmental Health for assessment.
4 September 2017	Environmental Health referral completed on wastewater disposal and no objection raised subject to suitable conditions of consent.
8 September 2017	Additional flooding information received from applicant regarding floor levels.
22 September 2017	A second Environmental Health referral undertaken requesting a further review of the Acoustic Report given significant objection regarding noise impacts.
12 October 2017	Further review of Acoustic Report completed by Environmental Health and additional information is requested. Development Engineering referral completed and no objection raised subject to suitable conditions of consent.
20 October 2017	Correspondence sent to applicant requesting the submission of additional information regarding noise impacts and management.
25 October 2017	Meeting held with applicant and acoustic consultant to discuss noise impacts. A number of matters are clarified, and additional information is requested in the form of a noise management plan.
30 October 2017	Applicant advises that they are not prepared to lodge any further information regarding noise impacts.
1 November 2017	Applicant provides advice, directly to the Councillors that a noise management plan will be submitted for consideration, prior to the Council meeting.
8 November 2017	Review of issues reveals the submission of a noise management plan can be imposed on the determination notice as a condition of consent, in accordance with Section 80 of the Environmental Planning and Assessment Act 1979. Accordingly, preparation of assessment report finalised.

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It is noted that the site has recently been the subject of an investigation by Council's Development Compliance Officer as a result of concerns raised by surrounding residents/occupants that functions were being undertaken on the land, along with excavation works. This investigation revealed that private functions were being held at the property (mainly wedding functions of less than 500 people). Furthermore, it was confirmed that excavation works had also occurred at the site of the proposed function centre building including cut and fill, and construction of a retaining wall. The owners were sent correspondence regarding these works and on 13 April 2017, following several meetings between Council and the owners, the subject development application was lodged for assessment.

It is noted that Council must set aside any previous compliance issues when considering the development the subject of this report, as the merits of this application are a separate matter to any previous alleged unauthorised development.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No 8/2017/415/1 seeks approval for the construction of a function centre to be utilised for private functions catering for a maximum of 150 guests. The information submitted in support of the application outlines that the proposed function centre will mainly be utilised for weekend weddings, and that other functions may include yoga retreats, corporate events and birthdays.

The proposed building has a gross floor area of 250m² and includes a kitchen, servery, bar area, four (4) unisex toilets and storage. An outdoor dance area is also proposed having an area of approximately 85m².

It is proposed that a maximum of three (3) functions per week will be held at the property. Hours of operation will be from 9.00am to 11.30pm.

A parking area is proposed to the west of the building which, when constructed, will accommodate thirty-five (35) vehicles.

ASSESSMENT

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

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

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

The Environmental Planning Instruments that relate to the proposed development are:

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

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

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

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of State Environmental Planning Policy No. 55 (Remediation of Land) is relevant to the assessment of this Development Application, which requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site has historically been used for rural/residential purposes. No evidence of contamination was observed during inspection of the site.

As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

2. Cessnock Local Environmental Plan 2011

2.1 Permissibility

Under the provisions of the LEP 2011, the subject site is zoned RU2 Rural Landscape.

The applicant has submitted this application as a 'function centre'. A function centre is defined as follows:

'function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility'.

It is considered that the proposed development meets this definition, as the proposed building will be used for the holding of events, functions and the like.

A function centre is permitted with the consent of Council in the RU2 zone.

2.2 Objectives

The objectives of the RU2 zone and a response to each, is outlined below:

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

Comment: Primary industry production and the natural resource base will not be affected by the proposed development.

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

Comment: The proposed building has been designed as a barn style structure to ensure its compatibility with the rural character of the surrounding landscape.

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

Comment: The development is considered compatible with surrounding land uses subject to the implementation of appropriate noise mitigation measures to ensure the proposal does not impact adversely on the quiet rural environment and nearby residents.

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

Comment: The proposed development is associated with the rural use of the site and the existing 'barnstay' building located on the site. The further addition of a function centre will support tourism in the locality, and the proposed development is therefore considered consistent with this objective.

- *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 development is considered appropriate in relation to the existing rural environment subject to the implementation of appropriate noise mitigation measures to ensure the proposal does not impact adversely on the quiet rural environment and nearby residents.

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

Comment: The scenic character of the land will not be compromised by the development.

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

Comment: The development is not likely to create additional need for services or facilities.

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

Comment: It is proposed to establish the function centre and associated parking area in an existing cleared part of the site.

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

Comment: In some cases, existing services will be utilised to facilitate the proposed development, for example, existing access ways. On this basis, disturbance to the landscape will be minimised.

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

Comment: The development will not intrude into the skyline and will not be visible from the road or other public places.

2.3 Relevant Clauses

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

- **Clause 7.2 – Earthworks**

The objective of this clause is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Clause 7.2 also permits minor earthworks to be undertaken without requiring separate development consent.

As outlined previously, earthworks have already been undertaken on the site in preparation for construction of the building and parking area. These earthworks are not considered exempt development, and have not been authorised through the approval of a separate development application. A retaining wall has also been constructed along the southern side of the building pad proposed for the function centre. This retaining wall is approximately 40 metres long and terraces up-slope to a height of approximately 2 metres. Similarly, the proposed parking area has also been excavated and graded.

Council is unable to retrospectively approve the earthworks that have already been undertaken on the site. However, overall, it is considered that the earthworks do not substantially impact upon the rural character of the site and the greater locality.

It is noted that the stability of the retaining walls is unknown. Notwithstanding, Council can require the works to be certified to ensure they are safe and structurally acceptable. Therefore, in the event approval is granted, it is recommended that a condition of consent be imposed requiring engineering certification of these works.

- **Clause 7.3 – Flood planning**

The overall objective of this clause is to minimise the flood risk to life and property associated with the use of land and to allow development that is compatible with the land's flood hazard.

According to Council's mapping system, the site is partly flood affected. The maximum flood level on the site is 97.60m AHD.

Council's Consultant Development Engineer has assessed the development as being suitable in the locality and compatible with the land's flood hazard subject to the floor level of the proposed function centre being at or above the flood level. The applicant submitted amended development plans identifying the floor level of the function centre at 97.60 AHD which is considered satisfactory.

Having regard for the above, it is considered that the provisions contained under Clause 7.3(3) of the Cessnock LEP 2011, have been satisfied.

- (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 application.

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

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the numerical standards in Cessnock Development Control Plan 2010:

Chapter C.1 - Parking and Access

The overall aims, objectives and design requirements of this chapter of Council's DCP is to ensure that suitable on-site parking is made available to all users of a development and to ensure safe access to and from a site.

- Parking*

The plans submitted in conjunction with the application identify the provision of a parking area for 36 vehicles, located to the south-west of the function centre. This exceeds the requirements of Council's DCP. In this regard, the following table summarises the proposal's compliance with Council's requirements:

Chapter C.1 – Parking and Access			
Provision	Required	Provided	Complies?
1 parking space per 5 seats for a function centre	The information submitted in conjunction with the application identifies that a maximum of 150 patrons will utilise the function centre. Therefore, 30 parking spaces are required to be provided	35 parking spaces *	Yes

* Whilst the plans identify the provision of 36 spaces, one (1) disabled parking space is required to be provided onsite. In order to accommodate the disabled space within the parking area, 2 parking spaces will be merged into 1 disabled space that will be compliant with AS 2890.6:2009 – Part 6: Off-street parking for people with disabilities.

In consideration of the above, a total of 35 parking spaces will ultimately be provided on site.

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- *Access*

According to the RTA's Guide to Traffic Generating Developments, function centres generate 60 daily trips per 100m² of gross floor area, and 5 peak trips per 100m² of gross floor area. The proposed function centre will have a gross floor area of 251m², this equates to 151 daily trips and 25.1 peak trips. However, the Traffic Impact Assessment (TIA) submitted in support of the application has adopted a lower figure of 20 peak vehicle trips. Given the number of patrons at the function centre and methods of transport used to travel to the function centre, this figure is considered acceptable.

The TIA has also provided a traffic count for Paynes Crossing Road. The maximum number of vehicle movements occurs between 12 pm and 1 pm, and at this time, the total number of vehicles is 56. Given the volume of traffic on Paynes Crossing Road and the number of trips generated by the development and the fact the peak period of the function centre is unlikely to meet the peak period on Paynes Crossing Road, the increase in traffic is expected to be able to be accommodated by the surrounding road network.

In consideration of the above, no road upgrades are required as a result of the proposed development.

- *Access from Paynes Crossing Road*

The site will be accessed off Paynes Crossing Road, via the existing crossover off Paynes Crossing Road. As this crossover is gravel, a condition will be placed on the consent requiring the cross over to be upgraded to a bitumen sealed surface in accordance with Council's Engineering Requirements for Development. The internal road network is already compliant with both the Rural Fire Service and Council requirements.

Chapter C.3 - Contaminated Lands

As previously outlined, the land has historically been used for rural/residential purposes and there are no signs of contamination or a record of previous contaminating uses. It is therefore unlikely that there are any contaminants present that would require remediation in order to make the site suitable for its proposed use.

Chapter C.4 – Land Use Conflict and Buffer Zones

This chapter of the DCP does not detail any buffer distances or design requirements specifically for function centres in order to minimise noise impacts. However, the underlying principle of the plan is to reduce land use conflicts.

The applicant has provided an acoustic report in support of the proposal which concludes that noise generated from the development will comply with the relevant noise criteria, and will therefore not impact adversely on nearby residents.

Notwithstanding the above, upon review by Council officers, inconsistencies between the acoustic report and Statement of Environmental Effects (SOEE) were identified, mainly in relation to operational details, such as whether or not the doors of the building will be kept open during functions; whether live music will be permitted; the use of recommended noise mitigation measures such as a compressor limiter and master volume control switch; and hours of operation.

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A meeting was held between Council officers, and the applicant and their acoustic consultant to discuss the abovementioned inconsistencies. Following clarification, a number of issues/concerns were resolved. Furthermore, it is considered that the remaining issues can be addressed via submission of a noise management plan addressing matters such as implementation of noise control measures, and a complaints handling procedure. At the time of writing this report, a noise management plan has not been submitted for the consideration of Council officers, however, this requirement has been imposed on the determination notice as a condition of consent, in accordance with Section 80 of the Environmental Planning and Assessment Act 1979.

Chapter C.5 - Waste Management and Minimisation

A waste management and minimisation plan has been lodged with the application and has been assessed as being adequate.

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

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

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(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 demonstrated by the above assessment, it is considered that the proposed development will not result in adverse environmental impacts on both the natural and built environments.

Furthermore, the proposal will generate positive social and economic impacts in the locality through an increase in appropriate facilities for the holding of events, and associated employment generation.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered suitable for the proposed development. To ensure the operational aspects of the proposed function centre are sympathetic of the existing rural environment, a condition of consent has been included on the draft determination notice requiring submission of a noise management plan addressing matters such as implementation of noise control measures, and a complaints handling procedure.

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

The Development Application was publicly exhibited between 24 August and 7 September 2017.

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Seven (7) submissions were received during the exhibition period raising objection to the development. These submissions represent 87% of the notified properties which is considered significant. The following discussion addresses the issues and concerns raised in the submissions:

1. Aims and objectives of RU2 Rural Landscape Zone

Concern has been raised that the development is contrary to the aims and objectives of the RU2 Rural Landscape Zone, specifically the compatibility of the development with the surrounding rural environment.

Comment – As discussed previously in this report, the development is considered compatible with surrounding land uses subject to the implementation of appropriate noise mitigation measures to ensure the proposal does not impact adversely on the quiet rural environment and nearby residents.

The requirement to submit a noise management plan for Council's consideration and approval has been imposed as a condition of consent on the draft determination notice. The noise management plan will address matters such as implementation of noise control measures, and a complaints handling procedure.

2. The development is prohibited (commercial)

Concern has been raised that the proposed development is a commercial activity and is prohibited in the zone.

Comment – The development is appropriately defined as a 'function centre' under the provisions of the Cessnock LEP 2011, and is permitted with the consent of Council in the RU2 zone.

3. Noise impacts

Concern has been raised in relation to the noise impacts of the development on the surrounding rural environment.

Comment – Refer to previous assessment. In summary, it is considered that the submitted Acoustic Report identifies all relevant impacts including noise from the road, along with noise from patrons and vehicles, as well as noise from music.

The Acoustic Report concludes that *'noise levels at potentially noise affected receivers indicate compliance to the noise criteria'*.

Submission and approval of a noise management plan will further assist with ensuring the proposal does not impact adversely on the quiet rural environment and nearby residents.

4. Excavation without approval

Concern has been raised about the significant excavation works undertaken on the property without Council approval.

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Comment – Refer to previous assessment. Ultimately, it is noted that Council must set aside any compliance action when considering the development the subject of this report, as the merits of this application are a separate matter to any previous alleged unauthorised development.

5. Wastewater disposal in flood affected area

Concern has been raised about the disposal of wastewater on flood affected land and subsequent water quality issues on local streams/rivers.

Comment – The applicant lodged a detailed wastewater report which has been assessed by Council's Environmental Health Officer and determined to be satisfactory. Wastewater disposal areas will be located in areas above the flood level on the property.

6. Hours of operation

Concern has been raised in relation to the proposed hours of operation, particularly the finishing time of 11.30pm, and associated noise impacts on surrounding properties.

Comment – Refer to previous assessment. In summary, the submitted Acoustic Report concluded that the proposal will not impact adversely on potentially noise affected receivers. The Acoustic Report correctly identifies that functions will conclude by 11:30pm, and the hours of operation have been imposed as a condition of consent on the draft determination notice.

7. Guest numbers – there will be more than 150

Concern has been raised in relation to guest numbers, specifically, that whilst the application states there will be a maximum of 150 guests attending each function, the current website advertising the 'Barnstay' caters for up to 250 guests.

Comment – Council officers have assessed the application based on the information provided with the application which states there will be a maximum of 150 guests. Council cannot assume a higher number based on the current temporary event activities operating on the land, rather, Council officers are required to assess the application on the basis of the information submitted.

8. Light spill

Concern has been raised in relation to light spill from the development and traffic headlights during evening hours.

Comment – The function centre and parking area will be located such that it will not be visible from surrounding properties or public places. The property is large in size (40 hectares) and it is therefore considered that light spill impacts will be minimal on the surrounding locality.

9. Traffic generation and safety

Concern has been raised in relation to excessive traffic generation to and from the site, and safety issues along Paynes Crossing Road.

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Comment – Refer to previous assessment. In summary, the applicant submitted a Traffic Impact Assessment in support of the proposed development which has been assessed by Council's Consultant Development Engineer, and determined to be satisfactory. The local road network is deemed as being capable of accommodating the additional traffic, and site distances along Paynes Crossing Road are adequate from a safety perspective.

10. Wildlife and traffic

Concern has been raised that local wildlife may be impacted by vehicles travelling at night, and subsequently, the risk of traffic accidents may increase.

Comment – The additional traffic generated by the proposed development will not significantly increase the risk of traffic accidents associated with wildlife on roads.

11. Notification process

Concern has been raised that Council did not send notification letters to all properties identified in the Acoustic Report.

Comment – The application was notified to immediately adjoining residents (8 properties in total). It is noted that the Acoustic Report identifies 'affected noise receptors' who were not included in the list of properties notified. Upon review of the submitted Acoustic Report, 11 adjoining properties are identified (both commercial and residential receivers), that may be potentially affected by the proposal. Whilst it is acknowledged that the Acoustic Report outlined a study area for further investigation, the extent of direct Council notification was based on adjoining properties that had the potential to be directly impacted by the proposal, and was carried out in accordance with the provisions of Council's Development Control Plan.

Ultimately it is clear that some objections received were also from property owners outside the direct notification area. This indicates those people outside the immediate notification area have had an opportunity to comment on the application and have done so. In addition to the notification directly to adjoining residents, the application was also notified on Council's website to allow any person to make a submission.

(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 considered to be in the public interest.

SECTION 94 CONTRIBUTIONS

In the event the application is approved, Section 94 Contributions are payable for the proposal, as follows:

Calculation	
Tourist Information and Signage	\$15,098.28
Plan Preparation and Administration	\$1,520.69
Total S94 Contribution - Tourism	\$16,618.97

INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	Council's Development Engineer has provided comments in relation to the proposed development, which have been included in this report. Appropriate conditions of consent have been imposed on the draft determination notice.
Flood Engineer	Council's Flood Engineer provided information relating to flood levels on the subject land to assist Council's Consultant Development Engineers in their assessment of the proposal.
Environmental Health (On Site Wastewater Disposal)	Council's Environmental Health Officer has assessed the proposed onsite wastewater disposal system as being satisfactory.
Environmental Health (Noise Generation)	Council's Environmental Health Officer has provided comments in relation to the proposed development, which have been included in this report. Appropriate conditions of consent have been imposed on the draft determination notice in relation to submission of a noise management plan.

EXTERNAL REFERRALS

The Development Application was not required to be referred to any external agencies for comment.

CONCLUSION

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

The applicant submitted an Acoustic Report in support of the proposal, and such report concluded that noise generated from the development would comply with the relevant noise criteria, and not cause a disturbance to nearby residents.

To ensure the operational aspects of the proposed function centre are sympathetic of the existing rural environment, a condition of consent has been included on the draft determination notice requiring submission and approval of a noise management plan addressing matters such as implementation of noise control measures, and a complaints handling procedure. At the time of writing this report, a noise management plan has not been submitted for the consideration of Council officers, however, this requirement has been imposed on the determination notice as a condition of consent, in accordance with Section 80 of the Environmental Planning and Assessment Act 1979.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions contained within this report.

ENCLOSURES

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

CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/415/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference D.A	Drawn By	Dated
Job Number 400 Drawing Number Sheet 1, Rev A Site Plan	Kirsten Hay	6.9.2017
Job Number 400 Drawing Number Sheet 3, Rev A Floor Plan	Kirsten Hay	6.9.2017
Job Number 400 Drawing Number Sheet 4, Rev A Slab Plan	Kirsten Hay	6.9.2017
Job Number 400 Drawing Number Sheet 5, Roof Plan	Kirsten Hay	8.6.2017
Job Number 400 Drawing Number Sheet 6, South Elevation and Rear Facade	Kirsten Hay	20.9.2017
Job Number 400 Drawing Number Sheet 7, East and West Elevation	Kirsten Hay	20.9.2017
Job Number 400 Drawing Number Sheet 8, Rev A Sections and Internal	Kirsten Hay	20.9.2017
Job Number 400 Drawing Number Sheet 9, Kitchen and Servery	Kirsten Hay	8.6.17
Job Number 400 Drawing Number Sheet 10, Drinks Servery	Kirsten Hay	8.6.17
Job Number 400 Drawing Number Sheet 11, Bathroom Amenities	Kirsten Hay	29.5.2017

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Job Number 400 Drawing Number Sheet 12, Accessible Bathroom	Kirsten Hay	8.6.17
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Document Title	Prepared By	Dated
Statement of Environmental Effects	Not stated	Undated

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

2. Patron Numbers and Operating Hours

A maximum of 150 patrons associated with a function being held on the site, shall be in attendance at any one time.

Functions are approved to be held a maximum of three (3) times a week. Functions shall finish by 11.30pm and post function clean-up operations shall conclude within one (1) hour following closure.

No music is permitted during the post function clean-up operations.

3. Noise Levels

At no time shall the noise level emitted from the function centre during use exceed 15 dB(A) above the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) at the nearest residential receptor.

The L_{A10} noise level emitted from the function centre after closure (between 11:30pm and 8:00am) shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB at the nearest residential receptor.

4. 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 ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions are to be complied with prior to issue of the Construction Certificate.

5. Noise Management Plan

Prior to issue of the CC, the applicant shall engage a suitably qualified acoustic consultant to prepare a *"Noise Management Plan"* for submission to and approval by Council. This plan shall contain the following details at a minimum:

- (i) Include such noise attenuation measures that will demonstrate how the operations of the function centre will achieve the noise levels detailed in Condition 3 of this consent.
- (ii) Confirmation that an event manager will be in attendance at each function for its duration to ensure the orderly behaviour of guests.
- (iii) Confirmation that other forms of entertainment such as amplified music from live bands will not be permitted at the venue at any time.
- (iv) Confirmation that all music systems within the function centre and the outdoor dance area will be modified by a suitably qualified technician to ensure that sound levels do not exceed the maximum specified in Condition 3 of this consent and that such systems are designed to be tamper proof.
- (v) The erection of signage in the carpark reminding patrons and staff that the site is located within a rural environment and that noise levels are to be kept to a minimum.
- (vi) Formulation and implementation of a complaints handling register detailing the following (at a minimum):
 - Name of the person responsible for the overall management of the site and their contact mobile phone number;
 - Confirmation that the mobile phone of the person responsible for the overall management of the site will remain switched on during any event held on the site;
 - Details of each complainant including name, address, contact details, time and nature of the complaint;
 - Action undertaken to address the complaint;
 - Follow up contact with the complainant to advise of outcome of action taken to address the complaint; and
 - Implementation of any relevant actions to ensure similar issues do not re-occur.

The complaints handling register is to be forwarded to all receivers specified in the acoustic report (prepared by Amenity Acoustics – Revision 1 – dated July 2017), prior to use of the function centre the subject of this approval.

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The complaints handling register must be updated if any details change (for example, the name of the person responsible for the overall management of the site and/or their contact mobile phone number). In the event the register is updated, the updated version is to be forwarded to all receivers specified in the acoustic report (prepared by Amenity Acoustics – Revision 1 – dated July 2017), within seven (7) days of the update occurring.

The complaints handling register is to be kept on the site at all times, and made available to Council officers for inspection, if required.

6. Tourism S94 Contributions Plan

A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC:

Fee Type Code	Contribution Type	Amount Payable
	Tourist Information and Signage	\$15,098.28
	Plan Preparation and Administration	\$1,520.69
	Total S94 Contribution - Tourism	\$16,618.97

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

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

7. Car Parking - Residential

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

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

8. Parking – Minimum Requirement

On site car parking shall be provided for a total of thirty-five (35) 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.

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9. Disabled Car Parking Spaces

One (1) car parking space shall be designated in the car park for use by persons with a disability, to be provided as part of the total car parking requirements.

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

- * AS/NZS 2890.1:2004 Parking Facilities – Off street car parking
- * AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work
- * AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.

10. Food Premises

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

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

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

- a) a separate floor and sectional plan detailing:
 - i) the kitchen/cafe area floor, wall, and ceiling surface finishes
 - ii) location of the required handwash basin/s and cleaning sinks/s
 - iii) location of dry and cold storage areas,
 - iv) fit-out details for the kitchen and servery, including proposed refrigeration and cooking equipment
 - v) designated cupboard or locker for the storage of staff clothing and personal belongings
 - vi) location of the bar area.

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

11. Outdoor Lighting

Prior to the issue of a CC, the CA must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

12. Smoke Free Premises

The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2000*. Details demonstrating compliance with this condition are to be provided to the CA prior to the issue of a CC.

13. Mechanical Exhaust System

Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and *AS 1668 Parts 1 and 2* (including exhaust air quantities and discharge location points) are to be provided to the CA prior to the issue of a CC.

14. Flooding – Floor Level

The applicant shall ensure that the floor level of the proposed building is at or above the area of inundation for a 1 in 100 year flood. Evidence to support the determination of the flood level shall be supplied by a suitably qualified professional.

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

15. Waste Disposal

Prior to the issue of an OC and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

16. Onsite Sewage Management

Prior to issue of the CC, evidence shall be provided to the CA that an approval has been issued under Section 68 of the *Local Government Act 1993* for an onsite waste water management system.

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17. Retaining Wall Certification

Prior to issue of the CC, engineering certification shall be provided to the CA for the existing retaining wall constructed on the building site for the function centre and the excavated rock wall adjacent the proposed car park.

PRIOR TO COMMENCEMENT OF WORKS

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

18. S138 Roads Act Approvals

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

19. 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.

20. Virgin Fill to Be Used

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

21. Stormwater – Impact on Adjoining Land – Natural Drainage

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

22. Stormwater – Impact on Adjoining Land – Surface Water

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

23. 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.

24. Stormwater Runoff

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

25. Earthworks

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

26. Occupation Certificate required

Prior to use of the proposed building as a function centre, the applicant shall obtain an Occupation Certificate.

27. Roads – Bitumen Crossing

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

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

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

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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.

28. Parking – Completion

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

29. Reinstate Road Reserve Verge

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

30. Roof Stormwater – Dispersion Trench

Where the fall of land is such that drainage of roof water to the street gutter cannot be achieved, the roof water from the outlet of the rainwater tank shall be disposed of by discharging to a dispersion trench 600mm wide x 500mm deep and 10.5 metres long. Approved tunnel trenching material shall be installed in the trench, and the trench backfilled with blue metal or similar material to within 100mm of the finished ground level. The blue metal or similar shall be covered with geotextile material or similar and 100mm of topsoil.

The trench shall be:-

- a) located parallel to the contour of the land
- b) sited in such a position that the overflow or seepage from the trench will not adversely affect the footings of the building or other buildings

These works shall be completed prior to the issue of an OC.

31. Flooding – Evacuation Management Plan

The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

The management plan shall be submitted to, and approved by, Council prior to the issue of an OC.

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32. Food Premises

Council must be notified that the premises is being used for the preparation, manufacture, or storage of food for sale, and an inspection of the completed fit out is to be conducted by Council prior to the issue of an OC.

33. Trade Waste Disposal

Prior to the issue of an OC and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

34. Inspection for Onsite Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PCA, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

ONGOING USE

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

35. 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.

36. Parking Areas to be Kept Clear

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

37. Driveways to be Maintained

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

38. Compliance with Noise Management Plan

Site operations shall comply at all times with the provisions contained in the approved Noise Management Plan referred to in Condition 5 of this consent.

Corporate and Community

Report No. CC80/2017

Corporate and Community Services



SUBJECT: ***MODEL CODE OF CONDUCT 2017 - CONSULTATION
DRAFTS ON MODEL CODE AND PROCEDURES***

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

SUMMARY

The Office of Local Government (OLG) is consulting with councils and other stakeholders on changes to the Model Code of Conduct for Local Councils in NSW (the model Code of Conduct) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures).

This report is to provide Councillors with information regarding the Model Code of Conduct and the Procedures.

RECOMMENDATION

That Council note the consultation drafts for the Model Code of Conduct for Local Councils in NSW (the model Code of Conduct) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures).

BACKGROUND

The Model Code of Conduct sets the minimum requirements of conduct for Council officials in carrying out their functions and is prescribed by regulation. Council was required to comply with section 440 of the Local Government Act 1993 by adopting the provisions of the Model Code of Conduct on or before 1 March 2013.

Following the release of a revised Code of Conduct for Councils in 2013, Council adopted the Model Code at its Ordinary Meeting of 20 February 2013. Further amendments to the Model Code were adopted by Council at the Ordinary Meeting on 3 February 2016.

Circular 17-30 *Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures* was issued by the OLG on 23 October 2017 and this information is now provided to Council.

REPORT/PROPOSAL

Circular 17-30 *Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures* was issued by the OLG and is summarised as follows:

What's new or changing

- The Phase 1 amendments made to the Local Government Act 1993 (the Act) last year will see the pecuniary interest provisions of the Act and the Local Government (General) Regulation 2005 incorporated into the Model Code of Conduct.

Corporate and Community

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- Once commenced, these reforms will consolidate the prescription of all ethical standards for council officials into a single statutory instrument. They will also mean that breaches of pecuniary interest obligations by Councillors are treated as misconduct under the Act and will be subject to the “three strikes” misconduct rules.
- As part of the process of implementing the Phase 1 amendments, OLG has undertaken a review of the Model Code of Conduct and the Procedures. The OLG has sought the views of councils and other stakeholders on the ethical standards prescribed under the Model Code of Conduct, the operation of the Procedures and the current regime for disclosure of interests under section 449 of the Act.
- Having considered submissions, OLG has prepared consultation drafts of the new Model Code of Conduct and Procedures and is seeking the views of councils and other stakeholders on the consultation drafts prior to finalising the new Model Code of Conduct and Procedures.
- The proposed amendments to the Model Code of Conduct and Procedures are highlighted in **bold type** in the consultation drafts. These amendments are designed to update, clarify and enhance prescribed ethical standards, to address issues identified in the four years the current versions of the Model Code of Conduct and Procedures have been in force and to improve their operation.
- The new Model Code of Conduct and Procedures will also contain new provisions that are designed to improve ethical standards, more effectively deter non-compliance and lead to improved transparency and accountability.
- Once finalised, councils will be given a 6-month transitional period in which to adopt the new Model Code of Conduct and Procedures and to update their systems to align with the new requirements.

The OLG is inviting submissions from councils and other stakeholders on the consultation drafts, with submissions closing Monday 4 December 2017. Submissions can be made to olg@olg.nsw.gov.au and should be labelled “Code of Conduct Consultation” and marked to the attention of the OLG’s Council Governance Team.

The consultation drafts include the addition of sections that elevate the requirements around behavior, reporting obligations and interactions particularly in regards to development, and increase the OLG’s enforcement ability to act in regards to breaches of the Code. In this regard it is recommended that Councillors familiarize themselves with the proposed changes, so as to clearly understand the expectations of behavior once the changes are mandated.

Local Government NSW has advised that they are preparing a submission on behalf of the sector, initially focusing on:

- The level of prescription in the documents
- Readability of the documents (especially the pecuniary interest sections)
- Reporting requirements for discussions with planning proponents or objectors
- Linkages/overlap between the meeting requirements and the Code of Meeting Practice
- Management of relationships in a non-pecuniary interest sense

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- Political donations
- Councillors conducting personal business during work time
- Acceptance of gifts
- Enforcement of the code in terms of timeframes within which OLG should act and resolve issues

The consultation drafts are available on the OLG website www.olg.nsw.gov.au with the proposed amendments highlighted in bold font and are provided as Enclosures to this report.

OPTIONS

The OLG is undertaking further consultation on the Model Code and the Procedures, and submissions may be made by 6 December 2017.

Once finalised, all councils will be required within 6 months to adopt the new Model Code of Conduct and Procedures and to update their systems to align with the new requirements.

CONSULTATION

General Manager
Office of Local Government

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

b. Other Plans

NA

IMPLICATIONS

a. Policy and Procedural Implications

Council's Code of Conduct and Procedures for Administration of the Code will require amendment once the amendments have been mandated.

b. Financial Implications

NA

c. Legislative Implications

Amendments to the Local Government Act 1993 will necessitate changes to related enabling regulations, policies and codes.

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d. Risk Implications

If Council does not incorporate the amendments of the Model Code of Conduct into its adopted Code, this would result in a statutory non-compliance.

e. Other Implications

NA

CONCLUSION

The consultation phase of proposed amendments to the Model Code of Conduct and the Procedures are provided for Councillors information. Once finalised, Council will be required to adopt the revised Model Code and Procedures within 6 months.

ENCLOSURES

- [1](#) Revised Model Code of Conduct - Consultation Draft
- [2](#) Revised Procedures - Consultation Draft

SUBJECT: *REVIEW OF DELEGATIONS - SECTION 380 OF THE LOCAL GOVERNMENT ACT 1993*

AUTHOR: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

Under Section 380 of the Local Government Act 1993 (the Act), Council must review all of its delegations within the first 12 months of an Ordinary Election. This report is provided for Council's consideration and adoption of delegations, as recommended.

RECOMMENDATIONS

1. The General Manager be delegated all of the delegable functions of the Council excluding those functions specified in clauses (a) to (u) of section 377(1) of the Local Government Act, 1993 (NSW), subject to the following:
 - (a) The General Manager may only determine development applications and section 96 applications where the application:
 - (i) in the General Manager's opinion does not represent a significant variation of the Council's policy/environmental planning instruments or has not been the subject of significant objection; or
 - (ii) has not been the subject of a written request made by at least three Councillors for the matter to be reported to the Council for decision;
 - (b) The Council may direct at any time by resolution that a matter be referred to the Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further resolution.
2. The Council fixes the amount of \$3,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131(1), 131(2) and 213(2) of the Local Government (General) Regulation 2005 (NSW).
3. The Council delegates authority to the General Manager to grant leases of Council property where the total lease rentals payable to the Council are less than \$1 million for the contract term.
4. The Council authorises employees of the Council holding the position of Director Corporate and Community Services (or equivalent) and Finance & Administration Manager (or equivalent) to determine formal applications for access to the Council's documents under the Government Information (Public Access) Act 2009.

Corporate and Community

Report No. CC81/2017

Corporate and Community Services



BACKGROUND

Under Section 380 of the Act, Council must review all its delegations within the first 12 months of an Ordinary Election. The last review was undertaken in 2013 and included both the delegation by Council to the General Manager under Section 377(1) of the Act and the sub delegations from the General Manager to staff under Section 378 of the Act.

REPORT

Following a comprehensive review of delegations in 2016, all delegations have now been allocated to positions within the organisation rather than individual employees. As a result, they do not necessarily require significant review when someone leaves the organisation as the replacement staff member will generally assume the same delegations for the position as the previous incumbent.

Recommendation 1 provides the broad delegation to the General Manager under Section 377 (1) of the Act and includes the exceptions to the General Manager's delegated authority to determine development applications and Section 96 applications.

Recommendation 2 gives authority to the General Manager to write off rates, charges and debts up to \$3,000. The quoted sections of the Regulation require Council to resolve to fix the amount above which debts can only be written off by resolution of Council. This makes this process more efficient while still retaining Council's authority to write off larger amounts of rate, charges and debts owing to Council.

Recommendation 3 provides authority for the General Manager to grant leases of Council property where the total lease rentals payable are less than \$1million over the duration of the lease. This allows the majority of Council's leases many of which have terms of 21 years to be determined under delegated authority.

Recommendation 4 provides the authority to determine formal applications for access to Council's documents under the Government Information (Public Access) Act 2009 to the Director Corporate and Community Services (or equivalent) as Public Officer and in their absence, the Finance & Administration Manager (or equivalent). The General Manager will continue to determine any Internal Reviews applied for under that Act.

Council subscribes to Hunter Council's Local Government Legal Delegations Database. This tool is designed to assist local Councils to ensure that their delegation documents are prepared correctly and are kept up to date in accordance with the latest legislation.

The Delegations Database, including the schedule of legislative functions has been drafted by lawyers from Local Government Legal and is updated when Legislation is amended, enacted, or repealed. This allows a Council to ensure that its delegations of authority, appointment of authorised persons, and authority cards are up-to-date and lawful. Councils will be notified when the schedule of legislative functions is amended, so a council can elect when to amend its delegations.

Corporate and Community

Report No. CC81/2017

Corporate and Community Services



CONSULTATION

General Manager
Director Corporate & Community Services
Governance Officer

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

The delegation of functions under the Act allows the Council organisation to be efficiently and effectively managed. Council supports these delegations by adopting policies on a wide range of issues to provide guidance to the General Manager and staff in carrying out their delegated duties.

b. Financial Implications

N/A

c. Legislative Implications

The delegations to the General Manager meet the requirements of Section 377(1) of the Act.

d. Risk Implications

N/A

e. Other Implications

N/A

OPTIONS

1. Adopt the recommendation.
2. Council may wish to vary the terms of some elements of the proposed delegations but in doing so should consider any impacts on the efficient operation of the Council.

Option 1 is the preferred option.

Corporate and Community

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CONCLUSION

The delegations proposed for the General Manager in this report will facilitate the effective functioning of the Council in accordance with the principles of the Act.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC82/2017

Corporate and Community Services



SUBJECT: *QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2017*

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

SUMMARY

The purpose of this report is to present the September 2017 Quarterly Budget Review Statements (QBRs) for Council's consideration, as per requirements of Clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

1. That Council note the September 2017 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 7 November 2017.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the September 2017 Quarterly Budget Review Statements.

BACKGROUND

Clause 203 of the *Local Government (General) Regulation 2005* requires Quarterly Budget Review Statements to be prepared and submitted to Council. A separate report to Council contains information in regard to Council's Delivery Program and reporting requirements under Integrated Planning & Reporting legislation.

The review is presented in accordance with the Office of Local Government's reporting guidelines and, in line with these requirements, an operating statement, capital expenditure statement, cash and investment summary, reserves listing, legal expenditure summary and consultants' expenses summary are shown for the quarter.

The QBRs for September 2017 are presented to the Council for consideration and adoption. The Audit Committee has reviewed and endorsed the QBRs prior to referral to Council.

REPORT/PROPOSAL

The budget review process involved responsible cost centre managers reviewing income and expenditure patterns and after consultation with finance staff, proposing any required changes. Changes may have been from unforeseen circumstances or elements beyond the control of Council, additional funding opportunities, or from Council resolutions.

Directors have been provided full group summaries for review and have endorsed the proposed changes as outlined in the QBRs.

The quarterly review has taken into account a range of cost increases/decreases. Additional revenues and reductions in expenditure items have been identified where appropriate to ensure the adopted budget strategy remains intact and that an appropriate source of funding is identified for unexpected expenditure variations.

Corporate and Community

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General Budget Commentary

The QBRS are provided to Council at **Enclosure 1** and are showing on a cash basis a surplus of \$3,243. In light of past budget reviews, Council's financial position and the Council adopted remedial measures to improve this financial position, the surplus is recommended for retention as a buffer against future deteriorations and to help improve Council's unrestricted cash position.

Profit and Loss Statement Commentary

The Income & Expenses Budget Review Statement (Profit & Loss) shows a net improvement of approximately \$441,000 for the quarter. The major items altered in this review are:

- User Charges and Fees Income – an increase in internal garbage tipping fees \$530,000 and an increase in Town Planning and Building fees \$116,285.
- Other Revenues – an increase in expected income at the Landfill facility for metal sales and gas royalties of \$100,435.
- Grants and Contributions Income – Operating – an increase in Waste Levy programs of \$168,990 and Illegal Dump Cleanup program of \$102,118.
- Employee Costs – increase in Environmental Health of \$150,000 for 2 fixed term temporary engagements for project work, offset by internally restricted assets.
- Materials and Contracts – an increase of \$102,118 for the Illegal Dump Cleanup program and offset by grant income.

Road and Infrastructure Programs

For transfers to and from Road and Infrastructure programs, refer to pages 7-10 (Capital Budget Review Statement – Budget Variations) in the enclosed Quarterly Budget Review Statement.

Responsible Accounting Officer Statement

Section 203 (2) of the Local Government (General) Regulation 2005 requires that the budget review statement include or be accompanied by a report from the responsible accounting officer. This report is required to indicate whether the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and if that position is unsatisfactory, recommendations for remedial action.

Upon inspection of the quarterly budget review statements, I Robert Maginnity, as Responsible Accounting Officer hereby certify that having regard to the original estimates of income and expenditure, the financial position of Council is considered **satisfactory** in relation to the current financial year as the identified changes proposed have been offset by suitable funding allocations.

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In making this statement and the presentation of the QBRs it is highlighted that while the adopted balanced budget strategy has been preserved through a cash surplus, current operations and future commitments as outlined in past reports and the Delivery Program (inclusive of the Operational Plan and Long Term Financial Plan) continued to exert considerable pressure on our capacity to manage our financial position, particularly in the medium to long term.

Budget commitments and associated processes will continue to undergo careful reassessment with a view to identifying opportunities for improvement. These actions are particularly important with the need to improve Council's financial position in response to past Tcorp ratings, Fit for the Future reform package and Council's Financial Sustainability Initiatives.

It is for these reasons that the required Responsible Accounting Officer statement on the financial position of Council whilst considered satisfactory for the current financial year also contains a qualifying statement which highlights longer term concerns.

Continued Improvement Strategies

1. Continuation of the remedial actions as identified in previous Quarterly Budget Review Statements.
2. That Council continue the review of all expenditure commitments to identify projects or programs that can be reduced or delayed while at the same time identifying additional income opportunities.
3. That any additional revenues identified be quarantined for the purpose of improving Council's cash position.
4. That any loan repayment commitments not required from loans not drawn down be quarantined for the purpose of improving Council's cash position.

CONSULTATION

The following staff provided input into the preparation of this report and its enclosures:

- Directors
- Managers
- Senior finance staff
- Audit Committee

STRATEGIC LINKS

a. Delivery Program

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

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The QBRs are presented in accordance with the adopted balanced budget strategy. The detailed review of all operational and capital budgets is a continuous process. The objective is to improve Council's financial position.

c. Legislative Implications

Clause 203 of the *Local Government (General) Regulation 2005* requires the responsible accounting officer to prepare and submit to Council a QBR that shows revised estimates of income and expenditure for the year.

d. Risk Implications

There will only be clarity on whether there will be another prepayment of the Financial Assistance Grant (FAG) when the Federal Budget is determined in May 2018. Given this uncertainty Council has assumed a 6 month prepayment of the FAG again in this financial year to remain consistent with last year's prepayment. In assessing risk a key consideration is that any prepayment only impacts the timing and not the quantum of total payments received.

As a result of there being only a timing impact there is no funding risk created by this prepayment. Council places any prepaid FAG grants in reserve so they are utilised in the year for which they are intended. The current year will therefore have the full funding of the 2017/18 FAG available for this year (as the 6 months prepayment has been held in reserve). If there is a prepayment of the 2018/19 FAG the funds received will likewise be placed in reserve to ensure the funds are only available for use in that year. The only cash impact is that Council receives a modest benefit from investing any prepaid funds until utilised.

Although a decision by the Federal Government to not make a prepayment would impact to the operating surplus for 2017/18 there would be no impact on Council's financial sustainability. Due to the accounting treatment of the FAG (cash accounting rather than accrual basis) prepayments distort the reported operating position of Council. If a prepayment does not eventuate this year Council's full year result will reflect approximately \$3.5m less in Grant Income which would result in an operating deficit being reported. A more accurate view of trends in improvement is achieved by reflecting the FAG in the year it applies. On this basis Council's 2017/18 Operating Position (before Capital Grants and Contributions) will be breakeven. This forecast therefore maintains the trend of ongoing improvement is Council's Operating Position that has occurred over recent years.

e. Other Implications

N/A

Corporate and Community

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Corporate and Community Services



CONCLUSION

The QBRS for September 2017 are submitted for consideration and adoption.

ENCLOSURES

- [1](#) September 2017 Quarterly Budget Review Statement

Corporate and Community

Report No. CC83/2017

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - OCTOBER 2017*

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

SUMMARY

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

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

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

REPORT

Statement by the Responsible Accounting Officer

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

General Investment Commentary

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

The Reserve Bank of Australia (RBA) official cash rate as at 31 October 2017 was 1.50%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The November meeting held on 7 November 2017 retained the official cash rate at 1.50%.

Investment revenues to the end of October 2017 exceeded the benchmark in the Investment Policy with an actual level of return 4.0% higher than budget.

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Corporate and Community Services

**Investment Portfolio Information**

Total cash and investments held by Council as at 31 October 2017 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			1.15%	2,479
	Commonwealth Bank	At Call			0.60%	41
1243	AMP Bank	At Call			2.05%	500
1233p	Suncorp Bank	TD	203	11-Apr-18	2.50%	700
1258n	ANZ Bank	TD	203	07-Mar-18	2.30%	700
1260i	National Bank	TD	251	17-Jan-18	2.53%	1,000
1263j	Westpac Bank	TD	184	23-Feb-18	2.52%	600
1264k	IMB Bank	TD	188	24-Apr-18	2.50%	600
1269h	Maitland Mutual Building Society	TD	119	10-Jan-18	2.40%	900
1270o	Bendigo & Adelaide Bank	FRN	92	14-Nov-17	2.96%	500
1277n	Greater Building Society	FRN	92	24-Nov-17	3.17%	500
1281f	National Bank	TD	273	22-Nov-17	2.59%	700
1282f	Maitland Mutual Building Society	TD	203	18-Apr-18	2.50%	500
1284f	National Bank	TD	189	10-Jan-18	2.46%	800
1286g	IMB Bank	TD	182	14-Mar-18	2.45%	900
1287i	IMB Bank	TD	203	06-Dec-17	2.55%	700
1288f	Members Equity Bank	TD	161	21-Feb-18	2.50%	800
1292e	Suncorp Bank	TD	231	04-Apr-18	2.45%	700
1293d	Maitland Mutual Building Society	TD	213	08-Nov-17	2.65%	800
1297e	Members Equity Bank	TD	182	21-Mar-18	2.50%	900
1298i	Newcastle Permanent Building Society	VRD	92	03-Jan-18	3.11%	800
1302d	Suncorp Bank	TD	209	24-Apr-18	2.50%	900
1303d	IMB Bank	TD	203	28-Mar-18	2.45%	700
1304d	AMP Bank	TD	182	11-Apr-18	2.60%	800
1305d	Commonwealth Bank	TD	217	29-Nov-17	2.51%	900
1306d	Suncorp Bank	TD	217	09-May-18	2.55%	900
1307e	Bankwest	TD	203	06-Dec-17	2.55%	800
1308e	Bankwest	TD	216	22-Nov-17	2.60%	900
1311c	Bankwest	TD	210	15-Nov-17	2.60%	600
1312b	Newcastle Permanent Building Society	TD	91	13-Dec-17	2.10%	700
1313a	Commonwealth Bank	TD	279	30-Jan-18	2.55%	800
1318	IMB Bank	TD	229	24-Jan-18	2.63%	800
1319	Maitland Mutual Building Society	TD	243	07-Feb-18	3.00%	800

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Corporate and Community Services



Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1320a	Bankwest	TD	161	17-Jan-18	2.40%	600
1321	Newcastle Permanent Building Society	TD	187	13-Dec-17	2.50%	800
1322	Bankwest	TD	272	26-Mar-18	2.50%	900
1323	Bankwest	TD	275	16-May-18	2.45%	800
1324	National Bank	TD	247	18-Apr-18	2.50%	900
1325	Members Equity Bank	TD	281	23-May-18	2.60%	900
1326a	Bankwest	TD	62	29-Nov-17	2.35%	2,000
1327	Members Equity Bank	TD	169	14-Feb-18	2.50%	700
1328	Bankwest	TD	174	28-Mar-18	2.45%	700
TOTAL						34,020

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

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank	4,200	12.40%
Bankwest	7,300	21.46%
IMB Bank	3,700	10.88%
National Bank	3,400	9.99%
Members Equity Bank	3,300	9.70%
Suncorp Bank	3,200	9.41%
Maitland Mutual Building Society	3,000	8.82%
Newcastle Permanent Building Society	2,300	6.76%
AMP Bank	1,300	3.82%
ANZ Bank	700	2.06%
Westpac Bank	600	1.76%
Greater Building Society	500	1.47%
Bendigo & Adelaide Bank	500	1.47%
TOTAL	34,020	100.00%

Corporate and Community

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Corporate and Community Services



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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	29,200	85.83%
Cash/At Call Deposits	Low	Low	3,020	8.88%
Variable Rate Deposit	Low	Low	800	2.35%
Floating Rate Notes	Low	Low	1,000	2.94%
TOTAL			34,020	100.00%

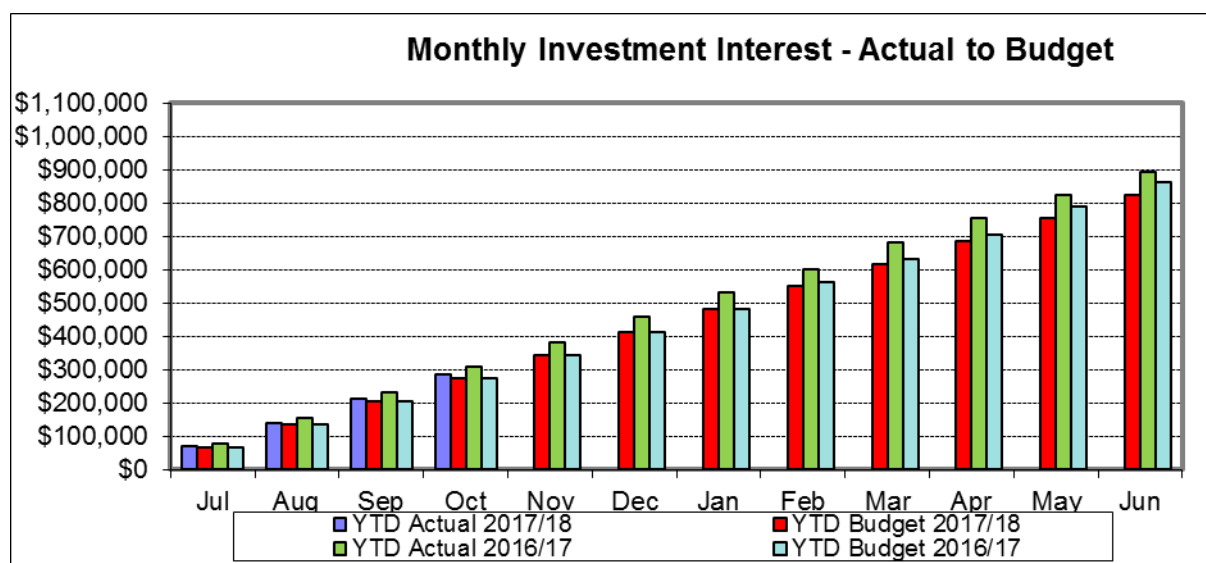
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.36%	2.55%
BBSW Average Interest Rate (year to date) *	1.70%	1.79%
Actual Investment Interest Earned (year to date)	\$285,993	\$309,770
Budget Investment Interest (year to date)	\$275,000	\$275,000
Original Budget Investment Interest (Annual)	\$825,000	\$825,000
Revised Budget Investment Interest (Annual)	\$825,000	\$825,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$36,277,000	\$37,684,000
Month End Current Balance	\$34,019,796	\$36,876,587

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

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



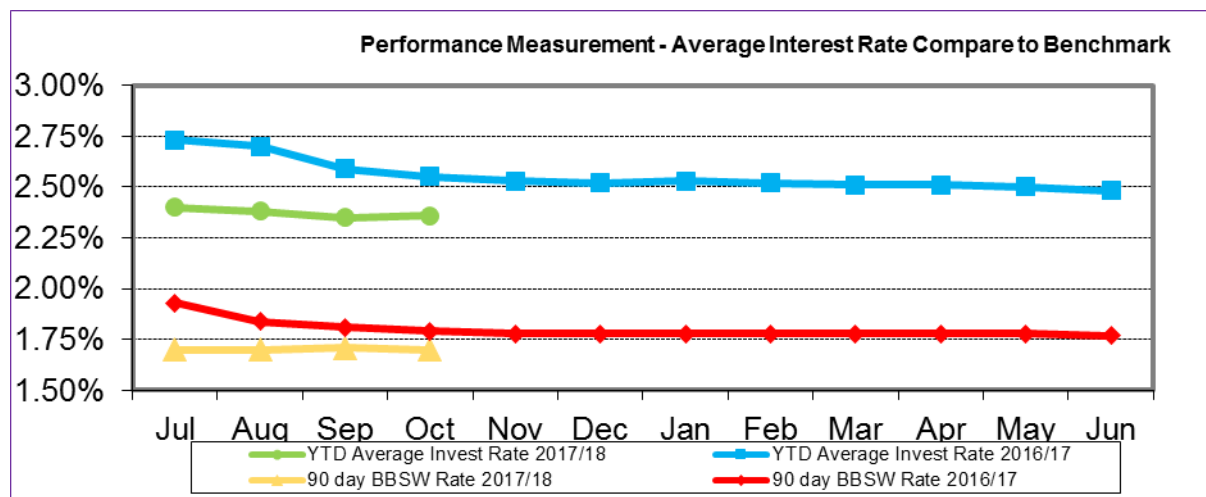
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The following graph compares current year portfolio performance to prior year performance.

**OPTIONS**

N/A

CONSULTATION

Financial Accountant
Director Corporate & Community Services

STRATEGIC LINKS**a. Delivery Program**

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

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

b. Other Plans

N/A

IMPLICATIONS**a. Policy and Procedural Implications**

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

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b. Financial Implications

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

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

c. Legislative Implications

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

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

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

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC84/2017

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

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

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for the month of September 2017.

RECOMMENDATION

That Council receive the report and note the information.

ENCLOSURES

- 1 Completed Actions from 10/10/2017
- 2 Outstanding Actions

Works and Infrastructure

Report No. WI87/2017

Works and Infrastructure



SUBJECT: *COMMUTER CAR PARKS - HUNTER EXPRESSWAY*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

SUMMARY

This report responds to Council's resolution of 19 October 2016 (BN12/2017) to investigate and commence dialogue with the Roads and Maritime Services regarding the establishment of a commuter carpark and associated turning lanes at Stanford Road, Heddon Greta. The report also identifies other carpooling sites in the Cessnock Local Government Area that have resulted from the opening of the Hunter Expressway (HEX).

RECOMMENDATION

1. That Council note the investigation and liaison undertaken with Roads and Maritime Services in relation to future commuter car parks off the Hunter Expressway;
2. That Council note the estimated cost of \$4,200,000 for the construction of a commuter carpark, roundabout and associated turning lanes at Stanford Road, Heddon Greta;
3. That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and Central Coast, the State Member for Cessnock and Taylor Martin MLC seeking funding for construction of the subject infrastructure.

BACKGROUND

At the Ordinary Meeting of 19 October 2016, Council resolved as follows:

1. *That the General Manager investigate and commence dialogue with the RMS regarding the establishment of a commuter carpark and associated turning lanes at Stanford Road, Heddon Greta and report to Council approximate cost and funding options.*
2. *That the General Manager investigate other carpooling sites in the Cessnock Local Government Area as a direct result of the Hunter Expressway.*

REPORT/PROPOSAL

A number of commuters who use HEX are opting to carpool or share travel. While this practice is to be encouraged for its economic, environmental and lifestyle benefits, it has led to use of un-formalised commuter parking at a number of locations, most notably on State road MR195/Main Road, at the former intersection with Stanford Road, Heddon Greta.

Works and Infrastructure

Report No. WI87/2017

Works and Infrastructure



Main Road, Heddon Greta

Investigation

In order to manage traffic associated with carpooling, the potential formalisation of the site, shown in Figure 1 below, has been investigated by Council officers.

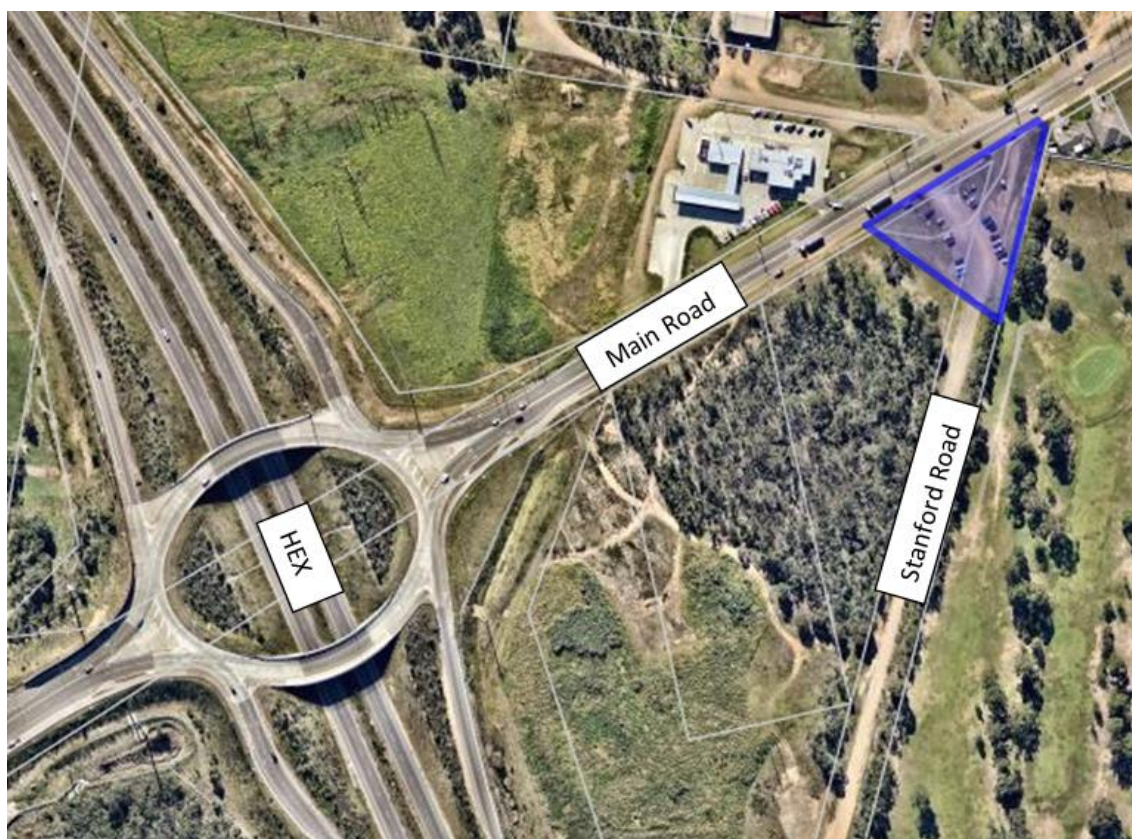


Figure 1 – Current Carpooling Site – Main Road and Stanford Road, Heddon Greta

Preliminary investigations have been based on a desktop review of features shown on MapInfo and Dial Before You Dig, and a visual site inspection. Further detailed site investigation, yet to be carried out, would include full survey of environmental constraints and depth of underground services. Preliminary investigation included:

- Survey of number of vehicles occupying the site;
- Land ownership;
- Road environment and site specific issues; and
- Connection with public transport.

Usage: Results of the survey of the current occupation is provided in Table 1 below. The pattern of usage shows that adhoc commuter parking occurs in the road reserve of the former Standford Road as well as along Main Road, Heddon Greta.

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Works and Infrastructure**Table 1** Survey of Usage - Main Road, Heddon Greta

Location	Date	No of cars	Comment
Main Road, Heddon Greta	24 Jul 2017	34	Number of vehicles is increasing.
State Road MR195	25 May 2017	32	Numerous drop off and pick up movements.
	09 Jan 2017	17	

The survey indicates that this site is of the highest priority in terms of usage, as well as safety issues created by congestion and the associated traffic movements.

Landownership: Main Road is a classified road, which forms part of State Route MR195. Roads and Maritime Services (RMS) is responsible for traffic management and facilities on State Routes. The site of the existing carpool is approximately 3,000sq.m over an area of road reserve of the former Stanford Road, owned by Council, and land owned and managed by Crown Lands.

Road Environment: Main Road is sealed, two lanes, two way. The speed zone on Main Road is 60kph until mid-way between the entry and exit to the service station/fast food outlet where it changes to 70kph as follows:

- 70kph from service station eastbound towards Kurri Kurri; and
- 60kph from service station westbound towards Maitland.

NO STOPPING parking restrictions are in place on the northern side across the frontage of the service station/fast food outlet. There are no parking controls posted on the southern side.

Public Transport: In proximity to the site, Main Road, Heddon Greta is serviced by bus routes to and from Kurri Kurri and Maitland as well as Cessnock. A footway extends from the residential area to the east and joins a shared cycleway at the HEX interchange.

Concept Design: Following the investigations, Council officers prepared a Concept Design Report to facilitate discussions with relevant State Government Agencies. The Report proposed a design for a formalised commuter car park. The Concept Design from the Report is provided in **Enclosure 1**.

The Design utilises the total area of approximately 3,000sq.m and provides 84 bays to cater for growth and the anticipated demand once safe well-lit parking becomes available. Formalisation with increased capacity will allow for restrictions to be placed on street parking and thereby improve sight distances and reduce congestion. A Kiss and Ride will also allow carpooling without consuming all day parking.

To integrate with public transport, a new bus stop has been incorporated into the proposal to connect commuters to the car pool area. The bus stop, in easy walking distance, will encourage use of public transport to and from Maitland, Kurri Kurri and Cessnock, offering a connection to further destinations via HEX. A shared cycleway is also incorporated into the design with bike racks to allow passive transport to the car pool area.

Dialogue

Dialogue with RMS commenced in late 2016 and has continued as part of regular quarterly Liaison Meetings between Council officers and representatives from RMS.

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Works and Infrastructure



The Concept Design Report has been used to highlight the issue and present the scale of improvements required to adequately address the need. Arising out of the Liaison Meetings, RMS have forwarded the Concept Design Report to Transport for NSW's Planning Team, who are working on the Future Transport Strategy.

At the Liaison Meetings, RMS also advised that Main Road, from the New England Highway through to the Hunter Expressway (HEX), is under consideration by RMS and Maitland City Council as part of the current Maitland Network Study. This Study is anticipated to make recommendations regarding the future of Main Road as a critical link, and also identify the need for commuter car parking at Heddon Greta. The Study may also consider Old Maitland Road, which is of interest to Cessnock, as an alternate route that may alleviate congestion and demand for carpooling on Main Road.

Discussions regarding commuter car parking adjacent to HEX were also held at a meeting on 24 May 2017 with the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight; and Scot MacDonald MLC, Parliamentary Secretary for the Hunter and Central Coast.

The discussion highlighted the safety issues generated by the high volume of right turn and U-turn movements as drivers exit and seek to reenter HEX, use the commuter car park, and access the Puma Service Station and Red Rooster fast food outlet on Main Road, Heddon Greta.

The adverse impact of these traffic movements on the flow and safety of local and through traffic on Main Road, between Stanford Road and Heddon Street was raised. For this reason, the value of a proposed roundabout to manage traffic was emphasised.

The issue of parking infringements was also raised. As drivers attempt to park efficiently and safely in an uncontrolled environment, they often park contrary to the default parallel parking rule resulting in enforcement issues. A similar situation is occurring at the Branxton HEX Interchange.

Council officers prepared Discussion Notes to inform the meeting, which are provided in **Enclosure 2**.

Further dialogue should be undertaken, particularly with respect to financial support. In this regard, it is recommended that Council write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and Central Coast, the State Member for Cessnock, and Taylor Martin MLC, seeking support and funding for construction of the subject infrastructure as detailed in Council's Concept Design Report.

Costs: To facilitate deeper dialogue a Concept Cost Estimate for the scope of work required to construct the commuter carpark, roundabout and associated turning lanes was prepared. The estimate, based on unit rates with a contingency, is provided in Table 2 below.

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Works and Infrastructure**Table 2** Concept Cost Estimate – Commuter Carpark & Traffic Facilities - Main Road, Heddon Greta

Item	Construction	Contingency	Estimate
Clear site and preparation	\$50,000	\$10,000	\$60,000
Install drainage	\$350,000	\$70,000	\$420,000
Construct roundabout and turning lanes	\$2,500,000	\$500,000	\$3,000,000
Construct bus bay and shared path	\$250,000	\$50,000	\$300,000
Construct pavement and seal	\$250,000	\$50,000	\$300,000
Line marking, lighting and ancillaries	\$100,000	\$20,000	\$120,000
TOTAL	\$3,500,000	\$700,000	\$4,200,000

Due to the cost and lead-time required to establish formal commuter car parks, short term measures to improve safety and efficiency of space, may be pursued with RMS, including possible implementation of angle parking using signage and line marking. Signage and line marking would aim to improve parking discipline and compliance with the Road Rules.

Funding

The construction of a commuter car park on a State route to facilitate efficient use of HEX is within the remit of RMS. Sources of funding available to RMS may include the State Infrastructure Contribution Levy (SIC) or Transport for NSW funds for carpooling/commuter parking at public transport hubs.

It is hoped that RMS will further develop the current Concept Design to allow more detailed planning and cost estimating with a view to matching an available source of State funds.

It should be noted that the State Government's Hunter Regional Plan and Council's City Wide Settlement Strategy 2011 provide direction, which require the support of a new Special Infrastructure Contribution Plan. Release of a Discussion Paper by the Department of Planning and Environment (DoPE) may also be an opportunity for Council to further present the issue in a submission to DoPE, highlighting specific infrastructure requirements for the LGA.

Other Carpooling Sites**Investigation**

A number of other sites, associated with HEX interchanges, have been/are currently used by commuters to carpool and access HEX. In order to manage traffic associated with carpooling, the potential formalisation of sites has also been investigated at three other locations as shown in Figures 2 to 4 below.

Works and Infrastructure
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Works and Infrastructure

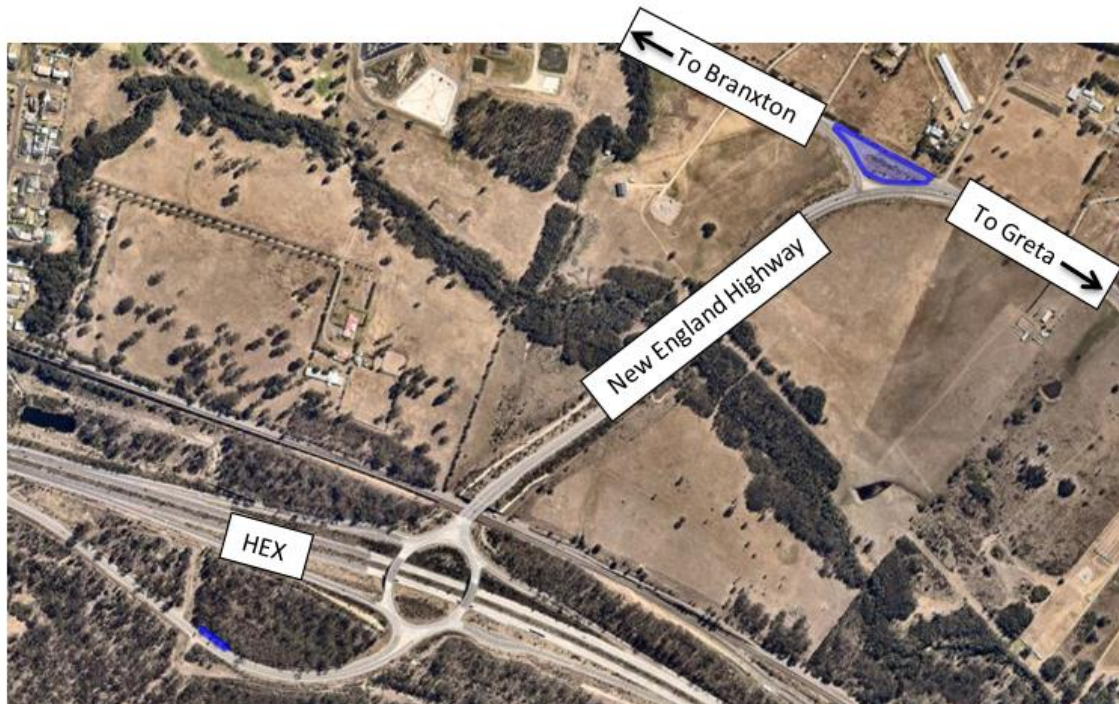


Figure 2 Current Carpooling Sites – Branxton Interchange New England Highway and southern on/off ramp.

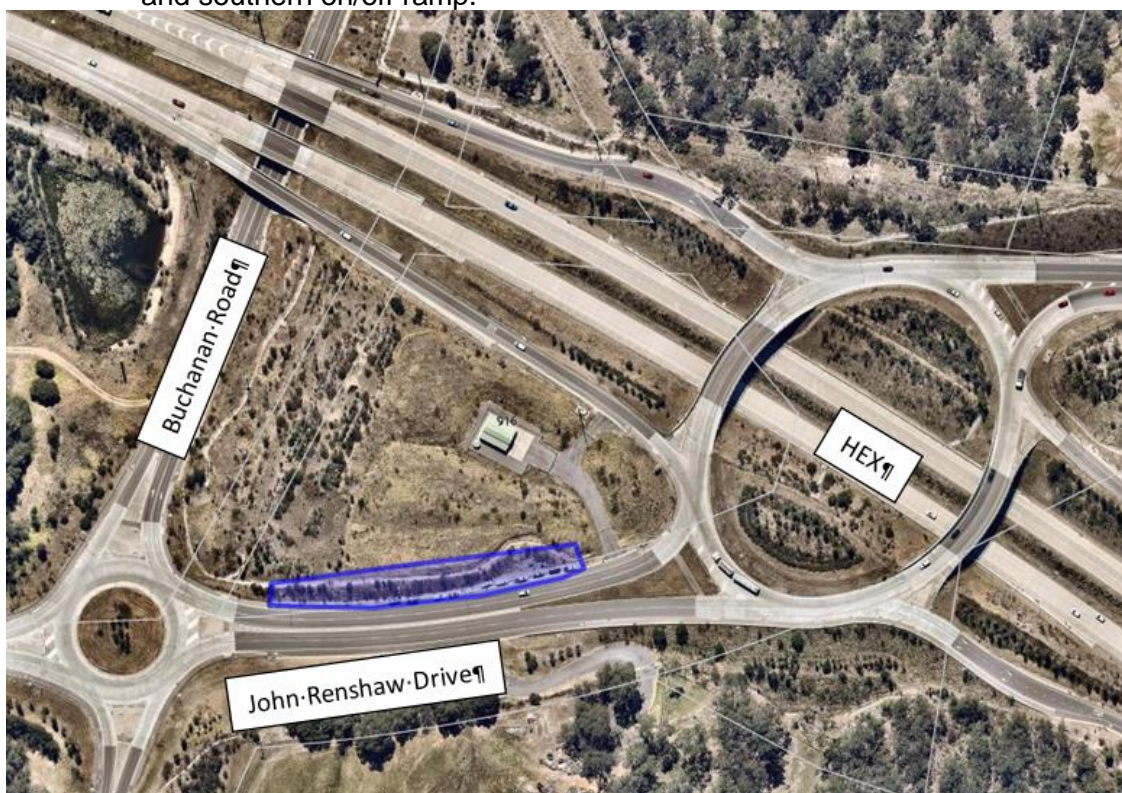


Figure 3 Current Carpooling Site - John Renshaw Drive, Buchanan

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Figure 4 Former Carpooling Site - Hart Road, Loxford

Preliminary investigations have been based on a desktop review of features shown on MapInfo and Dial Before You Dig, and a visual site inspection. Further detailed site investigation, yet to be carried out, would include full survey of environmental constraints and depth of underground services. Preliminary investigations included:

- Number of vehicles currently using each of the sites;
- Land ownership;
- Road environment and site specific issues;
- Connection with public transport.

Usage: A summary of the current usage is provided in Table 3 below.

Table 3 Survey of Usage – Other Carpooling Sites

Location	Date	No of cars	Comments
Branxton Interchange New England Highway and southern on/off ramp State Route A43	24 Jul 2017	21	Use increased to a consistently high number.
	25 May 2017	28	
	09 Jan 2017	10	
John Renshaw Drive, Buchanan / State Route B68	24 Jul 2017	14	Number increased to a consistent moderate number.
	25 May 2017	12	
	09 Jan 2017	9	
Hart Road, Loxford (Local Road)	24 Jul 2017	0	Location was highly used prior to survey. Not currently used.
	25 May 2017	0	
	09 Jan 2017	0	

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The survey results in Table 3 show a pattern of increased adhoc commuter parking along two locations: the New England Highway and the southern on/off ramp of the Branxton Interchange, and John Renshaw Drive, Buchanan. In contrast, initial usage at Hart Road, Loxford has diminished over time. Formalised commuter car parks maybe worthwhile in the medium to long term at two of the three other locations investigated.

With priority given to locations of highest use, in addition to the Heddon Greta site, improvements in road safety, commuter efficiency, and environmental benefits could be realised with safe, well lit, commuter parking and drop zones at Branxton and Buchanan.

Landownership: At the Branxton Interchange, both the New England Highway, which forms part of State Route A43, and the southern on/off ramp are classified roads. On the New England Highway, the proposed site is approximately 4000sq.m. The site in the southern on/off ramp that is currently being used is approximately 260sq.m. Both sites are over road reserve owned and managed by RMS.

John Renshaw Drive, Buchanan is a classified road, which forms part of State Route B68. The proposed site is approximately 2000sq.m, also over road reserve owned and managed by RMS.

Road Environment: The road environments at New England Highway, Branxton and the southern on/off ramp to HEX are two lanes, two ways from Branxton. The speed zone on the exit and entry ramps is 80kph.

John Renshaw Drive, Buchanan is two lanes, two ways. The speed zone on the adjacent exit and entry ramps is 60kph.

Public Transport: To integrate with public transport, a new bus stop should be incorporated to connect commuters to the car pooling area. Bus routes to and from Branxton and Maitland, as well as Cessnock, currently service the New England Highway.

Potential Formalisation of Parking: At the Branxton locations, there is opportunity to improve efficiency and safety by further formalisation with line marking, signage and lighting. This is deemed to be a cost effective solution. At the Buchanan location, while the western side of John Renshaw, Drive (B68) is constrained, there appears to be opportunities for parking with kiss and drop zones on the eastern side of the road.

Further discussions with RMS would be required to formulate options for these locations.

Costs: Concept Cost Estimates for the construction and formalisation of carpooling sites at Branxton and Buchanan have been based on unit rates with a contingency. An estimated cost to provide the following scope of work is provided in Table 4 below.

- Clear site and preparation;
- Install drainage;
- Construct pavement and seal; and
- Line marking, signage, lighting and ancillaries.

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Location of Sites	Construction	Contingency	Estimate
John Renshaw Drive, Buchanan	\$400,000	\$50,000	\$450,000
New England Hwy, Branxton	\$450,000	\$50,000	\$500,000
TOTAL	\$850,000	\$100,000	\$950,000

Similarly for the Main Road location, due to the cost and lead-time required to establish formal commuter car parks, short term measures to improve safety and efficiency of space, may be pursued with RMS, including possible implementation of angle parking using signage and line marking. Signage and line marking would aim to improve parking discipline and compliance with the Road Rules.

OPTIONS**Option 1**

- That Council note the investigation and liaison undertaken with Roads and Maritime Services in relation to future commuter car parks off the Hunter Expressway;
- That Council note the estimated cost of \$4,200,000 for the construction of the commuter carpark, roundabout and associated turning lanes at Stanford Road, Heddon Greta.
- That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and Central Coast, the State Member for Cessnock, and Taylor Martin MLC seeking funding for construction of the subject infrastructure.

This is the preferred option.

Option 2

That Council note the report and resolves to take no further action. This is not the preferred option as productive dialogue is currently progressing.

CONSULTATION

External consultation has occurred with:

- Roads and Maritime Services
- Minister for Roads, Maritime and Freight
- Parliamentary Secretary for the Hunter and Central Coast
- Bus Operators

Internal consultation has occurred with:

- Director Works and Infrastructure
- Infrastructure Manager
- Principal Land Use Planner
- Road Safety Officer

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STRATEGIC LINKS

a. Delivery Program

Community Strategic Plan Cessnock 2027: This activity aligns with *Section 4 Accessible infrastructure, services and facilities:*

Objective - 4.1 *Better transport links,*
4.2 *Improving the road network.*

Delivery Program 2017-21: The activity aligns with *Section 4 Better transport links:*

- 4.1.1: *Advocate for increased road, public and community transport and associated infrastructure funding.*
- 4.1.2 *Commence implementation of the Traffic & Transport Strategy*
- 4.2.4 *Work with the State Government to develop a land use strategy for the Hunter Expressway corridor*

b. Other Plans

Operational Plan: The activity aligns with *Section 4 Better transport links*

- 4.1.1: *Advocate for increased road, public and community transport and associated infrastructure funding*
- 4.1.1a *Advocate for commuter car parking to provide car pooling and community transport opportunities associated with the Hunter Expressway*
- 4.1.2a *Commence investigation and design of high priority projects from the Traffic & Transport Strategy*
- 4.2.2c *Advocate for and support applications for grant funding to improve road infrastructure*
- 4.2.4 *Work with the State Government to develop a land use strategy for the Hunter Expressway corridor*

Hunter Expressway Land Use Strategy: The preparation of the Hunter Expressway Land Use Strategy is a high priority action within the Hunter Regional Plan 2036. Work has now commenced on the Strategy with the Department of Planning and Environment coordinating and input being provided from Roads and Maritime, Cessnock City Council and other stakeholders. The provision and location of commuter car parks is an issue that has already been raised and will be considered in the preparation of the Strategy.

Draft Cessnock LGA Traffic and Transport Strategy 2016: The draft Strategy points out the benefits to providing a holistic long term approach to carpooling facilities across the LGA, aiming to ensure that the City is best placed to take advantage of HEX as a major regional transport corridor.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

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b. Financial Implications

Development by RMS of a Preliminary Design with Preliminary Cost Estimates will allow further consideration and may support use of State Infrastructure Contribution Levy or Transport for NSW funds for carpooling/commuter parking at public transport hubs.

c. Legislative Implications

NA

d. Risk Implications

Safety Risk: The dialogue undertaken and Concept Design Report prepared by Council officers seeks to highlight a number of safety risks arising out of commuter carpooling sites along HEX.

Reputation Risk: To mitigate the risk to Council's reputation, it is important that clear communication about the responsibility for provision of facilities to serve the use of HEX be clear to residents and the traveling public.

e. Environmental Implications

NA

f. Other Implications

NA

CONCLUSION

Productive engagement with RMS to further develop the Concept Design for the proposed commuter car park with a view to providing a holistic long term approach to carpooling facilities in the LGA is occurring and should continue.

It is recommended that further dialogue, seeking support and funding for construction of the subject infrastructure be pursued with State Government agencies and representatives.

ENCLOSURES

- 1 Concept Design Report
- 2 Discussion Notes

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SUBJECT: *MAIN ROAD, HEDDON GRETA*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

SUMMARY

This report responds to Council's resolution of 19 July 2017 (BN32/2017) seeking a report on the outcomes of previous Notice of Motions regarding Main Road, Heddon Greta and actions resulting from meetings with the Roads Minister and Roads Maritime Services (RMS). The report also provides a range of actions to fast track the resolution of safety issues on Main Road.

RECOMMENDATION

1. That Council note the outcomes of previous Notices of Motion and meetings with the Minister for Roads, Maritime and Freight, and Roads and Maritime Services;
2. That Council undertakes the following actions to fast track the resolution of safety issues on Main Road, Heddon Greta:
 - Continue liaising with RMS in relation to a Concept Design to facilitate safe commuter parking at the Main Road and Hunter Expressway Interchange;
 - Continue participating in a Maitland Network Study that includes Main Road, Heddon Greta;
 - Continue lobbying relevant State Agencies to attract funding for commuter car parking along HEX and addressing road safety issues resulting from HEX;

BACKGROUND

At the Ordinary Meeting of 19 July 2017, Council resolved as follows:

1. *That the General Manager report on outcomes of previous Notice of Motions on this issue. What actions have been resulted from the meetings with Roads Minister and RMS.*
2. *That the report include strategies to fast track the resolution of safety issues on Main Road, Heddon Greta.*

REPORT/PROPOSAL

Main Road, Heddon Greta is a classified road forming part of State Route MR195. The road is under the care and control of RMS. In the Heddon Greta area, State Route MR195 is a two lanes - two way road. The speed zone in this area is 60kph until mid-way between the entry and exits to the service station/fast food outlet adjacent to the Hunter Expressway (HEX). At this location it changes to 70kph (i.e. 70kph from the service station eastbound towards Kurri Kurri and 60kph from the service station westbound towards Maitland).

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Since the opening of the HEX, there has been a 45% increase in traffic volume on MR195, particularly during peak periods. Cessnock City Council (CCC) has received numerous verbal and written complaints of poor traffic flow, congestion, and near misses.

They complained about congestion occurs from Lang Street, Kurri Kurri through to Testers Hollow, impacting drivers from residential areas who seek to enter Main Road heading either westward to Kurri Kurri or eastward to Maitland. Due to wait times, drivers seek alternate methods of joining Main Road, including performing U-turns or right turns, often in unsuitable areas. The complaints are that such movements are dangerous.

Council Notices of Motion: There has been two previous Notices of Motion regarding Main Road, Heddon Greta, BN12/2016 and BN5/2017.

BN12/2016: At the Ordinary Meeting of 19 October 2016 (BN12/2016) Council resolved:

1. *That the General Manager investigate the establishment of a commuter carpark and associated turning lanes at Stanford Road, Heddon Greta and report to Council approximate cost and funding options.*
2. *That the General Manager investigate other carpooling sites in the Cessnock Local Government Area as a direct result of the Hunter Expressway.*

The outcome of the resolution pertaining to BN12/2016 has been investigations and preparation of a Concept Design for a commuter carpark on Main Road. At a recent RMS and Council Quarterly Liaison Meeting, RMS undertook to provide the Concept Design to Transport for NSW's Planning Team, who is working on the Future Transport Strategy.

A separate report to Council addressing BN12/2016 is included in this current Ordinary Meeting Agenda.

BN5/2017: At the Ordinary Meeting of 15 February 2017 (BN5/2017) Council resolved:

The General Manager make representation to the Hon Melinda Pavey MP, the NSW Minister for Roads regarding the accumulated traffic issues, creating dangerous hazardous conditions on Main Road, Heddon Greta, between the Hunter Expressway and Testers Hollow Cliftleigh.

The outcome of the resolution pertaining to BN5/2017 has been representations to the Minister for Roads, Maritime and Freight and Parliamentary Secretary for the Hunter and Central Coast.

On 24 May 2017 a group of delegates from Council, including the Mayor and General Manager, met with the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight. A number of matters were discussed at the meeting, including Main Road, Heddon Greta and various associated intersection and pedestrian issues. It was recommended to the Minister that;

- *RMS lead an analysis of the cumulative impact of HEX on Main Road; and consult with CCC on a plan for traffic management improvements.*

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A copy of the Discussion Notes for the Meeting are provided in **Enclosure 1**.

Actions from the Meeting: Actions resulting from the meeting with the Minister for Roads, Maritime and Freight include:

- Council's Director Works and Infrastructure provided the Minister's Office with a CCC Concept Design Report that proposes a commuter carpark on Main Road, Heddon Greta. This report also discusses a number of traffic management issues along Main Road.
- A copy of the Concept Design report is provided as **Enclosure 2** to this report.
- It is noted that Council officers believe the proposed roundabout detailed in the report would help alleviate some of the road safety concerns along Main Road;
- Council officers have made representation to RMS in relation to the road safety issues on Main Road, Heddon Greta. A copy of the Concept Design report has also been provided to RMS.
- RMS officers advised that the report was provided to Transport for NSW officers, who are working on a Future Transport Strategy.
- CCC officers are in the process of preparing a submission into the draft Future Transport Strategy.
- RMS Manager Network Optimisation Planning is currently working with Maitland City Council on a Maitland Network Study. Main Road, between Kurri and Maitland, has been included in this study and officers from CCC have been involved in this work. It is expected that the study will make recommendations regarding the future of this link road, including commuter car parking at Heddon Greta.
- Officers from RMS have indicated that they expect that the study will be able to support funding options for road upgrades and commuter parking via sources such as State Infrastructure Contribution (SIC) funding and other developer contributions, along with Transport for NSW planning funding options.

Strategies to Fast Track Resolutions: To fast track the resolution of safety issues on Main Road, Heddon Greta the following actions have been, or will be, undertaken:

- Preparation of a Concept Design for commuter car parking, which includes a roundabout to facilitate right hand turns and U- turns at Heddon Greta;
- Continued liaison with RMS in relation to the Concept design;
- Continued participation in a Maitland Network Study that includes Main Road, Heddon Greta;
- Continued lobbying of relevant State Agencies to attract funding for commuter car parking along HEX and addressing road safety issues resulting from HEX;
- CCC officers to provide a submission into the draft Future Transport 2056 Strategy.

Other longer-term strategies to improve congestion and road safety include a review of the method of conditioning development consents for provision of road and traffic infrastructure in stages to suit the anticipated rate of development or uptake of lots.

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The staged method of providing infrastructure means that the level of service may detrimentally impact the road network until new infrastructure is brought on line. Approved designs may become obsolete, being superseded by other external influences prior to construction.

As an example, the recently constructed intersection of Main Road and Traders Way may not have taken into account the current traffic counts, and priority of movements as a result of the opening of HEX, which was not constructed at the time the development application was approved.

OPTIONS

Option 1

1. That Council note the outcomes of previous Notices of Motion and meetings with the Minister for Roads, Maritime and Freight, and Roads and Maritime Services;
2. That Council undertakes the following actions to fast track the resolution of safety issues on Main Road, Heddon Greta:
 - Continue liaising with RMS in relation to a Concept Design to facilitate safe commuter parking at the Main Road and Hunter Expressway Interchange;
 - Continue participating in a Maitland Network Study that includes Main Road, Heddon Greta;
 - Continue lobbying relevant State Agencies to attract funding for commuter car parking along HEX and addressing road safety issues resulting from HEX;

This is the preferred option.

Option 2

That Council notes the report and resolves no further action. This is not the preferred option as productive dialogue is currently progressing with relevant State Agencies.

CONSULTATION

External consultation has occurred with:

- Minister for Roads, Maritime and Freight
- Parliamentary Secretary for the Hunter and Central Coast
- Roads and Maritime Services

Internal consultation has occurred with:

- Director Works and Infrastructure
- Infrastructure Manager
- Road Safety Officer

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STRATEGIC LINKS

a. Delivery Program

Community Strategic Plan Cessnock 2027: This activity aligns with *Section 4 Accessible infrastructure, services and facilities*:

- Objective - 4.1 *Better transport links,*
4.2 *Improving the road network.*

Delivery Program 2017-21: The activity aligns with *Section 4 Better transport links*:

- 4.1.1: *Advocate for increased road, public and community transport and associated infrastructure funding.*

b. Other Plans

Operational Plan: The activity aligns with *Section 4 Better transport links*

- 4.1.1: *Advocate for increased road, public and community transport and associated infrastructure funding*

- 4.1.1a *Advocate for commuter car parking to provide carpooling and community transport opportunities associated with the Hunter Expressway*

- Draft Cessnock LGA Traffic and Transport Strategy 2016
- Hunter Regional Transport Plan (2014)
- Hunter Strategic Infrastructure Plan (2013)
- Hunter Economic Infrastructure Plan (2013)
- Community Strategic Plan (2013)

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development by RMS of a Preliminary Design with Preliminary Cost Estimates will allow further consideration and may support use of State Infrastructure Contribution Levy or Transport for NSW funds for carpooling/commuter parking at public transport hubs.

c. Legislative Implications

N/A

d. Risk Implications

Safety Risk: The dialogue undertaken and Concept Design Report prepared by Council officers seeks to highlight a number of safety risks arising out of commuter carpooling sites along HEX.

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Reputation Risk: To mitigate the risk to Council's reputation, it is important that clear communication about the responsibility for provision of facilities to serve the use of HEX be clear to residents and the traveling public.

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

Council's Director Works and Infrastructure has provided the Office of the Minister for Roads, Maritime and Freight with a copy of Council's Concept Design Report that proposes a commuter carpark on Main Road, Heddon Greta. This report also discusses a number of traffic management issues along Main Road.

On-going liaison with relevant State Agencies is occurring in an effort to gain support and funding to address the commuter parking issue at Heddon Greta, along with other traffic related problems.

Productive engagement with RMS on planning to relieve the congestion that occurs on the State Route between HEX and Kurri Kurri is occurring and should continue.

ENCLOSURES

- [1](#) Discussion Notes
- [2](#) Concept Design Report

SUBJECT: ***LOVEDALE ROAD & WILDERNESS ROAD LOVEDALE -
TRAFFIC ACCIDENTS REPORT AND STATISTICS***

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

SUMMARY

This report responds to Council's resolution of 6 September 2017 (BN42/2017) regarding crashes at the intersection of Lovedale and Wilderness Roads, Lovedale.

RECOMMENDATION

1. That Council note that Transport for NSW, Centre for Road Safety, Crash Data records have no recorded crashes at the Wilderness and Lovedale Road intersection in the 5 year reporting period, 2012 to 2016;
2. That Council note previous recommendations of a Roads and Maritime Services Road Safety Audit and the road safety works undertaken as a result of this audit;
3. That Council programs the following short term works and actions to improve the road environment at the intersection:
 - Installation of enhanced way finding signage; and
 - Continued forwarding of traffic classifier speed data to police, as it becomes available, to inform their patrols of the area;
4. That Council undertakes investigation and design for an enhanced intersection treatment such as a rural channelised right turn intersection (CHR) with passing lane on Lovedale Road as part of the 2018-19 Operational Plan;
5. That a further report be brought back to Council at the completion of the investigation and design for the project to be considered in a future Delivery Program.

BACKGROUND

At the Ordinary Meeting of 6 September 2017 Council considered Notice of Motion BN42/2017 and resolved the following:

1. *That the General Manager urgently bring back a comprehensive report to Council relating to official Crash Data for the current 5 year reporting period for the junction of Lovedale Road and Wilderness Road, Lovedale;*
2. *That the report include any previous recommendations either from Council or the NSW State Government for revised traffic management at the above site;*

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3. That the report also provide recommendations, both temporary and permanent, for resolving this locus's traffic safety risk along with identifying any planned Delivery Program road or signage works.

REPORT/PROPOSAL

Wilderness Road intersects with Lovedale Road as shown in Figure 1 below.



Figure 1 Areal View - Intersection Wilderness & Lovedale Roads, Lovedale.

The existing traffic priority at the intersection, in favour of Lovedale Road, is governed by STOP sign controls. Both roads are sealed, two lane, two way roads, with posted 80km/h speed limits applying.

Crash Data

A check of [Transport for NSW, Centre for Road Safety, Crash Data - Detailed Crash Reports](#), reveals that in the 5 year reporting period, 2012 to 2016 there were 1480 crashes recorded in the Cessnock Local Government Area (LGA) as outlined in Table 1 below.

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Nature of crash	No of crashes
Fatal	27
Injury	876
Non-casualty – vehicle towed	577
Intersection - Wilderness and Lovedale	0
TOTAL	1480

As shown in the table above, of the 1,480 recorded crashes, none occurred at the intersection of Lovedale Road and Wilderness Road, Lovedale.

In proximity, there was 1 recorded, non-intersection crash on Lovedale Road, 20 metres north of Wilderness Road which occurred at 3.00pm on 17 January 2012, when a car being driven in a northerly direction on Lovedale Road by a 34 year old female, at a speed of 70 km/h, in an 80 km/h area, went off the carriageway to the left. This crash occurred in dry and fine conditions. 2 persons were injured. Driver fatigue was determined to be a causative factor.

The Cessnock LGA crash data does support the premise that there is a significant road safety issue at the subject intersection.

Previous Recommendations

As part of the process of reclassification of roads impacted by the opening of the Hunter Expressway (HEX), Roads and Maritime Services (RMS) undertook a Road Safety Audit of Lovedale Road.

A report, provided to Council by RMS relevant to a Road Safety Audit of Lovedale Road, dated July 2013, noted that:

The Wilderness Road intersection is located on a sharp crest, restricting intersection sight distance, and has reduced pavement width to accommodate safe intersection movements past turning vehicles resulting in increased potential for rear end and intersection type crashes. Poor intersection definition and delineation was also observed from Wilderness Road.

Trees were observed along both sides of Lovedale Road adjacent to narrow shoulder resulting in a roadside hazard for road users and a less forgiving roadside environment.

An excerpt from the Road Safety Audit Report is at **Enclosure 1**.

Short Term Recommendations

To improve safety at the intersection in the short term, the following works recommended by the Road Safety Audit Report have been carried out:

- Delineation of the intersection, and
- Removal and / or guarding trees in the clear zone.

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In addition, other measures recommended by Council officers to improve safety include:

- Installation of enhanced way finding signage, and
- Continued forwarding of traffic classifier speed data to police, as it becomes available, to inform their patrols of the area.

Delineation: In response to the RMS Road Safety Audit, recent improvement works were carried out by Council on a 30m length of Wilderness Road. The scope of work, recommended by RMS was documented in a drawing: see **Enclosure 2**. The work addressed the *poor intersection definition and delineation* by installation of the following:

- Re-surfacing of the road; and
- Line marking of:
 - BB double barrier dividing line;
 - E1 edge lines; and
 - TF Stop line / sign controls.
 - Installation of raised reflective pavement markings, and
 - Erection of guide post with reflectors.

Way Finding: A proposal for additional way finding, including white on brown tourist signs as shown in Fig 2 below, has been prepared and recently considered by RMS on behalf the Tourist Attraction Signage Advisory Committee (TASAC) in conjunction with Destination NSW.

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Figure 2 Tourist Way Finding - Wilderness & Lovedale Roads, Lovedale

The proposal is currently before RMS for final acceptance.

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Police Patrols: Recent discussions about the intersection with a local winery / tourist accommodation proprietor revealed that tourists complain of overshooting their turn off onto Wilderness Road when travelling on Lovedale Road. This phenomenon is likely to be as a result of excessive travel speeds or driver inattention, given the presence of large *Advanced Side Street - Road Name* (Wilderness Road) signs, on Lovedale Road on both approaches to Wilderness Road.

Through ongoing liaison with police from Central Hunter LAC, Council Officers are aware that Lovedale Road and surrounding roads are regularly the focus of Highway Patrol enforcement activities. Council officers will continue to liaise with NSW Police in this regard.

Clear Zone: Environmental assessment and cost estimates for removal of native trees in the clear zone could be pursued. Should environmental considerations favour retention of the trees, installation of guard rail/barrier may be a preferred option.

Long Term Recommendations

The following longer term solutions may be considered:

- Review of existing Speed Zone, and
- Design for an enhanced intersection treatment.

Speed Zone: A request may be made to RMS for conduct of a speed zone review of Lovedale Road with a view to having a 60km/h speed limit installed for a length of Lovedale Road adjacent Wilderness Road. However, crash data would be an integral component in such a review and present crash data is unlikely to be supportive.

Intersection Treatment: The current four year Delivery Program 2017-21 does not include the intersection. Design for an upgraded intersection treatment such as a rural channelised right turn intersection (CHR) with passing lane on Lovedale Road may be programmed for future years or a future Delivery Program, with a view to attracting external funding.

It should however be noted that the crash data does not tend to support attraction of external road safety funding.

OPTIONS

Option 1:

- That Council note that Transport for NSW, Centre for Road Safety, Crash Data records have no recorded crashes at the Wilderness and Lovedale Road intersection in the 5 year reporting period, 2012 to 2016;
- That Council note previous recommendations of a Roads and Maritime Services Road Safety Audit and the road safety works undertaken as a result of this audit;
- That Council programs the following short term works and actions to improve the road environment at the intersection:
 - Installation of enhanced way finding signage; and
 - Continued forwarding of traffic classifier speed data to police, as it becomes available, to inform their patrols of the area;

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- That Council undertakes investigation and design for an enhanced intersection treatment such as a rural channelised right turn intersection (CHR) with passing lane on Lovedale Road as part of the 2018-19 Operational Plan;
- That a further report be brought back to Council at the completion of the investigation and design for the project to be considered in a future Delivery Program.

Option 2:

- That Council note that Transport for NSW, Centre for Road Safety, Crash Data records have no recorded crashes at the Wilderness and Lovedale Road intersection in the 5 year reporting period, 2012 to 2016;
- That no further works be undertaken at the subject location.

CONSULTATION

Internal consultation has occurred with:

- Roads Officer
- Traffic Officer
- Infrastructure Manager
- Maintenance Coordinator
- Economic Development Manager

External consultation has occurred with:

- TASAC
- RMS
- Local tourist accommodation provider
- Central Hunter LAC of NSW Police Force

STRATEGIC LINKS

a. Delivery Program

Community Strategic Plan - Cessnock 2027:

Objective 1.3: Promoting safe communities - Our roads are safe for motorists and pedestrians.

Objective 2.3: Our local government area is attractive to visitors

Objective 4.2: Improving the road network

- We have a quality road network.
- We have managed the traffic impact of the Hunter Expressway on local communities.

Delivery Program 2017- 21: The activity aligns with the following objectives:

Objective 1.3: Promoting Safe Communities – Our roads are safe for motorists and pedestrians

1.3.5 Improve the safety of the road network

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Objective 2.3: Increasing tourism opportunities and visitation to the area

2.3.4 Commence implementation of the Vineyard Signage Strategy.

Objective 4.1: Better transport links

4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.

Objective 4.2: Improving the road network

4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.

4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other Plans

Operational Plan 2016-17: The activity aligns with the following:

Objective 1.3: Promoting Safe Communities

1.3.5 Improve the safety of the road network

Objective 2.3: Increasing tourism opportunities and visitation to the area

2.3.4 Commence implementation of the Vineyard Signage Strategy.

Objective 4.1: Better transport links

4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.

4.1.1a Advocate for commuter car parking to provide carpooling and community transport opportunities associated with the Hunter Expressway

4.1.2 Commence implementation of the Traffic & Transport Strategy.

Objective 4.2: Improving the road network

4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.

4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

4.2.2b Design and document quality road work, bridges and culverts for the Capital Works Program.

4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

Cessnock City Council - Road Safety Strategic Plan (2014 - 2018):

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

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

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Objective 2.2: Make applications under State and Federal Government road safety funding grant schemes for targeted road infrastructure works programs to enhance safety outcomes for all road users.

Objective 2.3: Administer Council's Capital Works Program to ensure that road safety is considered throughout the design, construction, maintenance, operation and audit of the road network for all road users.

Objective 2.4: Address the safety needs of vulnerable road users through infrastructure and traffic management treatments, as prescribed by the Austroads Guide to Road Design and associated standards.

IMPLICATIONS**a. Policy and Procedural Implications**

Nil

b. Financial Implications

Should works be considered necessary in the long term, it is anticipated that detailed investigation and concept design for the potential upgrading of the intersection of Lovedale Road and Wilderness Road would involve expenditure in the vicinity of \$50,000. At this stage such work is not programmed or funded.

Potential Grant Funding: A number of Federal and State funding sources may be considered when grant opportunities arise. The upgrade of the intersection of Lovedale and Wilderness Roads, Lovedale may meet the criteria for potential funding opportunities, (subject to the relevant eligibility criteria), as detailed below in Table 2:

Table 2 Potential Grant Funding Opportunities

Grant	Summary Description
National Stronger Regions	Construction of new infrastructure, or the upgrade or extension of existing infrastructure, and that delivered an economic benefit to the region
Hunter Infrastructure Investment Fund	Transport, including public roads, airports and the movement of freight
Resources for Regions	Infrastructure projects in mining affected communities. They include infrastructure across the health, water, road, education, tourism sectors and investment in CBD renewals to increase attractiveness as a place to live and do business.
Safer Roads Program	Must have an eligible treatment code for funding.
Fixing Country Roads	Capital projects on roads and bridges which provide economic and productivity benefits

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c. Legislative Implications

Road Rules 2014

- Part 3 - Speed Limits
- Part 7 – Giving Way
- Part 11 – Other Driving Rules
- Part 12 – Restrictions on Stopping & Parking

Roads Act 1993

- Section 88 – Tree Felling – Removing a traffic hazard

Civil Liability Act 2002

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

d. Risk Implications

Safety Risks: It is noted that casualty crashes have occurred on Lovedale Road, however these have occurred at other locations rather than at the intersection with Wilderness Road.

In place of expending limited resources at the subject intersection, given the lack of reported crashes at the intersection and the fact that Council has made reasonable responses to the Road Safety Audit, there are no apparent risk factors for Council in prioritising other projects that are currently programmed, or treatments on roads with substantial crash histories that currently meet Black Spot Program funding criteria / guidelines.

e. Environmental Implications

An ecological assessment will be required regarding the possible removal of trees in the clear zone, which were identified in the previously mentioned Road Safety Audit, as being a High Risk.

f. Other Implications

Nil

CONCLUSION

Crash statistics at the intersection of Wilderness and Lovedale Roads do not correlate to a significant issue with the road environment.

Nevertheless, a Road Safety Audit undertaken by RMS as part of the process of reclassification of roads impacted by the opening of HEX, identified some road safety issues.

In response to this Road Safety Audit, Council recently completed road safety upgrade treatments in the form of road resurfacing, signage and delineation.

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Assessing priorities for future road improvements across the LGA is important to ensuring a safe road environment.

ENCLOSURES

- [1](#) Lovedale Road - Road Safety Audit - Corrective Actions 35 & 36
- [2](#) Lovedale & Wildernes Road Intersection - Road Safety Improvements - Detail Design

Notices Of Motion

Report No. BN54/2017

General Manager's Unit



NOTICES OF MOTION No. BN54/2017

SUBJECT: *RE-INSTATE MOUNT VIEW ROAD*

COUNCILLOR: *Ian Olsen*

MOTION

That Council re-instate to the current budget the amount of \$258,000 to complete planned roadworks to Mount View Road, Cessnock as originally programmed.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 15 November 2017.

RATIONALE

At the meeting of 2 August 2017 Council decided to defer these roadworks until such time the State Government had completed the alternative access to the Correctional Centre. They now have made a decision and no alternative access is going to be provided. As these roadworks need to be completed we need to re-instate the funding and if successful in getting compensation from the Government we could claim this as part of that compensation.

Sgd: Ian Olsen

Date: 6 November 2017

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN55/2017

General Manager's Unit



NOTICES OF MOTION No. BN55/2017

SUBJECT: *NATURE STRIP PARKING*

COUNCILLOR: *Allan Stapleford*

MOTION

1. That the General Manager investigates the suitability of retrofitting nature strips in subdivisions within the Cessnock LGA that have narrow roads and rolled kerbs to facilitate partial off-road parking, whilst maintaining minimum footpath width requirements.
2. That a report be brought back to Council within 6 months on options, including estimated costs that will allow residents to install concrete rolled kerb to provide extensions to adjoining parking bays in front of affected properties.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 15 November 2017.

RATIONALE

Currently many streets in recently developed housing estates have narrow road widths and when on-road parking on one, or both sides of the road occurs, the free movement of motor vehicles along such roads is restricted.

Given that it is unlawful for vehicles to be parked on footpaths or nature strips, the proposed installation of concrete extensions adjoining rolled kerbs, would provide properly constructed areas for cars to be lawfully parked, whilst maintaining minimum footpath or shared path widths. A similar scheme currently operates in the Sutherland Shire.

Sgd: Allan Stapleford

Date: 6 November 2017

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN56/2017

General Manager's Unit



NOTICES OF MOTION No. BN56/2017

SUBJECT: *SUPPORT FOR GREYHOUND RACING TO RETURN TO CESSNOCK*

COUNCILLOR: *Melanie Dagg*

MOTION

1. That Council reiterate its support for greyhound racing to be reinstated at Cessnock Showground.
2. That Council support the development of the 'Centre for Excellence', as proposed by the Cessnock Greyhound Club, which includes the following measures:
 - (a) three racing tracks made up of the existing single turn circle track, a new smaller track inside the existing single turn track and a new straight track;
 - (b) a pet shop;
 - (c) a Canine Aquatic Centre for the exercising and rehabilitation of dogs;
 - (d) a veterinary complex and associated infrastructure incorporating a veterinary hospital and consulting rooms to operation an Adoption Program of greyhounds that have finished their racing careers; and
 - (e) Improved facilities for the patrons of greyhound racing at the racing track.
3. That Council state its support for the ethical treatment of animals and the safety and well-being of greyhounds, and other racing animals.
4. That the General Manager write to the Hon. Paul Toole MP, Minister for Gaming, the Hon. Clayton Barr MP, State Member for Cessnock and Mr Morris Iemma, Chairman of Greyhound Racing NSW indicating Council's position and seeking their support.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 15 November 2017.

RATIONALE

Greyhound racing has a long and proud history in the Cessnock LGA and I believe it prudent that Council show leadership by illustrating its continued support for the industry, provided that good governance, transparency and most importantly, animal welfare principles are followed.

Notices Of Motion

Report No. BN56/2017

General Manager's Unit



Sgd: Melanie Dagg

Date: 7 November 2017

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ125/2017

Works and Infrastructure



SUBJECT: ***FOOTPATH ON THE WEST SIDE OF ALFRED STREET,
WEST CESSNOCK***

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

Q120/2017 – Footpath on the West Side of Alfred Street, West Cessnock

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 1 November 2017.

Has there been any investigations and the feasibility into a footpath on the West side of Alfred Street, West Cessnock.

Consideration was given to providing a footpath on the western side of Alfred Street as part of the Pedestrian Access and Mobility Plan (PAMP) study in 2016

The study found that the existing nature strip on the eastern side of Alfred Street features a formed concrete footpath adjacent to Cessnock West Public School, from Campbell Street to Hutton Street. However, the existing nature strip on the western side of Alfred Street from Campbell Street to West Avenue is grassed with no formed footpath.

The PAMP has identified this unformed section of footpath in Alfred Street footpath as a medium priority. As a result, this section of path is not listed in the Pathways Program within the four year Delivery Program 2017-21.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ126/2017

Works and Infrastructure



SUBJECT: *RELOCATION OF MAGNOLIA TREES & AGAPANTHUS*

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

Q117/2017 – Relocation of Magnolia Trees & Agapanthus

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 1 November 2017.

Where were the Magnolia trees and Agapanthus relocated to from the Gordon Williams Cemetery.

The Magnolia trees and Agapanthus from the Gordon Williams Cemetery were not relocated for use in another location.

Council officers determined that the Magnolias were not healthy enough for relocation and the Agapanthus were not required in any other location.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ127/2017

Works and Infrastructure



SUBJECT: *OPENING OF WASTE TRANSFER STATION*

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

Q119/2017 – Opening of Waste Transfer Station

Asked by Councillor Sander at the Ordinary Meeting of Council held on 1 November 2017.

What timeframe has Council got for the opening of the new Waste Transfer Station.

Opening of the new Waste Transfer Station is scheduled for 13 November 2017.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO30/2017

Corporate and Community Services



SUBJECT: *POLICING REVIEW - IMPACTS ON CESSNOCK LGA -
CORRESPONDENCE FROM THE PREMIER OF NSW*

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

RECOMMENDATION

That Council note the correspondence received.

At its Ordinary Meeting of 4 October 2017 Council considered a Mayoral Minute MM15/2017 regarding a review being undertaken on policing resources and the potential impacts on the Cessnock LGA and resolved as follows:

That Council urgently seek a meeting with the NSW Premier The Hon. Gladys Berejiklian MP, Minister for Police The Hon. Troy Grant MP, Parliamentary Secretary for the Hunter and Central Coast, Scot MacDonald MLC, Member for Cessnock Clayton Barr MP and New South Wales Police Commissioner Michael Fuller to advocate for the retention of Cessnock and Kurri Kurri in the Central Hunter LAC and that the areas of Greta, Branxton and their surrounds currently located within the Hunter Valley LAC be moved into the Central Hunter LAC.

Council has received correspondence in reply to the above resolution from the Premier of New South Wales, The Hon. Gladys Berejiklian MP, with a copy of the response provided for Councils information.

ENCLOSURES

- [1](#) Correspondence from Premier of New South Wales - Policing Resources