



27 April 2018

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, 2 May 2018 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**
Leave of absence has been granted to:
Councillor John Fagg - 15 April 2018 to 16 May 2018 Inclusive
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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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, 18 APRIL 2018, COMMENCING AT
6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Acting Director Corporate and Community Services (Human Resource Manager)
Acting Director Works and Infrastructure (Manager Open Space & Community Facilities)
Development Services Manager
Finance and Administration Manager
Internal Auditor
Media & Communication Officer
Corporate Governance Officer

APOLOGY:

MOTION

Moved: Councillor Lyons

Seconded: Councillor Burke

431

RESOLVED that the apology tendered on behalf of Councillor Dunn, for unavoidable absence, be accepted and leave of absence granted.

FOR

AGAINST

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

Total (0)

CARRIED UNANIMOUSLY

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

432

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 4 April 2018, as circulated, be taken as read and confirmed as a correct record.

FOR**AGAINST**

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

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

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI6/2018

SUBJECT: DISCLOSURES OF INTEREST

NIL

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Merrill Phillips representing residents of Mount View Meadows Estate	Against Recommendation	PE23/2018 - Development Application 8/2017/764/1 proposing the Subdivision of One (1) lot into Two (2) lots 88 Edden Street, Bellbird	75	3 mins

EXTENSION OF TIME

433

Moved:

Seconded:

Councillor Suvaal

Councillor Stapleford

RESOLVED

That an extension of one minute be given to Mrs Phillips to complete her presentation.

FOR

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Naomi Smith	For Recommendation	PE23/2018 - Development Application 8/2017/764/1 proposing the Subdivision of One (1) lot into Two (2) lots 88 Edden Street, Bellbird	75	3 mins
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PLANNING AND ENVIRONMENT NO. PE23/2018

**SUBJECT: DEVELOPMENT APPLICATION 8/2017/764/1 PROPOSING THE
SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS**

88 EDDEN STREET, BELLBIRD

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Suvaal
434
RESOLVED

That Council determine Development Application No. 8/2017/764/1 proposing the subdivision of one (1) lot into two (2) lots at 88 Edden Street, Bellbird, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the following reasons:-

1. The proposal is inconsistent with the objectives of the R5 Large Lot Residential Zone, in that the subdivision will not preserve or minimise impacts on the rural scenic quality of the area (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
2. The proposed Lot 232 does not comply with the minimum lot size required under Clause 4.1 of Cessnock Local Environmental Plan 2011 in that 2000m² is required and only 1870m² has been proposed (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
3. The site is not considered suitable for the proposed development in that the fragmentation of land contradicts planning principles, when considering the objectives of the zone (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
4. The proposed development is not in the public interest (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979).
5. That Council prepares a Planning Proposal to reinstate the 4000 sqm minimum lot size in the Echidna Close/Edden Street Bellbird precinct. This is to be lodged after Council has accepted the Cessnock City Planning Strategy 2018.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PROCEDURAL MOTION**Moved:**

Councillor Burke

Seconded:

Councillor Lyons

435

RESOLVED**That Report No's:-****CC26/2018 - Inquorate Meeting Notes of the Aboriginal and Torres Strait Islander Committee of Cessnock City Council held on 23 March 2018****CC27/2018 - Resolutions Tracking Report****CC28/2018 - Investment Report - March 2018****WI27/2018 - Petition - Skate park Millfield****WI28/2018 - Recreation and Open Space Strategic Plan****WI29/2018 - Minutes of Local Traffic Committee held 19 March 2018****be dealt with englobo.****FOR****AGAINST**

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (10)

Total (0)**CARRIED UNANIMOUSLY**

MOTION

436

Moved: Councillor Burke**Seconded:** Councillor Dagg**RESOLVED****That Report No's:-****CC26/2018 - Inquorate Meeting Notes of the Aboriginal and Torres Strait Islander Committee of Cessnock City Council held on 23 March 2018****CC27/2018 - Resolutions Tracking Report****CC28/2018 - Investment Report - March 2018****WI27/2018 - Petition - Skate park Millfield****WI28/2018 - Recreation and Open Space Strategic Plan****WI29/2018 - Minutes of Local Traffic Committee held 19 March 2018****be resolved as recommended.****FOR****AGAINST**

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (10)

Total (0)**CARRIED UNANIMOUSLY**

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU6/2018

SUBJECT: MOTIONS OF URGENCY

NIL

RESCISSION MOTIONS

RESCISSION MOTIONS NO. RM1/2018

SUBJECT: WI26/2018 - TRAFFIC FACILITIES - PELAW MAIN PUBLIC SCHOOL

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
437

The undersigned lodge the following motion of rescission:

That the following motion in relation to report WI26/2018 – Traffic Facilities – Pelaw Main Public School from the 4 April, 2018 Ordinary Meeting of Council be rescinded.

“That the report be Deferred for two months to await the grant outcome”

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
438

RESOLVED

1. That Council reallocates \$136,000 of funds from the 17/18 Bridge Construction Program to the 17/18 Traffic Facilities Program to fund traffic facilities in the school zone of Pelaw Main Public School as listed in the 2017-21 Delivery Program.
2. The allocation of \$136,000 of the \$300,000 funding in the draft 2018/2019 Bridge Construction Program for the Paynes Crossing Bridge project is placed in the Land and Miscellaneous Reserve and that these funds be restricted for use for the Abbotsford Street Bridge project.
3. These restricted funds be allocated to the Abbotsford Street Bridge project to the extent required to address any funding shortfall after grant funding and Developer Contributions have been allocated up to the fully restricted amount of \$136,000.
4. If Council’s grant application is unsuccessful the full \$136,000 be allocated to the Abbotsford Street Bridge.

5. Once the Abbotsford Street Bridge funding has been finalised any funds not allocated to the Abbotsford Street Bridge will no longer remain restricted.

FOR	AGAINST
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (1)

CARRIED

GENERAL MANAGER'S UNIT NO. GMU10/2018

SUBJECT: AUDIT COMMITTEE INDEPENDENT MEMBER

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

439

RESOLVED

That Council receives and notes the report on the appointment of an independent member to the Audit Committee.

FOR	AGAINST
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Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (10)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE22/2018

SUBJECT: **DEVELOPMENT APPLICATION NO. 8/2017/195/1 PROPOSING ALTERATIONS TO AN EXISTING WINERY CONSISTING OF THE CONSTRUCTION OF A NEW CELLAR DOOR, CAFE AND RESTAURANT; AND THE CHANGE OF USE OF AN EXISTING CELLAR DOOR TO A WINE STORAGE FACILITY**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
440
RESOLVED

That Council determine Development Application No. 8/2017/195/1 proposing alterations to an existing winery consisting of the construction of a new cellar door, cafe and restaurant; and the change of use of an existing cellar door to a wine storage facility at 447 McDonalds Road (Lot 22 DP1133351) Pokolbin, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/195/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Project Number 10565 A01 REV D	EJE ARCHITECTURE	22/02/2017
Project Number 10565 A02 REV G	EJE ARCHITECTURE	22/02/2017
Project Number 10565 A03 REV A	EJE ARCHITECTURE	22/02/2017
Project Number 10565 A04 REV D	EJE ARCHITECTURE	29/11/2017
Project Number 10565 A05 REV D	EJE ARCHITECTURE	23/02/2017
Project Number 10565 A06 REV D	EJE ARCHITECTURE	23/02/2017
Project Number 10565 A07 REV D	EJE ARCHITECTURE	29/11/2016
Project Number 10565 A08 REV C	EJE ARCHITECTURE	29/11/2016

Project Number 10565 A09 REV D	EJE ARCHITECTURE	29/11/2016
Project Number 10565 A10 REV E	EJE ARCHITECTURE	23/02/2017
Project Number 10565 A11 REV B	EJE ARCHITECTURE	20/03/2017
Project Number 10565 A12 REV B	EJE ARCHITECTURE	20/03/2017
Project Number 10565 A13 - MARKED CONCEPT STORMWATER WATER PLAN	EJE ARCHITECTURE	06/04/2017
Project Number 10565 A14 REV B	EJE ARCHITECTURE	27/09/2017

Document Title	Prepared By	Dated
STATEMENT OF ENVIRONMENTAL EFFECTS	INSITE PLANNING	(REVISED) NOVEMBER 2017
BUSHFIRE THREAT ASSESSMENT	FIREBIRD	APRIL 2017
ECOLOGICAL ASSESSMENT	FIREBIRD	APRIL 2017
TRAFFIC AND PARKING ASSESSMENT	INTERSECT TRAFFIC	MARCH 2017
WASTE MANAGEMENT PLAN	INSITE PLANNING	APRIL 2017
VISUAL IMPACT ASSESSMENT	EJE ARCHITECTURE	FEBRUARY 2017

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

2. CC, PCA & Notice Required

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. 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
555	Vineyards Roads and Bridges	\$36724.32
554	Tourist Information and Signage	\$27297.82
556	Plan Preparation and Administration	\$2750.59

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.

4. Car Parking – Commercial/Industrial

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

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

5. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of 82 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.

6. Stormwater – Detention Requirement

The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include onsite storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. 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.

7. 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*.

8. Engineering Checking Fee

The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a CC for the site. Council's current fee is \$950 per basin for basins less than 50m³. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges at the time of payment.

9. Food Premises

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

- a) Food Act 2003
- b) Food Regulation 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.

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

PRIOR TO COMMENCEMENT OF WORKS

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

10. Site To Be Secured

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

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

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

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

11. PCA Signage and Contact Details

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

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

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

12. 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.

13. Protection of Retained Trees

Prior to the commencement of works, the trees proposed for removal are to be clearly marked with brightly coloured paint or tape to ensure the trees to be retained are not cleared.

14. Protection of Retained Trees

Any trees to be retained within 10 m of the development footprint are to be fenced after clearing has been completed and prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy and remain in place until completion of construction works. All areas within the fencing are to be covered with woodchip mulch to a depth of 100 mm. Tree protection signage is to be attached to the fencing surrounding the retained trees

DURING WORKS

The following conditions are to be complied with during works.

15. BCA Compliance

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

16. Construction Hours

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

17. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works.

18. Construction Noise

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

19. 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.

20. 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.

21. Protection of Retained Trees

Stockpiling or storage or mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling must not occur within the drip line of retained trees at any stage during works.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

22. 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.

23. Parking – Completion

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

24. Works-As-Executed Plan

Two (2) copies of a WAE plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, the PCA, clearly showing all aspects of the constructed drainage and / or OSD. The plan must include:

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb
- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to and approved by *PCA* prior to the issue of an *OC*.

25. Drainage Works

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

26. Stormwater – Plan of Management

The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The plan shall set out all design and operational parameters for the detention facilities, including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The plan shall be submitted to the *PCA* for approval prior to the issue of an *OC*.

27. Vegetation Replanting

Prior to the issue of the *OC*, at least sixteen (16) trees are to be planted in areas mapped on the *Compensatory Tree Planting Plan* by *Terras Landscape Architects* dated 24 March 2017. The plants are to be of local provenance grown by a specialist native plant nursery to enhance the foraging opportunities for native fauna. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest EEC.

28. Retention of Vegetation

An 88B instrument must be created for the areas referred to in Condition 10 and state that the areas are not to be cleared (as defined under the Native Vegetation Act 2003). Evidence that this has occurred is to be provided to Council's Ecologist prior issue of the Occupation Certificate.

ONGOING USE

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

29. Hours of Operation

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

Cellar Door	9.30am – 12am (7 days per week)
Café	7am – 6pm (7 days per week)
Restaurant	12pm – 11pm (7 days per week)

30. Outdoor Lighting

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

31. Approved Signage Maintenance

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

32. 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.

33. Driveways to be Maintained

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

34. Noise Complaints

Where a noise complaint is received by Council from a place of different occupancy and the noise source is proven by a Council Officer to be non-compliant, the Council may employ a consultant to measure noise emanating from the property, and to recommend (if necessary) appropriate actions to ensure compliance.

The consultant must be a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants. The cost of such appointment and associated work shall be borne by the applicant, who shall also ensure the recommendations of the acoustic consultant are implemented.

35. Landscaping

Any landscaping is to use native species of local provenance grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest EEC.

36. Vegetation Management

The trees that are planted to replace cleared trees are to be maintained in good health until they are at least 3 m tall/for the life of the development. Any trees that die are to be replaced with the same species and be of local provenance grown by a specialist native plant nursery.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC26/2018

SUBJECT: INQUORATE MEETING NOTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 23 MARCH 2018

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
441
RESOLVED

That Council notes the summaries of the topics discussed at the inquorate Aboriginal and Torres Strait Islander Committee meeting held on 23 March 2018.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC27/2018

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
442
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC28/2018

SUBJECT: INVESTMENT REPORT - MARCH 2018

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
443
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI27/2018

SUBJECT: PETITION - SKATE PARK MILLFIELD

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

444

RESOLVED

1. That the construction of a skate park at Crawfordville Park be included in the draft 2018-19 Operational Plan for Council's consideration;
2. That Council writes to Master Beau Heffernan and advises him the outcome of Councils decision.

FOR	AGAINST
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Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI28/2018

SUBJECT: RECREATION AND OPEN SPACE STRATEGIC PLAN

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

445

RESOLVED

1. That Council place the draft Recreation and Open Space Strategic Plan on public exhibition for a minimum period of 28 days and invite public submissions;
2. That a Briefing Session be scheduled for Councillors at the conclusion of the exhibition period;
3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Recreation and Open Space Strategic Plan.

FOR

AGAINST

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI29/2018

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE
HELD 19 MARCH 2018**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
446
RESOLVED

That the recommendations of the Local Traffic Committee Meeting of 19 March 2018 be adopted as a resolution of the Ordinary Council being:

1. TC6/2018 – That One Way restrictions, regulatory parking signage and line marking be installed on Kendall Street, Pittman Street and the unnamed laneway between Pittman and Doyle Streets, Bellbird in accordance with the Signage Diagram that was presented at the Local Traffic Committee;
2. TC7/2018 – That STOP signs, line marking and traffic island be installed on Eleventh Avenue and Millfield Road, Millfield in accordance with Signage/Line Marking Diagram that was presented at the Local Traffic Committee;
3. TC9/2018 – That temporary regulation of traffic be approved for the Wollombi Public Holiday Markets in accordance with the Local Traffic Control Plan that was presented at the Traffic Committee; and
4. TC8/2018 – That Council notes the temporary regulation of traffic for the Cessnock Stomp Festival was implemented in accordance with the Traffic Control Plans that were approved at the Local Traffic Committee.

FOR	AGAINST
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Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN6/2018

SUBJECT: REQUEST TO PREMIER TO RECONSIDER SYDNEY FOOTBALL STADIUM AND SYDNEY OLYMPIC STADIUM PLANS

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
447
RESOLVED

1. That the Mayor write to the Premier requesting her to reconsider the government's decision to spend \$2.0 billion on demolishing and rebuilding the Sydney Football stadium and the Sydney Olympic stadium. Further that the Mayor request that the Premier re-allocate the \$2.0 billion saved to establish a NSW Regional Infrastructure Fund to service desperately needed infrastructure projects in regional NSW.
2. That the letter request that the State Government invest part of the money into the renewal of State Infrastructure, for example, the upgrade of Cessnock Hospital and the construction of a new police station for Cessnock following the expansion of Cessnock Correctional Centre.

FOR	AGAINST
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (1)

CARRIED

BUSINESS WITH NOTICE NO. BN7/2018

SUBJECT: WINE COUNTRY DRIVE - TRAFFIC & SAFETY

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

448

RESOLVED

1. That Council again write to our State Member, Clayton Barr and the Minister for Roads, Melinda Pavey expressing the need for an urgent solution to the traffic and safety problems experienced by motorists and residents of Nulkaba, along Wine Country Drive, during pick up and drop off times at St Phillips Christian College, Nulkaba Public School and Nulkaba Pre-School;
2. That Council write to the Road and Maritime Services (RMS) requesting they urgently review the traffic and safety conditions at the corner of Wine Country Drive and Lomas Lane.

FOR

AGAINST

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN8/2018

**SUBJECT: EXPRESSION OF INTEREST FOR A NSW REGIONAL AUTOMATED
VEHICLE TRIAL**

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

449

RESOLVED

That Council work with Singleton Council, and other stakeholders in the lodging of an Expression of Interest for a NSW Regional Automated Vehicle Trial in the Hunter Valley Vineyard's region.

FOR	AGAINST
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Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (10)

Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ34/2018

SUBJECT: GILLIES BRIDGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ35/2018

SUBJECT: NORTH END HALL BUS SHELTER

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ36/2018

**SUBJECT: DOES COUNCIL HAVE ANY CONTROL OVER COFFEE VANS ON THE
HUNTER EXPRESSWAY?**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ37/2018

SUBJECT: ORGANIC BAGS

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Di Fitzgibbon

FOOTPATH – WINE COUNTRY DRIVE TO KERLEW STREET

Councillor Fitzgibbon asked why the full length of the footpath along Wine Country Drive from Calvary to Kerlew Street is so narrow?

Councillor Rod Doherty

UNFORMED FOOTPATH NORTHCOTE STREET, KURRI

Councillor Doherty asked when the unformed footpath along Northcote Street, Kurri Kurri will be completed?

Councillor Mark Lyons

NAMING OF BRIDGES HILL PARK

Councillor Lyons asked when the naming of Bridges Hill Park decided upon instead of Convent Hill as there is some confusion in the community.

Councillor Di Fitzgibbon

PRAM RAMP AND FOOTPATH – O'CONNORS ROAD AND OCCIDENT STREET, NULKABA

Councillor Fitzgibbon asked why Council did not include a pram ramp and footpath in the kerb and guttering on O'Connors Road and Occident Street at Nulkaba.

CORRESPONDENCE

CORRESPONDENCE NO. CO10/2018

SUBJECT: **CESSNOCK CITY COUNCIL - RESOLUTION TO NOMINATE TO
BECOME A MEMBER OF HUNTER COUNCILS JOINT ORGANISATION**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Burke
450
RESOLVED

That Council note the correspondence received.

FOR	AGAINST
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Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO11/2018

SUBJECT: HIGH FRONT GUTTER AND BUILDING REGULATION

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Burke
451
RESOLVED

That Council note the correspondence received.

FOR	AGAINST
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

Councillor Dagg

Report Subsidence Advisory NSW - 11 April 2018

Councillor Dagg reported on her attendance last Wednesday at the Board meeting of Subsidence Advisory NSW (SANSW) (formerly Mines Subsidence Board) as its Local Government representative from the Association of Mining & Energy Related Councils, to which Councillor Dagg is Council's delegate.

Councillor Dagg noted that it was a lengthy agenda, however the issues relevant to Council included the Board's recommendation to remove s15B Certificates from the DA process, an update on very high risk recurring pothole sites and the training of Councils in addressing these sites. There was approval to progress the proclamation of the proposed Branxton Mine Subsidence District. SANSW have already been in discussions with landowners following public exhibition of the district boundaries, and letters are now being forwarded advising of the revised boundaries.

Councillor Sander

Cessnock/Kurri Health Committee

Councillor Sander reported that her and Councillor Gray attended the Cessnock/Kurri Health Committee and advised that the focus of the Committee is training modules for Cessnock Pilot Scheme for the Health and Literacy Program that is being rolled out to all staff at the hospital as well as continuing to promote better health practices. Accreditation for Cessnock and Kurri Kurri hospitals is occurring in May. They are still continuing with their patient centred care program, health services performance and their Lower Hunter Health communication group will release some media in regard to the new capital works that have been completed at Cessnock and Kurri Hospital, that being the Operating Theatres.

Councillor Burke

Stomp Festival

Councillor Burke gave a report on the Stomp Festival and advised that 17,000 people visited with an injection around \$3.5 million into local economy. Support from local business has been overwhelming and the support from Council and other sponsors has been fantastic too.

A survey of visitors to the festival was carried out and 82.3% visited local businesses while at the Festival.

Mayor

Meeting of Joint Organisation of Councils

The Mayor reported on his attendance at the meeting of the Hunter Joint Organisation of Councils which for the first time was held at Sydney Parliament House. All ten Mayors from the Hunter were in attendance. The reason the JO decided to meet at Parliament House was to show Politicians the true face of the Hunter JO. The JO hosted a number of State Members, particularly from the Hunter, and the Minister for Local Government welcomed them, all of whom are proud of the past of Hunter Councils and their achievements and they are moving into a different role now as advocates for the whole of the Hunter Region. The JO was briefed by the representative from Premier and Cabinet, also by representatives from Infrastructure NSW and from the Office of Local Government. The JO's will be proclaimed by the State Government in probably May 2018 so from July 1 the Hunter JO will commence its role of advocacy.

In debating issues that were common with the 10 Councils we were presented on the State of the Nation in regards to the current issues associated with recycling and the JO is funding a consultant to get the direction forward not just for the short term, but for the long term. Recycling contractors are already involved in stockpiling at their Waste Centres with cooperation with the EPA, but it is the secondary processing of all those recycled products that are no longer going to China, that the main issue is.

The Jo also examined and adopted the Strategic Plan for the JO so that the Joint Organisation of Councils can move forward in that Advocacy Role.

Having the JO meeting at Parliament House provided Cessnock City Council the opportunity of meeting bureaucrats prior to the JO meetings, particularly with the NSW Regional Infrastructure Coordinator who provided information to the General Manager and himself in regards to streamlining council's applications for funding, the amount of funds that are available to Councils, as well as details that could assist the council in seeking funds from other Government Agencies, particularly as we go to State Election next year. We, as a Council, need to be prepared with all those plans on the shelf so that we can take advantage of the grant funds that is being distributed throughout New South Wales.

The Meeting Was Declared Closed at 7.18pm

CONFIRMED AND SIGNED at the meeting held on 2 May 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI7/2018

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. MOU7/2018

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.

Planning and Environment

Report No. PE24/2018

Planning and Environment



SUBJECT: ***DEVELOPMENT APPLICATION 8/2017/718/1 PROPOSING A TWENTY-FOUR LOT RESIDENTIAL SUBDIVISION INCLUDING CONSTRUCTION OF ASSOCIATED ROAD AND DRAINAGE WORKS, AND THE CREATION OF A DRAINAGE RESERVE***

65 BAILEYS LANE, ABERMAIN

RESPONSIBLE OFFICER: ***Development Services Manager - Janine McCarthy***

APPLICATION NUMBER:	DA 8/2017/718/1
PROPOSAL:	Twenty-four lot residential subdivision including construction of associated road and drainage works, and the creation of a drainage reserve
PROPERTY DESCRIPTION:	Lot 790 DP 257363
PROPERTY ADDRESS:	65 Baileys Lane, Abermain
ZONE:	R5 – Large Lot Residential
OWNER:	Bailey's Lane Pty Ltd
APPLICANT:	Bailey's Lane Pty Ltd

RECOMMENDATION

1. That Council determine Development Application No. 8/2017/718/1 proposing a 24 lot residential subdivision including construction of associated road and drainage works and the creation of a drainage reserve, at Lot 790, DP257363, 65 Baileys Lane Abermain pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report; 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 8/2017/718/1 is being referred to Council for determination as objections were received in response to the public exhibition period, and it is considered such objections constitute 'significant objection' in accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2017/718/1 seeking approval for a twenty-four lot residential subdivision including construction of associated road and drainage works, and the creation of a drainage reserve, at 65 Baileys Lane, Abermain.

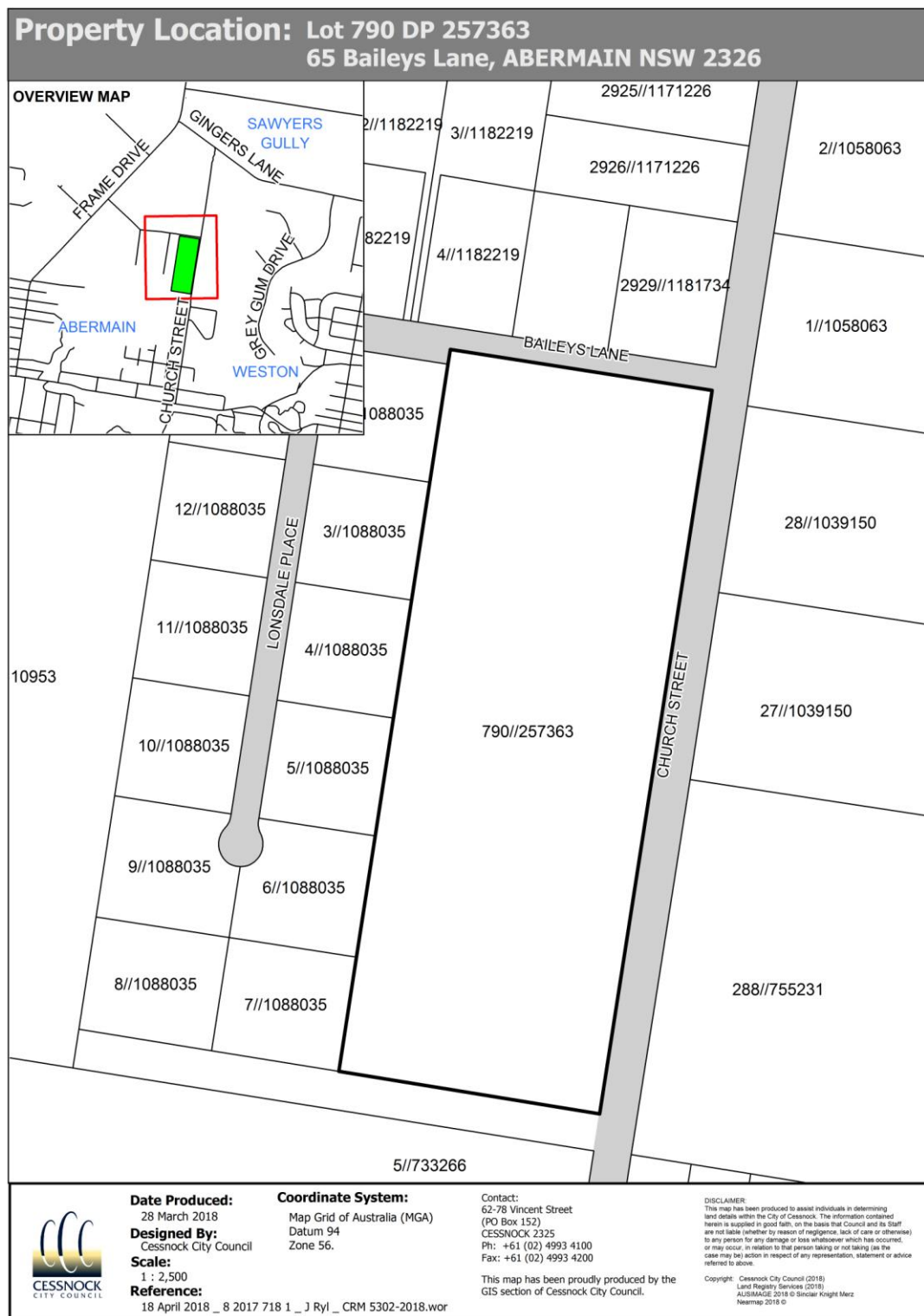
The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and twenty-nine submissions were received, fourteen of which are pro forma objections.

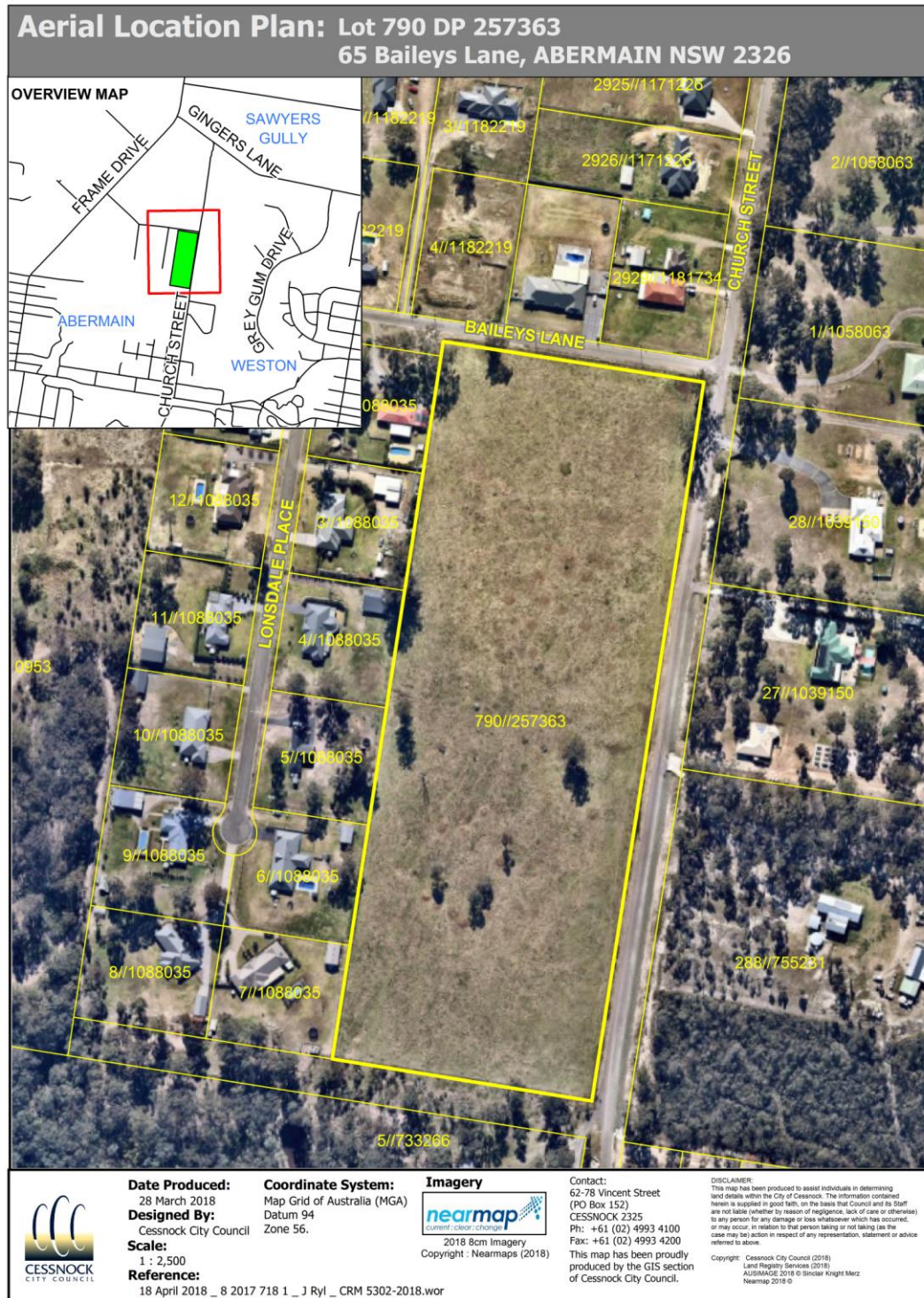
All 29 submissions lodged with Council raise concern in respect to the standard of construction of Baileys Lane. The assessment of the subject development application has identified that the proposed subdivision necessitates the need to upgrade both Baileys Lane, and the intersection of Baileys Lane and Frame Drive, to ensure that the development is compliant with Council's Engineering Requirements for Development.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 65 Baileys Lane, Abermain, and is legally described as Lot 790, Deposited Plan 257363.

The subject site is located on the south-western corner of Baileys Lane and Church Street. The site has a frontage of 141m to Baileys Lane, a depth of 390m (the Church Street frontage), and an overall site area of 5.49ha. Vehicular access to the site is proposed from the Baileys Lane frontage. The subject site is vacant of buildings and is sparsely vegetated.

The surrounding properties are characterised as being predominately utilised for residential purposes. The land within the vicinity of the proposed subdivision is currently transitioning from previous agricultural land uses to rural residential. The dominant built development within the vicinity of the subject land is that of single-storey dwelling houses. Presently, a varying range of land sizes exist within close proximity to the subject land.

There are no recent development consents issued in relation to the subject property.

HISTORY OF DEVELOPMENT WITHIN THE LOCALITY

A review of subdivision approvals on Baileys Lane and Church Street has identified that the following development consents have been issued by Council:

- Development Consent 2003/859 for a 12 lot subdivision, at Baileys Lane (Lonsdale Place);
- Development Consent 2010/508 for a 4 lot subdivision, at 62 Baileys Lane;
- Development Consent 2009/493 for a 2 lot subdivision, at 121 Church Street;
- Development Consent 2009/801 for a 5 lot subdivision, at 121 Church Street;
- Development Consent 2009/208 for a 39 lot subdivision, at 74 Church Street (Abby Circuit);
- Development Consent 2010/97 for a 7 lot subdivision, at 143 Church Street; and
- Development Consent 2017/628 for a 2 lot subdivision, at 35 Baileys Lane.

In respect of conditions of consent relating to roadworks, it is noted that comprehensive conditions of consent were imposed on Development Consent 2009/208 for a 39 lot subdivision at 74 Church Street, including the requirement to seal Baileys Lane to the intersection of Frame Drive (Condition 13), and upgrade the intersection of Baileys Lane and Frame Drive (Condition 16).

Subsequent to the issuing of the development consent on 23 September 2010, the previous owner of the site lodged a number of modification applications, specifically to reduce the extent of roadworks required under the initial approval. Each of these amendments were considered at Council, with the last amendment approved by Council at their meeting of 5 June 2013.

In accordance with the current conditions of consent, no works are required to be carried out on Baileys Lane. The only roadworks required to be constructed by the developer are prescribed by Condition 13, and relate to the construction of a six metres wide seal on seven

Planning and Environment

Report No. PE24/2018

Planning and Environment



metre wide gravel formation on Church Street, from the intersection of Baileys Lane, to the northern boundary of the subject site. The works required by Condition 13 have been constructed by the developer.

HISTORY

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

Date	Action
18 August 2017	Proponent attended a Pre DA Meeting. The response from Council included advice in respect of road construction requirements, being: <i>'Consideration to additional generated traffic is to be provided in the TIA, especially given the current standard of Baileys Lane'</i>
06 December 2017	Development application lodged with Council.
13 December 2017	Application assigned to assessing officer and internal referrals initiated.
19 December 2017 – 11 January 2018	Public exhibition period. A total of twenty-nine submissions are received during the exhibition period, 14 of which are pro forma objections.
9 January 2018	NSW Rural Fire Service request additional information to enable further assessment of the application.
16 January 2018	Council's Development Engineer requests additional information to enable further assessment of the application, as follows: <u>Traffic</u> <ul style="list-style-type: none"> Submitted traffic impact assessment (TIA) contradicts upgrade requirements as defined by supporting Figure 1 within TIA. The numbers utilised for the assessment do not factor into consideration likely additional traffic associated with the 40 nearby lots which are yet to be fully developed. Concern raised regarding traffic safety at the intersection of Baileys Lane and unnamed public road (bend in Baileys Lane). TIA be amended to include an assessment of the impact of the development on this traffic hazard. <u>Stormwater</u> <ul style="list-style-type: none"> Provide stormwater modelling information demonstrating how pre and post development peak flows were determined in engineering plans provided. Provide information demonstrating how the proposed treatment satisfactorily achieves Council's prescribed water quality outcomes in accordance with the Engineering Requirements for Development.
15 February 2018	Applicant supplies response to request for information by NSW RFS, including: <ul style="list-style-type: none"> Amended Bushfire Threat Assessment Report provided with justification for the inclusion of fire trail. Amended Subdivision Plan provided illustrating proposed fire trail through proposed Lots 14 and 6. Information forwarded to NSW RFS for further assessment.

2 March 2018	<p>Applicant provides response to Council Development Engineer request for information:</p> <p><u>Traffic</u></p> <ul style="list-style-type: none"> The applicant's traffic consultant reiterates their assessment of the intersection as a BAR/BAL, stating: <i>The traffic report that has been prepared to support this application does not need to consider the additional traffic from any future lots in the area ...</i> The applicant's traffic consultant reiterates their original assessment that Baileys Lane is already sub-standard. <p><u>Stormwater</u></p> <ul style="list-style-type: none"> The applicant's engineer provides 12d model data which demonstrates how the pre and post development peak flows were determined. Preliminary design adjusted and associated engineering design report supplied. The applicant's engineer's provides MUSIC model of the proposed treatment as requested.
7 March 2018	NSW RFS requests further information in relation to the proposed alternate location for proposed fire trail through Lots 15 and 2.
8 March 2018	<p>Applicant provides response to RFS request for information:</p> <ul style="list-style-type: none"> <i>We are happy to follow the recommendation from NSW RFS and place fire trail through to Baileys Lane</i> Amended subdivision plan provided with fire trail shown through Lots 15 and 2.
12 March 2018	NSW RFS provide General Terms of Approval (GTA's) for the proposed development.
19 March 2018	Council's Development Engineer finalises assessment. No objection is raised to approval of the application subject to the imposition of conditions of consent including the requirement to upgrade the road network servicing the proposed development, and the intersection of Frame Drive and Baileys Lane.
11 April 2018	Council's Ecologist finalizes assessment. No objection is raised to approval of the application subject to the imposition of conditions of consent including the identification of tree species to be utilised as street trees.
11 April 2018	Assessment completed.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2017/718/1 seeks approval for a twenty-four lot residential subdivision including construction of associated road and drainage works, and the creation of a drainage reserve, at 65 Baileys Lane, Abermain.

Specifically, the proposed development involves:

- The creation of 24 rural-residential lots of minimum lot size of 2000m² to be fully serviced including connection to reticulated water and sewer;
- The creation of a drainage reserve that will be dedicated to Council;
- The creation of a 1.5m wide drainage easement to service Lots 1-4, 6-10 and 16-24;

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- Creation of an easement for right of carriage way (fire trail) 6 wide and variable burdening Lots 15 and 2;
- The removal of seven trees from the subject land;
- The undertaking of civil construction works including the construction of a new internal road; and
- Installation of street lighting and street trees.

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 55 – Remediation of Land
2. State Environmental Planning Policy 44 – Koala Habitat Protection
3. Cessnock Local Environmental Plan 2011

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.

Clause 7(1) 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 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.

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2. State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection, aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

The site comprises an area of 5.49 hectares, and the SEPP is therefore applicable in accordance with the provisions of Part 2, Clause 6.

Notwithstanding the applicability of the SEPP, an assessment of the application against the provisions of the SEPP has identified that the vegetation on the site does not constitute feed trees for koalas. On this basis, the site not considered to comprise potential koala habitat, and therefore, Council is not prevented from granting development consent to the development application, as per the provisions of Part 2, Clause 7(3)(a), which states;

(3) If the council is satisfied:

(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or

3. Cessnock Local Environmental Plan 2011

3.1 Permissibility

The application proposes the 'subdivision of land' under Section 4B of the Environmental Planning and Assessment Act 1979, as follows:

'The division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition'.

Clause 2.6 of the Cessnock Local Environmental Plan 2011 states that land to which this plan applies may be subdivided, but only with development consent. The subject site is zoned R5 – Large Lot Residential, and subdivision is permissible with the consent of Council.

3.2 Objectives

The objectives of the R5 – Large Lot Residential zone, and a response to each, are outlined below:

'To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality'.

The proposed development is consistent with this objective, as the proposed subdivision will provide opportunities for future residential houses to be constructed on the lots created as a result of this subdivision. The subdivision pattern reinforces the existing rural setting of the locality, whilst preserving and minimising impacts on scenic quality.

'To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future'.

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The proposed development is consistent with this objective, as the proposed subdivision layout is considered to provide for the orderly development of the land.

'To ensure that development in the area does not unreasonably increase the demand for public services or public facilities'.

Subject to the adoption of the recommended conditions, the proposed development will be consistent with the above objective. Notably, the recommended conditions require road upgrades that will address the likely increase in demand for use of the local road network.

'To minimise conflict between land uses within this zone and land uses within adjoining zones'.

The proposed development is consistent with this objective, as the proposed subdivision will facilitate the future development of the land for residential purposes which is not in conflict with adjoining land use zones.

3.3 Relevant Clauses

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

- Clause 2.6 – Subdivision--consent requirements

Clause 2.6 states as follows:

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

As outlined previously in this report, Clause 2.6 of the Cessnock Local Environmental Plan 2011 states that land to which this plan applies may be subdivided, but only with development consent. The subject site is zoned R5 – Large Lot Residential, and subdivision is permissible with the consent of Council.

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- Clause 4.1 – Minimum Subdivision Lot Size

Clause 4.1 requires that subdivisions do not create lots below the minimum area standard as provided on the Lot Size Map that accompanies and forms part of the Cessnock Local Environmental Plan 2011. Clause 4.1 includes the following provisions:

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The minimum lot size map prescribes a minimum lot size of 2000m² over the subject land. The application proposes the creation of twenty-four lots, all with a minimum lot size of 2000m².

The subject land is identified as 'T3' on the Lot Size Map and as such, if the subdivision was unable to be serviced by reticulated water and sewer, the minimum lot size for subdivision would be 2ha. In this case, the applicant has committed to the connection of the subdivision to reticulated water and sewer in accordance with Hunter Water requirements, and therefore, the lots are permitted to be 2000m² in area.

- Clause 7.2 – Earthworks

Clause 7.2 seeks to ensure that any earthworks do not result in an adverse impact on the environment, neighbouring properties or heritage items.

Earthworks proposed in conjunction with the subdivision are considered to be reasonable and will not result in any detrimental impact upon the surrounding environment. Accordingly, it is considered that the proposed development is consistent with the provisions of Clause 7.2.

(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 relevant numerical standards in Cessnock Development Control Plan 2010:

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**Part D: Specific Development****Chapter 1: Subdivision Guidelines**

Provision	Required	Provided	Complies
R5 Large Lot Subdivision Element 1: Lot size and shape	Each lot must comply with the minimum area shown on the lot size map of CLEP 2011. In this case, the minimum area is 2000m ²	All lots have a site area varying between 2000m ² – 2430m ² .	Yes
	Building Envelope of 20m dimension	Each proposed lot will be capable of accommodating a building envelope of 20m dimension, behind the 12m building line.	Yes
	Width to Depth ratio of 1:4 provided for each lot.	Each proposed lot meets the requirement of the lot ratio of 1:4 (taken as an average of the width to the depth).	Yes
Element 5: Hazards	Where subdivision proposal is located on Bushfire Prone land the applicant is to comply with the requirements of 'Planning for Bushfire Protection 2006'.	The NSW Rural Fire Service has issued General Terms of Approval in respect of the application. Street hydrant access is to be delivered in accordance with AS2419.1 – 2005.	Yes
Element 7: Roads and Access	The proposed subdivision road construction is to be undertaken in accordance with the requirement of Council's 'Engineering Standards for Development'.	Any proposed civil road construction works are to be undertaken in accordance with the relevant documentation and standards.	Yes
Element 8: Soil and Water Management	In accordance with Council's 'Engineering Standards for Development'.	A Soil and Water Management Plan (SWMP) is required to be completed in accordance with the conditions of consent imposed on the draft determination notice.	Yes
Element 9: Stormwater Management and Drainage	To be constructed in accordance with Council's 'Engineering Standards for Development'.	Works will be constructed in accordance with the approved plans.	Yes

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Element 10: Utility Services	<p>Adequate water supply for both domestic and fire fighting purposes must be available.</p> <p>Electricity shall be provided to all lots.</p> <p>Reticulated sewage is required to be provided.</p>	<p>Street hydrant access is to be delivered in accordance with AS2419.1 – 2005.</p> <p>Services are required to be provided to each lot in accordance with the conditions of consent imposed on the draft determination notice.</p>	Yes
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(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality. In particular, the proposal is consistent with the established development pattern in the area.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. Specifically, the development is able to be integrated into the locality without any significant adverse impacts, and the proposed subdivision pattern is consistent with existing development within the locality.

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

The Development Application was publicly exhibited between 19 December 2017 and 11 January 2018. Twenty-nine submissions were received during the exhibition period, fourteen (14) of which are pro forma objections.

The following discussion addresses the issues and concerns raised in the submissions:

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1. Concern has been raised in relation to the condition, safety and standard of Baileys Lane in its current state.

Comment:

Baileys Lane provides the only access road to service the proposed subdivision from the wider road network within the vicinity. Baileys Lane currently consists of:

- a gravel portion of approximately 300m, which ends at an intersection with unnamed lane at a bend in Baileys Lane;
- a sealed pavement with no kerb and gutter for a distance of approximately 134m; and
- a sealed pavement with kerb and gutter for a distance of approximately 285m.

This issue is the most significant concern raised in the submissions. Specifically, all of the twenty-nine submissions that have been made lodged with Council make reference to the safety and standard of construction of Baileys Lane.

Residents have observed an increase in traffic on Baileys Lane, including traffic from the approved subdivision the subject of Development Consent No. 2009/208. As previously outlined, Development Consent No. 2009/208 for a 39 lot subdivision at 74 Church Street, including the requirement to seal Baileys Lane to the intersection of Frame Drive (Condition 13), and upgrade the intersection of Baileys Lane and Frame Drive (Condition 16).

Subsequent to the issuing of the development consent on 23 September 2010, the previous owner of the site lodged a number of modification applications, specifically to reduce the extent of roadworks required under the initial approval. Each of these amendments were considered at Council, with the last amendment approved by Council at their meeting of 5 June 2013. In accordance with the current conditions of consent, no works are required to be carried out on Baileys Lane.

The assessment of the subject development application has identified that the proposed subdivision necessitates the need to upgrade both Baileys Lane, and the intersection of Baileys Lane and Frame Drive, to ensure that the development is compliant with Council's Engineering Requirements for Development. Accordingly, conditions of consent have been imposed on the draft determination notice requiring these works to be completed, prior to the issue of the Subdivision Certificate.

2. Concern has been raised in relation to the local area losing the semi-rural feel of the area.

Comment:

As previously described, the surrounding area is transitioning from a rural area to a rural-residential area. The site is located on the fringe of Abermain Village, and has been designated for rural-residential development in Council's City Wide Settlement Strategy.

Whilst the objection correctly identifies that the character of the area is changing, it is not considered justifiable to refuse the application on this basis. Rather, the proposed subdivision is considered suitable as the layout has been designed in accordance with Council's adopted minimum lot size standards, and complies with Council's subdivision requirements prescribed in Cessnock DCP 2010.

3. Concern has been raised in relation to the proposed lot sizes.

Comment:

The proposed lot sizes meet the minimum area requirements, as outlined within Clause 4.1 of Cessnock LEP 2011. There have been recent subdivisions in the area that have proceeded without connecting to reticulated water and sewer, and in these cases, a 2ha minimum lot size applies. These larger lot subdivisions may have resulted in confusion about the minimum lot size that applies in different circumstances, i.e., in instances where reticulated water and sewer are provided and in instances where reticulated water and sewer are not provided.

As the development is proposing to connect to reticulated water and sewer, the minimum lot size applicable is 2000m².

4. Concern has been raised in relation to the loss of habitat for the native animals which utilise the vacant paddock (kangaroos).

Comment:

The subject land consists of a 5.49ha parcel of land, surrounded by rural residential development. The site is not identified as having particular ecological significance and is not zoned for the purposes of ecological conservation. Furthermore, the submission refers to a fauna species that is not listed as being of threatened or endangered.

It is considered that the ground of objection does not provide a suitable reason for refusal of the application.

5. Concern has been raised with regard to potential contamination of the subject land through the use of chicken manure and cattle grazing.

Comment:

It has been noted previously in this report that the site has historically been used for rural purposes, and there were no indicators of land contamination during a site inspection. On the basis of the history of the site, past investigations and observations of the site, Council staff are satisfied that further investigation in terms of contamination is not warranted.

Notwithstanding the above, a condition of consent has been imposed on the draft determination notice requiring that, in the event any new information comes to light during the works associated with the subdivision which has the potential to alter previous conclusions about site contamination, the applicant is required to notify Council. Furthermore, in the event this occurs, all works are to cease until the matter is resolved and Council subsequently grants approval for works to continue.

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**(e) The public interest**

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

Based on the above assessment, it is considered that the proposed development is consistent with the public interest.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions are payable for the proposal.

In the event the application is approved, Section 94 Contributions totalling \$238,394.31 would be payable, in accordance with the Abermain South Residential Contribution Plan which applies to the subject land.

Summary - Calculations	
District Open Space	\$30,933.62
Local Open Space (Land & Works)	\$0.00
District Community Facilities (Halls)	\$18,946.48
District Community Facilities (Libraries)	\$5,058.62
District Community Facilities (Bushfire)	\$1,410.36
District Roads – Urban Areas	\$0.00
District Roads – Rural Areas	\$23,575.69
Local Roads	\$121,128.35
Local Drainage	\$24,587.46
Flood Mitigation - Nulkaba	\$0.00
Studies (Plan Preparation)	\$1,778.13
Flood Study - Abermain South	\$4,230.85
Plan Administration	\$6,744.75
Unformed/Partially formed Roads	\$0.00
Summary - Total S94 Contribution	
	\$238,394.31

INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	The application is considered to be satisfactory in relation to engineering matters subject to conditions being imposed on the notice of determination.
Ecologist	The application is considered to be satisfactory in relation to ecological matters subject to conditions being imposed on the notice of determination.

EXTERNAL REFERRALS

The Development Application was referred to the NSW Rural Fire Service for comment as the application is categorised as Integrated Development, therefore requiring a S100B under the Rural Fires Act (1997).

The NSW RFS provided its comments via General Terms of Approval dated 12 March 2018.

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 issues raised in the submissions lodged during the public exhibition period have been considered during assessment of the application. Concerns raised have been addressed by way of the imposition of conditions of consent on the draft determination notice.

In summary, the proposed development is considered consistent with the surrounding land uses and is compliant with Cessnock LEP 2011 and Cessnock DCP 2010.

Based on the assessment, Development Application No. 8/2017/718/1 is recommended for approval subject to the conditions of consent included in this report.

ENCLOSURES

1 ➡ Plan of Subdivision

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

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by NSW Rural Fire Service dated 12 March 2018 shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/718 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of Proposed Subdivision of Lot 790 DP 257363 Instruction Number: 16/176 File ID: 123976 Sheet: 1 Rev No: G	PCB (Pulver Cooper & Blackley)	08/03/2018

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. Local Traffic Committee Approval

Prior to the issue of CC, the applicant is to submit a road marking plan indicating required regulatory signage, line marking and/or traffic control devices. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any CC, and subsequent Section 138 Roads Act Approval.

All approved signage, line marking and/or traffic control devices are to be designed in accordance with the relevant standards and Councils guidelines for development and constructed prior to SC.

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**4. Long Service Levy**

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

5. Security for Cost of Damage and Completion of Public Work

Prior to issue of a CC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
- c) remedying any defects in any such public work that arise within six (6) months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- a) cash deposit with the Council, or
- b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within six (6) years of the date of issue of the SC for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

6. Residential 7.11 (formerly S94) Contributions Plan

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

Fee Code	Type	Contribution Type	Amount Payable
525		District Open Space	\$30,933.62
523		District Community Facilities (Halls)	\$18,946.48
524		District Community Facilities (Libraries)	\$5,058.62
522		District Community Facilities (Bushfire)	\$1,410.36
526		District Roads – Rural Areas	\$23,575.69
534		Local Roads – Abermain	\$121,128.35
529		Local Drainage – Abermain	\$24,587.46

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Fee Code	Type	Contribution Type	Amount Payable
		Studies (Plan Preparation)	\$1,778.13
		Studies (Flood Study) – Abermain South	\$4,230.85
		Plan Administration	\$6,744.75
		Total	\$238,394.31

A copy of the Residential 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. Street Trees

Prior to the issue of a CC, a Street Tree Planting Plan must be submitted to and approved by Council.

Tree species used for street tree planting are to be native species of local provenance grown from seed collected in the nearby area by a specialist native plant nursery. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest EEC or Kurri Sand Swamp Woodland EEC.

8. Road Works Required

The applicant must bear the cost of construction of the following works:

- a) Road and Stormwater Drainage works in Church Street, Frame Drive and Baileys Lane in accordance with the approved plans.
- b) All works within the Council road reserve as identified by the structural engineering design plans.

Development Consent does not give approval to undertake any works on Council property. An application must be made to Council for a S138 Roads Act Approval to construct these works. Detailed engineering drawings (plans, sections and elevation views) and specifications of the works required by this Condition must accompany the application form.

The Roadworks Approval request/application must be submitted to, and approved by, Council prior to the issue of a CC.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an OC.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

9. Road – Access Construction

The registered proprietor of the land shall construct an access road in accordance with Council's 'Engineering Requirements for Development' to serve the subdivision.

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.

10. Road Bond – New Internal Road

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 300 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$12,600.00.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the Subdivision Certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

11. Road – Road Widening Requirement: Frame Drive

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a) Construct a Channelised right turn treatment (CHR)(s) on Frame Drive
- b) Construct a Basic Left Turn (BAL) on Frame Drive

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- c) Place two (2) coat hot bitumen seal on new works
- d) Construct drainage works as necessary.

12. Road Bond – Frame Drive

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length for the intersection works, bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the SC for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

13. Road Construction Church Street and Baileys Lane

The registered proprietors of the land shall construct the following for the full frontage of the Lot on Church Street and Baileys Lane for a distance of approximately 550m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Construct kerb and gutter
- b) Construct and gravel road shoulders
- c) Place two (2) coat hot bitumen seal on road shoulders
- d) Topdress and turf footpath
- e) Construct drainage works.

14. Road Bond – Church Street

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 400 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$16,600.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the SC for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

15. Stormwater- Detailed Design Requirements

A stormwater drainage design, incorporating on site stormwater retention/detention facilities, prepared by a qualified practising Civil Engineer must be provided to the CA prior to the issue of a CC. The design must be prepared/amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 16/176 prepared by PCB and dated 24/11/2017
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with AS 3500.3.2003 *Plumbing and Drainage – Stormwater Drainage*
- d) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets
- e) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.

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- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system
- g) Stormwater must be discharged by gravity to the kerb and gutter of a public road or to Council's piped drainage system
- h) Stormwater must be discharged by gravity directly into Council's drainage system
- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm

Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

16. Stormwater – Construction Management Plan Requirement

A construction management plan shall be submitted with the application for the CC and approved by the CA as satisfying the below requirements:

- a) Details of sedimentation and erosion control
- b) Details of provision of truck and machinery wash down areas. Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
- c) Details of dust mitigation on building sites and access roads
- d) Location and phone number of the site office
- e) Details regarding provision of areas set aside for the storage/stockpiling of:
 - i) Construction refuse
 - ii) Construction materials
 - iii) Raw materials such as sand, soil, mulch and the like
 - v) Details regarding the provision of facilities for workers associated with the development.

Note: All protection and control of earthworks shall be carried out in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements, and the Department of Housing 'Soil and Water Management for Urban Developments'.

17. Stormwater – Detention Requirement

The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include onsite storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, must be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. 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.

18. Road Upgrade – Baileys Lane

The registered proprietors of the land shall construct Baileys Lane for a distance of approximately 720m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- (a) Construct a 6m sealed pavement with gravel shoulders for the full length of Baileys lane from the intersection of Frame drive to Church Street.
- (b) Place two (2) coat hot bitumen seal on road shoulders.
- (c) Construct drainage works as necessary.

19. Road Bond – Baileys Lane

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 720 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$29,400.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the SC for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

20. Street Lighting Design

Prior to the issue of a CC, submit to Council for approval plans and specifications for a proposed lighting design prepared by a Level 3 Ausgrid Accredited Service Provider which complies with the following design brief:

Street lighting design standards:

- Ausgrid's *NS119 Street Lighting Design and Construction*, and
- *AS/NZS 60598.2.3 Particular requirements – Luminaires for road and street lighting*;

Street lighting design requirements:

- Unpainted galvanised light poles and associated fittings;
- Minimum of 20 year design life for all lighting components and structures, and
- Best practice energy efficient LED luminaires to meet Council's participation in the IPART Energy Saving Scheme for Public Lighting.

Street lighting level standards for minor collector and local roads (residential):

- *AS/NZ 1158 Lighting for roads and public spaces*, and
- *AS/NZ 1158 Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements*.

Street lighting level standards for arterial and major roads (Traffic Route Lighting):

- *AS/NZ 1158 Lighting for roads and public spaces*, and
- *AS/NZ 1158 Part 1.1: Vehicular traffic (Category V) lighting – Performance and design requirements*.

21. Exterior Lighting Generally

Prior to the issue of a construction certificate, submit to Council for approval a proposed exterior lighting plan. Design and position all exterior/outdoor lighting, to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and in accordance with the relevant provisions of:

- *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

22. Telecommunications

Prior to the issue of CC the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities are fit for purpose and an agreement has been made with the carrier for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all premises/individual lots.

PRIOR TO COMMENCEMENT OF WORKS

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

23. PCA Signage and Contact Details

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

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

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

24. 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.

25. 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.

26. Soft-felling of Hollow Bearing/Habitat Trees

A hollow bearing/habitat tree survey must be undertaken by a fauna ecologist in the week prior to the felling of any trees. During the survey, the ecologist is to tap the tree, by banging the base of each tree with a mallet or using a similar method, to encourage any fauna to vacate. An observation period of at least 5 minutes per tree is required to observe the emergence of any fauna, and observations must be noted. All hollow bearing/habitat trees must be marked as part of the survey.

All surrounding trees that are not hollow bearing or habitat trees must be cleared at least one day prior to felling of any hollow bearing/habitat trees.

Equipment used to fell hollow bearing or habitat trees must be capable of slowly lowering the trees to the ground. A qualified fauna ecologist must be present during the felling of the trees. The fauna ecologist must have the appropriate skills and equipment to perform euthanasia if necessary. Immediately prior to felling, each hollow bearing/habitat tree should be tapped or gently shaken with the equipment followed by an observation period of at least one minute to watch for the emergence of any fauna. The tree should be tapped again, followed by a second observation period of at least one minute. If fauna appear during the observation period, the ecologist should encourage the fauna to relocate. If no fauna appear, the tree is to be lowered to the ground slowly and gently. The hollows of the felled tree should be inspected for fauna by the ecologist after it has settled.

27. Care of Native Fauna Found in Felled Trees

Any uninjured fauna should be relocated to nearby bushland. Any nocturnal fauna should be kept in a suitable cage in a shaded location until dusk, and then released into nearby bushland. If juvenile fauna are discovered in hollows after a tree is felled, they are to be taken into the care of an organisation such as the Native Animal Trust Fund.

Injured fauna should be assessed by the ecologist, and euthanised if their injuries are such that the ecologist considers that they are unlikely to survive. If injured fauna are likely to survive, they should be taken to a vet for treatment. After treatment, fauna should be taken to an organisation such as the Native Animal Trust Fund for care until they can be released.

28. Toilet Facilities

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

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

29. Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:

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- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
 - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
 - e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

30. Soil and Water Management Plan

The applicant must prepare a Soil and Water Management Plan (SWMP), being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean-runoff around disturbed areas
 - ii) Minimises slope gradient and flow distance within disturbed areas
 - iii) Ensures surface run-off occurs at non erodible velocities
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

31. Public Liability Insurance

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

32. Soil and Water Management Plan Implemented

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

DURING WORKS

The following conditions are to be complied with during works.

33. Construction Hours

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

34. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works.

35. Trees Approved to be Cleared

Only the trees located within the footprint of the proposed road, on lot boundaries or within the drainage reserve are to be cleared. All other trees are to be retained to provide habitat for local native fauna.

36. Location of Council Pipes

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

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

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

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

37. 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.

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38. 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.

39. 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.

40. Road – Obstruction of Footpath Restriction

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

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

41. Implementation of Soil and Water Management Plan

The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

42. 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.

43. 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.

44. Dam Proposed

The dam and overflow spillway must be designed by a suitably qualified person. The overflow spillway is not to directly discharge on to any neighbouring property, other than through an existing watercourse.

The materials used for the banks of the dam are to be comprised of material excavated from the site if suitable. If materials are to be imported from other sites, the applicant is to notify Council of the origin of the fill.

The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours' boundary fences, and does not cause nuisance or flooding of those areas for storm events less than 1% AEP.

To ensure stability of the dam embankment, exposed soil embankments are to be stabilised using appropriate grass species, to the satisfaction of Council. Trees or shrubs are not to be planted on the embankment, as roots may provide a seepage path for water, and weaken the dam wall.

The dam must be designed to handle storm flows, and the dam walls are to be sufficiently compacted to prevent seepage or slumping.

The dam wash is not to direct flows onto the downstream top of wall of the dam.

The dam is to have a cut off trench that is to be taken down a minimum of 30mm into impervious soil and backfilled with suitable impervious material.

The toe of all proposed fill batters is to be at least 3 metres clear of all lot boundaries.

The dam is to be maintained in a condition free of noxious aquatic weeds, and in a manner that minimises the breeding of mosquitoes.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

45. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant must submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument plus six (6) copies
- d) All surveyor's or engineer's certification required by the Development Consent

46. All Services Provided Within Lots

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

47. Works-As-Executed Plan

Two (2) copies of a *WAE* Plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, Council clearly showing all aspects of the constructed drainage and / or *OSD*. The plan must include:

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or *GPTs* have been installed
- f) Locations and levels of any overland flow paths
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb
- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

The plan must be accompanied by a report from the designer stating the conformance, or otherwise, of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to, and approved by, Council prior to the release of the *SC*.

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48. 88B Certificate Required

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

49. Road Dedication

The proposed road within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a SC.

50. Inter-allotment Drainage Easement

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lots 1-4, 6-10, 16-24. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to, and approved by, Council prior to release of the SC.

Note:

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

51. Street Lighting Installation

Prior to issue of a subdivision certificate, install and commission street lighting to all roads and pathways in accordance the approved plans and specifications. Coordinate and stage the installation of street lights with construction of roads.

52. Engineering Checking Fee

The applicant shall pay an engineering plan checking and site supervision fee per site visit in accordance with Council's current Fees & Charges, prior to submitting the final plan of survey and application for a SC.

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53. Section 50 – Hunter Water Board (Corporation) Act 1991

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

54. Provision of Utilities

The applicant shall submit to Council evidence that the requirements of an energy supplier and telecommunications authority have been met in regard to the provision of these services to each lot within the approved subdivision. Such evidence shall be submitted to Council prior to release of the SC.

55. Inspection and Payment of Fee Relating to Street Trees

Prior to the issue of an SC, Council will undertake an inspection of the street tree planting to ensure compliance with the approved Street Tree Planting Plan, for which a fee is payable in accordance with Council's adopted Fees and Charges.

56. Telecommunications

Prior to the issue of SC the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities are fit for purpose and an agreement has been made with the carrier for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.

ONGOING USE

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

57. Approved Fencing Materials

Any new fencing using wire is to be constructed with plain wire. Barbed wire is not to be used in any new fencing on the site. Any new fencing is to be designed and erected so that native fauna movement is not impaired or restricted to reduce the chance of native fauna being injured.

58. 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.

ADVISORY NOTES

A. Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

B. "DIAL BEFORE YOU DIG" DIAL 1100

Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au

C. Salinity Levels

The Cessnock City Council Local Government area soils and ground water may be subject to varying levels of salinity. Whilst Council may require applicants to obtain salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent enquiries as to appropriate protection against the current and future potential effect of salinity, to ensure the ongoing structural integrity of any work undertaken. Cessnock City Council will not accept any liability for damage occurring to any construction of any type affected by soil and/or ground water salinity.

D. Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

E. Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

F. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

G. Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

H. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

I. Discovery of Aboriginal Heritage

If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

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SUBJECT: *DEVELOPMENT APPLICATION 8/2018/39/1 - SECONDARY DWELLING - 55 WATSON STREET, ELLALONG*

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

APPLICATION NUMBER:	8/2018/39/1
PROPOSAL:	Secondary Dwelling
PROPERTY DESCRIPTION:	Lot 332, DP 879525
PROPERTY ADDRESS:	55 Watson Street Ellalong
ZONE:	RU5 -Village
OWNER:	Mrs F Linehan
APPLICANT:	Mrs F Linehan

RECOMMENDATION

That Council determine Development Application No.8/2018/39/1 proposing Secondary Dwelling (Granny Flat) at Lot 332, DP879525, 55 Watson Street, Ellalong pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions contained in this report.

REASON FOR REPORT

In accordance with Council Policy *Lodgement of a Development Application, Section 96 or Section 82A by a Council Official*, Development Application No 8/2018/39/1 has been referred to Council for consideration and determination.

INDEPENDENT CONSULTANT

The application has been made by an employee of Council, and consistent with the Council's policy, it has been assessed by Coast Plan Pty Ltd.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No.8/2018/39/1 seeking approval for a Secondary Dwelling (Granny Flat) at 55 Watson Street, Ellalong.

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 no submissions were received.

The application involves the construction of a secondary dwelling in the rear of the premises. The Granny Flat has an area of 60m² and secondary dwellings are permissible in the zone.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

LOCATION MAP



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AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 55 Watson Street, Ellalong and is legally described as Lot 332 Deposited Plan 879525.

The subject site is located on the southern side of Watson Street, approximately 60m east of the intersection with Rugby Street. The site has a frontage of 25.08m to Watson Street, a depth of 40.23m and an overall site area of 1,008.97m². Vehicular access to the site is available from the Watson Street frontage.

The subject site is currently occupied by a weatherboard dwelling with a sheet metal roof, attached carport, detached garage and garden shed.

The surrounding properties are characterised by residential dwellings typical of the village character to the east, south and west. Development to the north (on the opposite side of Watson Street) is characterised by rural residential development, comprising residential dwellings on larger allotments.

Relevant development consents issued in relation to the property include:

- 8/2013/115/1 – Development consent for a garage approved on 26/02/2013.

HISTORY

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

Date	Action
24 January 2018	Development Application lodged with Council
1 February 2018 – 15 February 2018	Application notified in accordance with Council policy.
6 March 2018	Planning Consultant engaged to assess application.
27 March 2018	Consultant's assessment report received

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2018/39/1 seeks approval for a Secondary Dwelling (Granny Flat) on the subject land as a separate building to the main dwelling.

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Specifically, the proposed development involves:

- Construction of a new building at the rear of the site comprising a secondary dwelling with two bedrooms. The building will have an internal floor area just under 60m² (59.985m²). The building will be constructed of brick veneer with a pitched sheet metal roof.
- The secondary dwelling includes an attached carport providing a single under cover parking space.
- Access to the dwelling will be facilitated through modification of the existing driveway which will be widened to allow a vehicle to pass the existing carport and will include a turning bay so vehicles parked in the new carport may enter and exit in a forward direction.
- The existing lot will be divided by a privacy fence to provide a private yard for both the existing dwelling and proposed secondary dwelling. Outdoor clothes lines will be provided for each yard.
- To facilitate construction, the works also involve removal of an existing garden shed.

ASSESSMENT

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

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

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

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

1. State Environmental Planning Policy (Affordable Rental Housing) 2009;
2. Cessnock Local Environmental Plan 2011.

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

1. State Environmental Planning Policy (Affordable Rental Housing) 2009

This State Environmental Planning Policy (SEPP) includes provisions that provide for the development of Secondary Dwellings. The provisions provide that secondary dwellings are permissible in certain areas regardless of local planning controls and provide non-refusal standards for secondary dwellings. This division of the SEPP does not apply to zone RU5 and the provisions of the SEPP relating to secondary dwellings are not applicable to this land. Therefore the proposal must be considered under the Local Planning Controls.

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2. Cessnock Local Environmental Plan 2011

2.1 Permissibility

The subject site is zoned RU5 - Village under the provisions of Cessnock Local Environmental Plan (CLEP) 2011. The proposed development is categorised as a Secondary Dwelling under CLEP 2011, which is defined as follows:

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The development satisfies the above definition, as the development is established on the same land as the principal dwelling (existing dwelling) and is separate from the principal dwelling.

Development for the purpose of a secondary dwelling is a permitted land use in the RU5 – Village zone.

2.2 Objectives

The objectives of the RU5 – Village zone are as follows:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*

The village of Ellalong is primarily residential and the proposed secondary dwelling is a compatible land use within the village. The proposal will not impact or constrain other uses in the village.

- *To ensure that development is compatible with the amenity, functioning and scale of a rural village.*

The proposed secondary dwelling provides a small scale residential use which is compatible with the established character of the village and will not impact on the amenity or function of other land uses in the village.

2.3 Relevant Clauses

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

- Clause 5.4 – Controls Relating to Miscellaneous Permissible Uses

In part, Clause 5.4 provides certain controls for various forms of development. Subclause (9) provides controls for secondary dwellings as follows:

(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

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- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

The existing (principal) dwelling has a floor area of less than 100m² and the applicable standard for the secondary dwelling is a maximum floor area of 60m². As discussed, the proposed secondary dwelling has a floor area (excluding parking areas) of less than 60m² (59.985m²) and is compliant with the control.

(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 relevant numerical standards in Cessnock Development Control Plan 2010. Discussion of any variations to the standards is provided after the compliance table:

Part D: Specific Development			
Chapter 2: Urban Housing			
Provision	Required	Provided	Complies?
Front Setback	Should be consistent with established setbacks. 6m (Ellalong Village Precinct)	Setback is behind existing dwelling	Yes
Private Open Space	Provide minimum 50m ² including an area 4m x 4m	Each dwelling has over 100m ² of Private Open Space with a minimum dimension of approximately 10m	Yes
Height	Maximum 7.2m to underside of ceiling	Maximum approximately 2.7m to ceiling from natural ground	Yes
Side and Rear Setbacks	1 metre	Minimum 3m	Yes
Privacy	9 metre privacy zone or effective screening	Existing/proposed fencing provides effective screening	Yes

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Parking	1 space per 1 or 2 bed dwelling	1 undercover parking space	Yes
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The subject land is located within the Ellalong Lagoon Catchment Area and is covered by Part E1 of the DCP. The key controls relevant to residential village areas relate to effluent disposal. As the land is now connected to Hunter Water's reticulated sewerage system, this part of the DCP is largely not applicable.

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

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

(a)(iv) *The 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, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality. In particular, the proposed development is consistent with the established village character of the area and does not result in adverse impacts to adjoining properties.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. The land is not subject to any environmental constraints which would make it unsuitable for the proposed development.

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

The Development Application was publicly exhibited between 1 February 2018 and 15 February 2018.

No submissions were received during the exhibition period.

(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 consistent with the public interest.

SECTION 7.11 CONTRIBUTIONS (Formerly Section 94)

Section 7.11 Contributions are payable for the proposal.

In the event the application is approved, Section 7.11 Contributions totalling \$2,787.17 would be payable, in accordance with the following:

Residential Section 94 Contributions Plan

• <i>District Open Space</i>	<i>\$974.38</i>
• <i>District Community Facilities (Halls)</i>	<i>\$595.82</i>
• <i>District Community Facilities (Libraries)</i>	<i>\$159.95</i>
• <i>District Community Facilities (Bushfire)</i>	<i>\$45.32</i>
• <i>District Roads Urban Areas</i>	<i>\$742.45</i>
• <i>Studies (Plan Preparation)</i>	<i>\$55.98</i>
• <i>Plan Administration</i>	<i>\$213.27</i>
• <i>Total</i>	<i>\$2,787.17</i>

INTERNAL REFERRALS

The Development Application was not required to be referred to any Council Officer/s for assessment.

EXTERNAL REFERRALS

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

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CONCLUSION

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

The application is reported to Council in accordance with Council Policy as the application is made by a Council employee. The proposed secondary dwelling complies with all relevant planning controls and policies. The proposal does not result in any significant impacts to the surrounding natural or built environment and the site is suitable for the proposed development. The development is not contrary to the public interest.

Based on the assessment, Development Application No. 8/2013/39/1 is recommended for approval subject to the conditions of consent included in this report.

ENCLOSURES

There are no enclosures for this report

CONDITIONS OF CONSENT/REASONS FOR REFUSAL

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2018/39/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
2017-26 Rev 02	Graham Burston Drafting Services Pty Ltd	18/07/17

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

2. CC, PCA & Notice Required

In accordance with the provisions of Section 6.6 of the *EP&A Act 1979* construction works approved by this consent must not commence until:

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. Residential S94 Contributions Plan

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

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Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$974.38
523	District Community Facilities (Halls)	\$595.82
524	District Community Facilities (Libraries)	\$159.95
522	District Community Facilities (Bushfire)	\$45.32
527	District Roads – Urban Areas	\$742.45
543	Studies (Plan Preparation)	\$55.98
540	Plan Administration	\$213.27
	Total	\$2,787.17

A copy of the Residential 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.

PRIOR TO COMMENCEMENT OF WORKS

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

4. PCA Signage and Contact Details

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

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

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

5. Home Building Act Requirements

Pursuant to Section 6.6 of the EP&A Act 1979, residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA for the development to which the work relates has given the council written notice of the following information:

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

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

6. Road Opening Permit

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

7. Toilet Facilities

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

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

8. 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:

9. BCA Compliance

Pursuant to Section 6.6 of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

10. Construction Hours

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

11. Road – Obstruction of Footpath Restriction

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

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

12. Protection of Street Trees

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

13. 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.

14. 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.

15. Waste Management

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

16. Building Materials on Site

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

17. BASIX Certificate

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

18. Securing Excavations

All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and must be properly guarded and protected to prevent them from being dangerous to life or property.

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):

19. Roads – Bitumen Crossing

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

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

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

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

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

20. BASIX Certification

The applicant shall provide Council with a completed BASIX Pre-Final Self Certification Form (available at Council's offices on Council's website www.cessnock.nsw.gov.au) to certify that the schedule of BASIX commitments have been complied with. The BASIX Pre-Final Self Certification Form shall be submitted to Council for consideration and approval, prior to the final inspection and prior to the issue of an OC.

21. Finish of Excavated &/or Filled Areas Around Site

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

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SUBJECT: *MINUTES OF STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE MEETING HELD 18 APRIL 2018*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

RECOMMENDATION

1. That the Minutes of the Strategic Property and Community Facilities Committee Meeting held on the 18 April 2018 be adopted as a resolution of the Ordinary Council.
2. That the Committee meet at 8:30am on May 9, 2018 with the agenda to be restricted to Hebburn Estate, Vineyard Grove and the Airport Strategic Plan.
3. A site inspection of the Airport to be scheduled for 4pm on Tuesday 8th, May 2018.

MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE OF THE CESSNOCK CITY COUNCIL HELD IN GMMR ON WEDNESDAY, 18 APRIL 2018, COMMENCING AT 2:34PM

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

IN ATTENDANCE: General Manager
Director Planning & Environment
Strategic Planning Manager
Project Manager – Strategic Property Review
Project Manager – Strategic Property Review

APOLOGIES: Councillor Dunn

MINUTES: RECOMMENDED

That the Minutes of the Strategic Property & Community Facilities Committee held on 21 February 2018, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED UNANIMOUSLY

BUSINESS ARISING

Nil.

OFFICER'S REPORTS

OFFICER'S REPORTS NO. SPOR4/2018

SUBJECT: STRATEGIC PROPERTY UPDATE

RECOMMENDATION

That the information on the progress of the current Strategic Property Review projects be received and noted.

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sanders

CARRIED UNANIMOUSLY

OFFICER'S REPORTS NO. SPOR5/2018

SUBJECT: PROPERTY INVESTMENT FUND UPDATE

RECOMMENDATION

That the Committee notes the balance of the Property Investment Fund as at 1 April 2018.

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

CARRIED UNANIMOUSLY

Planning and Environment

Report No. PE26/2018

Planning and Environment



GENERAL BUSINESS

SUBJECT: SCHEDULING OF EXTRAORDINARY MEETING

RECOMMENDATION

That the Committee meet at 8:30am on May 9, 2018. The agenda to be restricted to the following projects Hebburn Estate, Vineyard Grove and the Airport Strategic Plan.

A site inspection of the Airport is to be scheduled for 4pm on Tuesday 8th, May 2018.

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

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 2:53pm

ENCLOSURES

There are no enclosures for this report



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

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

SUMMARY

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

RECOMMENDATION

That Council receives the report and notes the information.

BACKGROUND

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

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

REPORT/PROPOSAL

Highlights worthy of Council's attention during the March 2018 quarter include:

Statistical Snapshot

- A total number of 222 applications were received and 200 applications were determined during the March 2018 quarter.
- In the 2018 March quarter the total value of Council development approvals was \$50,453,555 and Complying development value for the same period was \$675,460.
- Council approved approximately 101 dwelling units during the 2018 March quarter.
- Based on current trends in 2017/18 Cessnock is still on track to exceed the annual projection for dwelling approvals outlined in the Hunter Regional Plan 2036.
- The median processing time for determined development applications (including S96) was 29 days during the March quarter, and the mean (average) processing days for the same period was 49.20 days.

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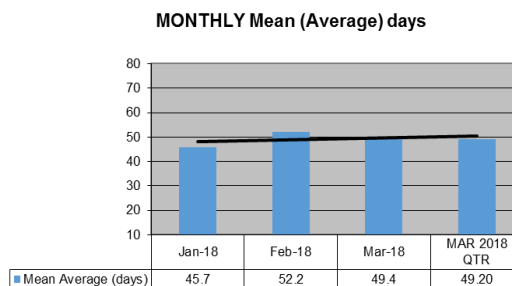
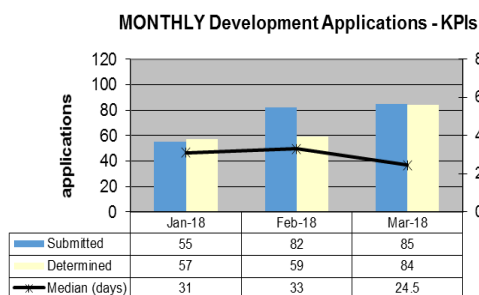
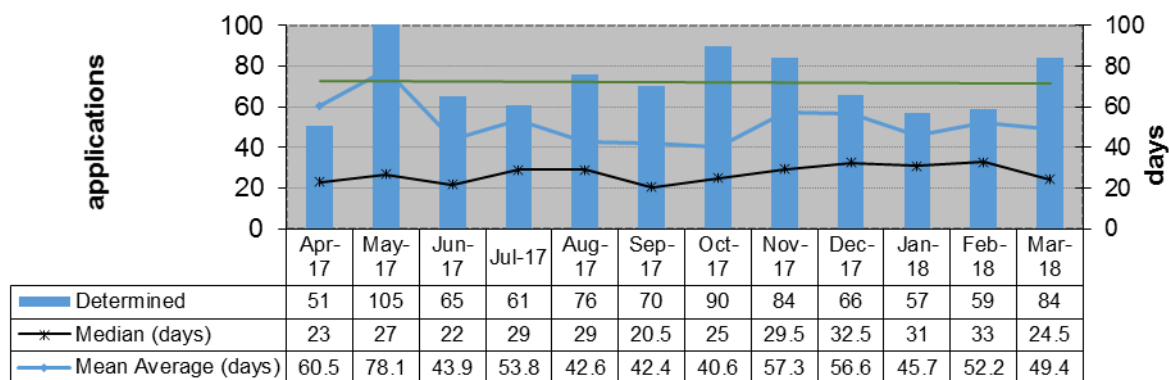


- During the quarter, Council issued 59% of Construction Certificates, 55% of Occupation Certificates and 7% of Complying Development Certificates in the LGA.

Major Development Approved for the March Quarter

- 8/2017/454/1 \$17,862,128 – Tourist Accommodation Units (60), restaurant (and ancillary bar) Function Centre, Car Parking, Associated Works – POKOLBIN
- 8/2017/600/1 \$2,860,000 – Construction of food and drink premises (Huntlee Tavern) BRANXTON

**12 month comparison of applications determined (DAs & S96)
01/04/2017 - 31/03/2018**



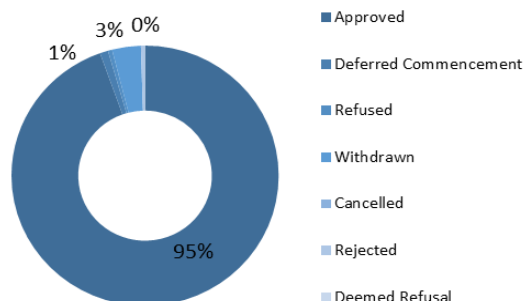
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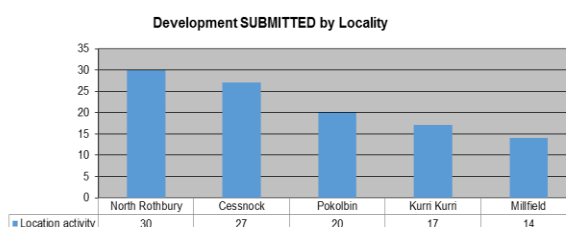
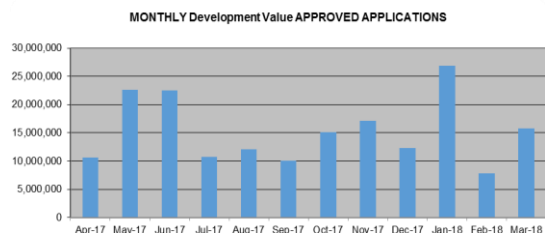
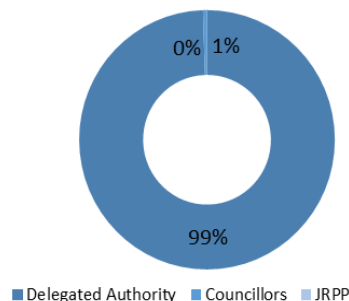
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Determination Type



Determination Body



Australian Bureau of Statistics – Building Approvals

BUILDING APPROVALS

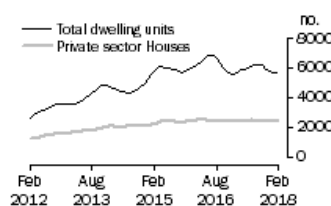
NUMBER OF TOTAL DWELLING UNITS



The trend estimate for Australia fell 0.1% in February.

DWELLING UNITS APPROVED STATE TRENDS

NEW SOUTH WALES



The trend estimate for total number of dwelling units approved in New South Wales rose 1.0% in February after falling for five months. The trend estimate for the number of private sector houses rose 0.8% in February and has risen for four months..

Residential Building Approvals

Trends in Cessnock City LGA generally reflect the state trends. In Cessnock City LGA there were 306 residential buildings approved to be built in the financial year 2017/18 January FYTD.

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Residential building approvals

export

reset

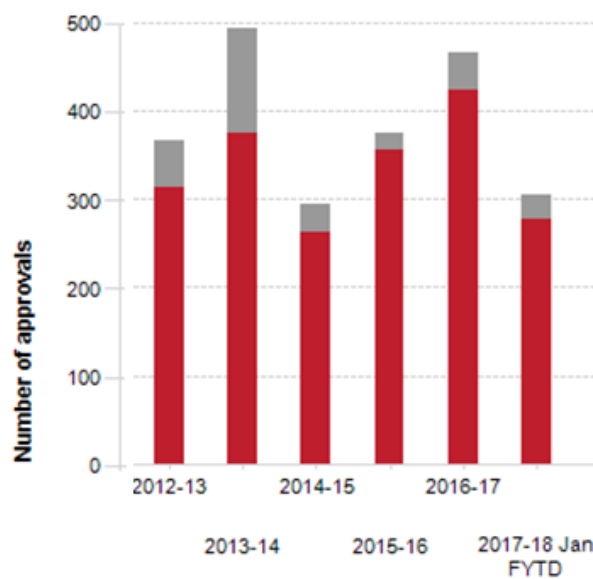


Cessnock City	Number			Annual change		
Year (ending June 30)	Houses	Other	Total	Houses	Other	Total
2017-18 Jan FYTD	278	28	306	--	--	--
2016-17	423	44	467	+68	+24	+92
2015-16	355	20	375	+93	-13	+80
2014-15	262	33	295	-112	-87	-199
2013-14	374	120	494	+60	+67	+127
2012-13	314	53	367	+29	-28	+1

Table 1: ABS Data Source <https://profile.id.com.au/cessnock/building-approvals>

House approvals Other dwelling approvals

Cessnock



Above: Graphical representation related to Table 1.

Value of total building approvals

The total value of building approvals in Cessnock City LGA was \$253 million in the 2017/18 January financial year to date. Of particular note, is that Cessnock City Council LGA now makes up 1.03% of the value of all building approvals in NSW as at January 2018 (financial year to date).

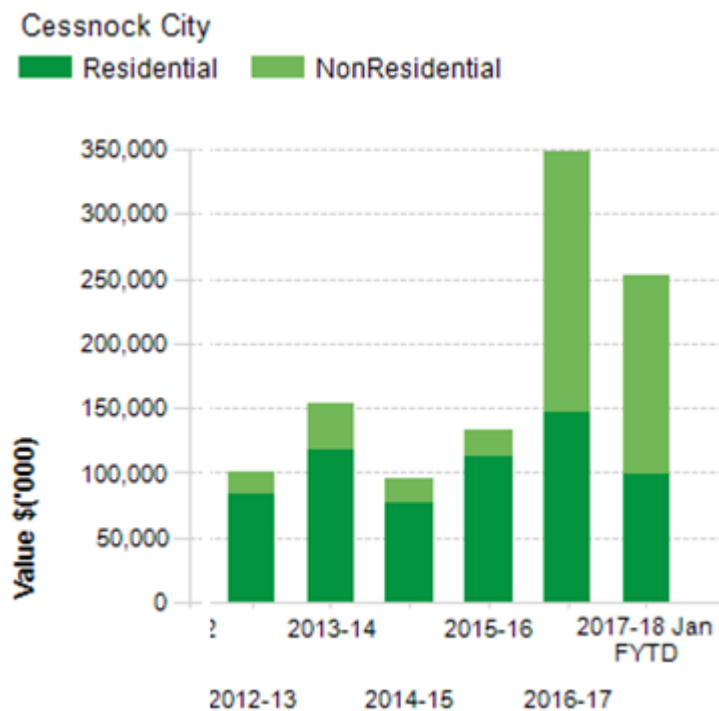
Planning and Environment

Report No. PE27/2018

Planning and Environment



Value of total building approvals							
	Cessnock City			New South Wales			
Financial year	Residential \$('000)	Non- residential \$('000)	Total \$('000)	Residential \$('000)	Non- residential \$('000)	Total \$('000)	Cessnock City as a % of New South Wales
2017-18 Jan FYTD	98,888	154,209	253,097	15,537,997	9,048,485	24,586,482	1.03%
2016-17	146,563	200,917	347,480	25,189,277	14,139,601	39,328,878	0.88%
2015-16	112,573	20,406	132,979	24,507,071	11,286,909	35,793,980	0.37%
2014-15	76,046	19,245	95,291	15,651,703	12,000,977	27,652,680	0.34%
2013-14	117,126	37,315	154,441	15,651,703	12,000,977	27,652,680	0.56%
2012-13	83,814	17,007	100,821	11,981,013	7,883,815	19,864,829	0.51%

Table 2: ABS Data Source: <https://economy.id.com.au/cessnock/value-of-building-approvals>

Above: Graphical representation related to Table 2.

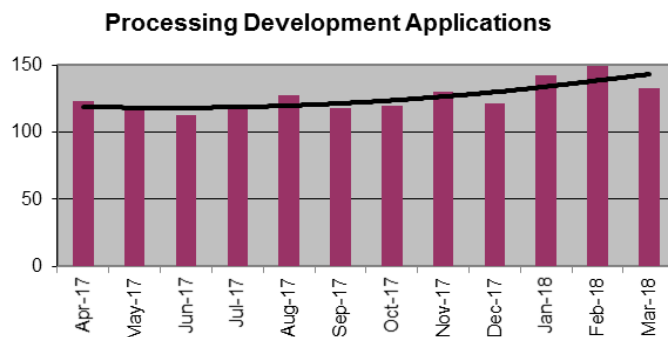
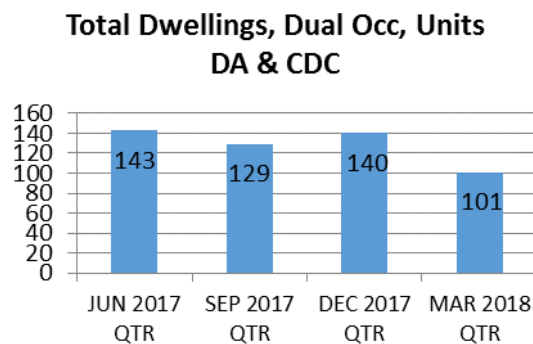
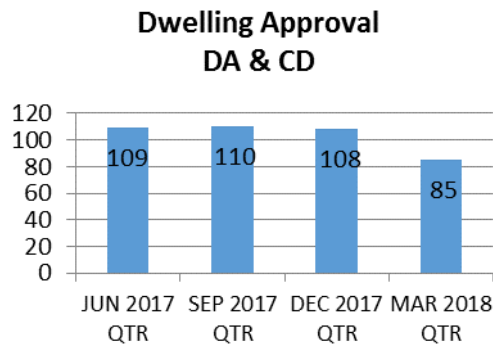
Council development activity for dwelling approvals

The Hunter Regional Plan 2036 outlines that Cessnock City Council has a projected increase in dwelling approvals of 6,350 between 2016 and 2036 which averages to 318 applications per year. During the 2018 March quarter a total of 101 dwelling units were approved in the LGA, based on the current trend the number of dwelling units exceed the annual projection set by the Regional Plan.

Planning and Environment

Report No. PE27/2018

Planning and Environment



CERTIFICATES	Council	Private
Construction certificates	94	65
Occupation Certificates	67	55
Subdivision Certificates	9	0
Strata Certificates	3	0
Complying Development	5	66

CONSULTATION

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

STRATEGIC LINKS

a. Delivery Program

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

Planning and Environment

Report No. PE27/2018

Planning and Environment



b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

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

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

Nil

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report

SUBJECT: *DRAFT PROCUREMENT POLICY*

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

SUMMARY

The purpose of this report is to allow Council to consider the Draft Procurement Policy as detailed. This policy will ensure that Council uses best practice principles and procedures for the procurement of goods and services.

RECOMMENDATION

That Council place the draft Procurement Policy on Public Exhibition for a period of 28 days and if there are no significant public submissions received that the policy be automatically adopted at the end of the exhibition period.

BACKGROUND

During the 2016/2017 Financial Statement Audit conducted by NSW Audit Office, a number of potential risks regarding Councils procurement processes were identified. The Finance Team has undertaken a review of the current Procurement Policy and procedures and drafted a new policy to incorporate a number of the recommendations. The Procurement Policy has also been reviewed against the Internal Audit Procure-to-Pay recommendations (which took place in parallel with the development of this policy). Council adopted council's current Procurement Policy on 6 November 2013.

REPORT/PROPOSAL

The procurement functions of Council have been reviewed to ensure that the function is continually looking for improvements, which will enhance the way the Council carries out the function.

The focus behind continual improvement is to ensure that Council is obtaining the best value for money and is conducting business in the best interest for the ratepayers of the LGA.

Council undertook research into a number of neighbouring Council's Procurement Policies to ensure completeness and consistency across the industry.

To reduce Council's exposure to potential financial risks the draft Procurement Policy addresses the following recommendations which were identified during the audit completed by the NSW Audit Office and also the internal audit (Procure to Pay);

- **Breach of delegation limits through purchase order splitting**

To address the recommendation in the audit, Council has included a new section on 'Delegations' and specifically prohibited order splitting. Further detail is included in the procurement guidelines and procedures and will be included in training to the wider organisation once all new procurement guidelines and procedures are approved.

Corporate and Community

Report No. CC29/2018

Corporate and Community Services



- **Procurement Practices**

To improve financial services work practices Council included the following content regarding purchase order variation in the new draft policy;

“Invoices which exceed the goods receipt by more than 10% will be returned to the appropriate Council Official for further approvals under their sub delegations.”

- **Key information missing from tender register**

The draft policy now includes a new section on ‘Record Keeping’. This section will cover all aspects of document maintenance. In addition, Council has updated the current tender register and further detail has been added to the new procurement guidelines and procurement procedures to ensure the tender register is updated on a regular basis. The monitoring of this register will be the responsibility of Council’s Senior Contracts and Tendering Officer (new position).

- **Purchase orders not raised**

The importance of initiating purchase orders and using purchase orders as the preferred payment method are documented in the draft Procurement Policy.

It has been identified that as a result of the changes to the Procurement Policy there will need to be an update to the procedures. A new procurement guideline, associated procedures and training to the wider organisation will occur in the coming months.

OPTIONS

The following are options for Council:

1. That Council place the draft Procurement Policy on Public Exhibition for a period of 28 days and if there are no significant public submissions received that the policy be automatically adopted at the end of the exhibition period.
2. Council considers the policies and proposes amendments

CONSULTATION

- Executive Leadership Team
 - General Manager
 - Director Corporate and Community Services
 - Director Planning and Environment
 - Director Works and Infrastructure
 - Human Resources Manager
- Councillors – At Executive Briefing 21 March 2018
- Managers Advisory Team
 - Specifically Infrastructure Manager
 - Internal Auditor
- Governance Coordinator

Corporate and Community

Report No. CC29/2018

Corporate and Community Services



As a new Council policy is proposed, public exhibition will be required. At the end of that exhibition period, Council may adopt the policies or seek further amendment and/or consultation.

STRATEGIC LINKS

a. Delivery Program

The Procurement Policy is consistent with 'Objective 5.3 – Making Council More Responsive to the Community of the Cessnock' as contained in the Delivery Program 2017-2021 and the following Strategic Direction:

- Our Council's processes are efficient and transparent.

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

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The Procurement Policy has been reviewed with relevant changes proposed and a new policy developed. The proposed changes ensure the process is open, fair, and transparent and applies to anyone who is involved with procurement at Council.

Further a review of the following associated documents is also underway:

- Procurement procedures;
- Credit Card Protocol; and
- Records Management Policy.

b. Financial Implications

Nil

c. Legislative Implications

- The policies are supported by the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* and as a result there is no impact.
- *Government Information (Public Access) Act (GIPA)*
- *Local Government (General) Regulation 2005*
- NSW office of Local Government Tendering Guidelines and Procedures
- *Public Interest Disclosure Act*

Corporate and Community

Report No. CC29/2018

Corporate and Community Services



d. Risk Implications

There is a risk that if the policy is not adopted than Council will continue to be exposed and the recommendations from the NSW Audit Office financial audit will not be able to be implemented.

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

An external audit undertaken highlighted potential gaps in Council's current Procurement Policy. The auditor's findings were reviewed and changes were made to ensure Council complies best practice procurement in the procurement of goods, works and services, while complying with the *Local Government Act* (NSW) 1993 and the *Government Information (Public Access) Act*.

ENCLOSURES

[1](#) ➡ Draft Procurement Policy

SUBJECT: ***ADOPTION OF DRAFT 2018-19 OPERATIONAL PLAN FOR PUBLIC EXHIBITION***

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

SUMMARY

Section 405 of the *Local Government Act 1993* requires Council to place its draft Operational Plan on public exhibition for 28 days.

The draft document, with any amendments following exhibition, will be reported back to Council for final consideration and adoption.

RECOMMENDATION

That Council place the Draft 2018-19 Operational Plan on public exhibition for 28 days in accordance with Section 405 of the Local Government Act 1993.

BACKGROUND

The draft 2018-19 Operational Plan has been prepared under the integrated planning and reporting framework in accordance with the *Local Government Act 1993*.

The Operational Plan is an annual slice of the medium-term Delivery Program and the community's long-term strategic plan, *Cessnock 2027*.

This is the second Operational Plan prepared to deliver the objectives and plans reflected in the four year 2017-21 Delivery Program that was adopted by Council in 2017.

The draft 2018-19 Operational Plan provides information to the community about Council's ongoing activities and the key initiatives to implement the delivery program. It also incorporates the 2018-19 draft budget, capital works program, revenue policy and fees and charges.

REPORT/PROPOSAL

Format

The draft 2018-19 Operational Plan is presented in a two-volume format.

Volume I includes:

- background information on the Local Government Area and the planning framework;
- details of Council's proposed actions to work towards achieving the community's desired outcomes;
- financial forecasts;
- the Capital Works Program; and
- the Revenue Policy.

Corporate and Community

Report No. CC30/2018

Corporate and Community Services



Volume II contains details of the proposed Fees and Charges for 2018-19.

Assumptions

The draft 2018-19 budget has been based on a 2.5 percent award increase in salaries and wages (compared to 2.0 percent in 2017-18).

Inflation of 1.9 percent has been generally applied to materials and contracts.

The increase in the cost of Council's activities significantly exceeds both the Consumer Price Index and the rate pegging limit. So, in real terms, the purchasing power of Council's annual budget is reducing each year.

Interest on new loans has been budgeted at 3.5 percent and interest on investments has been budgeted at 2.5 percent.

Rates and Charges

Ordinary Rates

The rating proposals for ordinary rates, detailed in the Revenue Policy, have been increased in line with the State Government's rate peg of 2.3 percent comprising the full amount of the rate peg limit. The existing rating methodology of a base rate and ad-valorem charge has been maintained.

Stormwater Management Levy

It is proposed to continue the Stormwater Management Levy in 2018-19. The proposed charge is \$25.00 per residential property, \$12.50 per residential strata property and \$25.00 per 350 square metres (or part thereof) up to a maximum charge of \$500.00 on business properties.

Hunter Catchment Contribution

Council will also collect, on behalf of the Hunter Local Land Services, an estimated levy of 0.0110 cent in the dollar, calculated on land value for applicable properties. The rate in the dollar is expected to be confirmed by Local Land Services in May 2018.

Domestic Waste Management Charge

The proposed Domestic Waste Management Charge for 2018-19 is \$555 (\$540 in 2017-18).

Typical Residential Ratepayer

The impact of the proposed rates and annual charges on a typical residential rate payer is estimated to be an increase of \$39.79 per annum or 2.38 percent.

The typical residential rate payer calculations are based on a residential property with a 2016 land value of \$143,200, receiving a domestic waste management service and paying the Stormwater Management Levy and Hunter Catchment Contribution.

Corporate and Community

Report No. CC30/2018

Corporate and Community Services



Table 1 provides a breakdown of the increase in proposed rates and annual charges for 2018-19.

Table 1: Typical Residential Ratepayer Forecasts

<i>Rates and Annual Charges for Typical Residential Ratepayer</i>				
	<i>2017-18 (\$)</i>	<i>2018-19 (\$)</i>	<i>Increase in \$</i>	<i>Increase as a %</i>
Land Value	\$143,200	\$143,200	N/A	N/A
General Rates	\$1,093.43	\$1,118.22	\$24.79	2.27%
Domestic Waste Management Charge	\$540.00	\$555.00	\$15.00	2.78%
Stormwater Management Levy	\$25.00	\$25.00	0	0
Hunter Catchment Contribution (tba)	\$15.75	\$15.75	0	0
Total	\$1,674.18	\$1,713.97	\$39.79	2.38%

Fees and Charges

The draft Fees and Charges has been prepared using the same software program as last year and there are no significant changes from 2017-18.

2018-19 Budget

The draft 2018-19 budget shows a \$238,864 cash surplus and a \$418,273 operating loss before capital grants and contributions.

The draft budget presents a balanced cash budget position in line with Council's traditional budgeting principles. The deficit accrual budget (Profit & Loss) reflects the impact of asset disposals on Council's reported results; however, the impact on Council's sustainability is negligible while Council continues to budget for asset replacements on a cash basis. Current operations and future commitments, as outlined in past reports, continue to exert pressure on Council's capacity to manage our financial position (particularly in the medium to long term). However, adopted strategies to address this pressure are expected to provide positive effects.

Capital Works Program

The draft 2018-19 Operational Plan includes a draft Capital Works Program of \$12.21m.

In line with Council's Asset Management Strategy, Council is prioritising the budget to renewals over new works and the Capital Works Program is accordingly presented in two sections:

- New or additional infrastructure (or significant upgrade of existing infrastructure); and
- Renewal or like-for-like asset replacement.

Corporate and Community

Report No. CC30/2018

Corporate and Community Services



Proposed Loan Borrowings

The draft 2018-19 budget includes proposed borrowings totalling \$1,442,338 for drainage improvement (\$659,600) and local road construction (\$782,738). Whilst Council's debt service ratio indicates there is capacity for further loan borrowings, the impact on Council's operational budget would need to be assessed to determine whether Council could accommodate the additional loan repayments that would arise.

Public Exhibition

The draft 2018-19 Operational Plan is required to be publicly exhibited for 28 days. It is proposed that the public exhibition be from 9 May to 5 June 2018.

During the exhibition period, copies of the draft documents will be made available for viewing at the Administrative Centre in Cessnock, at Council's Libraries and on Council's website. In addition to newspaper advertisements, the exhibition will be promoted via social media.

Following the exhibition period and the consideration of submissions, it is anticipated that Council will adopt the 2018-19 Operational Plan on 20 June 2018.

OPTIONS

Option 1 – Adopt the proposed draft documents for public exhibition.

Option 2 – Make changes to the proposed draft documents and adopt for public exhibition.

CONSULTATION

Councillors have participated in two briefings and provided feedback on the 2018-19 Operational Plan.

The following have provided input into the development of the draft documents:

- Councillors
- Executive
- Management
- Senior Asset Planning Staff
- Senior Finance Staff
- Senior Rates Staff

STRATEGIC LINKS

a. Delivery Program

This draft document is a significant part of the organisation's governance framework – 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 demands on Council to meet the expectations of the community are growing, while its sources of income are constrained.

c. Legislative Implications

Section 405 of the *Local Government Act 1993* requires Council to place its draft Operational Plan on public exhibition for 28 days.

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

It is recommended that Council adopt the draft 2018-19 Operational Plan for public exhibition.

ENCLOSURES

- 1 ➡ Draft 2018-19 Operational Plan distributed under separate cover.
- 2 ➡ Draft Fees & Charges made available on-line.

Corporate and Community

Report No. CC31/2018

Corporate and Community Services



SUBJECT: *MINUTES OF DOLLAR FOR DOLLAR COMMITTEE
MEETING HELD 18 APRIL 2018*

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

RECOMMENDATION

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 18 April 2018.

Schools Environment Grant

2. That the returned \$500 grant funds from Nulkaba Public School for the Schools Environment Program be forwarded into the 2018-19 budget to enable an additional grant opportunity within the Schools Environment Program.

Community and Cultural Dollar for Dollar Grant

3. That Council fund the eligible projects as per the 'Funding Payable' column in Table 2 of the Community and Cultural Development Dollar for Dollar Grant Scheme 2017-18 report.
4. That Council write to all applicants advising them of the outcome of their application and thanking them for their contribution to the development of community, arts and culture in the Cessnock LGA.

Table 2 - Community and Cultural Development Dollar for Dollar Grant Scheme report

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Cessnock Regional Art Gallery	Cessnock Regional Art Gallery Spring Art Fair – Cessnock City Council Art Prize Acquisitive art prize	\$6,950	\$2,000	\$2,000*
Towns with Heart	2018 Town of Murals Art Show Regional Award (\$1000) Major Award (\$2000) Acquisitive art prizes	\$16,500	\$3,000	\$2,000*
The Greater Cessnock AECG	Kullaburra Awards Promotion, printing, catering	\$4,000	\$2,000	\$2,000
Cessnock Senior Citizens Association Incorporated	Piano storage unit – for keyboard and equipment	\$1,800	\$900	\$900

Corporate and Community

Report No. CC31/2018

Corporate and Community Services



Wollombi Valley Progress Association	Lantern Parade and lantern making workshops Advertising, grounds hire, materials	\$3,318	\$1,659	\$1,659
Marthaville Arts and Culture Centre	Supply and install vinyl flooring to studio / program area	\$1,760	\$800	\$800
Wine Country Music Association	Stage Sound Mixing Desk	\$1,504.30	\$752.15	\$752.15
Kurri Kurri Community Centre	Greta/Branxton/Huntlee Community Disco Promotions, decorations, entertainment, catering	\$3,900	\$1,950	\$1,950
Wollombi Sculpture in the Vineyards	Wollombi Sculpture in the Vineyards Marketing, transportation, venue hire, printing	\$35,000	\$5,000	\$2,000**
Ungooroo Aboriginal Corporation	WUPA @ Wanaruah Aboriginal Art Exhibition and Trail Materials, advertising, printing, venue hire	\$37,400	\$3,000	\$2,000**
Kiray Putjung Aboriginal Corporation (Formerly Black Creek Aboriginal Corporation)	Kiray Putjung Aboriginal Corporation Cultural Program Language classes term 2, 3 and 4, trainer, resources	\$6,000	\$3,000	\$3,000
Cessnock Multipurpose Childrens Centre	Cultural Competence Aboriginal Cultural Workshops for students, staff and families. Presenter, materials	\$6,720	\$3,000	\$3,000
Cessnock High School	Mental health conference Key presenter, transport for students. Printed materials and resources for families	\$5,940	\$2,940	\$2,400***
Cessnock Regional Art Gallery	Replace frosted glass in foyer with clear glass	\$1,183	\$538	\$538
TOTAL			\$30,539.15	\$24,999.15

Corporate and Community

Report No. CC31/2018

Corporate and Community Services



***MINUTES OF DOLLAR FOR DOLLAR GRANT COMMITTEE MEETING OF THE
CESSNOCK CITY COUNCIL HELD IN COMMUNITY MEETING ROOM ON WEDNESDAY,
18 APRIL 2018, COMMENCING AT 2.00PM***

PRESENT: The Mayor, Councillor Pynsent
Councillor Fitzgibbon

IN ATTENDANCE: Ms Nicole Benson – Acting Director Works and Infrastructure
(Open Space and Community Facilities Manager)
Ms Tricia Donnelly – Sustainability Officer
Ms Jo Miller – Community and Cultural Engagement Officer
Ms Natalie Drage – Community and Cultural Engagement Manager

Minute Taker
Ms Jo Miller – Community and Cultural Engagement Officer

INVITEES: N/A

APOLOGIES

Councillor Sander

CONFIRMATION OF MINUTES

MINUTES:

MOTION ***Moved:*** Councillor Fitzgibbon
 Seconded: Mayor Pynsent

RECOMMENDED that the Minutes of the \$ for \$ Grants Committee held on 4 October 2017, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

NIL

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. DOLCLM1/2018

SUBJECT: **RETURN OF 2016-17 SCHOOL GRANT**

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Mayor Pynsent

RECOMMENDATION

The Dollar for Dollar Committee recommend:

1. That the returned \$500 grant funds from Nulkaba Public School for the Schools Environment Program be forwarded into the 2018-19 budget to enable an additional grant opportunity within the Schools Environment Program.

LISTED MATTERS - COMMITTEE NO. DOLCLM2/2018

SUBJECT: **COMMUNITY AND CULTURAL DEVELOPMENT DOLLAR FOR DOLLAR GRANT SCHEME 2017/18**

MOTION **Moved:** Mayor Pynsent **Seconded:** Councillor Fitzgibbon

RECOMMENDATION

That the Dollar for Dollar Committee recommend that Council:

1. Fund the eligible projects as per the 'Funding Payable' column in Table 2.
2. Write to all applicants advising them of the outcome of their application and thanking them for their contribution to the development of community, arts and culture in the Cessnock LGA.

Table 2 – Eligible Applications - recommended for funding.

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Cessnock Regional Art Gallery	Cessnock Regional Art Gallery Spring Art Fair – Cessnock City Council Art Prize Acquisitive art prize	\$6,950	\$2,000	\$2,000*

Corporate and Community

Report No. CC31/2018

Corporate and Community Services



Towns with Heart	2018 Town of Murals Art Show Regional Award (\$1000) Major Award (\$2000) Acquisitive art prizes	\$16,500	\$3,000	\$2,000*
The Greater Cessnock AECG	Kullaburra Awards Promotion, printing, catering	\$4,000	\$2,000	\$2,000
Cessnock Senior Citizens Association Incorporated	Piano storage unit – for keyboard and equipment	\$1,800	\$900	\$900
Wollombi Valley Progress Association	Lantern Parade and lantern making workshops Advertising, grounds hire, materials	\$3,318	\$1,659	\$1,659
Marthaville Arts and Culture Centre	Supply and install vinyl flooring to studio / program area	\$1,760	\$800	\$800
Wine Country Music Association	Stage Sound Mixing Desk	\$1,504.30	\$752.15	\$752.15
Kurri Kurri Community Centre	Greta/Branxton/Huntlee Community Disco Promotions, decorations, entertainment, catering	\$3,900	\$1,950	\$1,950
Wollombi Sculpture in the Vineyards	Wollombi Sculpture in the Vineyards Marketing, transportation, venue hire, printing	\$35,000	\$5,000	\$2,000**
Ungooroo Aboriginal Corporation	WUPA @ Wanaruah Aboriginal Art Exhibition and Trail Materials, advertising, printing, venue hire	\$37,400	\$3,000	\$2,000**
Kiray Putjung Aboriginal Corporation (Formerly Black Creek Aboriginal Corporation)	Kiray Putjung Aboriginal Corporation Cultural Program Language classes term 2, 3 and 4, trainer, resources	\$6,000	\$3,000	\$3,000
Cessnock Multipurpose Childrens Centre	Cultural Competence Aboriginal Cultural Workshops for students, staff and families. Presenter, materials	\$6,720	\$3,000	\$3,000

Corporate and Community

Report No. CC31/2018

Corporate and Community Services



Cessnock High School	Mental health conference Key presenter, transport for students. Printed materials and resources for families	\$5,940	\$2,940	\$2,400***
Cessnock Regional Art Gallery	Replace frosted glass in foyer with clear glass	\$1,183	\$538	\$538
	TOTAL		\$30,539.15	\$24,999.15

As the total request for funding exceeds the available budget the following applicants are recommended for partial funding.

- Towns with Heart has applied for \$3,000 for acquisitive art awards. It is recommended that the project be funded \$2,000 to match the funding allocated to Cessnock Regional Art Gallery for an acquisitive art award.
- ** Ungooroo Aboriginal Corporation and Wollombi Sculpture in the Vineyards have both applied for funding to support large art exhibitions. It recommended that they both be funded an equal amount of \$2,000.
- *** The Cessnock High School application meets only two of the priorities for funding ('Engage young people' and 'Engage disadvantaged members of the community'). Cessnock High School has indicated that this project is able to go ahead with partial funding from Council.

CARRIED UNANIMOUSLY

CORRESPONDENCE

NIL

GENERAL BUSINESS

NIL

The Meeting Was Declared Closed at 2.15pm

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC32/2018

Corporate and Community Services



SUBJECT: *MINUTES OF CULTURAL FACILITIES COMMITTEE
MEETING HELD 18 APRIL 2018*

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

RECOMMENDATION

That the minutes of the meeting of the Cultural Facilities Committee held on 18 April 2018 be adopted as a resolution of the Ordinary Council.

**MINUTES OF CULTURAL FACILITIES COMMITTEE MEETING OF THE CESSNOCK CITY
COUNCIL HELD IN GMMR ON WEDNESDAY, 18 APRIL 2018,
COMMENCING AT 3.00 PM**

PRESENT: The Mayor, Councillor Pynsent, Councillors Dagg, Fitzgibbon and Lyons (Alternative).

IN ATTENDANCE: Councillor Burke
Councillor Sander
General Manager
Acting Director Works and Infrastructure (Open Space and Community Facilities Manager)
Community and Cultural Engagement Manager
Senior Property Officer

INVITEES: Nil

APOLOGIES

Councillors Dunn and Fagg.

CONFIRMATION OF MINUTES

MINUTES: That the minutes of the Cultural Facilities Committee held on 18 October 2017, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. CFCCLM1/2018

SUBJECT: PROVISION OF PUBLIC TOILETS IN THE CESSNOCK CBD

Moved: Councillor Lyons
RESOLVED

Seconded: Councillor Fitzgibbon

That the Committee note the information provided in the report.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. CFCCLM2/2018

SUBJECT: LEASE ARRANGEMENT WITH THE KURRI KURRI COMMUNITY SERVICES LTD

Moved: Councillor Dagg
RESOLVED

Seconded: Councillor Lyons

That the Committee note the report.

CARRIED UNANIMOUSLY

Corporate and Community

Report No. CC32/2018

Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. CFCCLM3/2018

SUBJECT: SAMARITANS AND LEASE OF CESSNOCK PERFORMING ARTS CENTRE

Moved: Councillor Dagg
RESOLVED

Seconded: Councillor Fitzgibbon

That the Committee note the report.

CARRIED UNANIMOUSLY

CORRESPONDENCE

Nil

GENERAL BUSINESS

Nil

The Meeting was Declared closed at 3.25 pm.

ENCLOSURES

There are no enclosures for this report

SUBJECT: *AQUISITION FOR ROAD WIDENING*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

SUMMARY

This report seeks Council approval to acquire part of Lot 22 DP 872192 and part of Lot 120 DP 755244 for road widening of Sandy Creek Road, Mount Vincent to facilitate the replacement and realignment of Forsters Bridge.

RECOMMENDATION

1. That Council acquire part of Lot 22 DP 872192, being proposed Lot 2 on Plan of Acquisition DP 1241524 with an area of 285.2m² for road widening;
2. That Council acquire part of Lot 120 DP 755244, being proposed Lot 3 on Plan of Acquisition DP 1241524 with an area of 3,491m² for road widening;
3. That Council authorise the General Manager to negotiate compensation with the property owners by private agreement for acquisition of proposed Lots 2 and 3 on DP 1241524 accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*;
4. That in the event that negotiations with the property owners cannot be satisfactorily finalised, that Council make application to the Office of Local Government for approval of the Minister and the Governor to proceed with compulsory acquisition of proposed Lots 2 and Lot 3 on DP 1241524;
5. That Council authorise the Common Seal of Council to be affixed to all documents relating to the acquisitions between Cessnock City Council and:
 - i) Robert Ernest Warner, owner of proposed Lot 2 on Plan of Acquisition DP 1241524, and to any application to the Office of Local Government for the approval of the Minister and the Governor that may be required for compulsory acquisition if needed, and
 - ii) ZAP Finance Pty Ltd, owner of proposed Lot 3 on Plan of Acquisition DP 1241524, and to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if needed.
6. That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisitions between Cessnock City Council and:
 - i) Robert Ernest Warner, owner of proposed Lot 2 on Plan of Acquisition DP 1241524, and to any application to the Office of Local Government for the approval of the Minister and the Governor that may be required for compulsory acquisition if needed, and

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- ii) **ZAP Finance Pty Ltd, owner of proposed Lot 3 on Plan of Acquisition DP 1241524, and to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if needed.**

BACKGROUND

In accordance with the Capital Works Program of Council's adopted Delivery Plan 2017-21, design is in progress for the replacement of Fosters Bridge on Sandy Creek Road, Mount Vincent.

Sandy Creek Road is a local public road, which is narrow and winding on its approaches to the bridge. As the Roads Authority, Cessnock City Council may acquire land for road purposes in accordance with the *Roads Act 1993* and *Land Acquisition (Just Terms Compensation) Act 1991*.

REPORT/PROPOSAL

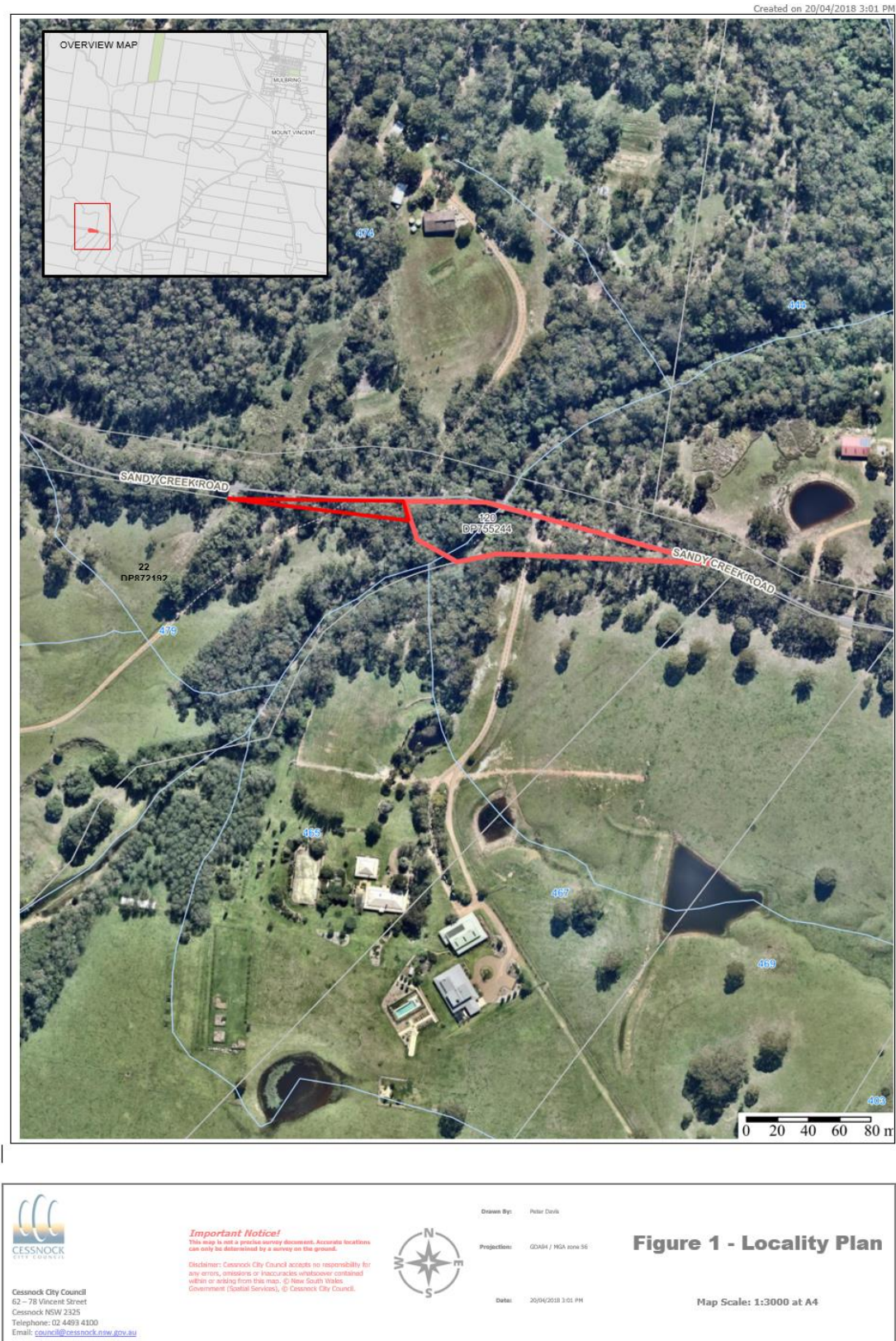
The Concept Design for the new bridge to be located adjacent to the existing Fosters Bridge requires road widening to accommodate a more suitable alignment and road approaches. The road widening will accommodate a widened and realigned road formation and batters on the approaches. See **Figure 1 - Locality Plan** below.

In finalising the Concept Design of the road works, Council's Infrastructure Unit has engaged a registered surveyor to survey the area and prepare a Plan of Acquisition for registration with the NSW Land and Property Information (LPI). The Plan identifies 3,776.2m² to be acquired for road purposes and to be registered at LPI as proposed DP1241524. DIAGRAM 1 on the Plan showing proposed Lots 2 and 3 to be acquired is provided in **Enclosure 1 – Plan of Acquisition**.

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Figure 1 - Locality Plan



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OPTIONS

Option 1: As per the recommendation, is to finalise negotiations with the land owners in accordance with section 38 of the Land Acquisition (Just Terms Compensation) Act 1991 and agree compensation; and where finalisation of the negotiation fails, make application to the Minister for compulsory acquisition of the land. This is the preferred option.

Option 2: Not undertake the acquisition, close the road for an extended period and replace the existing bridge on the same alignment. This is not the preferred option.

CONSULTATION

Regarding proposed Lot 2, Council officers have consulted and forwarded a written proposal for acquisition of proposed Lot 2 by private agreement to the owner. The proposal offered to pay compensation in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. The owner has accepted the compensation proposal. A summary of the negotiation with the owner is provided at **Enclosure 2**.

Following further consultation, the owner also has agreed to provide access consent for the road works to proceed ahead of finalisation of the acquisition should this affect the construction program.

Regarding proposed Lot 3, attempts to contact the property owner have been unsuccessful, however efforts continue. In the event that this property owner cannot be contacted or remains unresponsive compulsory acquisition will be necessary.

STRATEGIC LINKS

a. Delivery Program

The recommendation of this report links directly with the Community Strategic Plan 2027:

- Objective 4.2 - Improving the Road Network

The recommendation of this report links directly with the Delivery Program 2017-21:

- Objective 4.2.2 – Deliver prioritised on-ground capital works and maintenance programs

b. Other Plans

The recommendation of this report links directly with the Operational Program 2017-18:

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

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IMPLICATIONS

a. Policy and Procedural Implications

The following procedures have been followed in the preparation of this report:

- Use of the Common Seal, and
- Execution of Documents Matrix.

b. Financial Implications

The road widening of Sandy Creek Road and the construction a new bridge is jointly funded by Council and the Federal Government's Bridges Renewal Programme. The total cost for acquisition of the land, including compensation to the land owners, works in kind, survey and plan registration, is covered by this project budget.

c. Legislative Implications

Council is given powers to acquire land including an interest in land by:

- section 177 of the *Roads Act 1993*, and
- sections 186 -190 of the *Local Government Act 1993*.

Compensation to the land owner for the acquisition is payable in accordance with:

- section 38 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Following acquisition and in accordance with section 10 of the *Roads Act 1993*, the land will be gazetted as public road.

d. Risk Implications

Council is required to compensate the owners in accordance with the *Land Acquisition (Just Terms Compensation) Act 1993* and dedicate as public road under the *Roads Act 1993*. Dedication as a public road affords protection to Council in terms of liability for damages.

e. Other Implications

The widening of Sandy Creek Road will have a positive impact on the community with the road works improving safety for road users.

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CONCLUSION

Acquisition of the land by Council will enable widening of the road and facilitate construction of this important bridge and road upgrade. The project cannot be completed without this land acquisition.

ENCLOSURES

- 1 ➡ Plan of Acquisition
- 2 Confidential Summary of Negotiations - *This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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SUBJECT: ***BRANXTON GRETA 2018 COMMUNITY MOVIE NIGHT - REQUEST FOR FEE WAIVER***

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

SUMMARY

Council has been approached by the Branxton Greta Business Chamber (BGBC) seeking in-kind support for a movie night, which is to be held on 25 May 2018 at Miller Park Branxton.

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

RECOMMENDATION

That Council supports the Branxton Greta 2018 Community Movie Night on 25 May 2018 by providing in-kind support as detailed in the report for the following services; waste management and park management.

BACKGROUND

BGBC has approached Council seeking various forms of in-kind support for the Branxton Greta 2018 Community Movie Night to be held on 25 May at Miller Park Branxton. Funds raised through ticket sales to the event will be used by the Branxton Public School's Parents and Citizens Association (P&C) to purchase sporting infrastructure for the school.

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

REPORT/PROPOSAL

The following in-kind support for the Branxton Greta 2018 Community Movie Night is requested by the BGBC:

Waste Management

- Provision of six bins.

Park Management

- Access to and use of the cricket amenities for electricity supply;
- Waiver of all fees and charges for the use of Miller Park.

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

- | | |
|--------------------|----------|
| • Waste Management | \$210.00 |
| • Park Management | \$167.00 |

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In reviewing the requests, Council officers have determined that in-kind support for the above can be provided within existing recurrent operating budgets.

OPTIONS

1. Council provides in-kind support for the requests as detailed, at a total estimate cost of \$377.00. This is the preferred option;
2. Council provides partial support for the requests by way of a percentage discount based on adopted fees and charges for waste management and park usage.
3. Council provided no support and charge BGBC as per Council's adopted 2017/2018 Fees and Charges for waste management and park usage.

CONSULTATION

In writing this report the following have been consulted:

- Environmental and Waste Services Manager

STRATEGIC LINKS

a. Delivery Program

The proposed in-kind sponsorship for this event supports:

- *Objective 1.2 – Strengthening Community Culture* in that our facilities are available and used by community groups.
- *Objective 1.4 Fostering an articulate and creative community* in that we have a diverse program of cultural and heritage activities across the LGA.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The cost of providing the assistance for each of the requests being made by the BGBC is estimated to be \$377.00 and can be provided within existing recurrent operating budgets.

c. Legislative Implications

Nil

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d. Risk Implications

Nil

e. Other Implications

Nil

CONCLUSION

On the basis of supporting events that promote visitation across the Cessnock LGA, it is recommended that Council provides in-kind sponsorship to the Branxton Greta 2018 Community Movie Night as detailed in the report.

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN9/2018

General Manager's Unit



NOTICES OF MOTION No. BN9/2018

SUBJECT: *STRATEGIC PLANNING FOR CESSNOCK LIBRARY*

COUNCILLOR: *Melanie Dagg*

MOTION

That Council prepare a business case for an expanded Cessnock Library Branch, including investigating its location within a cultural hub and be in accordance with Council's adopted 2031 Community Infrastructure Strategic Plan and Cessnock City Library Strategic Plan 2014-2024.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 2 May 2018.

RATIONALE

Following discussions at the recent meeting of the Cultural Facilities Committee, it became apparent investigations should be undertaken as to the future capacity and direction of the Cessnock Library and like facilities, in line with Council's adopted strategies.

Sgd: Melanie Dagg

Date: 19 April 2018

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN10/2018

General Manager's Unit



NOTICES OF MOTION No. BN10/2018

SUBJECT: *COSTS ASSOCIATED WITH MARKETS HELD ON COUNCIL LAND*

COUNCILLOR: *Darrin Gray*

MOTION

That a report be prepared for Council with the following information regarding markets that are held on Council land:-

- The annual income Council receives for market days held on Council land and the impact on the budget if the income is not received
- The details and value of market stall fee exemptions granted in the last two financial years
- Why there is a "Market Stall" fee included in the Fees and Charges
- Information on any other applicable fees if a group wanted to hold markets on Council land. Eg food inspection
- The difference between fees charged for a not for profit organisation and a registered charity

It is my intention to move the above motion at the next Ordinary Meeting of Council on 2 May 2018.

RATIONALE

Council receives regular requests to waive the fees associated with market days and it would be prudent to have a background on the number of applications and actual costs when making decisions on requests.

Sgd: Darrin Gray

Date: 23 April 2018

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN11/2018

General Manager's Unit



NOTICES OF MOTION No. BN11/2018

SUBJECT: POST BOX IN MULBRING

COUNCILLOR: Allan Stapleford

MOTION

That the General Manager liaise with Australia Post to establish a post box in Mulbring as a result of the recent closure of the Post Office Shop in Mulbring.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 2 May 2018.

Sgd: Allan Stapleford

Date: 23 April 2018

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ38/2018

Works and Infrastructure



SUBJECT: *FOOTPATH - WINE COUNTRY DRIVE TO KERLEW STREET*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q37/2018 – Footpath – Wine Country Drive to Kerlew Street

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 18 April 2018:

“why the full length of the footpath along Wine Country Drive from Calvary to Kerlew Street is so narrow?”

The width of the pathway on Wine Country Drive, Nulkaba was constrained by the distance between the property boundary and position of the road, and other features including a power pole.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ39/2018

Works and Infrastructure



SUBJECT: *UNFORMED FOOTPATH NORTHCOTE STREET, KURRI KURRI*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q38/2018 – Unformed footpath Northcote Street, Kurri Kurri

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 18 April 2018:

“when the unformed footpath along Northcote Street, Kurri Kurri will be completed?”

Provision of a shared pathway on Northcote Street, Kurri Kurri between Boundary Street and Appleton Avenue is included the current Pathways Construction Program of the Delivery Program 2017-21.

Construction currently in progress and programmed for completion by 30 June 2018, weather permitting.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ40/2018

Works and Infrastructure



SUBJECT: *NAMING OF BRIDGES HILL PARK*

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

Q39/2018 – Naming of Bridges Hill Park

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 18 April 2018:

“when the naming of Bridges Hill park was decided upon instead of Convent Hill, as there is some confusion in the community?”

The name Convent Hill has not replaced the name Bridges Hill and the two parklands are situated side by side.

Bridges Hill Park (Lot 35 Lot 133522), Convent Hill (Lot 2 DP 748154) and East End Oval (Lot 35 DP 133522) are located immediately north east of the Cessnock CBD and include a local sportsground (East End Oval), a regional park (Bridges Hill Park) and urban bushland (Convent Hill).

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO12/2018

Works and Infrastructure



SUBJECT: *HUNTER EXPRESSWAY - FUNDING FOR CONSTRUCTION OF COMMUTER CAR PARKS*

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

RECOMMENDATION that:

That Council note the correspondence received.

At its Ordinary Meeting of 15 November 2017, Council considered a report, regarding the Commuter Car Parks – Hunter Expressway and resolved as follows:

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.

Following the Council resolution, correspondence was sent to State Ministers and Members of Parliament seeking funding for construction of the subject infrastructure.

A response from Clayton Barr, MP, State Member for Cessnock has been received and is provided for Council's information.

ENCLOSURES

[1](#) ➡ Response from Clayton Barr MP, State Member for Cessnock

Correspondence

Report No. CO13/2018

Works and Infrastructure



SUBJECT: *CESSNOCK CORRECTIONAL CENTRE ACCESS*

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

RECOMMENDATION that:

That Council note the correspondence received.

At its Ordinary Meeting of 1 November 2017, Council considered a report, regarding Cessnock Correctional Centre access and resolved as follows:

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.

Following the Council resolution, correspondence was sent to State Ministers and Members of Parliament expressing concern with the delay in constructing a new access and entrance to the expanded Cessnock Correctional Centre.

A response from The Hon. David Elliott MP, Minister for Corrections and Clayton Barr MP, State Member for Cessnock has been received and is provided for Council's information.

ENCLOSURES

- [1](#) ➡ Response from The Hon. David Elliott MP, Minister for Corrections
- [2](#) ➡ Response from Clayton Barr MP, State Member for Cessnock

Correspondence

Report No. CO14/2018

Works and Infrastructure



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

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

RECOMMENDATION:

That Council note the correspondence received.

At its Ordinary Meeting of 2 August 2017, Council considered a Notice of Motion regarding the NSW Government Funding for Tourist Route 33 – Wollombi Road – Wollombi to Bellbird and resolved as follows:

That the General Manager 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 funding assistance to repair and upgrade Tourist Route 33, particularly between Wollombi and Bellbird.

Following the Council resolution, correspondence was sent to State Ministers and Members of Parliament seeking funding assistance to repair and upgrade Tourist Route 33, particularly between Wollombi and Bellbird.

A response from Kevin Anderson MP, Parliamentary Secretary for Regional Roads, Maritime and Transport has been received and is provided for Council's information.

ENCLOSURES

- [1](#) Response from Kevin Anderson MP, Parliamentary Secretary for Regional Roads, Maritime and Transport