



1 June 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, 6 June 2018 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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- (7) **ADDRESS BY INVITED SPEAKERS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**
- (9) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**  
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MEETING ON 6/06/2018**



## ***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, 16 MAY 2018, COMMENCING AT  
6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Human Resource Manager  
Finance & Administration Manager  
Management Accountant  
Acting Development Services Manager (Team Leader Development Services)  
Principal Development Engineer  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGIES:** Councillor Fagg's Leave of Absence from 15 April 2018 to 16 May 2018 is noted.

**MINUTES:** **MOTION** **Moved:** Councillor Suvaal  
**Seconded:** Councillor Stapleford  
473  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 2 May 2018, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI8/2018**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**PE29/2018 - Development Application No. 8/2017/282/1 proposing construction of a roundabout to facilitate access to St Philip's Christian College - Wine Country Drive, Nulkaba** – Councillor Dunn declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that his child attends the School. Councillor Dunn advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect his decisions nor his duty as a Councillor.

**PE29/2018 - Development Application No. 8/2017/282/1 proposing construction of a roundabout to facilitate access to St Philip's Christian College - Wine Country Drive, Nulkaba** – Councillor Burke declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that his child attends the School. Councillor Burke advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect his decision.

## PETITIONS

The Mayor presented a petition from the residents surrounding the laneway in Alfred Street, Cessnock in regard to airborne dust that is covering the properties and causing health issues for the local residents.

### ADDRESS BY INVITED SPEAKERS

*The Director Planning and Environment had previously declared a Significant Conflict to the General Manager and left the Chamber, the time being 6.34pm*

The following person has been invited to address the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Darren Cox, Principal St Phillip's Christian College	Against Recommendation	PE29/2018 - Development Application No. 8/2017/282/1 proposing construction of a roundabout to facilitate access to St Philip's Christian College  Wine Country Drive, Nulkaba	66	3 mins

#### EXTENSION OF TIME

474

**Moved:**  
**Seconded:**

Councillor Suvaal  
Councillor Fitzgibbon

#### RESOLVED

**That an extension of 1 minute be granted to allow Mr Cox to complete his presentation.**

#### FOR

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

#### AGAINST

Councillor Olsen

**Total (1)**

#### CARRIED



**PLANNING AND ENVIRONMENT NO. PE29/2018**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2017/282/1 PROPOSING  
CONSTRUCTION OF A ROUNDABOUT TO FACILITATE ACCESS TO  
ST PHILIP'S CHRISTIAN COLLEGE**

**WINE COUNTRY DRIVE, NULKABA**

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

1.    That Council determine Development Application No. 8/2017/282/1 proposing the construction of a roundabout to facilitate access to St Philip's Christian College at Wine Country Drive (Lot 1 DP 744377) Nulkaba, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.
2.    That Council supports the concept of a roundabout entrance to St Philips Christian College off Wine Country Drive, Nulkaba for school and community access to the site, subject to an approved design by, and satisfactory arrangements with, the Roads and Maritime Services.
3.    That the General Manager request the Parliamentary Secretary for the Hunter and Central Coast to coordinate an urgent meeting between Cessnock City Council, the Roads and Maritime Services and St Philips Christian College to address the traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba.
4.    That the General Manager continue to work with the Roads and Maritime Services and St Philips Christian College with a view to encourage the submission of a Development Application, as a matter of urgency, by St Philips Christian College, to ensure the necessary upgrade works can be carried out to address serious traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba. The development application must be supported by the necessary documentation and arrangements with the Roads and Maritime Services and be designed in accordance with the requirements of Cessnock City Council and the Roads and Maritime Services.
5.    That the General Manager investigate any immediate measures that could improve pedestrian and vehicular safety adjacent to the College in Wine Country Drive and Lomas Lane, Nulkaba.

**AMENDMENT    Moved:**    Councillor Doherty                      **Seconded:**    Councillor Olsen

1.    That Council determine Development Application No. 8/2017/282/1 proposing the construction of a roundabout to facilitate access to St Philip's Christian College at Wine Country Drive (Lot 1 DP 744377) Nulkaba, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.
2.    That Council supports the concept of an intersection to St Philips Christian College off Wine Country Drive, Nulkaba for school and community access to the site, subject to an approved design by, and satisfactory arrangements with, the Roads and Maritime Services.

3. That the General Manager request the Parliamentary Secretary for the Hunter and Central Coast to coordinate an urgent meeting between Cessnock City Council, the Roads and Maritime Services and St Philips Christian College to address the traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba.
4. That the General Manager continue to work with the Roads and Maritime Services and St Philips Christian College with a view to encourage the submission of a Development Application, as a matter of urgency, by St Philips Christian College, to ensure the necessary upgrade works can be carried out to address serious traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba. The development application must be supported by the necessary documentation and arrangements with the Roads and Maritime Services and be designed in accordance with the requirements of Cessnock City Council and the Roads and Maritime Services.
5. That the General Manager investigate any immediate measures that could improve pedestrian and vehicular safety adjacent to the College in Wine Country Drive and Lomas Lane, Nulkaba.

FOR	AGAINST
Councillor Olsen	Councillor Suvaal
Councillor Doherty	Councillor Fitzgibbon
Councillor Dunn	Councillor Gray
Councillor Stapleford	Councillor Dagg
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
<b>Total (4)</b>	<b>Total (8)</b>

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

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

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
 475  
**RESOLVED**

1. That Council determine Development Application No. 8/2017/282/1 proposing the construction of a roundabout to facilitate access to St Philip's Christian College at Wine Country Drive (Lot 1 DP 744377) Nulkaba, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.
2. That Council supports the concept of a roundabout entrance to St Philips Christian College off Wine Country Drive, Nulkaba for school and community access to the site, subject to an approved design by, and satisfactory arrangements with, the Roads and Maritime Services.
3. That the General Manager request the Parliamentary Secretary for the Hunter and Central Coast to coordinate an urgent meeting between Cessnock City Council, the Roads and Maritime Services, State Member for Cessnock and St Philips Christian College to address the traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba.

4. That the General Manager continue to work with the Roads and Maritime Services and St Philips Christian College with a view to encourage the submission of a Development Application, as a matter of urgency, by St Philips Christian College, to ensure the necessary upgrade works can be carried out to address serious traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba. The development application must be supported by the necessary documentation and arrangements with the Roads and Maritime Services and be designed in accordance with the requirements of Cessnock City Council and the Roads and Maritime Services.
5. That the General Manager investigate any immediate measures that could improve pedestrian and vehicular safety adjacent to the College in Wine Country Drive and Lomas Lane, Nulkaba.

FOR	AGAINST
Councillor Olsen	Councillor Doherty
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

### **CARRIED**

*The Director Planning & Environment returned to the meeting, the time being 7.13pm.*

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

NIL

**MAYORAL MINUTES NO. MM3/2018**

**SUBJECT: MINUTES OF THE GENERAL MANAGERS REVIEW COMMITTEE  
MEETING HELD 9 MAY 2018**

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

476

**RESOLVED**

**That the Minutes of the General Managers Review Committee of 9 May 2018 be adopted as a resolution of the Ordinary Council.**

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

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU8/2018***

***SUBJECT: MOTIONS OF URGENCY***

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**NIL**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE30/2018**

**SUBJECT: FLYING-FOXES - PROGRESS OF EAST CESSNOCK CAMP MANAGEMENT PLAN AND UPDATE ON COMMONWEALTH GOVERNMENT RESPONSE TO "LIVING WITH FRUIT BATS"**

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**MOTION**      **Moved:**    Councillor Suvaal      **Seconded:**    Councillor Burke  
477

#### **RESOLVED**

1. That Council note that all efforts are being made to progress the implementation of the East Cessnock Flying-fox Camp Management Plan.
2. That Council note that the best way to help affected residents is to continue to comply with the legislation, implement the actions of the East Cessnock Flying-fox Camp Management Plan and continue to work with State agencies to seek grant funding.
3. That Council note with some concern, that the Australian Government is yet to respond to the final report and recommendations of the Standing Committee on Environment and Energy Inquiry into Flying-foxes in the Eastern States - "*Living with Fruit Bats*" dated February 2017.
4. That Council write to The Hon Josh Frydenberg MP, Minister for the Environment and Energy, Mr Andrew Broad MP, Chair of the Standing Committee on Environment and Energy, and The Hon Joel Fitzgibbon MP, Member for Hunter, outlining Council's concerns and urging the Australian Government to respond to the final report and recommendations of the Standing Committee on Environment and Energy Inquiry into Flying-foxes in the Eastern States - "*Living with Fruit Bats*" dated February 2017.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE31/2018**

**SUBJECT: HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL**

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**MOTION**                      **Moved:**    Councillor Suvaal                      **Seconded:**    Councillor Sander

478

**RESOLVED**

1.     That Council confirm with the NSW Department of Planning and Environment that each of its currently nominated members of the Hunter and Central Coast Joint Regional Planning Panel, being the Mayor Councillor Pynsent (full member), Councillor Sander (full member), and Councillors Stapleford and Lyons (alternate members), are not developers or real estate agents, and are therefore eligible to continue to participate as a member.
2.     That Council nominate Councillors Gray and Lyons as additional alternate members to enable Section 8.2 review of determinations to be carried out, and advises the NSW Department of Planning and Environment of these nominations.
3.     That Council advises the NSW Department of Planning and Environment that agreement is given to the use of Council's audio recording equipment for the purpose of recording meetings.
4.     That Council nominate Councillor Lyons as the alternate member to participate in the Hunter and Central Coast Joint Regional Planning Panel meeting scheduled for 24 May 2018 in respect of DA 8/2016/557/1, and advise the Panel Secretariat of this nomination.

<b>FOR</b>	<b>AGAINST</b>
Councillor Dunn	Councillor Olsen
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**



## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC33/2018**

**SUBJECT: CESSNOCK CITY COUNCIL INNOVATE RECONCILIATION ACTION PLAN 2018-2020**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
479  
**RESOLVED**

1. That Council adopt the Cessnock City Council Innovate Reconciliation Action Plan.
2. That the Cessnock City Council Innovate Reconciliation Action Plan be submitted to Reconciliation Australia for final endorsement.
3. That if the Cessnock City Council Innovate Reconciliation Action Plan requires changes during the final endorsement process, the General Manager be provided with the delegation to allow minor changes for items where the intent remains and Councillors be informed of any changes via a memo.
4. That if Council resolves to adopt the Cessnock City Council Innovate Reconciliation Action Plan, the Plan be launched during National Reconciliation Week, 27 May to 3 June 2018.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC34/2018**

**SUBJECT: INVESTMENT REPORT - APRIL 2018**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
480  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC35/2018**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
481  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC36/2018**

**SUBJECT: MAYORAL & COUNCILLOR FEES 2018-19**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Sander  
482

**RESOLVED**

1. That Council set the annual Mayoral Fee for 2018-19 at \$43,170 in accordance with the provisions of Section 249 of the Local Government Act 1993.
2. That Council set the annual Councillor Fee for 2018-19 at \$19,790 in accordance with the provisions of Section 248 of the Local Government Act 1993.
3. That Council set an allowance for 2018-19 of \$800 to be paid to the Deputy Mayor, with the Mayoral fee adjusted accordingly.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC37/2018**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - MARCH 2018**

---

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
483

**RESOLVED**

1. That Council note the March 2018 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 1 May 2018.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the March 2018 Quarterly Budget Review Statements.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC38/2018**

**SUBJECT: MARCH 2018 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Fitzgibbon

484

**RESOLVED**

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 31 March 2018.
2. That Council endorse the following changes to the 2017-21 Delivery Program:
  - a. Remove: Water cooling system inspections measure.
3. That Council note the inclusion of individual projects in the Local Road SRV Resurfacing Program & Regional Roads SRV Resurfacing Program.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI34/2018**

**SUBJECT: MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE HELD 5 APRIL 2018**

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**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Burke  
485  
**RESOLVED**

That the Minutes of the Floodplain Management Committee Meeting held 5 April 2018 be adopted as a resolution of the Ordinary Council, which includes the following:

1.    Listed Matter FLOCLM1/2018:
  - That Council note the adjustments to the Floodplain Management Program within the Delivery Program 2017-21, as reported to Council in report WI11/2018.
2.    Listed Matter FLOCLM2/2018:
  - That Council note the status of the voluntary house raising scheme in Cessnock, Weston and Abermain.
3.    Listed Matter FLOCLM3/2018:
  - That Council adopt changes to the Cessnock City (Black Creek) Flood Model between Greta Street and Aberdare Road, Aberdare.
  - That Section 149 Certificates be modified for affected properties between Greta Street and Aberdare Road, Aberdare.
  - That amendments to the Cessnock City (Black Creek) Flood Model in Aberdare, downstream of Aberdare Road, be deferred pending a 2016 ARR compliant modelling and updated the flood study.
  - That the findings of the updated flood model be reported back to the Floodplain Management Committee for reconsideration.
4.    Listed Matter FLOCLM4/2018:
  - That Council note the status of the design of the South Cessnock Bund Wall Scheme.
5.    Listed Matter FLOCLM5/2018:
  - That Council note the status of the Greta Flood Study.
6.    Listed Matter FLOCLM6/2018:
  - That Council note the status of the Wallis, Fishery & Swamp Creek Flood Study.
7.    Listed Matter FLOCLM7/2018:
  - That Council note the status of the Cessnock, and Abermain & Weston Flood Warning Systems.
8.    Listed Matter FLOCLM8/2018:
  - That Council note the status of the Wollombi Flood Warning System.

**FOR****AGAINST**

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

**Total (12)****Total (0)*****CARRIED UNANIMOUSLY***



## **WORKS AND INFRASTRUCTURE NO. WI35/2018**

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD  
16 APRIL 2018**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Lyons  
486  
**RESOLVED**

That the recommendations of the Local Traffic Committee Meeting of 16 April 2018 be adopted as a resolution of the Ordinary Council being:

1. TC10/2018 - That temporary regulation of traffic be approved for the Lovedale Long Lunch in accordance with the enclosed Lovedale Long Lunch \_ Traffic Control Plans;
2. TC11/2018 - That angle parking, regulatory signage and line marking be installed on Talga Road, Lovedale in accordance with enclosed Talga Road Lovedale \_ Sign & Line Marking Diagram;
3. TC12/2018 - That delineation, line marking, and regulatory parking signage be installed on Dixon Street, Lambert Street, and Mills Crescent, Cessnock in accordance with Dixon Street Cessnock \_ Sign & Line Marking Diagram;
4. TC13/2018 - That line marking, and regulatory parking signage be installed on King Street, Abermain in accordance with King Street Abermain \_ Sign & Line Marking Diagram;
5. TC14/2018 - That signage and pavement markings be installed on Wollombi Road, Cessnock in accordance with Wollombi Road Cessnock \_ Sign Diagram;
6. TC15/2018 - That regulatory parking signage be installed on Lang Street, Kurri Kurri in accordance with Lang Street Kurri Kurri \_ Sign Diagram; and
7. TC16/2018 - That regulatory parking signage be installed on Tomalpin Street, Kearsley in accordance with Tomalpin Street Kearsley \_ Sign Diagram.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI36/2018**

**SUBJECT: 2017/2018 AQUATIC SEASON REVIEW AND FAMILY FUN DAYS**

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

487

**RESOLVED**

1. That Council notes the information contained within the report.
2. That attendance statistics, for each individual pool, for the free Sunday fun days be included in the report showing a comparison with the same days in the previous season.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN12/2018**

**SUBJECT:     PLAQUE FOR THE LATE COUNCILLOR JEFF MAYBURY**

---

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

488

#### **RESOLVED**

**That Council install a plaque acknowledging the late Councillor Jeff Maybury adjacent to the Maybury Peace Park sign in Maybury Peace Park at Weston.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

#### **CARRIED**

**BUSINESS WITH NOTICE NO. BN13/2018**

**SUBJECT: PAY DAY LENDING MACHINES**

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

1. That Council, In Principle, support a ban on PayDay lending machines in the Cessnock Local Government Area.
2. That the General Manager, on behalf of the council, write to ASIC urging the immediate ban on pay day lending machines.
3. That the General Manager write to the Federal Member for the Hunter the Hon Joel Fitzgibbon, MP and the Federal Member for Paterson Meryl Swanson, MP seeking Federal support and representation on behalf of Council, to ASIC, urging the members to lobby any relevant departments that can further our cause to have PayDay Lending Machines banned.

**AMENDMENT**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke

1. That Council, In Principle, support a ban on PayDay lending machines in the Cessnock Local Government Area.
2. That Council note that :-
  - \* The Turnbull government commissioned an independent review into payday lending in August 2015
  - \* The final report was delivered to the Government in 2016
  - \* It recommended a range of legislative changes to protect those borrowing from pay day lenders
  - \* The Government promised it would legislate the recommendations during 2017
  - \* The legislation has still not been forthcoming
  - \* Members of the Government are in disagreement over the review's recommendations
3. That Council write to the Prime Minister asking him to fulfil the Government's promise to accept and legislate for the independent review's recommendations.

*Councillor Doherty left the meeting, the time being 07.35pm.*

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

**Total (11)**

**Total (0)**

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

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

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

489

**RESOLVED**

1.     That Council, In Principle, support a ban on PayDay lending machines in the Cessnock Local Government Area.
  
2.     That Council note that :-
  - \*     The Turnbull government commissioned an independent review into payday lending in August 2015
  - \*     The final report was delivered to the Government in 2016
  - \*     It recommended a range of legislative changes to protect those borrowing from pay day lenders
  - \*     The Government promised it would legislate the recommendations during 2017
  - \*     The legislation has still not been forthcoming
  - \*     Members of the Government are in disagreement over the review's recommendations
  
3.     Council write to the Prime Minister asking him to fulfil the Governmmnet's promise to accept and legislate for the independent review's recommendations.

FOR	AGAINST
-----	---------

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

	<b>Total (0)</b>
--	------------------

***CARRIED UNANIMOUSLY***

## ***ANSWERS TO QUESTIONS FOR NEXT MEETING***

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ41/2018***

***SUBJECT: PRAM RAMP AND FOOTPATH - O'CONNORS ROAD AND OCCIDENT STREET, NULKABA***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ42/2018***

***SUBJECT: EMAIL REGARDING UNIVERSITY OF TECHNOLOGY***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ43/2018***

***SUBJECT: FRAME DRIVE ROADWORKS***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ44/2018***

***SUBJECT: COMMUTER CAR PARKING***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ45/2018***

***SUBJECT: KURRI KURRI AQUATIC CENTRE***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ46/2018***

***SUBJECT:      NEIGHBOUR NOTIFICATION - GRANNY FLATS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ47/2018***

***SUBJECT:      ACCESS TO NEARMAPS***

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The answer was noted.



## **QUESTIONS FOR NEXT MEETING**

*Councillor Anne Sander*

### **GUARD RAIL AT MAYBURY PEACE PARK BRIDGE**

Councillor Sander asked if Council could investigate extending the guard rail on the left hand side of the Maybury Peace Park bridge.

*Councillor Ian Olsen*

### **BAILEYS LANE ROADWORKS**

Councillor Olsen advised that residents of Baileys Lane have asked him how long it will be before they can expect the works to commence on the intersection.

*Councillor Ian Olsen*

### **LOSS OF CARPARKING SPACES AT WOOLWORTHS CARPARK**

Councillor Olsen referred to the development works that are being carried out at the Woolworths Carpark and the fact that there has been a loss of 10-12 car parking spaces and asked if Council has any Section 94 funds or anything for the loss of the carparking spaces or how are they compensating.

*Councillor Rod Doherty returned to the meeting, the time being 7.38pm*

*Councillor Darrin Gray*

### **KURRI KURRI AMBULANCE HALL WORKS**

Councillor Gray asked for an update on the current situation at the Kurri Kurri Ambulance Hall and a timeline on when the repairs should be completed?

*Councillor Darrin Gray*

### **KURRI KURRI COMMUNITY CENTRE WORKS**

Councillor Gray asked for an update on the repairs to the Kurri Kurri Community Centre?

*Councillor Di Fitzgibbon*

### **BUCKLAND AVENUE/HENDERSON AVENUE AND MARLTON STREET**

Councillor Fitzgibbon asked if Buckland Avenue/Henderson Avenue and Marlton Street are included in any future road plans.

*Councillor Rod Doherty*

**VINTAGE BALANCE LANDS**

Councillor Doherty asked what is the trigger point before the tourist facilities, hotel and golf course have to be done.

*Councillor Melanie Dagg*

**HANDOVER - NEW ENGLAND HIGHWAY/MAITLAND STREET, BRANXTON**

Councillor Dagg asked if the outstanding issues would be finalised before the handover takes place.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO15/2018**

**SUBJECT:     POTENTIAL RETURN OF GREYHOUND RACING AT CESSNOCK SHOWGROUNDS**

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**MOTION**           **Moved:**   Councillor Dagg           **Seconded:**   Councillor Suvaal  
490  
**RESOLVED:**

**That Council note the correspondence received.**

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

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Mayor Pynsent

### **Association of Mine and Energy Related Councils**

The Mayor advised of his attendance at the meeting of the Association of Mine and Energy Related Councils held at Cobar and his participation in a Forum on Solar Energy and Wind Turbines, about 40 people attended the Forum.

Wind – there are three main areas in NSW where wind turbines are being developed, those being the Southern Highlands/Canberra area, the Liverpool Ranges and in the New England/Tenterfield Region. What a Wind Turbine does to a community/Council, it enables them to have a VPA so that the company that builds/develops that alternative energy puts something back to compensate the community.

Solar – issues are completely different when it comes to VPA's. State significant approvals, that's something like more than \$20 million. There are twenty two approved solar farms in NSW from the State level, five are operational, seven under construction and another ten still in the pipeline that have approval. There is no requirements for the builder or developer of a State Significant Solar Farm to enter into any form of VPA. A solar farm, apart from construction, gives very few permanent jobs to a Shire or Council area apart from Contractors who would clean the panels annually. It is important that there is not in the State Significant development process VPA's allocated to those Local Government Areas where these developments are happening. Currently the largest solar farm in NSW is near Nyngan and the Council there has put in a viewing platform to use as a tourist attraction.

A company has developed solar bollard and temporary lighting in parks and street lights and the benefit of that is that it reduces everyday costs.

Mike Young from the Department of Planning spoke about the two areas in New South Wales that have been identified for Gas Exploration and they fall within the Shires of Darling and Broken Hill.

Councillor Dagg

### **Association of Mine and Energy Related Councils**

Delegates received an address by Rick Colless MLC who chairs the Western Mining Taskforce. He spoke about the role of that taskforce in dealing with a scenario planning tool, skills and skills development, social housing and affordability, identifying future mineral deposits and planning for future community impacts by mining.

Additionally, Darriea Turley, Mayor of Broken Hill and member of the newly formed Mining Cities Alliance spoke about a regional approach to the creation of an economic diversity strategy for mining affected communities and there was much enthusiastic discussion around returning mining royalties to the affected mining communities.

We spoke of the general leveraging of opportunities for affected mining and energy related communities and how we mitigate negative impacts, additionally the sterilisation of prime agricultural land through energy generation and looking at the coexistence of solar farms and farming of sheep. Lastly, the future incorporation of solar, wind and batteries into planning through BASIX, and energy generation through bio solids and waste.

## **Hunter Water Customer & Community Advisory Group**

I recently attended the latest meeting of the Hunter Water Customer & Community Advisory Group where members received a number of presentations. Managing Director, Jim Bentley, addressed the group and spoke of his continuing insistence that HW under his leadership, continue to focus on three core objectives: water conservation through leakage management, water supply security and avoiding the need for investment in big infrastructure. Achieving these objectives will result in lower water bills, a smaller impact on the environment and a safe and healthy water supply for customers. There is a renewed focus on actively investigating the increased use of wastewater by industrial and agriculture customers. Additionally, investigations are continuing into the use of bio solids for energy generation. Noting that 99% of bio solids are currently wasted, there is a huge potential for innovation and this would assist HW in achieving its aspirational target of being carbon neutral by 2030. There were further discussions regarding HW's ability to respond to drought and the various triggers for action, including the construction of temporary desalination plants as a measure of last resort, for which HW has already lodged a DA in readiness of the need for such a plant in Belmont. HW has also recently kicked off its "Love Water" campaign, as it pushes for greater awareness amongst the public of water conservation and as the old saying goes, every drop counts.

Councillor Gray

## **Hunter Health Partnerships Forum**

Councillor Gray advised that he and Councillor Sander attended the Hunter health Partnerships Forum at Medowie and from that meeting there were interesting statistics that came out. There is over \$2 billion spent on health in the Hunter Region and \$15 million is being spent in local capital at the moment. They believe that there is an over focus now, a trend away from bricks and mortar, where we tend to be out there fighting for hospitals and physical infrastructure on the ground, they are looking at more innovative ideas and processes, which they are funding from savings from within the health budget.

They have just installed a \$4 million dollar PET camera so that they can do tele health and if you go to Kurri Hospital at the moment they have cameras above the beds so that surgeons do not have to be in the same room.

Mayor Pynsent

**Proclamation of Hunter Joint Organisation**

The Mayor referred to the Proclamation of the Hunter Joint Organisation and advised that he will report back verbally as the process continues. Briefly, they will be set up the same as a Council, having a Code of Meeting Practice, Code of Conduct, S449 Declaration, members will be the 10 Councils and they need to meet before 29 June as there is a \$300,000 to set up the Joint Organisation to the guidelines.

*The Meeting Was Declared Closed at 7.51pm*

**CONFIRMED AND SIGNED** at the meeting held on 6 June 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI9/2018**

**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.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI2/2018

Corporate and Community Services



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

***PE36/2018 - MINUTES OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES MEETING HELD 9 MAY 2018***

***PE37/2018 - VINEYARD GROVE STAGE 8 DEVELOPMENT***

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

**RECOMMENDATION**

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2) (c) (di) (dii) of the Local Government Act 1993:  
  
Report Numbers PE36/2018 – Minutes of the Strategic Property and Community Facilities Meeting held 9 May 2018 and PE37/2018 – Vineyard Grove Stage 8 Development as they deal with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council.
2. That Council request the Mayor in accordance with Section 253 of the Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

**SUMMARY**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “Confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

**ENCLOSURES**

There are no enclosures for this report.



Mayoral Minute

Report No. MM4/2018

General Manager's Unit



## ***MAYORAL MINUTE No. MM4/2018***

***SUBJECT: CESSNOCK HALL OF FAME***

### ***RECOMMENDATION***

**That Council endorse the removal of Philip Wilson from the Cessnock City Hall of Fame.**

### ***REPORT/PROPOSAL***

Council in 2006 inducted Philip Wilson into the Cessnock City Hall of Fame. During May 2018 Archbishop Wilson was convicted in a New South Wales Court of concealing child sexual abuse and is currently awaiting sentencing.

Due to the nature of this conviction, as an interim measure exercising power under Section 226 of the Local Government Act 1993 (NSW) which states inter alia, that *the role of the mayor is as follows,:* (d) *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*, actions were taken to remove Archbishop Wilson from the Hall of Fame, pending formal Council endorsement of this action.

The interim actions included removal of reference on the Council website, removal of the plaque in Vincent Street Cessnock and covering of the listing at the Performing Arts Centre. Following Council consideration of this matter, the permanent removal from the Hall of Fame is recommended.

### ***ENCLOSURES***

There are no enclosures for this report

**Motions of Urgency**

**Report No. MOU9/2018**

**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.

General Manager's Unit  
Report No. GMU12/2018  
General Manager's Unit



**SUBJECT:** *GROWING LOCAL ECONOMIES FUNDING - CESSNOCK AIRPORT UPGRADE APPLICATION*

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

## **SUMMARY**

The report seeks Council's approval to submit a grant application under the NSW Government's Growing Local Economies Funding Stream for the Cessnock Airport Upgrade project.

## **RECOMMENDATION**

1. That Council endorse the submission of an Expression of Interest for the Cessnock Airport Upgrade project with a total project cost of \$7,622,000 that includes a co-contribution from Council of approximately \$1,905,500.
2. That Council accept the funding offer from the NSW Government to fund the preparation of a Business Case to support the full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.
3. That a further report describing the Business Case and Council's funding arrangements for the co-contribution, be considered by Council prior to the submission of a full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.

## **BACKGROUND**

On 2 August 2017, Council considered Report No. W156/2017 and resolved:

*"That Council endorses the submission of six (6) EOI applications under the Restart NSW - Resource for Regions program for the following prioritised projects:*

1. Cessnock Airport Upgrade
2. Branxton to Greta Cycleway
3. Cessnock to Kurri Kurri – HEX Cycleway
4. Bridges Hill, Convent Hill and East End Oval Upgrade
5. Cessnock CBD Revitalisation (Stage 2)
6. Abbotsford Street Bridge"

The EOI submissions for the above prioritised projects were submitted with the following projects being accepted to apply for a full application:

1. Bridges Hill, Convent Hill and East End Oval Upgrade;
2. Cessnock CBD Revitalisation (Stage 2); and
3. Abbotsford Street Bridge.

**General Manager's Unit**

**Report No. GMU12/2018**

**General Manager's Unit**



At the time of drafting this report Council has not received notification of the success of these full applications, however Council has been advised that the announcement is pending.

The EOI's for Projects 1. Cessnock Airport Upgrade and Projects 2 and 3 cycleways, were not successful for full applications.

Council officers have been notified that as the Cessnock Airport Upgrade is listed under the Regional Economic Development Strategy, the project meets the criteria for submission of an Expression of Interest (Step 1) under the Growing Local Economies Funding stream.

Acceptance of the Expression of Interest would then allow Council to submit a full application for the project. In addition, \$20,000 is available from the State Government under the Growing Local Economies program for the preparation of the Business Case as part of the full application process. The Business Case would clearly outline how the Cessnock Airport will generate income for Council in the medium to long term.

**REPORT/PROPOSAL**

**Cessnock Airport Upgrade**

**1. Background**

Cessnock Airport has the potential to be the Hunter Region's "second airport". The proposed growth of Newcastle Airport (in terms of number of flights) will provide opportunities for smaller aviation operations to re-locate to Cessnock. Similarly, individuals and businesses forced out of Bankstown Airport may also consider re-locating to Cessnock.

Cessnock Airport is an important part of the both the local, regional and State economy; and this project will create sustainable employment and increase the economic resilience of the region in the short to long term.

**2. Scope**

The scope of the project includes the extension of the runway and the widening of the taxiways to improve the accessibility of the airport; the connection of water and sewer services will unlock the development potential of the western side of the site; and the provision of additional aircraft storage and parking along with enhanced security measures which will position the facility to cater for the future demand for aviation services and other supply chain businesses.

**3. Estimated Construction Cost**

The estimated cost of the identified infrastructure upgrades is \$7.622 M.

Under the Growing Local Economies funding arrangements, Council will be required to provide a minimum 25% co-contribution towards this project which is approximately \$1,905,500. These funds may be sourced from borrowings and will be fully described in a future report to Council should the Expression of Interest proceed to the next stage. The funding from the Growing Local Economies funding stream would be up to \$5,716,500.

General Manager's Unit

Report No. GMU12/2018

General Manager's Unit



#### **4. Construction Economic Benefits and Benefit Cost Ratio**

##### ***Economic Benefits***

Investment in the construction of the Cessnock Airport Infrastructure Upgrade project will have significant economic benefits that will flow on to other sectors of the economy. From a direct injection of \$7.622 million, it is estimated that the demand for intermediate goods and services would rise by \$5.379 million. These industrial effects include multiple rounds of flow-on effects, as servicing sectors increase their own output and demand for local goods and services, in response to the direct change to the economy.

##### ***Output***

The increases in direct and indirect output would typically correspond to the creation of jobs in the economy. Corresponding to this change in employment would be an increase in the total of wages and salaries paid to employees. A proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated at \$1.568 million.

Total output, including all direct, industrial and consumption effects is estimated to increase by up to \$14.569 million. This represents an output multiplier effect of 1.911.

##### ***Employment***

From a direct increase in output of \$7.622 million, it is anticipated that 16 jobs will be created for the planning and construction phase of the project. From this direct expansion in the economy, flow on industrial effects in terms of local purchases of goods and services are anticipated, and therefore it is estimated that these indirect impacts would result in the gain of a further 15 jobs, with another 4 jobs being created as a result of additional consumption in the local economy.

Total employment, including all direct, industrial and consumption effects is estimated to increase by up to 37 jobs. This represents an employment multiplier effect of 2.313.

##### ***Wages and Salaries***

From a direct investment of \$7.622 million, it is estimated that direct wages and salaries and wages would increase by \$1.243 million. From this direct expansion in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the gain of a further 15 jobs and a further increase in wages and salaries of \$1.135 million. This represents a direct wages and salaries multiplier effect of \$1.914.

In addition, the direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are expected to further boost employment in sectors such as retail and services therefore further increasing wages and salaries by \$0.374 million.

Total wages and salaries, including all direct, industrial and consumption effects is estimated to increase by up to \$2.752 million. This represents a total wages and salaries multiplier effect for this project of 2.215.

General Manager's Unit

Report No. GMU12/2018

General Manager's Unit



### ***Impact – Value-Added***

From direct, industrial and consumer effects, the expansion in the economy of purchases and goods, boost to jobs and increases in salaries and wages are estimated to increase total value-added by up to a further \$5.261 million. This represents a value-added multiplier effect of 2.216.

### **5. Benefit Cost Ratio**

The estimated Benefit Cost Ratio for this project is between 2.31 and 2.71, well above the required minimum Benefit Cost Ratio of 1.

### ***OPTIONS***

#### **Option 1:**

1. That Council endorse the submission of an Expression of Interest for the Cessnock Airport Upgrade project with a total project cost of \$7,622,000 that includes a co-contribution from Council of approximately \$1,905,500.
2. That Council accept the funding offer from the NSW Government to fund the preparation of a Business Case to support the full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.
3. That a further report describing the Business Case and Councils funding arrangements for the co-contribution, be considered by Council prior to the submission of a full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.

***This is the preferred option.***

#### **Option 2:**

That Council does not submit an Expression of Interest for funding application for the Cessnock Airport Upgrade project under the Growing Local Economies funding stream.

### ***CONSULTATION***

The following stakeholders were consulted:

- General Manager
- Director Works & Infrastructure
- Director Corporate and Community Services

### ***STRATEGIC LINKS***

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

Community Objective 2.1 – Diversifying Local Business Options

Community Objective 2.3 – Increasing Tourism Opportunities & Visitation in the Area

Community Objective 4.1 – Better transport links

General Manager's Unit

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**b. Other Plans**

Hunter Regional Transport Plan (2014)  
Hunter Strategic Infrastructure Plan (2013)  
Hunter Economic Infrastructure Plan (2013)  
Community Strategic Plan (2013)  
Cessnock Airport Strategic Plan (2014)  
Draft Regional Economic Development Plan (2018)  
Request by Council to have the Cessnock Airport listed as a Catalyst Site in the yet to be released Greater Newcastle Metropolitan Plan

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The Growing Local Economies Funding stream requires a minimum co-contribution of 25% of the total project cost. If Council is successful with this project, co-contributions will be required as detailed above in this report and suitable funding arrangements will be presented to the Council for its consideration.

**c. Legislative Implications**

Nil

**d. Risk Implications**

That Council is not willing to make an application under the Growing Local Economies funding program, foregoing the opportunity of securing external funds to undertake this significant infrastructure project.

That Council is unable to provide the support funding required for the success of this project on a 25:75 (Council: Growing Local Economies) shared cost basis.

**e. Environmental Implications**

Nil

**f. Other Implications**

If the upgrade of the Cessnock Airport is not undertaken, this will severely limit business investment opportunities for the airport that the upgrade would bring and consequently have a negative economic impact across the whole of the Local Government Area.

General Manager's Unit

Report No. GMU12/2018

General Manager's Unit

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### ***CONCLUSION***

Council has an opportunity to make an Expression of Interest application (Step 1) under the Growing Local Economies Funding program to potentially receive major funding for the upgrade of the Cessnock Airport.

Whilst the funding being offered requires a co-contribution, the upgrade to the Airport would significantly boost the opportunity to attract business investment to the facility and provide resultant needed economic growth in the Local Government Area.

Further, \$20,000 funding has been offered by the State Government to prepare a Business Case for Step 2 of the Funding program, which will clearly outline how income generated from the airport can finance the debt levels of the loan over the medium to long term and reducing any financial risk associated with the project.

### ***ENCLOSURES***

There are no enclosures for this report



General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE AUDIT COMMITTEE MEETING HELD 1 MAY 2018*

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

**RECOMMENDATION**

1. That the Minutes of the Audit Committee Meeting of 1 May 2018 be adopted as a resolution of the Ordinary Council.
2. That Council endorse the Strategic Internal Audit Plan 2018 – 2021 and the Annual Internal Audit Plan 2018 – 2019.

**MINUTES OF AUDIT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON TUESDAY, 1 MAY 2018, COMMENCING AT 9.32 AM**

**PRESENT:** Mrs Jennifer Hayes – Independent Chair  
Mayor Bob Pynsent  
Councillor Paul Dunn  
Dr Felicity Barr – Independent Representative  
Mr Stephen Coates – Independent Representative

**IN ATTENDANCE:** Mr Stephen Glen – General Manager  
Mr Robert Maginnity – Director Corporate & Community  
Mr Gareth Curtis – Director Planning & Environment  
Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure  
Ms Darrylen Allan – Human Resources Manager  
Mr Ian Lyall – Internal Auditor  
Mr Andrew Glauser – Finance and Administration Manager  
Ms Cath Watson – External Auditor – Forsyths Business Services Pty Ltd (*via teleconference, from 9.32 to 10.27am*)  
Mr Furqan Yousuf – External Auditor – NSW Audit Office (*via teleconference, from 9.32 to 10.01am*)  
Mrs Robyn Keegan – Minute Taker

**INVITEES:** Mr Paul Grosbernd – Management Accountant  
Mr Manav Sharma – Financial Accountant  
Ms Kelly McGowan – Operations Accountant  
Mr Steve Hepple – IT Manager  
Ms Catherine Bradley – Infrastructure Accountant  
Ms Samantha Clift – Enterprise Risk Management Coordinator  
Ms Rachael O'Hara – Business Support Officer  
Mr Nathan Eveleigh – Recreation and Community Facilities Coordinator

## **APOLOGIES**

Mr James Sugumar – NSW Audit Office

## **ACKNOWLEDGEMENT OF COUNTRY**

The Chair delivered an Acknowledgement of Country.

## **CONFIRMATION OF MINUTES**

### **MINUTES:**

#### **MOTION**

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

**RESOLVED** that the Minutes of the Audit Committee held on 6 February 2018, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

The Chair welcomed the new Independent Member – Stephen Coates to the Committee.

## **DISCLOSURES OF INTEREST**

### **COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI1/2018**

**SUBJECT:** **DISCLOSURES OF INTEREST**

Nil

## **BUSINESS ARISING FROM THE MINUTES**

Nil

General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. ACCLM8/2018**

**SUBJECT:** 2018 ANNUAL AUDIT PREPAREDNESS

**MOTION  
RESOLVED**

**Moved:** Stephen Coates

**Seconded:** Dr Felicity Barr

The Audit Committee noted the status of the 2018 external audit.

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. ACCLM9/2018**

**SUBJECT:** NSW AUDITOR-GENERAL'S REPORT TO PARLIAMENT FINANCIAL  
AUDIT - REPORT ON LOCAL GOVERNMENT 2017

**MOTION  
RESOLVED**

**Moved:** Jennifer Hayes

**Seconded:** Councillor Dunn

The Audit Committee noted the NSW Auditor-General's Report relating to Financial Audit – Report on Local Government 2017.

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. ACCLM10/2018**

**SUBJECT:** AUDITOR-GENERAL LOCAL GOVERNMENT PERFORMANCE AUDIT  
REPORT - COUNCIL REPORTING ON SERVICE DELIVERY

**MOTION  
RESOLVED**

**Moved:** Mayor Pynsent

**Seconded:** Stephen Coates

The Audit Committee noted the Auditor-General Performance Audit Report on Council Report on Service Delivery and that the Office Of Local Government will take account of the findings and recommendations in revised Integrated Planning and Reporting Guidelines and the Performance Management Framework for Councils which is currently in development.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM11/2018***

***SUBJECT: CORPORATE RISK PROFILE***

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

1. The Audit Committee noted the Strategic Risk Register as part of the development of Council's Risk Management Framework.
2. That protection from Cyber attack should be incorporated in the Strategic Risk Register.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM12/2018***

***SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - MARCH 2018***

***MOTION Moved: Jennifer Hayes Seconded: Stephen Coates  
RESOLVED***

The Audit Committee endorsed the March 2018 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2005.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM13/2018***

***SUBJECT: INFORMATION TECHNOLOGY - UPDATE OF RISK ASSESSMENT  
ACTION ITEMS***

***MOTION Moved: Dr Felicity Barr Seconded: Stephen Coates  
RESOLVED***

The Audit Committee noted the information regarding the risk assessment of Council's Information Technology systems.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM14/2018***

**SUBJECT:** ***STRATEGIC INTERNAL AUDIT PLAN 2018 - 2021 AND ANNUAL  
INTERNAL AUDIT PLAN 2018 - 2019***

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Mayor Pynsent  
**RESOLVED**

The Audit Committee recommended to Council that the Strategic Internal Audit Plan 2018 – 2021 and the Annual Internal Audit Plan 2018 – 2019 be endorsed.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM15/2018***

**SUBJECT:** ***INTERNAL AUDIT REPORT APRIL 2018***

**MOTION**      **Moved:** Stephen Coates      **Seconded:** Dr Felicity Barr  
**RESOLVED**

The Audit Committee noted the April 2018 Internal Audit Report.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM16/2018***

**SUBJECT:** ***ACCOUNTS PAYABLE (PROCURE TO PAY) INTERNAL AUDIT  
REPORT***

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Dr Felicity Barr  
**RESOLVED**

The Audit Committees noted the internal audit report on Accounts Payable (Procure to Pay) and the agreed management action plan.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM17/2018***

***SUBJECT: DRAFT PROCUREMENT POLICY REVIEW***

***MOTION Moved: Stephen Coates Seconded: Councillor Dunn  
RESOLVED***

The Audit Committee noted the report and provided feedback on the draft Procurement Policy.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM18/2018***

***SUBJECT: AUDIT COMMITTEE INDICATIVE CALENDAR***

***MOTION Moved: Jennifer Hayes Seconded: Dr Felicity Barr  
RESOLVED***

The Audit Committee noted the indicative Calendar.

***CARRIED UNANIMOUSLY***

*Stephen Coates left the meeting, the time being 11.42 pm  
Stephen Coates returned to the meeting, the time being 11.45 pm*

General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM19/2018**

**SUBJECT: PROPOSED MEETING SCHEDULE 2018/19**

**MOTION Moved:** Mayor Pynsent **Seconded:** Jennifer Hayes  
**RESOLVED**

The Audit Committee endorsed the proposed meeting dates.

*Special Meeting*  
16 October 2018

*Ordinary Meetings*  
7 August 2018  
6 November 2018  
5 February 2019  
7 May 2019

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM20/2018**

**SUBJECT: AUDIT COMMITTEE OUTSTANDING ITEMS REPORT**

**MOTION Moved:** Jennifer Hayes **Seconded:** Councillor Dunn  
**RESOLVED**

The Audit Committee noted the report.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM21/2018**

**SUBJECT: DRIVES24 INTERNAL AUDIT**

**MOTION Moved:** Mayor Pynsent **Seconded:** Jennifer Hayes  
**RESOLVED**

The Audit Committee noted the internal audit report on DRIVES24.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM22/2018***

***SUBJECT: PLANNING REFORM FUND AUDIT***

***MOTION Moved: Stephen Coates Seconded: Mayor Pynsent  
RESOLVED***

The Audit Committee noted the internal audit report on the Planning Reform Fund.

***CARRIED UNANIMOUSLY***

***CORRESPONDENCE***

Nil

***GENERAL BUSINESS***

***GENERAL BUSINESS - COMMITTEE NO. ACCGB1/2018***

***SUBJECT: ENTERPRISE RISK MANAGEMENT FRAMEWORK UPDATE***

***MOTION Moved: Dr Felicity Barr Seconded: Stephen Coates  
RESOLVED***

The Audit Committee noted the Enterprise Risk Management Framework was adopted by Council on 7 March 2018 with no amendments.

***CARRIED UNANIMOUSLY***



General Manager's Unit  
Report No. GMU13/2018  
General Manager's Unit



*Mayor Pynsent*

**ATTENDANCE AT THE IIA AUDIT & RISK COMMITTEE FORUM**

**MOTION**    **Moved:** Jennifer Hayes    **Seconded:** Stephen Coates  
**RESOLVED**

The Committee supported the Councillor Committee members' attendance at the IIA Audit and Risk Committee Forum in May 2018 in Melbourne.

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 11.52pm*

**PRESENTATION**

Aquatic Centres	Recreation and Community Facilities Coordinator – Nathan Eveleigh	Presentation only (10 minutes)
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**ENCLOSURES**

There are no enclosures for this report.

Planning and Environment

Report No. PE32/2018

Planning and Environment



**SUBJECT:** *DEVELOPMENT APPLICATION 8/2017/148/1 - EXTENSION OF TRADING HOURS OF THE MCDONALD'S DRIVE-THRU FACILITY TO ALLOW 24 HOURS, 7 DAYS A WEEK TRADING FOR A 12 MONTH TRIAL PERIOD*

*12-14 ALLANDALE ROAD, CESSNOCK*

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

<b>APPLICATION NUMBER:</b>	8/2017/148/1
<b>PROPOSAL:</b>	Extension of trading hours of the McDonald's drive-thru facility to allow for 24 hours, 7 days a week trading for a 12 month trial period
<b>PROPERTY DESCRIPTION:</b>	Lot 101 DP 828724
<b>PROPERTY ADDRESS:</b>	12-14 Allandale Road, Cessnock
<b>ZONE:</b>	B4 Mixed Use
<b>OWNER:</b>	McDonald's Properties (Australia) Pty Ltd
<b>APPLICANT:</b>	McDonald's Australia Ltd

## RECOMMENDATION

1. That Council determine Development Application No. 8/2017/148/1 proposing the extension of trading hours of the McDonald's drive-thru facility to allow for 24 hours, 7 days a week trading for a 12 month trial period, at 12-14 Allandale Road (Lot 101 DP 828724) Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report; 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. 8/2017/148/1 is being referred to Council for determination because it has been called-up in accordance with the provisions of Development Practice

**Planning and Environment**

**Report No. PE32/2018**

**Planning and Environment**



Note G3 – ‘Delegations for Determination of Development Applications’, by three (3) Councillors.

## **EXECUTIVE SUMMARY**

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Council is in receipt of Development Application No. 8/2017/148/1 seeking approval for the extension of trading hours of the Cessnock McDonalds drive-thru facility to allow for 24 hours, 7 days a week trading for a 12 month trial period. Cessnock McDonalds is located at 12-14 Allandale Road, Cessnock.

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.

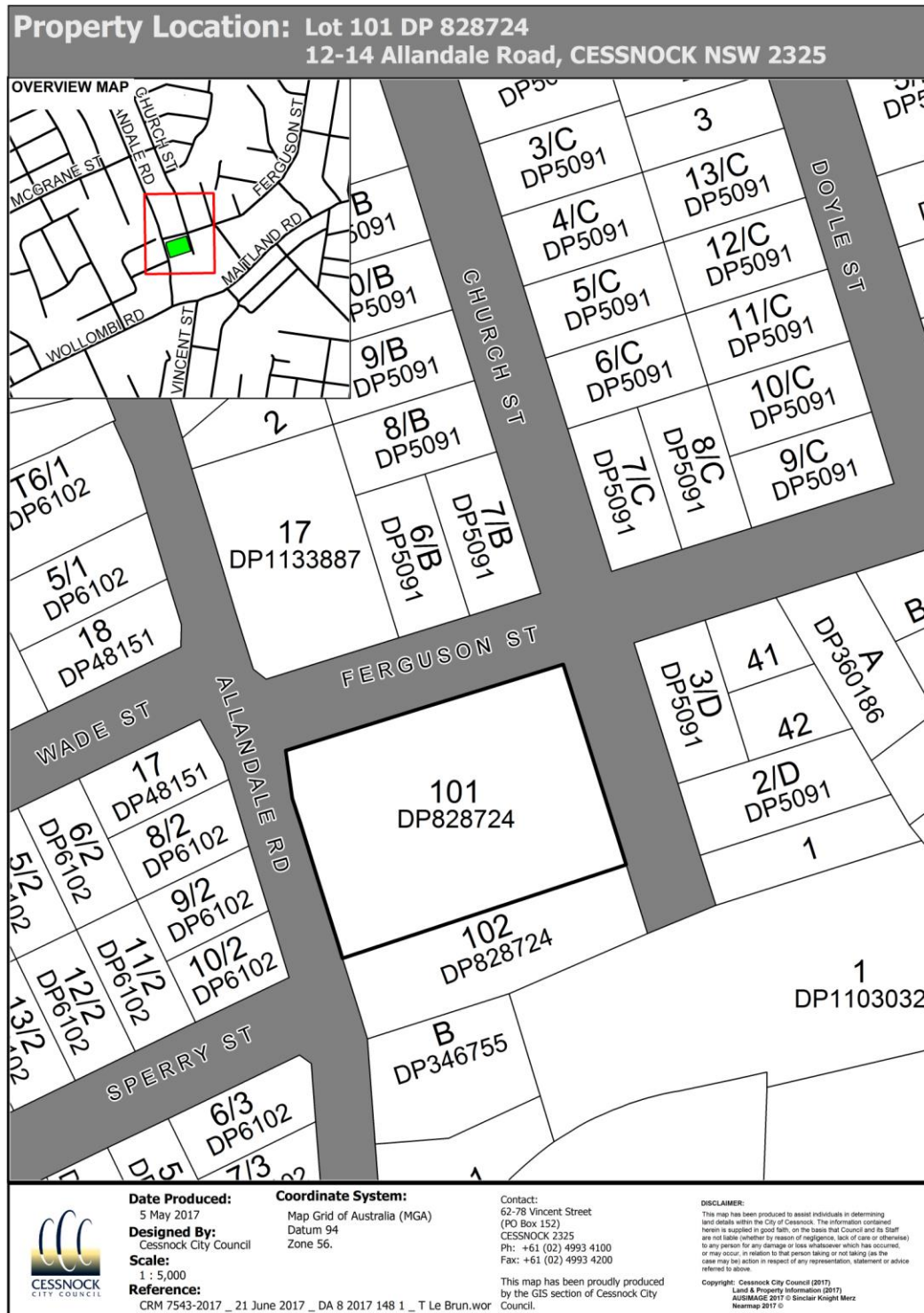
During the development assessment process, the Development Application was amended by the applicant in response to concerns raised by Council, the NSW Police Force and the community. In this regard, as initially submitted, the application sought to extend the currently approved trading hours of the restaurant and the drive-thru to 24 hour, 7 day a week trading. No trial period was proposed, rather the application sought to extend the trading hours in perpetuity. Following discussions with Council staff and representatives from the NSW Police Force, the applicant amended the proposal by substantially reducing the extended hours sought. Therefore the current application the subject of this report proposes the extension of trading hours of the drive-thru facility only to allow for 24 hours, 7 days a week trading, for a 12 month trial period. It is not proposed to modify the existing approved trading hours of the restaurant.

As a result of the amendment that occurred to the proposal post-lodgement, the application was publicly exhibited on multiple occasions (four in total). The total number of submissions received during each exhibition period is outlined later in this report. In respect of the most recent exhibition periods which relate to the current proposal, a total of 20 submissions (all objecting to the proposal), representing 13 households, were received. In addition, one (1) petition containing 48 signatures was lodged in objection to the proposal. The issues and concerns raised in the submissions received during the exhibition periods are addressed in the following report.

The Development Application was referred to the NSW Police Force for comment, who advised that concerns were maintained in respect to staff safety, and crime and anti-social behaviour including risks to adjoining properties from intoxicated persons with this anticipated to increase with an extension to hours of operation of the development. Notwithstanding, NSW Police have indicated support for a trial period, and have recommended conditions of consent should the application be approved on this basis.

Based on the assessment, it is recommended that the Development Application be approved for a trial period of 12 months, subject to the draft conditions of consent included in this report.

## LOCATION MAP





## AERIAL



## SITE DESCRIPTION AND LOCALITY

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The subject site is commonly known as 12-14 Allandale Road, Cessnock, and is legally described as Lot 101, Deposited Plan 828724.

The subject site is located on the fringe of the Cessnock Central Business District, being on the south side of Ferguson Street between Allandale Road and Church Street. The site has a frontage of 44.395m to Allandale Road, a secondary frontage of 78.47m to Ferguson Street, a lot width at the rear to Church Street of 57.47m, and an overall site area of 4608m<sup>2</sup>. Vehicular access to the site is available from Ferguson Street and Church Street with egress available to Allandale Road, Church Street and Ferguson Street.

The subject site is currently occupied by a McDonalds restaurant and associated car park, drive-thru facility and children's play land. The Cessnock Central Business District is located in close proximity to the subject site.

The surrounding properties are characterised by the following development, with details provided on the zoning relevant to the land.

- *North of the subject site:*

On Allandale Road (located on the corner of Ferguson Street) is Oporto Chicken with two (2) tenancies, one (1) vacant (previous Exquisite Patisserie) and the other, advertising a school of beauty therapy. Other detached dwelling houses (on separate lots) are located on the northern side of Ferguson Street. The Oporto site with attached tenancies and the dwelling houses are opposite the McDonalds site and located within the B4 Mixed Use zone.

- *East of the subject site:*

Residential development along Church Street. This area is zoned R3 Medium Density Residential.

- *North-west of the subject site:*

Cessnock Motel located on the corner of Allandale Road and Wade Street (13-15 Allandale Road). Further on from the motel is a motor vehicle repair station (17 Allandale Road). This area is zoned R3 Medium Density Residential.

- *South-west of the subject site:*

Residential development is located along Allandale Road. This area is zoned R3 Medium Density Residential.

- *South of the subject site:*

Directly to the south of the subject site is a commercial development comprising Pizza Hut and two (2) vacant tenancies (previous Video Ezy store) with a carpark. These premises are located in the B4 Mixed Use zone.

## Planning and Environment

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## Planning and Environment



Immediately to the south of Pizza Hut is a carwash, and on a separate lot, undeveloped land, multi zoned R3 Medium Density Residential, B4 Mixed Use and RE1 Public Recreation land. The car wash is zoned B4 Mixed Use zone.

## HISTORY OF SITE AND PREVIOUS APPLICATIONS

Relevant development applications relating to the property, include:

Development Application No.	Proposal	Outcome
5/1989/80162/1	McDonalds family restaurant	Approved, 30 November 1989
5/1989/80162/2	Amend consent to extend trading hours 24/7	Withdrawn by applicant, 17 May 2017
8/2002/171/1	Alterations and additions (additions to existing McDonalds restaurant including a 'McCafe', enclosed terrace dining area and awning to drive thru)	Approved, 17 May 2002
8/2006/909/1	Drive thru pre-order facility	Approved, 11 November 2007
8/2007/932/1	Alterations and additions to existing restaurant	Approved, 4 April 2008
8/2007/932/2	New internal wall and relocate external door	Approved, 19 June 2008
8/2009/17/1	Extension of trading hours of the drive-thru facility to allow 24 hours, 7 days a week	Refused, 21 October 2019
8/2011/5/1	Refreshment rooms additions – parking facilities and vehicle drive-thru facility	Approved, 14 March 2011
9/2015/125/1	Commercial office building additions	Approved by Private Certifier, 16 October 2015
8/2016/723/1	Advertising structures	Approved, 23 November 2016

As outlined above, a previous Development Application (DA 8/2009/17/1), proposing an extension to the trading hours of the drive through facility to allow 24 hour, 7 days per week trading on a permanent basis, was submitted in 2009.

The assessment of the application presented a number of concerns that were not suitably addressed by the applicant, primarily relating to crime prevention and noise impacts. The application was reported to and determined by Council at its meeting on the 21 October 2009, whereby it was refused for the following reasons:

1. *The proposed extension of trading hours is likely to have a significant impact on the amenity of adjoining residential properties with respect to acoustic privacy, traffic, headlight intrusion, security and safety.*
2. *The proposed development does not adequately address potential adverse social impacts such as increases in anti-social behavior, criminal activity and public order incidents.*

3. *The subject land is not considered to be suitable for the proposed development given its location adjacent to an established residential area and motel development.*
4. *The proposal is not considered to be in the public interest.*

## CURRENT APPLICATION AND CHRONOLOGY

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By way of history, it is noted that the proposal in its current form differs from the proposal initially submitted to Council for assessment. It is relevant to note the following:

### ***Current approved trading hours***

Cessnock McDonalds is currently approved to operate in accordance with the following hours:

Sunday to Wednesday: 6:30am – 10:00pm

Thursday to Saturday: 6:30am – 11:00pm

### ***Proposal as initially submitted to Council***

When initially submitted to Council, the application sought to extend the currently approved trading hours of the restaurant and the drive-thru to 24 hour, 7 day a week trading. No trial period was proposed, rather the application sought to extend the trading hours in perpetuity.

### ***Current proposal***

The application was amended during the development assessment process by the applicant in response to concerns raised by Council, the NSW Police Force, and the community. As amended, the application seeks approval for the extension of trading hours of the drive-thru facility only to allow for 24 hours, 7 days a week trading, for a 12 month trial period. It is not proposed to modify the existing trading hours of the restaurant.

With respect to the current proposal, the application was submitted without a Social Impact Assessment despite it being required in accordance with Chapter C8 – Social Impact Assessment and Crime Prevention Through Environmental Design (CPTED) Guidelines for a Proposed Development, of Cessnock Development Control Plan 2010. Notably, Council's guidelines require proponents to undertake community engagement by contacting individuals and groups affected by the development proposal to identify problems/concerns. This engagement process subsequently feeds into the mitigation strategies and design parameters of the proposal. As the application was submitted without community engagement, this resulted in significant delays in the processing of the application. That is, the design and mitigation measures were altered following, rather than prior to, the submission of the application.

The chronology in respect of the application is as follows:



**Planning and Environment**

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**Planning and Environment**



Date	Action
27 March 2017	Development Application lodged with Council, seeking to extend the currently approved trading hours of the restaurant and drive-thru to 24 hour, 7 day a week trading, in perpetuity.  Email sent to applicant advising application would be accepted for lodgment on the basis that a Social Impact Assessment (SIA) be submitted in accordance with the requirements of Chapter C.8 of Cessnock Development Control Plan 2010.
31 March 2017	Referred to Environmental Health Officer, Community Planner and Development Engineer for comment.
4 April 2017	Completed referral response from the Development Engineer received, raising no objection to proposal.
4 April 2017 to 20 April 2017	Application is publicly exhibited.
6 April 2017	External referral to NSW Police.  In response to an inquiry from the applicant, it is confirmed that a SIA is required to be provided by 21 April 2017.
12 April 2017	Completed Environmental Health Officer referral response received, recommending a twelve month trial period and providing draft conditions of consent.
18 April 2017 to 3 May 2017	Second exhibition period undertaken to extend list of notified persons.
3 May 2017	SIA lodged, referred to Community Planner for review. As the SIA was prepared following the submission of the application, it is noted that it is not possible for the SIA to meet the requirements of Council's community engagement requirements.
16 May 2017	Completed referral response received from NSW Police advising of concerns on crime, safety and anti-social behavior.
18 May 2018	Completed referral response from Community Planner provided advising that the development is not supported from a community planning perspective for the following reasons:  1. Non-compliance with <i>Chapter C.8 Social Impact Assessment and Crime Prevention through Environmental Design Guidelines for a Proposed Development</i> of Cessnock Development Control Plan 2010.  2. Lack of community consultation to identify social impacts, thus resulting in a disregard of identifying and mitigating social impacts.  3. The social impact assessment does not provide an assessment of <i>social cohesion</i> and <i>sense of place and community</i> . Consideration of <i>social cohesion</i> and <i>sense of community and place</i> is considered essential given the location of the development is in a residential setting and has other businesses adjacent to the site.
8 June 2017	Second referral to Environmental Health Officer.
15 June 2017	Additional comments provided from the Environmental Health Officer expanding the completed referral response provided on 12 April 2017.

**Planning and Environment****Report No. PE32/2018****Planning and Environment**

5 July 2107	Meeting held between the applicant and Council staff. Issues relevant to the development discussed ranging from notification outcomes, to concerns raised by NSW Police and Social Planning. Consultation with NSW Police and provision of an amended proposal was recommended at the meeting.
2 August 2017	Minutes sent to the applicant in respect of the meeting held on 5 July 2017.
6 September 2017	<p>Correspondence issued confirming concerns raised in submissions received, along with the concerns raised by the Community Planner and NSW Police.</p> <p>Applicant reminded that no response has been provided with respect to intentions concerning the application. Applicant requested to either withdraw the application or provide information for assessment. Alternatively, applicant advised that the application will be determined on the basis of information submitted to date.</p>
25 September 2017	<p>Applicant amends application as follows:</p> <ul style="list-style-type: none"><li>• Restaurant hours: 4am to 12 midnight, 7 days a week;</li><li>• Drive-thru: 24 hours 7 days a week;</li><li>• Western section of carpark to be closed off between 4am to 12 midnight, 7 days a week;</li><li>• Plan of management to be amended to incorporate;<ul style="list-style-type: none"><li># Section 2.9: car park closure; and,</li><li># Additional information on cleaning regime set out on Section 3.6: cleaning of the surrounding public domain.</li></ul></li></ul> <p>Amended plan of management and a carpark plan advising closure of western part of the carpark, is provided. Comments on issues raised in public submissions, along with a response to concerns raised by Council's Community Planner, also provided.</p>
17 October 2017	Amended information referred to Community Planner and NSW Police for review.
31 October 2017	Meeting held with applicant and NSW Police to discuss the amended proposal and issues relating to the proposal.

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2 November 2017	<p>Completed referral response received from Community Planner advising that the development is not supported from a community planning perspective for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Non-compliance with <i>Chapter C.8 Social Impact Assessment and Crime Prevention through Environmental Design Guidelines for a Proposed Development</i> of Cessnock Development Control Plan 2010.</li> <li>2. Lack of community consultation to identify social impacts, thus resulting in a disregard of identifying and mitigating social impacts.</li> <li>3. The social impact assessment does not provide an assessment of <i>social cohesion</i> and <i>sense of place and community</i>. Consideration of <i>social cohesion</i> and <i>sense of community and place</i> is considered essential given the location of the development is in a residential setting and has other businesses adjacent to the site.</li> </ol> <p>Referral of amended proposal to Environmental Health Officer for comment.</p>
9 November 2017	Completed referral response from the Environmental Health Officer, received.
11 December 2017	NSW Police provide a revised referral response to the amended proposal.
14 December 2017	Applicant provided with a letter which summarises comments made by the Community Planner and NSW Police with respect to the amended proposal.
6 February 2018	Meeting held with the applicant, Council staff and NSW Police to discuss the amended proposal. Applicant presented with 3 options as follows; (1) withdraw application, (2) amended proposal, or (3) proceed with current proposal, in which case application is likely to be recommended for refusal.
7 February 2018	Correspondence confirming the issues discussed at the meeting held on 6 February 2018 is sent to the applicant confirming the 3 options presented. Letter requests confirmation of the preferred option by 21 February 2018.
3 March 2018	Applicant amends the application by deleting the extended trading hours of the restaurant component. Therefore, proposal is amended to seek 24 hour, 7 days a week extended hours for the drive-thru facility only, for a trial period of 12 months.
14 March 2018 to 4 April 2018	Third exhibition period in respect of the proposal.
March 2018	Revised proposal referred to NSW Police and Council's Community Planner for comment.
23 March 2018	Referral response received from NSW Police.
26 March 2018	Completed referral response received from Community Planner.
11 April 2018 to 25 April 2018	Fourth exhibition period in respect of the proposal. The application was re-notified due to an administrative error.
14 May 2018	Assessment completed.

## DETAILS OF THE PROPOSED DEVELOPMENT

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Development Application No. 8/2017/148/1 seeks approval for the extension of trading hours of the drive-thru facility to allow for 24 hours, seven 7 days a week trading, for a twelve 12 month trial period.

The applicant lodged a plan of management and an acoustic report in support of the application. Furthermore, the applicant has indicated that the following measures will be put in place in support of the extension to trading hours for the drive-thru facility:

- acoustic barriers;
- carpark barriers to close off part of the carpark;
- additional signage;
- extension of CCTV;
- extension of lighting; and
- confirmation that service to pedestrians at the drive-thru facility, will not occur.

Documentation and plans lodged by the applicant in support of the proposal are included in the Enclosures.

## ASSESSMENT

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

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

1. **Cessnock Local Environmental Plan 2011**

#### ***1.1 Permissibility***

The subject site is zoned B4 Mixed Use under the provisions of Cessnock Local Environmental Plan (CLEP) 2011.

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The matter of permissibility is not relevant to this application, as the application proposes an extension to operating hours of an existing approved food and drink premises.

### 1.2 Objectives

The objectives of the B4 Mixed Use Zone are as follows:

- *To provide a mixture of compatible land uses.*

The use of the land has been established by a previous approval, and the development proposal does not propose to alter the land use.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development has no implications in respect of the above objective.

### 1.3 Relevant Clauses

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

- Clause 7.3 – Flood Planning

In part, Clause 7.3 states as follows:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
  - (b) *is not likely to significantly adversely affect flood behavior resulting in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *Incorporates appropriate measures to manage risk to life from flood, and*
  - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
  - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding’.*

The development proposal does not present concerns in respect to flooding. The development presents minimal physical changes to the site and does not intensify the use of the land. It is considered that the proposed development is consistent with the flood planning provisions.

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***(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**

Chapter C8 – Council's Social Impact Assessment and Crime Prevention Through Environmental Design Guideline of Cessnock Development Control Plan 2010 (DCP), applies to the proposal.

As outlined previously in this report, the application was submitted without a Social Impact Assessment (SIA), and following lodgement of the application, Council staff requested submission of a SIA for consideration. Accordingly, the applicant prepared and submitted a SIA. It is noted that the sequence of these actions, i.e., preparing a SIA following the lodgment of an application, is inconsistent with the provisions of Chapter C8 of the Cessnock DCP 2010.

***(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 amended, and subject to the mitigation measures proposed in conjunction with the application, it is considered that the proposal will not significantly affect both the natural and built environments, and the social and economic conditions of the locality. In this regard, it is considered that the controls proposed to manage the development, in particular the application of a 12 month trial period; the closure of the restaurant and restrictions to site access; the extensions to CCTV and lighting; the proposed acoustic controls; and other miscellaneous commitments in relation to the development, are sufficient to enable the development to proceed for a period of 12 months.

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

It is considered that, subject to the the commitments made by the proponent to control the impacts of the development, along with the restrictions provided by the recommended

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conditions of consent, the site is suitable for the proposed extension of trading hours relating to the drive-thru component of the McDonalds.

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

The Development Application was publicly exhibited on four (4) occasions, as illustrated in the below table:

Exhibition period	Relevant dates
1	4 April to 20 April 2017
2	18 April to 3 May 2017
3	14 March to 4 April 2018
4	11 April to 25 April 2018

As outlined previously in this report, the application as initially submitted to Council proposed to extend the currently approved trading hours of the restaurant and drive-thru to 24 hour, 7 day a week trading, in perpetuity. The first two exhibition periods related to the initial proposal. For the purpose of this report, the first two exhibition periods will be referred to as the **'Original DA exhibition period'**.

As amended, the application seeks approval for the extension of trading hours of the drive-thru facility only to allow for 24 hours, 7 days a week trading, for a 12 month trial period. The second two exhibition periods related to the current proposal. For the purpose of this report, the second two exhibition periods will be referred to as the **'Amended DA exhibition period'**.

It is considered relevant to illustrate the difference in community feedback received in respect of the 'Original DA exhibition period' and the 'Amended DA exhibition period', as the exhibition periods clearly relate to different proposals, as explained within this report. The below table indicates feedback received in response to both exhibition periods:

Exhibition periods	Total number of submissions received	Households represented
'Original DA exhibition period'	22	20
'Amended DA exhibition period'	20 and 1 petition (containing 48 signatures)	13

It can be identified from the above table that, whilst the overall number of submissions remained generally consistent between both exhibition periods (22 and 20), the number of households represented by those submissions reduced from 20 to 13 when the amended application was publicly exhibited.

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

- 1. Adverse social impacts from drunk/drug affected or badly behaved people (anti-social behavior, fighting, aggression, crime (including theft), public disorderly incidents which has increased) and general bad behavior**

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There is adequate empirical evidence to suggest that crime prevention and management are legitimate concerns. Submissions received from neighbours and information from NSW Police indicate that there are recorded incidents related to the premises. The concern that the extension to trading hours may exacerbate existing problems necessitates a high order of mitigation measures. In this case, the controls proposed to manage the development, in particular the application of a 12 month trial period; the closure of the restaurant and restrictions to site access; the extensions to CCTV and lighting; the proposed acoustic controls; and other miscellaneous commitments in relation to the development, are considered sufficient to adequately reduce potential impacts.

**2. Issues raised in the 2009 refusal of a proposed extension to trading hours still remain relevant**

The development proposed differs from the 2009 application refused by Council, notably this application proposes site access restrictions, improved management procedures and measures, and a twelve month trial period. The mitigating measures proposed by this application are sufficient to warrant a positive determination.

**3. Site not suitable due to its location adjoining established residential development**

Although there are aspects to the site that present as a constraint, in particular the proximity to residential properties, it is considered that the development is capable of being managed to take into account the limitations of the site. The matter of site suitability has been addressed previously in this report.

**4. Impact on amenity and safety of adjoining properties (sleep patterns, acoustic privacy, traffic, headlights, floodlighting on the site, security and safety)**

The operator has committed to a range of measures to reduce impacts from the proposal. The controls proposed respond to the issues raised to minimise and mitigate impacts on adjoining development.

**5. Police are not available, poorly resourced and over relied on. Security personnel required**

The NSW Police Force have responded to this matter by stating that it is the operator's obligation to manage general amenity and safety issues associated with the development. The provision of security personnel is recommended by NSW Police, and is included within the recommended conditions of consent.

**6. Concern about where patrons will park if the carpark is closed with an expectation that residential streets will be used and impacted upon by litter, noise, anti-social behavior etc., and that the antisocial and safety issues will be shifted further into the residential domain**

A designated parking area in the north western area of the carpark will be available onsite when the drive-thru is operating 24 hours. This area has greater natural surveillance and is well lit. The provision of this designated parking area is anticipated to reduce any parking impacts external to the site.



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**7. Odour impacts from restaurant**

The kitchen of the restaurant was required to be constructed in accordance with original consent requirements. Those requirements are considered to be adequate to manage any emissions from the kitchen with an extension in trading hours.

**8. Air pollution from idling cars not only on and from the site but on Ferguson Street with impacts on adjoining residential dwellings**

Air pollution will be temporary and not dissimilar to the impacts that the development is presently resulting in. The separation to nearby dwellings is sufficient to ensure air pollution will be defused.

**9. Potential for graffiti and vandalism**

The business operator has committed to removing graffiti within 24 hours.

**10. Noise impacts from patrons (voice – screaming, yelling, loud music/vehicles and traffic) from the restaurant, in the carpark and at the drive-thru lanes including the loudspeakers**

Various controls are proposed to manage the noise impacts and these are set out in the conditions of consent including acoustic treatments, signage, and prohibitions at the drive-thru facility, and by the use of security personnel to manage difficult patrons. The business operator has a responsibility to manage issues created from patronage of the premises and has committed to a range of measures to mitigate noise impacts.

**11. Acoustic report is not considered adequate and does not address overall impacts on all other adjoining streets affected (Ferguson Street, Doyle Street, Sperry Street, Wade Street, Allandale Road and further along Church Street); acoustic treatments do not address impacts on Allandale Road and Ferguson Street; testing is only carried out in normal hours of trading; and, the management of the carpark and any noise associated with it is not demonstrated**

The acoustic report has been reviewed and the trial period is supported subject to conditions of consent which includes recommendations in the report. The review acknowledges that social or anti-social noise is difficult to regulate and on that basis, the trial period is supported. The ability of the development to manage noise associated with the use of public roads is considered to be largely beyond the scope of the operator.

**12. Profits before community welfare and no civic benefit nor in public interest with negative impacts on the surrounding residences and businesses in nearby streets**

The assessment of the application is orientated towards ensuring suitable measures are provided to ensure that negative impacts of the development are suitably controlled and minimised. Economic impacts are considered in a broad perspective, individual corporate profits are not a relevant planning consideration.

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- 13. Demand for food after 11:00pm to 6:00am at this time not demonstrated and unlikely to be significant given effect of Hunter Expressway diverting traffic out of Cessnock mainly serving people who are out at a night out and undesirables**

The demand for the development is a matter for the proprietor to consider.

- 14. Health concerns as it will encourage an existing obesity problem in Cessnock, increase stress levels on residents and business owners and impact on sleeping patterns with this currently occurring as a result of the normal operations of the premises**

Health concerns are not a matter that can be addressed through the development assessment process.

- 15. Negative impacts on trading of commercial properties in the area including accommodation premises through anti-social behavior and criminal actions of patrons**

Concerns raised relating to negative impacts from the development on other commercial premises are noted. No statistical information is available to quantify the financial costs of negative impacts from the development on other businesses. Full compliance with draft conditions of consent will be required to ensure that patrons are managed onsite or moved on when required in order to minimise impacts on other commercial businesses.

- 16. Privacy and quality of life impacts**

The proposed development is unlikely to have an impact on privacy of adjoining properties or the quality of life of the occupants associated with those properties, due to the mitigation measures proposed.

- 17. Existing traffic and parking impacts from the premises including congestion on streets will be increased and exacerbate impacts on residents including pedestrians and this is a safety concern with the residential streets (including Allandale Road) not able to cope with traffic associated with the premises**

The extension to trading hours is not anticipated to increase traffic and parking issues and traffic and parking is to be managed onsite. No pedestrian or large vehicle access is to be permitted during extended trading hours which will reduce and manage patronage. The business operator has committed to the use of signage limiting access to vehicles only at the drive-thru facility.

- 18. Heavy vehicles, cars with trailers etc. impacting on local streets already and there is no place for truck drivers to park vehicles onsite if wanting to access the food in extended hours this will become an increasing issue**

Large vehicles such as buses or trucks will not access the site due to access restrictions. For example, it will not be possible for such vehicles to enter and negotiate the site, and no pedestrian access will be permitted at the drive-thru facility. On this basis, it is considered that there will be less impact on the local streets by large vehicles as no service will be available. The access restrictions are set out in the draft determination notice.

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**19. Increase in delivery vehicles which will increase the existing impact occurring on properties from the normal operation in unacceptable hours**

No delivery or collection vehicles will be permitted to service the site during extended hours of operation. This prohibition forms a draft condition of consent.

**20. Cleaning of public domain (litter impacts on adjoining properties and nearby streets) with the problem affecting a larger area beyond the site and action currently taken by McDonalds staff onsite (bins overflowing) or off the premises is considered inadequate for the task**

Litter control is a requirement of the conditions of consent and the business operator is required to undertake regular litter control and bin emptying on the subject land including along the footpaths relating to public roads. The applicant has indicated that numerous bins will be located throughout the premises in an attempt to reduce the impact of litter. It is proposed to require that litter patrols be carried out daily at a minimum distance of 160m radius from the subject land on local streets (Ferguson Street, Wade Street, Allandale Road and Church Street), at the changeover time of 6:30am each morning. In addition, the patrols will be required to carry plastic bags instead of a 'wheelie bin' to minimise noise impacts in the local streets.

**21. Site management issues, McDonalds staff not adequate to the task and plan of management and plans provided considered inadequate**

This issue is a compilation of other issues raised by objectors, all of which have been addressed in this report.

**(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 assessment, the proposed development is considered consistent with the public interest subject to compliance with the recommended conditions of consent.

## **SECTION 94/94A CONTRIBUTIONS**

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Section 94/94A contributions are not payable for the proposal.

## INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	No objection raised.
Environmental Health Officer	The application is considered satisfactory given the 12 month trial period proposed by the applicant, subject to imposition of conditions of consent.
Community Planner	<p>It is noted that the Social Impact Assessment was not prepared in accordance with <i>Chapter C.8 Social Impact Assessment and Crime Prevention through Environmental Design Guidelines for a Proposed Development</i> of Cessnock Development Control Plan 2010.</p> <p>Specifically, there was a lack of community consultation to identify social impacts, thereby resulting in a disregard of identifying and mitigating social impacts. No assessment was made of <i>social cohesion</i> and <i>sense of place and community</i>. Consideration of <i>social cohesion</i> and <i>sense of community and place</i> is considered essential given the development is located in a residential setting and other commercial premises adjoin the site.</p>

## EXTERNAL REFERRALS

The Development Application was referred to the following external agency for comment:

Agency	Comment
NSW Police Force	<p>Concerns raised in respect of staff safety, crime and anti-social behaviour, including risks to adjoining properties from intoxicated persons with an anticipation that this will increase with an extension to hours of operation of the development.</p> <p>There is an acknowledgement that the revised proposal does address some identified concerns and a trial period is supported.</p> <p>Draft conditions of consent are recommended including the use of security personnel and a recommendation that the development be reviewed at 6 month and 12 month intervals in order to review the impact of the development on crime, NSW Police and Council resources, and to identify any negative community social impacts.</p>

## CONCLUSION

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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.

During the development assessment process, the Development Application was amended by the applicant in response to concerns raised by Council, the NSW Police Force and the community, and the amended application substantially reduced the proposed trading hours initially sought. In this regard, the current application proposes the extension of trading hours of the drive-thru facility only to allow for 24 hours, 7 days a week trading, for a 12 month trial period. It is not proposed to modify the existing approved trading hours of the restaurant.

An extension to trading hours relating to the drive-thru component for a trial period has merit subject to the mitigation measures proposed by the applicant, and compliance with the recommended conditions of consent. In this regard, it is considered that the controls proposed to manage the development, in particular the application of a 12 month trial period; the closure of the restaurant and restrictions to site access; the extensions to CCTV and lighting; the proposed acoustic controls; and other miscellaneous commitments in relation to the development, are sufficient to enable the development to proceed for a period of 12 months.

It is noted that active engagement by the business operator is critical, as is the recognition of McDonalds that the site is located within an established residential setting. It is therefore necessary for the operator of the site to acknowledge that they have a role as a good corporate citizen in managing impacts on the wider community, including both residents and other businesses in the locality.

Based on the assessment, Development Application No. 8/2017/148/1 is recommended for approval subject to the draft conditions of consent included in this report.

## ENCLOSURES

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- 1 ➡ Applicant's Submission
- 2 Public Submissions Exhibition Periods 1 & 2 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- 3 Public Submissions exhibition periods 3 & 4 - *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. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/148 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Car Park Closure Plan, Dwg. No. A001, Revision A	Richmond & Ross Pty Ltd	March 2018
Site Lighting Plan, Dwg. No. A002, Revision A	Richmond & Ross Pty Ltd	March 2018
Site CCTV Coverage Plan, Dwg. No. A002, Revision A	Richmond & Ross Pty Ltd	March 2018

Document Title	Prepared By	Dated
Noise Assessment, MAC160372RP1	Muller Acoustic Consulting Pty Ltd	25 January 2017

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

##### 2. Time Limited Approval

Pursuant to Section 80A (1) (d) of the *EP&A Act, 1979*, this development consent is limited to a period of twelve (12) months from the date of commencement of the trading hours prescribed in Condition 21.

##### 3. Plan of Management Revision Requirement

Plan of Management, Ref. 16267 Plan of Management Cessnock September 2017 is to be amended to be consistent with the conditions of consent, and submitted to Council for assessment and approval.

The approved Plan of Management must be adhered to at all times.

#### **4. Restaurant Operation**

The restaurant must remain closed and patrons evacuated during extended hours of trading on Thursday, Friday and Saturday nights from 11:00pm to 4:00am the next day, and any night where there is an increased risk of antisocial behavior such as when extra staff are foreseeably required due to local events, Australia Day, ANZAC Day and New Year's Eve.

#### **5. On Site Security**

To preserve the safety and security of staff, customers and the general public, assist staff in the management of customers and deter anti-social behavior in and around the site, appropriately licensed security personnel comprising a minimum of two (2) personnel at any time must be present at the site during extended hours of trading on Thursday, Friday and Saturday nights from 11:00pm to 4:00am the next day, and any night where there is an increased risk of antisocial behavior such as when extra staff are foreseeably required due to local events, Australia Day, ANZAC Day and New Year's Eve. The aforementioned security is required when the drive-thru trades after 11:00pm on the days specified.

### **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:**

#### **6. Acoustic Barriers**

Submit details to the PCA of the materials of construction for the acoustic barrier is to be installed along the eastern side of COD display adjacent to the drive-thru lane and along the south-eastern boundary on Church Street. The acoustic barriers are to be impervious, have a surface density of 10kg/m<sup>2</sup> and not contain any gaps.

#### **7. Car Park Barrier or Materials**

Further information is to be provided to Council on the barrier system (bollards or the like) to be used to close off the carpark. The barrier system shall be robust enough to prevent vehicular entry and not be able to be moved/removed by non-authorised persons.

#### **8. Car Park Closure**

The plan of management provided by McDonald's Australia Limited (Reference 16267: Dated September 2017) is to be amended to include a plan of the site clearly indicating to staff the 'no parking' zones for the northern and eastern sections of the car park during extended trading hours.

## 9. 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*. Specifically, the following additional items are required:

- Adequate and uniform lighting to be used in the full carpark area;
- Lighting is to be designed and directed in its spread in order not to impact on adjoining residential or commercial properties;
- A lighting maintenance policy is to be established ensuring that broken lights are replaced within 24 hours;
- Luminaries are to be vandal resistant.

## 10. Graffiti and Vandalism Management Plan

A graffiti and vandalism management plan is to be prepared and incorporated into a maintenance plan for the site. Graffiti and vandal resistant materials are to be used. Graffiti is to be removed and vandalism fixed or replaced within 24 hours of its appearance.

## 11. Advisory Signage

Advisory signage shall be erected at strategic locations throughout the site to communicate the following:

- Customers to have consideration for neighbouring residents and leave the site quietly and promptly;
- Customers to minimise noise whilst on site;
- Pedestrians shall be not be served at the drive thru window;
- No heavy vehicles (trucks and buses) are to be served at the drive thru window;
- Identification of drive-thru waiting bays and overflow waiting bays;
- Details on the areas of the restaurant and carpark open with the extension of hours to the drive through facility;
- Definition of pedestrian access on the ground.



## **PRIOR TO OPERATION**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to operation of the 24 hours drive-thru facility (as specified within the condition):**

### **12. Trial Period**

Trial trading hours must not commence until all relevant requirements of this consent have been met to the satisfaction of Council.

### **13. Acoustic Barrier Construction**

The acoustic barriers along the eastern side of COD display adjacent to the drive-thru lane and along the south-eastern boundary on Church Street are to be constructed prior to operation of the 24 hours drive-thru facility.

### **14. Open Style Fencing**

Prior to operation of the 24 hours drive through facility, open style (similar school fencing) is to be erected on the boundaries of the land.

### **15. Security Personnel Notification**

The name and the contact details of the security personnel engaged is to be provided to Council prior to operation of the 24 hours drive-thru facility. Notification of the security personnel used is to be advertised at the premises.

### **16. Noise Controls Installation**

Modeling Assumptions as outlined on page 14 of the report from Muller Acoustic Consulting (Document ID MAC160372RP1 – dated 25 January 2017) are to be installed and evidence of installation is to be provided to Council prior to operation of the 24 hours drive through facility.

### **17. Closed Circuit Television (CCTV)**

Prior to the commencement of the trial period the person with the benefit of the consent shall ensure that CCTV is installed and operated in accordance with the following requirements:

- The system must record continuously at all times;
- Recording must be in digital format at a minimum 15 frames per second;
- Any recorded image must display the time and date of the recorded image;
- The systems cameras must cover the following areas:
  - All entry and exit points to the restaurant, the, the carpark; the drive through area, toilets and playground;
  - Drive-thru entry, window and exit. CCTV must capture number plates and vehicle driver, and any pedestrian attending the drive-thru window; and

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- Entry/exit points to car park via Ferguson Street and Allandale Road including drive-thru waiting bays.
- The owner must:
  - Keep all recording made by the CCTV for a minimum of 30 days;
  - Ensure that during trading hours a manager or staff member is present at all times, who is familiar with the operation of the CCTV system, and is capable of either playing back or copying CCTV footage recorded at the premises; and
  - Provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide recordings.
- CCTV must be reviewed annually for inadequacies in site coverage and poor image quality. Inadequate coverage or poor quality images identified as a result of police investigations for crimes committed at the location are to be addressed upon request of the Police Commander at Hunter Valley Policing District.

**18. Fire Exit Doors Security Measures**

The fire exit doors to the premises are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict un-authorised access prior to operation of the 24 hours drive through facility.

**DURING THE USE**

**The following conditions are to be complied with as part of the ongoing use of the premises for a twelve (12) month trial period.**

**19. Register kept Onsite**

Formulation and implementation of a complaints/incident handling register detailing the following (at a minimum):

- Name of the person responsible for the overall management of the site and their contact mobile phone number;
- Confirmation that the mobile phone of the person responsible for the overall management of the site will remain switched on during extended trading hours;
- Details of each complainant including name, address, contact details, time and nature of the complaint;
- Action undertaken to address the complaint;
- Follow up contact with the complainant to advise of outcome of action taken to address the complaint;

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- All incidents of damage to property;
- All incidents involving criminal/antisocial behaviour on the site; and
- Implementation of any relevant actions to ensure similar issues do not re-occur.

In the event the register is updated, this is to be done within seven (7) days of the update occurring.

The person with the benefit of the consent shall provide a report to Council following three months and six months of the trial.

The report must be submitted within 21 days of the three and six month expiry for Council's consideration. Should Council consider the type or number of complaints/incidents to be unsatisfactory, the trial will cease.

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

**20. Site Management Plan**

The development must be undertaken as described within the approved Plan of Management dated October 2017.

**21. Extended Trading Hours for Drive-Thru Facility**

Extended hours of operation for the drive-thru facility are as follows:

- Sunday – Wednesday – 10:30pm to 6:30am; and
- Thursday – Saturday – 11:00pm to 6:30am.

**22. Operation of the Drive-Thru Facility**

The following management strategies are to be put in place:

- An enclosed drive through speaker box to minimise noise impacts on neighbours;
- Do not serve pedestrians at the drive through and display appropriate signage;
- Do not serve patrons in vehicles playing loud music;
- Do not serve heavy vehicles (trucks and buses);
- Report any incidence of crime, anti-social behaviour or the like to NSW Police;
- Entry to be restricted to Ferguson Street and exit only on Allandale Road; and

- Barriers/bollards to close off the restricted parking areas and to prevent exiting on Ferguson Street.

**23. Car Park Closure Requirements**

The parking area to the west of the restaurant identified in the diagram is to be used during the approved extended trading hours. All other parking areas and entrances to those areas are to be closed during the approved extended trading hours. Barriers and signs are to be used in the closure of area in the carpark.

**24. Car Park Barriers Placement**

A minimum of two (2) employees are required to install the car park bollards/barriers during the extended hours of operation of 12:00pm to 4:00am daily, and remove the barriers at 6:30am.

**25. Loading/Unloading Docks Gates**

The gates to the loading and unloading docks are to be locked when not in use.

**26. Security Patrols**

Regular patrols are to be made of the carpark and immediate footpath areas both late at night and during the early hours of the morning with the patrols to involve a minimum of two (2) security personnel.

**27. Acoustic Validation Report**

Within 6 months of trial 12 month period, an acoustic validation report is to be prepared and submitted to Cessnock City Council. The acoustic validation report is to determine if the operation of the facility during the extended hours of operation, complies with the project specific and predicted noise levels as set out in the submitted Noise Assessment report prepared by Muller Acoustic Consulting (Document ID MAC160372RP1 – dated 25 January 2017).

**28. Orderly Dispersal of Patrons**

The proprietors of the venue is responsible at all times for the orderly dispersal of patrons from the venue.

**29. Management Responsibilities for Patron behaviour**

The Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. The Management is responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.

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**30. Litter Control**

Management must ensure that the forecourt, car parking area and the surrounds of the building are to be kept clean and free of litter during working hours.

**31. Litter Patrols in Public Domain**

Litter patrols are to be carried out by staff at the changeover period (6:30am) of local streets (Allandale Road, Wade Street, Ferguson Street and Church Street) at a minimum 160m radius from the development site.

Garbage bags are to be used instead of 'wheelie bins' in the patrol.

**32. Amenity Controls**

All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighborhood in general.

**33. No Parking Areas**

No parking is permitted in the northern and eastern sections of the car park during the approved extended hours of operation.

**34. Unauthorised Parking in Eastern and Northern Car Park Area**

A minimum of two (2) employees are to open the closed parking area on the site where a motor vehicle(s) or motor cycle(s) have parked in the eastern car park area to facilitate the removal of the motor vehicle(s) or motor cycle(s) from the premises.

**35. Landscape Maintenance Program**

A landscape maintenance program is to be implemented during the trial period to manage vegetation growth by regular maintenance of garden areas with shrubs to be trimmed to not exceed 1 metre and trees to be trimmed of branches below 1.8 metres.

**36. Operational Procedures Requirements**

All operational procedures outlined in the McDonald's Australia Limited Plan of Management (Reference 16267: Dated September 2017) and as amended as a result of the consent is to be adhered to on a continual basis during the twelve (12) months trial period.

**37. Deliveries or Collection Services Limitations**

No deliveries or collection services are to occur during the extended hours of operation of the facility.

**38. 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

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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.

**39. Emissions**

There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

**CESSATION OF 12 MONTH TRIAL PERIOD**

**The following condition is to be complied with at the end of the twelve (12) month trial period:**

**40. Debrief Report Requirement**

A written report is to be provided to Council within 3 months after the cessation of the twelve (12) month trial period on the outcomes of the trial. Such report shall include but not be limited to inclusion of the following information:

- Events and complaints register; and
- Written report from security personnel or security firm on issues identified and full details of security incidents (including dates, descriptions and mitigation measures or actions taken addressing events).

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**SUBJECT:** *DEVELOPMENT APPLICATION 8/2017/438/1 PROPOSING A 24 LOT SUBDIVISION*

*23 PHILLIPS LANE, NULKABA*

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

<b>APPLICATION NUMBER:</b>	8/2017/438/1
<b>PROPOSAL:</b>	24 lot subdivision
<b>PROPERTY DESCRIPTION:</b>	Lot 3 DP 1201274
<b>PROPERTY ADDRESS:</b>	23 Phillips Lane, Nulkaba
<b>ZONE:</b>	RU2 – Rural Landscape RU5 – Village R5 – Large Lot Residential
<b>OWNER:</b>	St Emilion Holdings Pty Ltd
<b>APPLICANT:</b>	St Emilion Holdings Pty Ltd

## RECOMMENDATION

1. That Council determine Development Application No. 8/2017/438/1 proposing a 24 lot subdivision at 23 Phillips Lane, Nulkaba, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, by the granting of consent subject to receipt of confirmation from the NSW Department of Planning and Environment that satisfactory arrangements have been made in respect of Clause 6.1 of Cessnock Local Environmental Plan 2011, and the conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

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Development Application No 8/2017/438/1 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

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Council is in receipt of Development Application No. 8/2017/438/1 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 23 Phillips Lane, Nulkaba.

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 Environmental Planning and Assessment Amendment Act 2017 (NSW) (Amendment Act) commenced on 1 March 2018. This Development Application was lodged prior to this date (7 September 2016), therefore the assessment and determination report have been conducted using references to the EP&A Act as it was prior to the introduction of the amendments.

In respect of the most recent exhibition period related to the current proposal, a total of 16 submissions (all objecting to the proposal), representing 14 households, were received. The issues and concerns raised in the submissions are addressed in detail in this report, however, in summary, the matters raised by objectors include the following:

- Anticipated impacts (e.g. social issues, traffic generation, stormwater management, and lack of car parking);
- Site suitability (inappropriate development for a rural interface, inconsistency with zone objectives, availability of utilities and essential services, overdevelopment, undesirable settlement pattern, minimum lot size); and
- Character of the area (increased rental properties, concern for future development, loss of property values).

Council officers have undertaken the assessment of the proposal and the impact of development will not result in any adverse impacts.

With respect to issues concerning site suitability, Council previously considered the rezoning of the land and supported the proposed settlement pattern. In this regard, the intended development of the land for residential purposes and adopted minimum lot size are consistent with the desired strategic direction for the locality.



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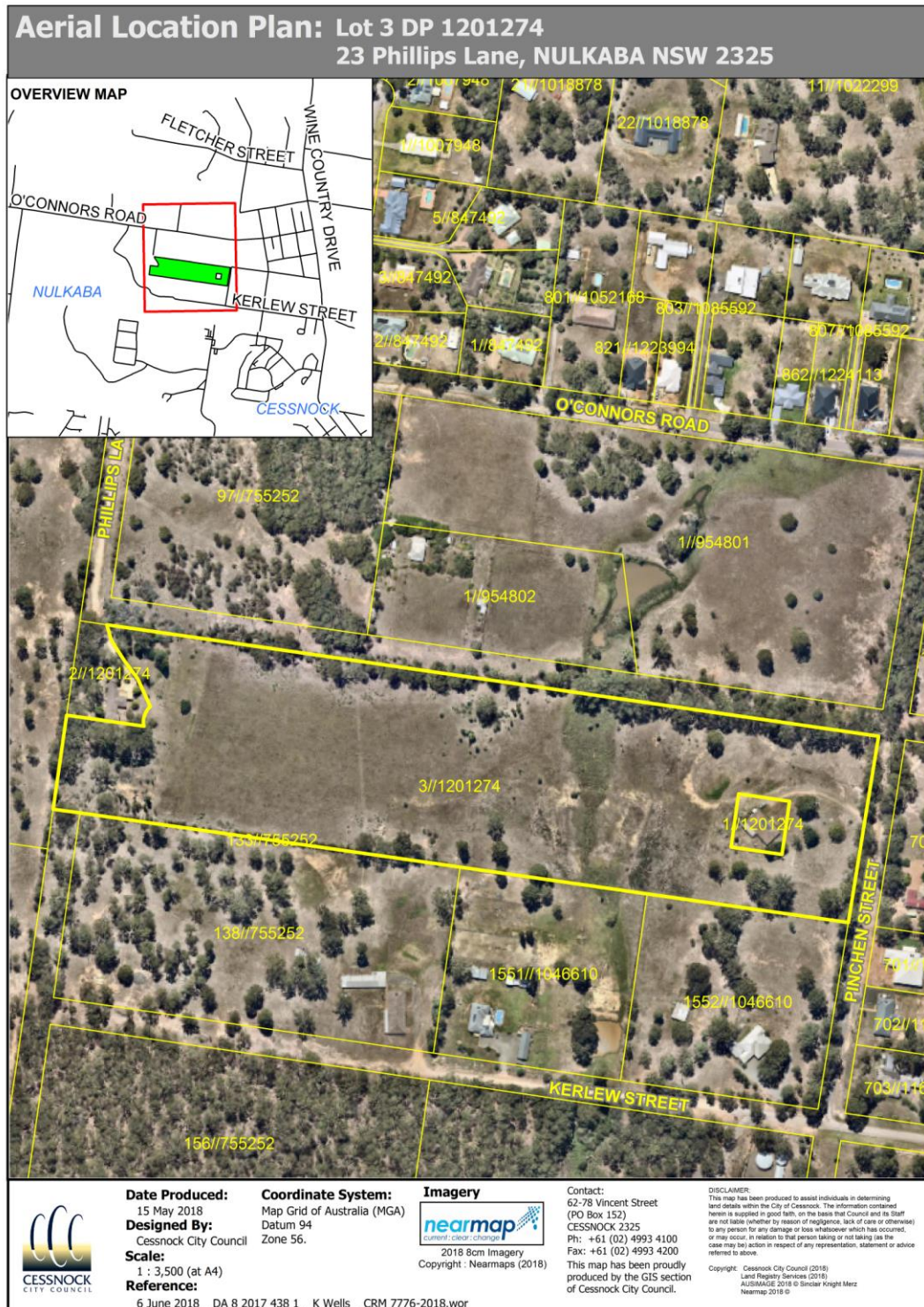
A planning agreement for the subject site (Reference No. 18/2159) has been executed between St Emilion Holdings Pty Ltd and the NSW Department of Planning and Environment (date 16 May 2018). Furthermore, Council was advised by the NSW Department of Planning and Environment that a Satisfactory Arrangements Certificate (SAC) has been drafted and progressed for approval, which will satisfy the provisions relating to Clause 6.1 of Cessnock Local Environmental Plan 2011.

Given confirmation by the NSW Department of Planning and Environment that the Satisfactory Arrangements Certificate (SAC) has been drafted and the final approval is anticipated shortly, it is recommended that the application be approved subject to receipt of confirmation from the NSW Department of Planning and Environment that satisfactory arrangements have been made in respect of Clause 6.1 of Cessnock Local Environmental Plan 2011, and the conditions contained in this report.

## LOCATION MAP



# AERIAL





## SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 23 Phillips Lane, Nulkaba and is legally described as Lot 1, Deposited Plan 1201274.

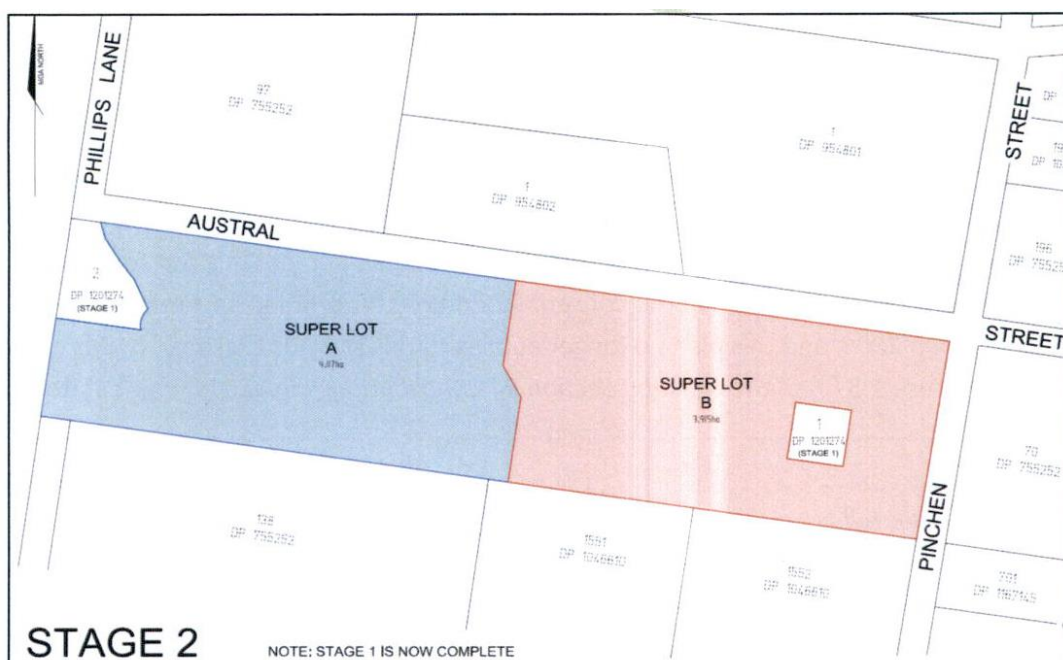
The subject site is bound by Pinchen Street to the east, Austral Street to the north and an approved 24 large lot residential subdivision to the west. Vehicular access to the site is available from the Pinchen Street frontage.

The subject site is currently vacant. A second order stream is positioned to the west of this proposed subdivision location; however the stream is not impacted by the proposed development.

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.

Phase one (1) of an existing approval for subdivision (8/2009/268/5) permitted the creation of a three (3) into three (3) lot subdivision to excise the two existing dwellings located on former lots 133 and 134, D.P 755252 creating Lot 1 (1,539 sqm), which is accessed from Pinchen Street via a right of way over Lot 3 and Lot 2 (3123 sqm) which is accessed via Philips Lane and a residue lot (Lot 3) comprising 8.023 Hectares. The phase one (1) subdivision of Lots 1 and 2 from the residue lot (Lot 3) has been completed and the land sold.

Phase two (2) of the existing approval (8/2009/268/5) subdivided the residue lot (Lot 3) into two "super" lots as shown below;



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The subdivision proposal before Council is confined to the land shown as 'Super Lot B' which has yet to be finalised in accordance with the original development consent. In order for the development lot to be created, a deferred commencement condition is imposed requiring the creation of 'super lot B' under development consent 8/2009/268/5 before any consent for the proposed subdivision is effective. The finalisation of the original subdivision to create 'Super Lot B' is bound by the original conditions of consent applicable to phase 3 of the original proposal.

A deferred commencement draft notice of determination has been attached to this report.

The subject land is part of the BC10 Nulkaba Urban Release Area. This land was rezoned via planning proposal approval: 18/2005/14/1.

## HISTORY

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

Date	Action
10 August 2017	Application lodged. The application is referred internally to development engineers. Referral comments are returned and recommended conditions of consent are received.
15 August – 29 August 2017	The application is notified to adjoining land owners. In respect of the exhibition period which relate to the current proposal, a total of 16 submissions (all objecting to the proposal), representing 14 households, were received.
25 October 2017	A request for information is made to the applicant. The request pertains to non-compliance with minimum lot sizes, non-compliance with access handle width, no provision of satisfactory arrangements from the Department of Planning, significant objection.
15 December 2017	A follow up request for the required information is made.
28 December 2017	The applicant submits the requested information. The following comments are noted: <ul style="list-style-type: none"> <li>• The layout of the lots was slightly amend to ensure that all complied with the 750sqm minimum lot size.</li> <li>• The access handle are also slightly modified to ensure that they comply with minimum width requirements.</li> <li>• The applicant informs Council the Voluntary Planning Agreement (has been lodged with the Department of Planning and that the satisfactory arrangements should be issued in due course).</li> </ul>
16 May 2018	The Planning Agreement is executed between St Emilion Holdings Pty Ltd (the developer) and the NSW Department of Planning.  Additional advice is received from the Department of Planning that the Satisfactory Arrangements Certificate is drafted and the release of this document is imminent.

## DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2017/438/1 seeks approval for a twenty-four lot residential subdivision at 23 Phillips Lane, Nulkaba.

Specifically, the proposed development involves the creation of twenty-four (24) village lots to be fully serviced including connection to reticulated water and sewer; The configuration of the proposed lots include:

LOT 401 = 753sqm	LOT 407 = 755sqm	LOT 413 = 1230sqm	LOT 419 = 903sqm
LOT 402 = 750sqm	LOT 408 = 776sqm	LOT 414 = 878sqm	LOT 420 = 760sqm
LOT 403 = 750sqm	LOT 409 = 851sqm	LOT 415 = 974sqm	LOT 421 = 760sqm
LOT 404 = 750sqm	LOT 410 = 999sqm	LOT 416 = 1253sqm	LOT 422 = 750sqm
LOT 405 = 750sqm	LOT 411 = 1067sqm	LOT 417 = 1099sqm	LOT 423 = 750sqm
LOT 406 = 750sqm	LOT 412 = 1165sqm	LOT 418 = 903sqm	LOT 424 = 809sqm

Proposed lots 411, 412, 413 and 414 are accessed via a shared accessway; proposed lots 416 and 417 have a shared accessway; while proposed lots 418, 419, 420 and 421 also have a shared accessway. All other proposed allotments have individual street access. The average allotment size in this proposed subdivision is 882.71sqm.

It is noted that the proposed subdivision relies upon the commencement of an approved subdivision situated in the west of this subject land. The approved subdivision (8/2009/268/5) permits the creation of 22 lots, each with an area exceeding 2000sqm, as well as the creation of two lots accommodating existing dwellings on the land.

An additional 3.11 hectare parcel is to be created as part of this consent, which will become the land upon which this subject application is proposed upon. The proposed lots to be created under 8/2009/268/5 will be accessed via a new road constructed from Pinchen Street in the east, which will traverse the site, connecting vehicles to the western portion of the allotment. This new road will also provide access for this proposed subdivision; a condition of consent has been included in the draft of determination notice requiring this new road.

## 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:

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***(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.

**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 3.11 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 is 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.*

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## 2. Cessnock Local Environmental Plan 2011

### 2.1 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 land comprises three separate zones: RU2 – Rural Landscape, R5 – Large Lot Residential and RU5 – Village. The proposed subdivision occurs only the portion of the land that is zoned RU5 – Village; therefore for the purpose of this report, only the RU5 zoning will be referenced, unless otherwise specified. The subdivision of land is permissible within the RU5 – Village zone with the consent of Council.

### 2.2 Objectives

The objectives of the RU5 zone are as follows:

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

This Development Application only seeks consent for the creation of residential allotments. Residential allotments are a land use associated with a rural village and therefore this objective is met. It is noted that Part E.15 Nulkaba Urban Release Areas of the DCP 2010 deals specifically with this site and the surrounding urban release land known as BC10. This part of the DCP acknowledges that residential development is the only land use likely to occur in the remaining undeveloped portions of this urban release area, it states: *Even though the RU5 zoning of part of the land permits a wide variety of land uses, it is considered that new development will consist almost entirely of residential uses.*

This objective is met.

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

The strategic direction of this land was established during the development of the City-Wide Settlement Strategy 2010 (CWSS). The CWSS identified this land (BC10) as suitable for further residential subdivision and a subsequent rezoning of the land was approved. The minimum lot size for subdivision was also reduced from 2000sqm to 750sqm under the LEP 2011. As the strategic direction for this land has been set and as the proposal complies with the zoning permissibility and minimum lot size requirements, it can be determined that this objective is met and that the proposed lot sizes are consistent with the 'amenity, functioning and scale of a rural village'.



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## 2.3 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 RU5 – Village, and subdivision is permissible with the consent of Council.

- 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 750m<sup>2</sup> over the subject land. The application proposes the creation of twenty-four lots, all with a minimum lot size of (or slightly exceeding) 750m<sup>2</sup>.

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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 750m<sup>2</sup> in area.

*Urban Release Area*

The subject site is identified as being land within an Urban Release Area under the LEP map for the Nulkaba BC10 district. In this regard, the following Clauses are applicable in the assessment of this application:

- Clause 6.1 – Arrangements for designated State Public Infrastructure

Clause 6.1 has the effect of precluding Council from granting consent to the subdivision of land within an Urban Release Area until such time as satisfactory state infrastructure contribution arrangements have been made and a Certificate from the Director General has been issued.

A planning agreement for the subject site has been executed between St Emillion Holdings Pty Ltd and the NSW Department of Planning and Environment. The Department of Planning and Environment advised Council that a Satisfactory Arrangements Certificate (SAC) has been drafted and progressed for approval.

Once the Secretary of the NSW Department of Planning & Environment has certified in writing that satisfactory arrangements have been made, Council may grant consent to the proposal. A deferred condition of consent has been imposed in anticipation of receipt of the certificate.

Council has received confirmation that the Satisfactory Arrangements Certificate (SAC) has been drafted and is pending approval, it is recommended that the application be approved subject to receipt of confirmation from the NSW Department of Planning and Environment that satisfactory arrangements have been made in respect of Clause 6.1 of Cessnock Local Environmental Plan 2011.

- Clause 6.2 – Public Utility Infrastructure

Development consent must not be granted for development on land in an Urban Release Area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The Statement of Environmental Effects was accompanied by correspondence from Telstra, Hunter Water and Ausgrid in relation to servicing the future allotments. The public utilities have identified that an extension of existing services to the proposed development can reasonably be provided.

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- Clause 6.3 – Development Control Plan

This Clause provides that consent must not be granted for development on land in an Urban Release Area unless a development control plan addressing all prescribed matters has been prepared.

The Nulkaba Urban Release Areas DCP (Part E.15) was adopted by Council on 20 August 2014.

This clause has been satisfied.

- 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.

The application proposes only minimal earthworks involving the creation of interallotment drainage. The necessary roadworks will be constructed as part of separate approval (8/2009/268/5). This clause is satisfied.

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

No Draft Environmental Planning Instruments are relevant to the application.

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

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

The following is an assessment of the proposal's compliance with the relevant numerical standards in Cessnock Development Control Plan 2010. Discussion of any variations to the standards is provided after the compliance table:

<b>Part D: Specific Development</b>			
<b>Chapter 1: Subdivision Guidelines</b>			
<b>RU5 Village Subdivision</b>			
<b>Provision</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
Element 1: Lot size and shape	<i>Each lot must comply with the minimum area shown on the lot size map of CLEP 2011. In this case, the minimum area is 750m<sup>2</sup></i>	7 proposed lots have an area of 750sqm exactly, while the remaining 17 proposed lots have an area exceeding 750sqm (ranging between 753sqm to 1253sqm).	Yes

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Element 1: Lot size and shape	<i>Minimum width of 18m at the building line</i>	<p>All proposed lots have widths exceeding 18m at the building line.</p> <p>Proposed lot 410 and 420 have slightly irregular alignments whereby at the street frontage the width is less than 18m (proposed lot 410 is 17.66m at the street front, while proposed lot 420 is 17.78m at the street front). Both lots increase in width to the rear of the property. Proposed lot 410 has a rear width of 22.05m, while proposed lot 420 has a rear width of 18.12m.</p> <p>Councils Building Line Policy requires land in the Nulkaba Village precinct to have a setback of 12m. Based upon the average increase in land width for each allotment, proposed lots 410 and 420 are likely to have buildings lines exceeding 18m at the 12m setback distance. This complies with the requirement.</p>	Yes
Element 1: Lot size and shape	<i>Minimum depth of 20m</i>	All proposed lots have minimum depths of 20m or more.	Yes
Element 1: Lot size and shape	<p><i>The dimensions for access handles for battle-axe shaped allotments are:</i></p> <p><i>Maximum length = 60m</i></p> <p><i>Minimum width = 3.5m</i></p> <p><i>Minimum width of shared</i></p>	The access handles provided to proposed lots 411, 412, 413, 414, 416, 417, 418, 419, 420, and 421), all comply with the requirements of this clause.	Yes

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	<p><i>access corridor = 5.0m</i></p> <p><i>No more than 5 allotments served by accesway</i></p> <p><i>Lots shall be designed to allow the construction of a dwelling with a maximum cut or fill of 1.0m</i></p>		
Element 2: Accessway (handle) Design	<i>Accessways shall have a maximum grade of 25%</i>	The land is relatively flat and the access handle gradients will not exceed 25%.	Yes
Element 2: Accessway (handle) Design	<i>Accessways (handles) shall be sited away from noise and visually sensitive components of existing and future dwelling houses.</i>	No building envelopes for new dwellings have been proposed. There is one existing dwelling (Lot 1 DP 1201274) in the centre of this parent lot. An access handles serving proposed lots 417 and 416 is to be situated on the western boundary of this lot.	Yes
Element 2: Accessway (handle) Design	<i>Where possible, accessways (handles) shall be located on the south side of existing and future dwelling houses.</i>	The proposed subdivision seeks to use an approved road to be constructed as part of approval 8/2009/268/5.	Yes
Element 2: Accessway (handle) Design	<i>Accessways (handles) shall provide interest and variety and avoid lengthy straight sections.</i>	The accessways are not considered to be excessively lengthy.	Yes
Element 2: Accessway (handle) Design	<i>Where the site is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or a highly pedestrianised area, accessways (handles) shall be designed so that vehicles can be driven both onto and off the property in a forward direction.</i>	Vehicles will be able to enter and exit the allotments serviced by an accessway in a forward motion.	Yes
Element 2: Accessway (handle)	<i>Where vehicles would otherwise have to reverse</i>	No accessways exceed 50m in distance.	Yes

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Design	<i>more than 50 metres, a turning area shall be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.</i>		
Element 3: Effluent Disposal	N/A	Sewer connection is available in Austral Street and therefore the requirements pertaining to onsite waste water disposal do not apply.	N/A
Element 4: Heritage	N/A	The site is not identified as a heritage item, nor is it situated in the vicinity of an item.	N/A
Element 5: Local Street Design	<i>10-200 allotments = road reserve width 18.0m, minimum carriageway way width 8.0m, kerb type rollover/upright</i>	The proposed subdivision will be serviced via a road approved under the consent issued for DA 8/2009/268/5; a condition has been imposed in the draft notice of determination requiring the construction of this road prior to release of the subdivision certificate for this subdivision.	Yes
Element 6: Pedestrians and cyclists	<i>No footpaths are required on streets with a traffic volume less than 300 vehicles per day as pedestrians can share the road surface with vehicles in a low speed environment.</i>	This subdivision relies upon the construction of a separately approved road (8/2009/268/5), therefore design requirements for footpaths etc are deemed to have been considered at the approval stage of 8/2009/268/5. Notwithstanding this, the access road serving this subdivision is designed for local traffic only and is not anticipated to generate significant	Yes

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		volumes of traffic.	
Element 7: Solar access and lot orientation		The proposed lots have been designed with the consideration of Schedule 2. All lots are considered to achieve adequate solar access. Furthermore, the lots are of a shape and size that future dwellings can be adaptable in design to allow for sufficient solar access.	Yes
Element 8: Storm Water Management	<i>Stormwater shall drain by gravity to Council's system which may require interallotment drainage. Easements having a minimum width of 2.0 metres are to be identified on submitted plans.</i>	A concept Storm water Management Plan has been prepared and submitted by the applicant in support of this proposal. The Storm water Management Plan indicates that all lots can drain to the street (some with the assistance of interallotment drainage lines).	Yes
Element 9: Utility Services	<i>All lots created for residential purposes shall have an adequate provision of services and not result in a detrimental impact on the environment.</i>	All relevant utilities will be provided to the allotments in accordance with any Council requirements.	Yes

**Part E: Chapter 15, Nulkaba Urban Release Areas BC10 and Valley View Place**

Provision	Required	Provided	Complies?
E.13.1.5 Structure Plan	<i>Development is to be generally consistent the Structure Plan at Figure 2.</i>	Yes, the lot layout is consistent with the structure plan outlined in Figure 2 of this part of the DCP.	Yes
E.13.1.6 Staging and Servicing Strategy	<i>The subdivision of land requires a servicing strategy to be lodged to the satisfaction of the consent authority prior to consent being granted.</i>	Whilst the applicant has not lodged a formal 'servicing strategy' for this proposed subdivision, all the information required under such strategy has been considered in the	Yes

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		<p>assessment of this proposal. The issues to be addressed in the servicing strategy include: provision of hydraulic, telecommunication and electricity services; capacities of the utility services; upgrading of roadworks (this has been included in the Section 94 contributions plan for the area).</p> <p>Services are available in the area for connection, therefore a condition of consent requiring evidence of the connection of services will be imposed in the draft notice of determination. Section 94 contributions have also been imposed in the draft notice of determination, therefore all necessary items of the servicing strategy have been addressed.</p>	
E.13.1.7 Transport	<i>A Transport Management Plan shall be submitted with the development application.</i>	<p>A Traffic Impact Assessment has been prepared and submitted in support of this proposal. The recommendations in the traffic report suggest that the proposal can be supported as it is considered that it would not adversely impact on the local road network.</p> <p>The surrounding road network (Wine Country Drive, Austral Street, Occident Street, Kerlew Street and Pinchen Street) have sufficient</p>	Yes



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		<p>available capacity to cater for the proposed subdivision (this is supported by referral to Council development engineers).</p> <p>The proposed road to be constructed as part of consent 8/2009/268/5 will also serve vehicles associated with this proposed subdivision. This proposed road has capacity to accommodate the additional 24 lots associated with this development.</p>	
E.13.1.8 Landscaping Vegetation Streetscape and Open Space Areas	<i>It is proposed to rely on the existing public open space areas rather than create additional open space areas, as shown in Figure 5. The Section 94 Contributions Plan makes provision for the augmentation of the existing playground in Nulkaba and for the augmentation of facilities at Drain Oval to meet the increased demand arising from new development at Nulkaba.</i>	No additional open space areas are proposed by this subdivision. Section 94 contributions have been imposed in the draft notice of determination.	Yes
E.13.1.8 Landscaping Vegetation Streetscape and Open Space Areas	<i>Consent for the subdivision of land requires a Landscape Plan to be lodged to the satisfaction of the consent authority.</i>	A landscaping plan has not been provided; however a condition of consent has been included in the draft notice of determination requiring the proponent to prepare a comprehensive landscape plan, providing for public domain street trees, prior to the release of a construction certificate for necessary civil works.	No – A condition of consent has been imposed.

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E.13.1.9 Biodiversity	<i>Consent will not be granted for the subdivision of land containing an EEC unless a VMP is submitted.</i>	No vegetation clearing is required as part of this proposed subdivision.	Yes
E.13.1.10 Water Management	<i>A Water Management Strategy is to be submitted.</i>	A stormwater management strategy has been prepared in accordance with this provisions of this section of the DCP. This plan recommends the construction of a stormwater management system to capture, treat and dispose of stormwater from the site.	Yes
E.13.1.11 Built Form	<i>New dwellings with a street frontage should have the appearance of a low scale detached dwelling in order to maintain the low density streetscape typical of Nulkaba.</i>	The proposed lots will adequately cater for future dwellings at the site.	Yes
E.13.1.12 Road Noise and Vibration	<i>Consent shall not be granted for the subdivision of land, or for noise sensitive development (including but not limited to dwellings, places of public worship, child care centres, hospitals, and educational establishments) within 200 metres of the Wine Country Drive</i>	The subject land is not within 200m of Wine Country Drive and is not affected by aircraft noise. This provision does not apply.	Yes

**(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.

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**(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.

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

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

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

The Development Application was publicly exhibited between 15 August 2018 and 29 August 2018.

In respect of the most recent exhibition period relating to the current proposal, a total of 16 submissions in objection were received from 14 different households. 15 properties were notified during the exhibition period, therefore the return rate of submissions is deemed significant. The following discussion addresses the issues and concerns raised in the submissions:

ISSUE	SPECIFIC DETAIL	ASSESSMENT RESPONSE
TRAFFIC	<i>Roads within the Nulkaba catchment will deteriorate at a rapid rate with increased useage.</i>	<p>This proposal seeks consent for an additional 24 lots only.</p> <p>Based on the Roads and Maritime Service's document: "<i>Guide to Traffic Generating Development</i>", single residential dwellings in regional areas generate an estimated seven (7.4) vehicle trips per day per lot and 0.78 peak hour vehicle trips per lot. The proposed development will increase the expected lot yield by one dwelling. Therefore, the proposal when fully developed has the potential to generate an extra 178 vehicle trips per day and 19 peak hour vehicle trips.</p> <p>Given the limited increased traffic from the development and the current road conditions, it is expected the above-mentioned increase in traffic can be</p>

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		accommodated by the existing road infrastructure.
	Increased road activity danger to schools and churches in area.	<p>The Nulkaba Primary School is located on O'Connor Road, approximately 700m to the northeast of the proposed development site.</p> <p>Austral Street is anticipated to be the primary feeder road for the proposed subdivision. Austral Street does not contain a school, church or other significant public land use; therefore any increase in vehicles using this road (however minimal) is not expected to create a significant impact to the surrounding road network.</p>
	Impacts to Austral and Kerlew Streets.	<p>Austral Street in the vicinity of the site is both an unsealed and sealed local road (i.e. no through road). Austral Street has a bitumen seal pavement for 580m west of the intersection with Wine Country Drive. The road then becomes a gravel unsealed road. A portion of this gravel road is required to be upgraded to bitumen seal for the purpose of enabling access for the approved subdivision of 8/2009/268/5. This consent also approves the internal road that this proposed subdivision will rely upon. A condition of consent will be imposed in the draft notice of determination requiring consent 8/20009/268/5 to be completed prior to the release of the subdivision certificate for this proposal. Effectively, road works in Austral Street will be required to be undertaken before this proposed subdivision can be finalised.</p> <p>Kerlew Street is not anticipated to be a major point of access for this proposed subdivision.</p>

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		<p>Pinchen Street (which provides the direct access for this proposed subdivision) is currently a partially formed gravel access road, connecting to Austral Street in the north and Kerlew Street in the south. Pinchen Street is required to be upgraded with bitumen seal between Austral Street and the access road into the subdivision (via consent 8/2009/268/5); this effectively ensure s that the primary point of access for traffic into this land for the combined subdivisions of 8/2009/268/5 and 8/2017/438/1 will be Austral Street (and not Kerlew Street).</p>
	<p>Entering on to Wine Country Drive is already dangerous, a new intersection is needed.</p>	<p>This proposed subdivision was not required to be referred to the Roads and Maritime Service (RMS) for concurrence in accordance with the State Environmental Planning Policy (Infrastructure) 2007. It is noted that Wine Country Drive is under the control of the RMS, therefore any future intersection upgrade works onto Wine Country Drive will be at the discretion of the RMS.</p>
	<p>Insufficient street parking to facilitate all the vehicles associated with 750sqm lots.</p>	<p>The proposal does not seek consent for residential accommodation and therefore matters concerning parking associated with housing development are to be considered under future development applications.</p>
	<p>22 x 2000sqm lots already approved, adding in 24 small lots will have disastrous impacts on traffic in area.</p>	<p>As stated previously, based upon the Roads and Maritime Service's document: "<i>Guide to Traffic Generating Development</i>", the proposal (when fully developed) has the potential to generate an extra 178 vehicle trips per day and 19 peak hour vehicle trips. This anticipated increased is expected to be absorbed into the surrounding road network.</p>

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CHARACTER	Character of area: surrounding lots are 4000sqm.	<p>The surrounding area is transitioning from a rural area to a rural-residential area. The site is located on the fringe of Nulkaba Village, and has been designated for village development in Council's City Wide Settlement Strategy.</p> <p>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.</p>
	2000sqm lots would be more compatible with the village atmosphere and adjoining lots.	The proposed lot sizes meet the minimum area requirements, as outlined within Clause 4.1 of Cessnock LEP 2011.
	The proposed DA will create an upper (large lots existing) and a lower class (new 750sqm lots).	<p>The proposal does not seek consent for residential accommodation and therefore matters concerning housing development are to be considered under future development applications.</p> <p>Notwithstanding this, the socio-economic status of occupants is not a consideration for Council to consider under Section 79C of the Environmental Planning and Assessment Act 1979.</p>
	Loss of village atmosphere – particularly through the increase in traffic.	<p>The surrounding area is transitioning from a rural area to a rural-residential area. The site is located on the fringe of Nulkaba Village, and has been designated for village development in Council's City Wide Settlement Strategy.</p> <p>Whilst the objection correctly</p>

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		<p>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.</p> <p>As has also been previously noted, the additional traffic likely to be generated in conjunction with this approval is likely to be absorbed into the existing road network.</p>
	Lot sizes of 711sqm are inconsistent with the area, overdevelopment of site.	<p>When the application was initially lodged, a small number of lots proposed lots with areas of 711sqm which failed to meet the required minimum lot size of 750sqm. The applicant was informed that this variation would not be supported and the application was amended accordingly.</p> <p>This subdivision now proposes a range of lot sizes, varying between 750sqm and 1230sqm. The average lot size is 882sqm. Given that the average lot far exceeds the minimum lot size for the land, the proposal is not considered to be an 'overdevelopment'.</p>
OTHER	Street lighting in area poor, particularly Pinchen Street has none.	<p>Pinchen Street is required for upgrading as part of subdivision works for consent 8/2009/268/5.</p> <p>Section 94 contributions have been imposed in the draft notice of determination. A portion of these contributions will go towards services and amenities, which may include future street lighting if the necessity is</p>

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		identified.
	Access handles undesirable.	There are only 6 proposed lots requiring access via an access handle. The other 18 proposed lots (comprising 75% of the entire development) have individual street frontage. A variety of lot shapes, orientation and size is encouraged in new subdivisions. The proposed battle axe lots are considered acceptable for this proposal.
	Encourage rental properties.	This application proposes the subdivision of land only. The type of development to occur on the created allotments may only be considered under new development applications. Whether the new development contains rental properties or owner-occupied properties is not a planning consideration under Section 79C of the Environmental Planning and Assessment Act 1979.
	Property devaluation.	Loss of property value (whether real or perceived) is not a relevant planning consideration. Case law from the Land and Environment Court of NSW is clear in respect to how the Court determines whether issues relating to loss in property values are given weight (as a result of a proposed development). In <i>Alphatex Australia v The Hills Shire Council</i> (No 2) [2009], the Commissioner stated: <i>"I pay no regard to the fears about loss of property values as, consistent with the position long taken in the Court, this is not a relevant planning consideration"</i> .
	Impact to surrounding wildlife.	The subject land consists of a 3.11ha portion of land, with residential development to the east, north and south of the site and larger rural allotments to the west. Wildlife are likely to inhabit the lands to the west of



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		<p>this site and the relatively small area of land used for this proposed development is not expected to significantly impact wildlife (particularly given the proximity to residential areas).</p> <p>The site is not identified as having particular ecological significance and is not zoned for the purposes of ecological conservation.</p> <p>It is considered that the ground of objection does not provide a suitable reason for refusal of the application.</p>
	Increase in infrastructure (i.e. sewer and electricity).	<p>Connection to essential services is to be undertaken at the full cost to the developer.</p>

**(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 94 CONTRIBUTIONS

Section 94 Contributions are payable for the proposal. The Nulkaba Section 94 Contributions Plan applicable and have been imposed accordingly.

In the event the application is approved, S.94 Contributions totalling \$157,315.86 would be payable, in accordance with the following:

Open Space Recreational Sporting Facilities	\$43,830.18
Community Facilities	\$55,299.59
Road and Traffic Facilities	\$55,299.59
Plan Management Administration	\$ 2,886.50

## INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	The development application is supported subject to the imposition of recommended conditions of consent.

## EXTERNAL REFERRALS

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The Development Application was referred the following external authorities for assessment:

Agency	Comment
Rural Fire Service	A Bushfire Safety Authority was issued on 5 September 2017 subject to conditions.

## CONCLUSION

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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.

As outlined in the report, it is considered unlikely that the development will result in any adverse impacts. The subdivision design has taken into consideration identified environmental constraints and the proposal is supported based on the following:

- The suitability of the site for residential subdivision to a minimum lot size of 750m<sup>2</sup> has already been accepted via a rezoning process;
- Issues raising during the public exhibition periods have been addressed in this assessment report, and it is considered that the issues raised do not justify refusal of the application.

Given the imminence of Satisfactory Arrangements being satisfied, it is recommended that the application be approved subject to receipt of confirmation from the NSW Department of Planning and Environment that satisfactory arrangements have been made in respect of Clause 6.1 of Cessnock Local Environmental Plan 2011, and the conditions contained in this report.

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## ENCLOSURES

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- 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

Within twenty-four months from the date of determination the proponent shall submit the following information/documentation, to the satisfaction of Council:

- *Evidence of the creation of 'Super Lot B', via consent 8/2009/268 is provided via release of the subdivision certificate.*
- *Evidence of the Satisfactory Arrangement Certificate being issued by the NSW Department of Planning.*

This consent will not operate until the applicant satisfies Council that the matter/s listed above have been complied with. Upon satisfactory evidence being provided that the matter/s listed above have been satisfied, Council will give notice to the applicant of the date from which the consent operates.

**Note:** Pursuant to section 4.45 of the Environmental Planning and Assessment Act 1979, this consent will lapse if the Applicant fails to satisfy the Council as to the matters listed in this deferred commencement condition within twenty-four months from the date of determination.

### SCHEDULE 2 – CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITION IN SCHEDULE 1

### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. General Terms of Approval

All General Terms of Approval issued by the NSW RFS (dated 5 September 2017) 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. 8/2017/438/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of Subdivision of proposed lot 224 (Part of Lot 3 DP 1201274), sheet 1 of 1.	Surveyor: Andrew Edward Daly	Undated

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<b>Document Title</b>	<b>Prepared By</b>	<b>Dated</b>
Statement of Environmental Effects	Insite Planning	August 2017
Concept Stormwater Management Plan	Northrop	25 July 2017
Bushfire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions Pty Ltd	28 July 2017
Traffic Impact Assessment	Intersect Traffic	July 2017

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. Amended Plans Required**

The plans submitted in association of the CC application must incorporate the following:

- a) The plans are to include the details of the road to be constructed within the proposed road reserve. The plans are to be prepared in accordance with Council's Engineering Requirements for Development.
- b) The plans are to include the details of the proposed drainage system. The Plans are to show pipe sizes, grades, pit invert levels and surface levels. The plans are to be prepared in accordance with Council's Engineering Requirements for Development.
- c) The plans are to include details of the proposed access handles to access the proposed lots 409, 412, 413, 416, 417, 418 and 419. The plans are to be prepared in accordance with Council's Engineering Requirements for Development.

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the CC.

**4. Street Trees**

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

Prior to submission of the Street Tree Planting Plan, the applicant is required to schedule a meeting with the relevant Council Officer to discuss species and location requirements relating to street trees. A fee is payable for this service in accordance with Council's adopted Fees and Charges.

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**5. Payment of Fee**

Prior to the issue of a CC, Council imposes a requirement to lodge landscape plans which detail the introduction, removal or relocation of street trees. Vegetation and Civic Spaces Coordinator will recommend species and location requirements of the street trees as a condition of planning approval. Prior to Issue of subdivision certificate council officers will conduct inspections at both development consent stage as well as at completion stage to ensure compliance, in accordance with councils fees and charges at a fee of \$122.50 per hour minimum.

**6. Stormwater – Detailed Design Requirements**

The applicant shall provide an inter-allotment drainage easement to drain all Lots required to be drained by an inter-allotment drainage line. 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 CC.

Note:

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

**PRIOR TO COMMENCEMENT OF WORKS**

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

**7. Soil and Water Management Plan**

The applicant must prepare a Soil and Water Management Plan, 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:

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- 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.

**8. 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.

**9. 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.**

**10. Location of Council Pipes**

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

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works;
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits; and
- 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.

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

**11. Erosion and Sediment Controls**

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

**12. Stormwater Runoff**

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

**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.**

**13. Road Construction**

Prior to the issue for the SC, construction of the road serving the subdivision approved via development consent 8/2009/268/5 is to be completed to the satisfaction of Council.

**14. Internal road construction**

Prior to the issue of the SC, the construction of all access handles is to be completed to the satisfaction of Council.

**15. Requirement for a Subdivision Certificate**

Prior to the issue of a SC, the applicant shall 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; and
- d) All surveyor's or engineer's certification required by the Development Consent.



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**16. 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.

**17. S94 Contributions Plan – Nulkaba**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 SC:

Contribution Type	Amount Payable
Open Space Recreational Sporting Facilities	\$43,830.18
Community Facilities	\$55,299.59
Road and Traffic Facilities	\$55,299.59
Plan Management Administration	\$2,886.50
<b>Total</b>	<b>\$157,315.86</b>

A copy of the Section 94 Contributions Plan – Nulkaba may be inspected at Council's Customer Service Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

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

**18. All Services Provided Within Lots**

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

**19. 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:

- Sufficient levels and dimensions to verify the constructed storage volumes;
- Location and surface levels of all pits;
- Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit;
- Finished floor levels of all structures and driveways;

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- 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; and
- 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, Council prior to the release of the Subdivision Certificate.

**20. 88B Certificate Required**

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

**21. 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 Subdivision Certificate.

**22. Section 50 – Hunter Water Act 1991**

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

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**ONGOING USE**

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

**23. 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.

**24. Road – Advice**

The applicant is advised that Council will not accept responsibility for the road access. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

**SUBJECT:** ***CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 -  
PLANNING PROPOSAL TO REZONE LAND AT 71  
BRANXTON STREET, GRETA FROM RU2 RURAL  
LANDSCAPE TO R2 LOW DENSITY RESIDENTIAL AND TO  
REDUCE THE MINIMUM LOT SIZE FROM 40HA TO 450M2.***

**RESPONSIBLE OFFICER:** ***Strategic Planning Manager – Martin Johnson***

<b>APPLICATION NUMBER:</b>	18/2017/6/1
<b>PROPOSAL:</b>	Planning Proposal – 71 Branxton Street, Greta
<b>PROPERTY DESCRIPTION:</b>	Lot 1 DP873220
<b>PROPERTY ADDRESS:</b>	71 Branxton Street, Greta
<b>ZONE: (CURRENT)</b>	RU2 Rural Landscape
<b>ZONE: (PROPOSED)</b>	R2 Low Density Residential
<b>OWNER:</b>	Mr K H Waeger
<b>PROPONENT:</b>	HDB Town Planning and Design

### **SUMMARY**

Council has received a planning proposal to rezone land at 71 Branxton Street, Greta from RU2 Rural Landscape to R2 Low Density Residential and to reduce the minimum lot size from 40ha to 450m<sup>2</sup>.

Council's existing strategic policy framework does not support the proposal. However, the proposal does have merit in that it is located close to Greta township, it has access to utilities and other services available, it has limited potential for rural activities, it is accessible from the newly constructed extension to West Street and it is opposite Victoria Park.

Council is currently undertaking a comprehensive review of the Cessnock City Wide Settlement Strategy. As there is adequate land available in the immediate area to satisfy residential development needs in the medium-long term, it is recommended that the area bounded by Branxton and Water Streets and Leconfield Road be considered for inclusion as an investigation area in the new city wide planning strategy. Consideration of this larger area will encourage a more holistic and integrated land use outcome.

### **RECOMMENDATION**

- 1. That Council include the area bounded by Branxton and Water Streets and Leconfield Road, Greta as an area for investigation within the new Cessnock City Wide Planning Strategy.**
- 2. That Council, subject to the inclusion of the site in the new draft Cessnock City Wide Planning Strategy, sends the draft Planning Proposal to the Department of Planning and Environment requesting a Gateway determination.**

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**BACKGROUND**

The site at 71 Branxton Street, Greta is zoned RU2 Rural Landscape with a minimum lot size of 40Ha. The draft Planning Proposal submitted by HDB Town Planning and Design seeks to amend Cessnock Local Environmental Plan 2011 (CLEP 2011) to rezone the site to R2 Low Density Residential and reduce the minimum lot size to 450m<sup>2</sup>. The proposal is supported by an indicative subdivision plan that illustrates a yield of around 40 residential lots.

In November 2014, Council received a preliminary planning proposal to rezone the land. At that time, the applicant was advised that the Hunter Regional Plan 2036 and the Cessnock Settlement Strategy did not support the rezoning of the land and therefore there was no strategic justification or priority for Council to support an amendment to the CLEP 2011 for the site.

Since that time, Council has adopted the Branxton Subregion Land Use Strategy and Structure Plan 2016. The plan provides long-term direction for the sub-region's settlement pattern including residential lands. However, the site is not identified in the Strategy as a growth area and it does not meet the policy parameters to be considered as infill development.

Council is currently preparing a comprehensive land use strategy for the entire local government area. The strategy will provide a revised policy context to inform decisions about the future growth across the local government area.

Date	Task
17 June 2014	Council advised HDB Town Planning and Design that there is no strategic basis to consider an amendment to the Cessnock Local Environmental Plan 2011 for the site.
7 November 2014	Council received planning proposal request to rezone the site.
22 January 2015	Council advised HDB Town Planning and Design that a city wide strategic land use study was being prepared to provide direction for the review of the Cessnock City Wide Settlement Strategy.
7 October 2015	Council calls for expressions of interest for sites to be considered as future development sites in the City Planning Strategy Project.
24 March 2016	Council acknowledges an expression of interest from HDB Town Planning and Design and advises of the timeframe (> 2 years).
24 November 2017	Council received planning proposal from HDB Town Planning and Design.
10 January 2018	Council acknowledges receipt of planning proposal.

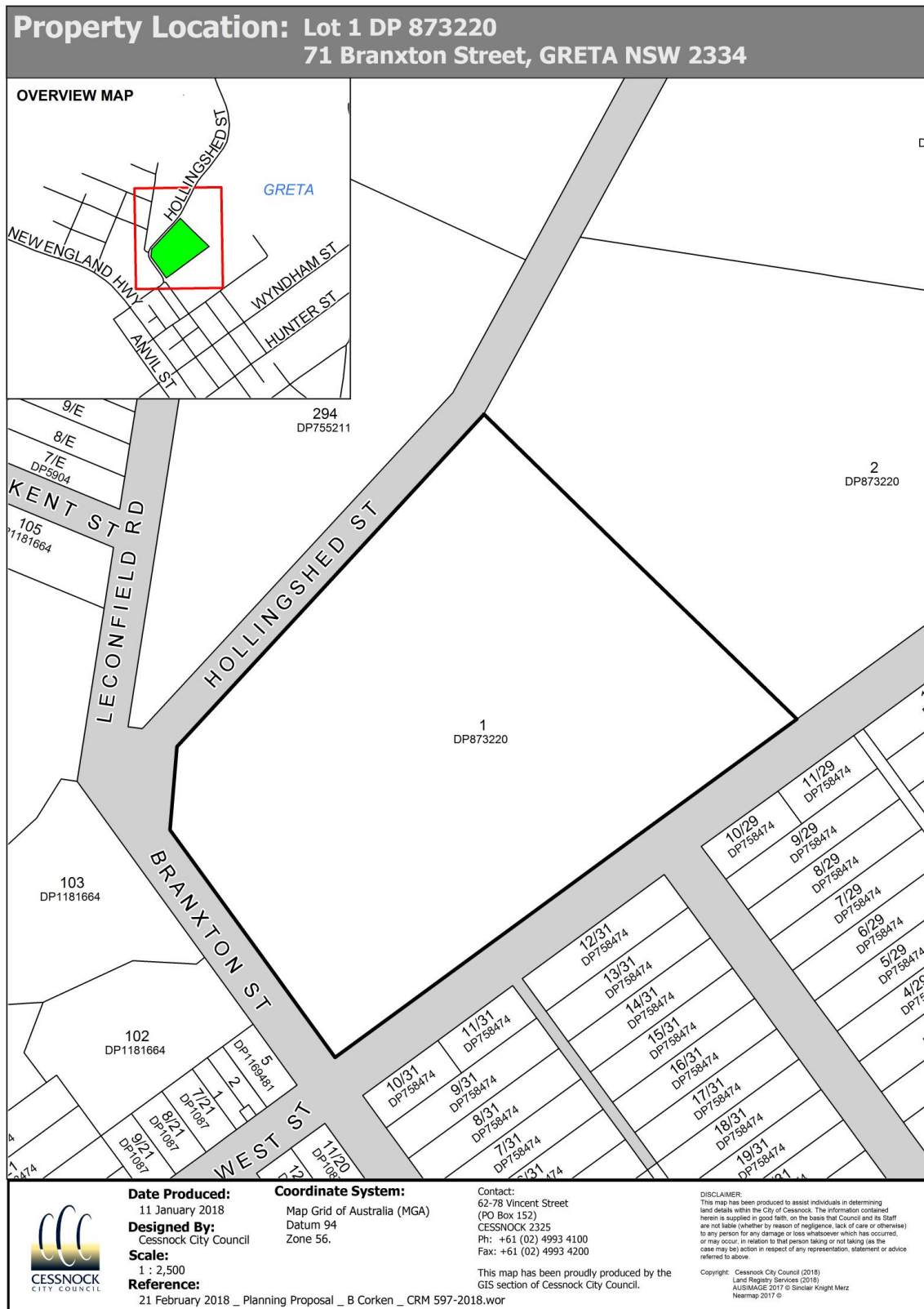
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Location map

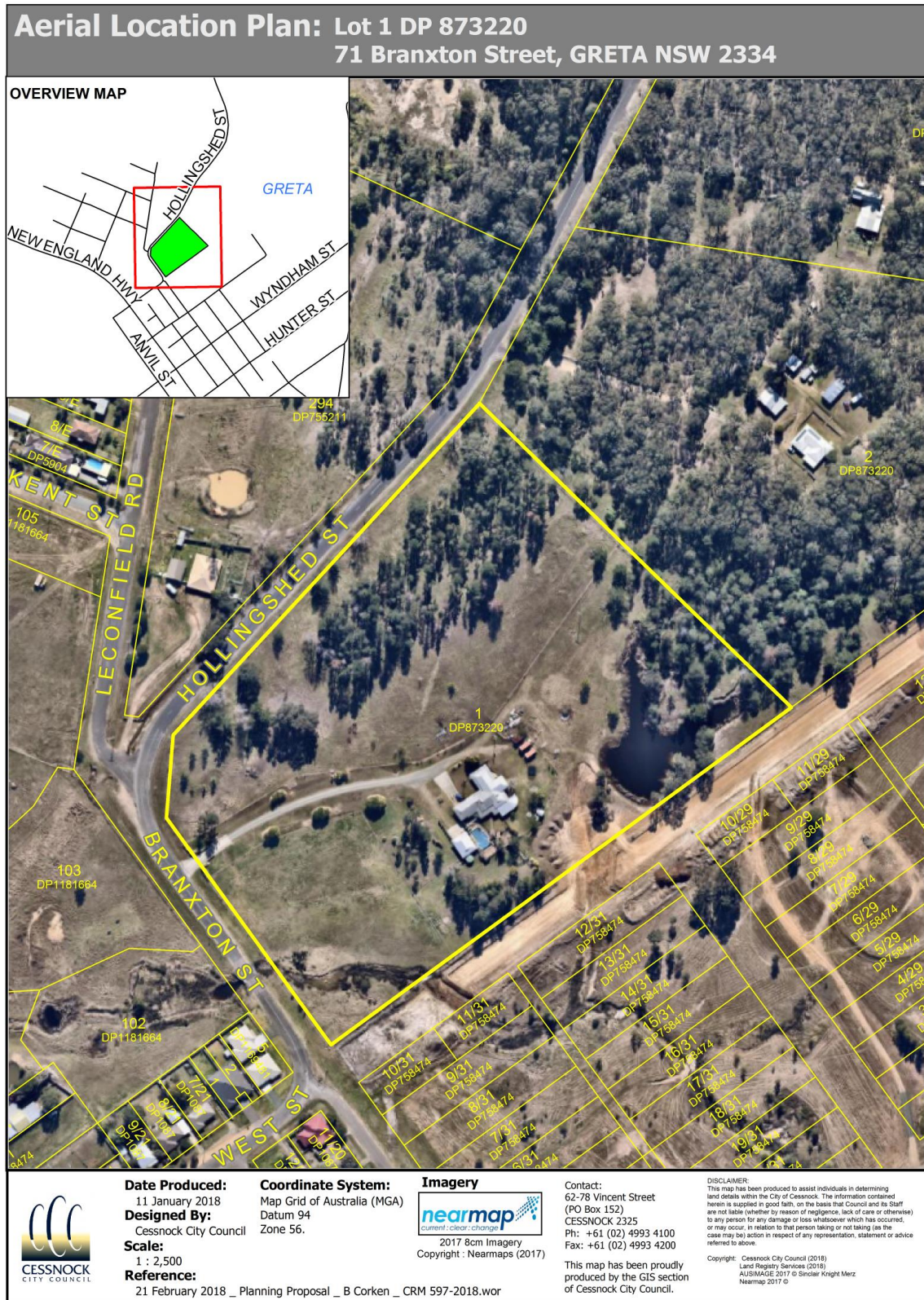




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Aerial map



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**REPORT/PROPOSAL**

The draft planning proposal seeks to amend the CLEP 2011 to achieve approximately 40 lots. The proposed changes include rezoning the land from RU2 Rural Landscape to R2 Low Density Residential and reducing the minimum lot size to 450m<sup>2</sup>.

The existing strategic policy framework provided by the Hunter Regional Plan 2036, City Wide Settlement Strategy 2010, the Branxton Subregion Land Use Strategy and Structure Plan 2016 does not support this proposal. Despite this, the proposal does have merit as the site:

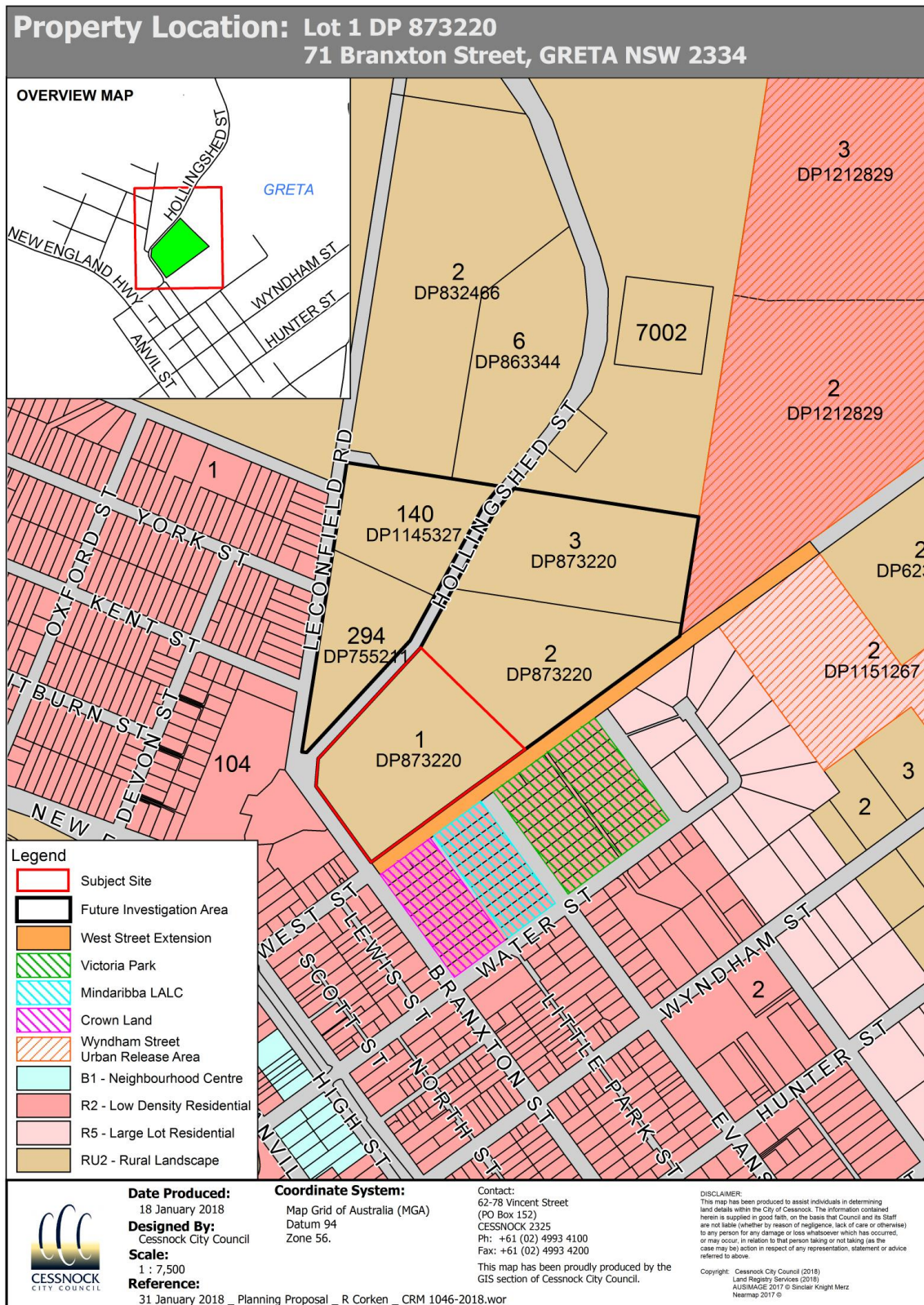
- is located generally within the existing town extents of Greta;
- is close to the Greta Town Centre;
- has frontage to the newly constructed West Street that services the Wyndham Road development;
- is close to open space, i.e. Victoria Park; and
- has limited potential to support rural activities.

There are a number of other sites in the immediate vicinity of the subject site that may also be suitable for consideration for future development and/or rezoning. For example:

- Victoria Park is currently zoned RU2 Rural Landscape and could be rezoned to reflect its recreation purpose.
- There is a two hectare area of Crown land and an equal area of land owned by the Mindaribba Aboriginal Land Council opposite the site that is zoned RU2 Rural Landscape.
- There are undeveloped Crown road reserves that may be suitable for rationalisation.
- There are undeveloped areas to the north-west and west of the site.



Surrounding development and proposed investigation area



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Given the number of sites that may be suitable for development and/or rezoning, the area would benefit from a strategic, rather than a site specific investigation to encourage a holistic and integrated approach to development in the area. Therefore, it is proposed that the area be considered as an area for investigation in the future Cessnock City Wide Planning Strategy.

**OPTIONS**

Council has the following options:

1. To not proceed with the proposal at this time to rezone the land and to consider the area bounded by Branxton and Water Streets and Leconfield Road, Greta as an investigation area in the new City Wide Planning Strategy. This would allow Council to consider rezoning the area at an appropriate future stage. This is the preferred option
2. To support the draft Planning Proposal and seek a Gateway determination from the Department of Planning and Environment to proceed with rezoning the site.

**CONSULTATION**

An officer of the Department of Planning and Environment was contacted to discuss the proposal and to gauge the level of support for the draft Planning Proposal. The officer advised that if there was no strategic policy basis for consideration of the draft planning proposal then it was unlikely that the Department would support it. However, the officer acknowledged that the site had merit and could be considered in the review of the Cessnock City Wide Settlement Strategy.

**STRATEGIC LINKS**

**a. Delivery Program**

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

A sustainable and Healthy Environment:

- Objective 3.1, Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

**b. Other Plans**

City Wide Settlement Strategy 2010 (CWSS)

The CWSS is Councils primary strategic planning policy. The CWSS directs growth across the local government area and informs any changes to the Cessnock Local Environmental Plan.

Part 5 of the CWSS refers to the provision of residential land. Section 5.3 and 5.4 identify specific areas of infill residential development. The site is not identified as an infill or a development site.

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Part 6 of the CWSS provides direction for the growth of villages including Greta. Section 6.2 specifically excludes additional development in any villages other than Ellalong, Paxton, Millfield and Kitchener. However, this is on the basis that access to a fully reticulated sewer system was not available when the CWSS was drafted.

**Branxton Sub-regional Land Use Strategy and Structure Plan 2016**

The Council adopted the Branxton Sub-regional Land Use Strategy and Structure Plan in June 2016. That Strategy covers the areas in and around Greta including the subject site. The Strategy identifies two specific investigation sites in Greta.

1. Greta Growth Area – this area is expected to provide around 250 new dwellings and around 70 new rural residential dwellings to 2041.
2. Greta Migrant Camp – this area has an ultimate capacity to provide around 1,350 residential dwellings to 2041.

The subject site is not identified as an investigation site in Branxton Sub-regional Land Use Strategy and Structure Plan.

The Strategy seeks to facilitate infill residential development to encourage greater housing choice such as shop top housing; seniors housing within 400m walking radius of the village centre or by intensifying residential uses on lands currently zoned for large lot residential where the land can be adequately serviced. However, the proposal does not meet these criteria.

***IMPLICATIONS***

**a. Policy and Procedural Implications**

The status of the planning proposal is identified in the following process flow chart.

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**b. Financial Implications**

There are no financial implications if Council does not proceed with the Planning Proposal, as per the recommendation of the Report.

If Council resolves to proceed with the draft Planning Proposal the proponent will be charged fees in accordance with Council's adopted Fees and Charges.

**c. Legislative Implications**

NIL

**d. Risk Implications**

Allowing this planning proposal to advance without a supportive strategic policy framework may undermine the rigour of Council's strategic planning framework.

There is also a high risk that the Department of Planning and Environment will not support the draft Planning Proposal

**e. Environmental Implications**

There are a number of environmental constraints on the site and design considerations that would need to be resolved before advancing any planning proposal to rezone the site.

Hunter Lowerlands Redgum Forest Ecologically Endangered Community

There is a small area of Hunter Lowerlands Redgum Forest Ecologically Endangered Community (EEC) on the site. The value of this EEC needs to be understood and if required, actions to protect the EEC taken.

Riparian corridor

A second order stream traverses the site. The zoning of the site will need to ensure the value of the corridor is protected.

Flooding

The site is partly affected by flooding in a 1% Annual Exceedance Probability (AEP) event. The zoning of the land must reflect the flooding constraint unless it is determined to be of minor significance.

Stormwater management

Stormwater management and specifically the design, location and management of the proposed detention basin would have to be considered by Council.

**f. Other Implications**

NIL

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***CONCLUSION***

The rezoning of the site for residential purposes has merit. However, Council's existing strategic land use policy framework does not support the proposal. Council is undertaking a comprehensive review of its current Settlement Strategy due for completion 2018/2019.

There are a number of sites around the subject site that could be considered for rezoning for residential and other purposes. An investigation of the larger area would encourage an integrated development outcome. To achieve this, it is proposed to consider the area bounded by Branxton and Water Streets and Leconfield Road as an area for investigation in the new settlement strategy.

***ENCLOSURES***

There are no enclosures for this report

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**SUBJECT:** ***CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 -  
PLANNING PROPOSAL TO REZONE LAND AT CLIFTLEIGH  
FROM RE1 PUBLIC RECREATION TO R2 LOW DENSITY  
RESIDENTIAL***

**RESPONSIBLE OFFICER:** ***Strategic Planning Manager – Martin Johnson***

<b>APPLICATION NUMBER:</b>	8/2016/1
<b>PROPOSAL:</b>	Rezone Property and Amend Minimum Lot Size
<b>PROPERTY DESCRIPTION:</b>	Part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757
<b>PROPERTY ADDRESS:</b>	Part of 21 Main Road, Cliftleigh and part of 43 Main Road, Cliftleigh
<b>ZONE: (CURRENT)</b>	RE1 Public Recreation
<b>ZONE (PROPOSED)</b>	R2 Low Density Residential
<b>OWNER:</b>	Winten (No23) Pty Ltd and Mr and Mrs Palmer
<b>PROPONENT:</b>	Monteath and Powys

### **SUMMARY**

The purpose of this Report is to advise Council of the outcome of the public exhibition of the Planning Proposal relating to Main Road, Cliftleigh and seek Council's endorsement to make the proposed amendment to the *Cessnock Local Environmental Plan 2011* (LEP 2011).

Council has been delegated the authority to exercise the functions of the Minister for Planning and Environment to make the proposed amendment to the LEP 2011.

### **RECOMMENDATION**

- 1. That Council endorse the revised Planning Proposal to rezone Part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757 to R2 Low Density Residential Zone and apply a minimum lot size of 450m<sup>2</sup> as an amendment to the *Cessnock Local Environmental Plan 2011*.**
- 2. That Council notify people who made submissions of Council's decision.**

### **BACKGROUND**

The Planning Proposal was lodged with Council on 11 October 2016 and relates to part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757, known as part of 21 Main Road, Cliftleigh and Part of 43 Main Road, Cliftleigh. The subject land is identified in **Figure 1**.



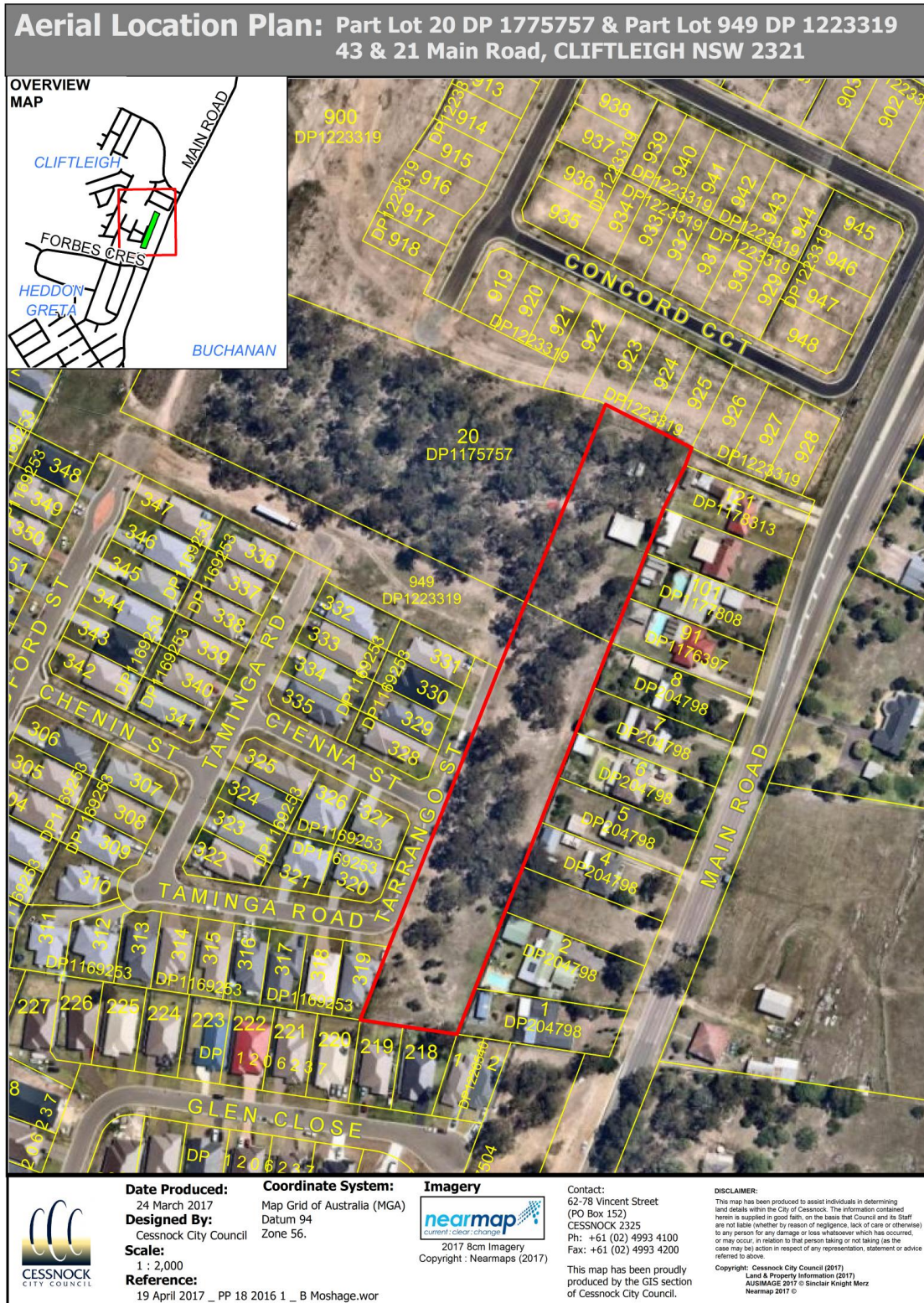
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Figure 1 – Subject Land: Part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757





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The Planning Proposal was reported to the meeting of Council on 19 April 2017 where it was resolved to request a Gateway determination for the Planning Proposal and undertake consultation in accordance with the Gateway determination. Council resolved that if any written objections were received a report be provided back to Council.

The Planning Proposal was consequently exhibited for 36 days which resulted in 1 letter of support, 1 letter of objection and 1 petition with 32 signatures objecting to the Proposal. In accordance with the resolution of Council the Planning Proposal is required to be reported back to Council following the exhibition period.

**Chronology**

<b>Date</b>	<b>Brief Description</b>
<b>11/10/2016</b>	Planning Proposal lodged with Council
<b>20/1/2017</b>	Additional information requested
<b>20/1/2017</b>	Internal referral to Strategic Recreation and Community Facilities
<b>3/2/2017</b>	Response to additional information request
<b>19/4/2017</b>	Council resolves to forward the Planning Proposal to the Department of Planning and Environment for a Gateway determination
<b>2/10/2017</b>	Gateway determination issued
<b>12/10/2017 to 20/2/2018</b>	Consultation with public authorities
<b>28/2/2018 to 4/4/2018</b>	Public exhibition of the Planning Proposal

**REPORT/PROPOSAL**

The site is located in Cliftleigh between existing houses on the western side of Maitland Road and the Cliftleigh Meadows development. The Planning Proposal seeks to rezone the subject land from RE1 Public Recreation Zone to R2 Low Density Residential Zone and apply a minimum lot size of 450m<sup>2</sup> which is consistent with the adjoining R2 zone.

The original rezoning of the Cliftleigh Urban Release Area (URA) initially proposed to zone the site R2 Low Density Residential consistent with surrounding land in the URA. The URA was designed with the intention that the site would be zoned R2 Low Density Residential and would consequently be subdivided and developed. However, as part of the final consideration of the proposal in 2007 Council resolved to zone the land to RE1 Public Recreation to address concerns residents raised regarding the need for a visual screen to the proposed Cliftleigh development. Zoning the site RE1 Public Recreation has meant that the land will ultimately be dedicated to Council and that Council will become responsible for the ongoing maintenance and management of the site.

In 2016, the Proponent approached Council and advised that their preference for the site is the R2 Low Density Residential Zone consistent with the surrounding zone. Applying the R2 Zone will provide approximately 13 additional residential allotments.

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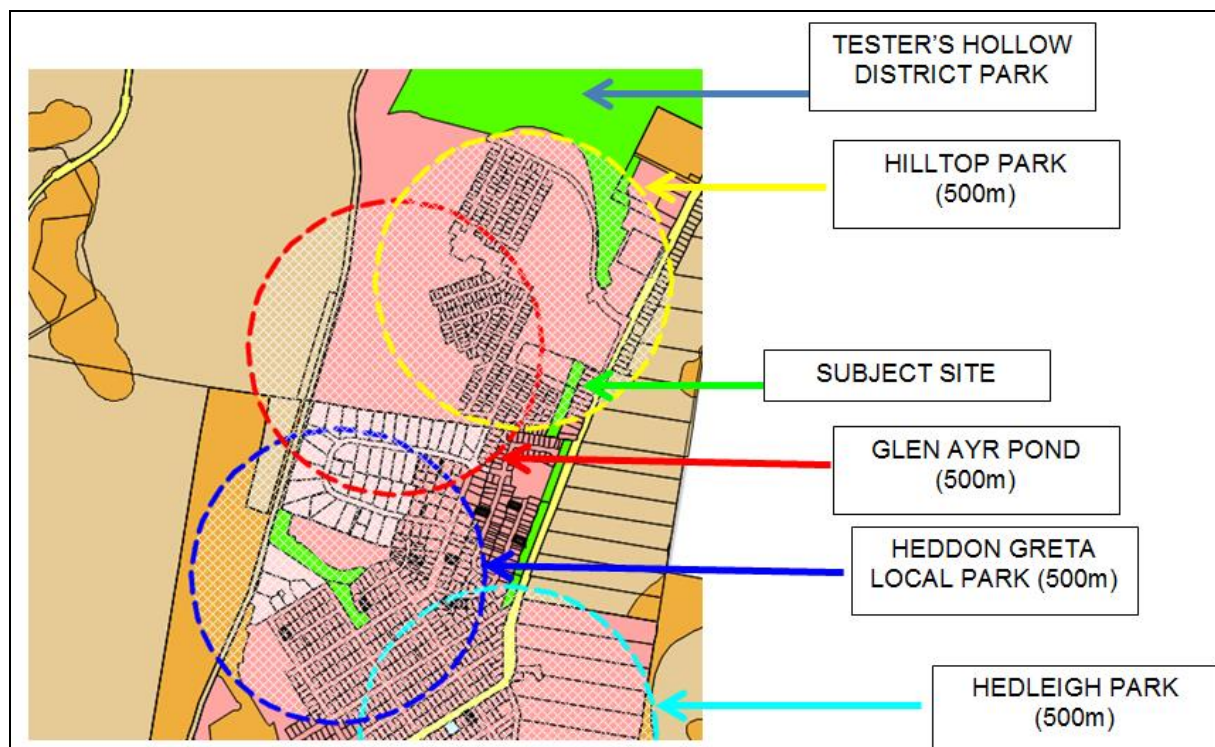


The site has subsequently been reviewed against the principals in the draft Recreation and Open Space Strategic Plan (ROSSP) to determine if the site has value for recreation and if sufficient recreational land is being provided in the Cliftleigh Development.

The subject site falls within the Kurri Kurri Planning Area, which includes Neath, Abermain, Weston, Heddon Greta and Cliftleigh, for which Council's draft ROSSP identifies a slight shortfall of recreation and open space facilities. However, the Cliftleigh URA provides an opportunity to address this, with the provision of Hilltop Park and Testers Hollow District Park. In addition, regional sportsground facilities are anticipated to be delivered as part of the Hydro Planning Proposal, which will also address sporting facility shortfalls in this area.

Council's draft Strategy aims to provide 'developed' open space within 500m of most residents. Developed open space includes passive, local, district and regional facilities. **Figure 2** shows existing and proposed open space in the immediate vicinity of the subject site.

**Figure 2:** Proposed open space in the Cliftleigh district.



While a number of properties south of the subject site fall outside the 500m serviced area, it is considered that the broader planning area, incorporating Heddon Greta, Cliftleigh and the proposed Hydro residential site, is currently serviced or will be well serviced, when the proposed facilities are built.

Additionally, the size, shape and location of the subject site make it of limited recreational value in accordance with principals in the Open Space Design Guidelines of the Draft Recreation and Open Space Strategic Plan. This site is an isolated parcel of passive open space that has no connectivity to other open space corridors or existing and/or proposed cycleway networks.

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The ongoing management and maintenance of the site also needs to be considered. If the Planning Proposal does not proceed the site will be dedicated to Council with Council being responsible for maintenance. While the site will have all weeds and rubbish removed by the developer prior to dedication, the ongoing maintenance, inclusive of all management costs, will fall to Council and this will impact on Council's existing maintenance program and current and future maintenance levels of open space in the area.

**OPTIONS**

Council has the following options:

1. Submit the Planning Proposal to the Department of Planning and Environment as an amendment to the *Cessnock Local Environmental Plan 2011*. This is the recommended option.
2. Not proceed with the Planning Proposal for the following reasons:

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*(To be provided by Council).*

**CONSULTATION**

The Gateway determination required the Planning Proposal to be exhibited for a minimum of 14 days. In accordance with the Gateway determination the Proposal was placed on public exhibition on 28 February for 14 days. However, at the Council meeting on 7 March 2018 Councillors requested the exhibition period be extended. The exhibition period was subsequently extended to 4 April 2018 and the Proposal was exhibited for 36 days in total.

Notification of the exhibition of the Proposal was placed in the Cessnock Advertiser and written notification was sent to surrounding property owners. A second notification letter was sent to surrounding property owners advising of the extension of the exhibition period.

A letter of support was received from the property owner whose property is included in the Planning Proposal to be rezoned to R2 Low Density Residential.

A petition objecting to the Proposal was received. The petitions contained 32 signatures from 22 properties on Main Road and Taminga Road, Cliftleigh. The petition stated that the signatories 'strongly objected to the proposal' but did not contain specific reasons for the objection. One letter of objection was also received. The letter of objection raised two issues.

1. The description of the site: The Planning Proposal stated that the proposal affected part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757, also known as 21 and 43 Main Road. The objection stated that this was incorrect as 43 Main Road was the second most northern house and 21 Main Road is north of the subject area.

This is correct in that 43 Main Road is the second most northern house; however, 43 Main Road is part of a larger allotment that extends back close to Radford Street.

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The RE1 Public Recreation Zone portion of the property is included in the Planning Proposal (**Figure 3**).

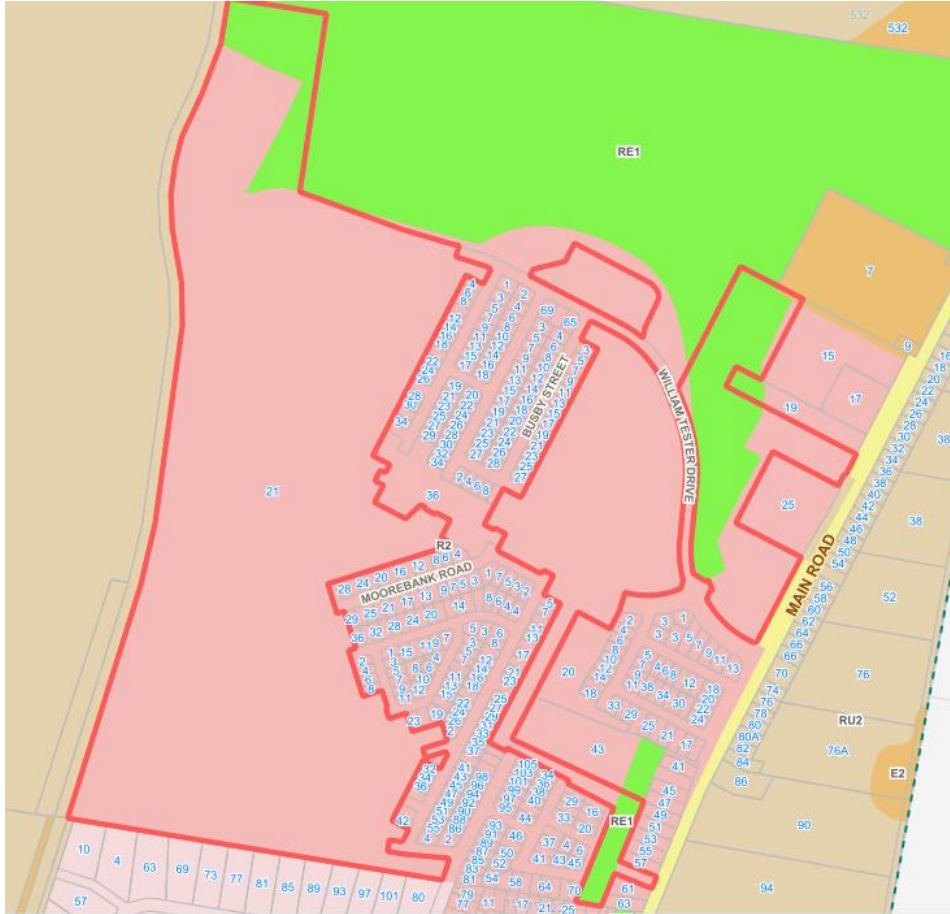
Due to the staging of the Cliftleigh development and the subdivision layout a significant portion of the undeveloped land is legally known as Lot 9492 DP 1225029 (21 Main Road, Cliftleigh). As this is the legal description of the property is was included in the Planning Proposal (**Figure 4**).

A map highlighting the area affected by the Proposal was included in the Planning Proposal in an attempt to avoid any confusion. The property description included in the Planning Proposal was the correct legal description.

**Figure 3:** All land legally known as Lot 20 DP 1175757, 43 Main Road, Cliftleigh.



**Figure 4:** All land legally know as Lot 9492 DP 1225029, 21 Main Road, Cliftleigh.



2. Public use of the land: The letter of objection stated that the site is currently used for recreation purposes by children in the neighbourhood.

The two properties are privately owned and the property owners are not obliged to allow the public access. Other recreation lands are planned within the Cliftleigh development to meet the recreation needs of the community including Testers Hollow District Park, Hilltop Park and Glen Ayre Pond.

Consultation also occurred with the following State Government agencies in accordance with the Gateway determination:

- NSW Rural Fire Service:
  - Raised no objection. Future subdivision will need to meet the requirements of *Planning for Bushfire Protection 2006*.
- Subsidence Advisory:
  - Advised that the site is not undermined nor within the zone of influence for mine workings.
- Office of Environment and Heritage:
  - Advised that the area is part of the previously negotiated Biodiversity Offset Agreement signed on 18 December 2007.

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**STRATEGIC LINKS**

**a. Delivery Program**

A Sustainable and Healthy Environment: Objective 3.1, Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

**b. Other Plans**

The recommendations of Council's Draft Recreation and Open Space Strategic Plan (ROSSP), Cycling Strategy 2016 and Recreation Needs Analysis 2017 were considered in preparation of this Report.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

This Report has regard to the provision of the *Environmental Planning and Assessment Act 1979* and associated Regulations. The current status of the planning proposal is identified in the following process.

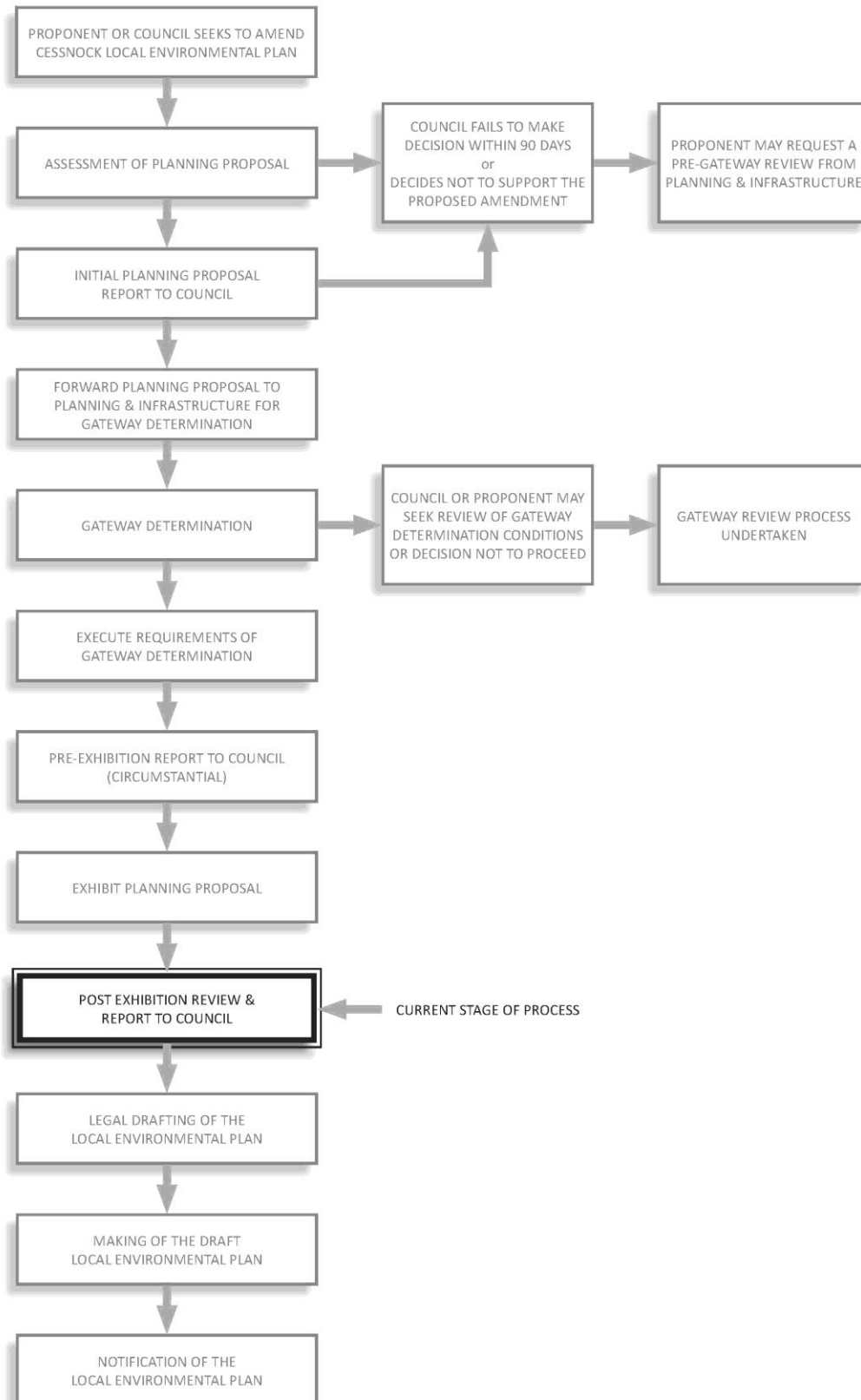
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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN





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**b. Financial Implications**

The cost of finalising the Planning Proposal and Planning Agreement will be met through rezoning fees. This Planning Proposal is considered to be a Category B rezoning application and attracts a Phase 1 fee of \$5,305.00 and Phase 2 fee of \$9,170.00.

**c. Legislative Implications**

The process underway to develop and finalise the Planning Proposal is consistent with Council's statutory responsibilities under the *Environmental Planning and Assessment Act 1979*.

**d. Risk Implications**

There is minimal risk to Council in proceeding with the Planning Proposal.

**e. Environmental Implications**

There are two on site Endangered Ecological Communities on site, the Lower Hunter Spotted Gum and the Ironbark Forest and Kurri Sand Swamp Woodland. The removal of this vegetation has previously been offset under a Biodiversity Agreement with the Office of Environment and Heritage in the consideration of the original rezoning of the Cliftleigh URA in 2007.

**f. Other Implications**

If the Planning Proposal does not proceed Council will be responsible for the ongoing management and maintenance of a relatively isolated parcel of open space of limited recreational value. While the site will have all weeds and rubbish removed by the developer prior to Council dedication, the ongoing maintenance, inclusive of all management costs, will subsequently fall to Council. This will have an impact on Council's existing maintenance program.

**CONCLUSION**

The recreational and open space value of this site is limited due to size and location of the site and the proximity of other open space within the Cliftleigh URA. The proposed rezoning is consistent with the surrounding development and it is considered that the potential ongoing Council maintenance costs is reduced. It is recommended that Council endorse the Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011*.

**ENCLOSURES**

- 1 ➡ Planning Proposal - Main Road Cliftleigh
- 2 Submission 1 \_ Support from Mr and Mrs Palmer - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- 3 Submission 2 \_ Objection \_ Petition from Cliftleigh residents - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*



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- 4 Submission 3 \_ Objection from Mr Corbett - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

Corporate and Community

Report No. CC39/2018

Corporate and Community Services



**SUBJECT:** *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 18 MAY 2018*

**RESPONSIBLE OFFICER:** *Community and Cultural Engagement Officer - Jo Miller*

#### **RECOMMENDATION**

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 18 May 2018 be adopted as a resolution of the Ordinary Council.
2. That on the Gateway signage in areas where no concerns have been raised, an Acknowledgement of Country be incorporated onto the signs and the wording be 'Wonnarua Country'.

#### **Information for Councils Consideration**

With regard to the above recommendations the following information is provided to Council:-

- Recommendation 2 – In reference to the Gateway signage locations (Cessnock Signage Strategy) the inclusion of the wording "Wonnarua Country" is proposed for Broke Road (Pokolbin) and New England Highway (Branxton).

For locations where concerns have been raised a further phase of consultation with Aboriginal and Torres Strait Islander community groups and organisations is in process as per the resolution of Council determined at its meeting held 21 March 2018. The resolution was:-

*"That the advice provided by the Committee for 'Wonnarua Country' as the wording for an Acknowledgement of Country on all indicated Cessnock LGA Gateway Signs and the proposed use of an image of a Wedge-tailed Eagle with outstretched wings inform a further phase of consultation with Aboriginal and Torres Strait Islander community groups and organisations".*

#### **MINUTES OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON FRIDAY, 18 MAY 2018, COMMENCING AT 9.05 AM**

**PRESENT:** Councillor Doherty  
Councillor Gray  
Mr Craig Layer (Community Representative)  
Ms Tara Dever (Community Representative)  
Ms Tracey Skene (Community Representative)

Corporate and Community

Report No. CC39/2018

Corporate and Community Services



**IN ATTENDANCE:** Councillor Lyons  
Ms Natalie Drage (Community & Cultural Engagement Manager)  
Ms Jo Miller (Community & Cultural Engagement Officer)

**INVITEES:** Mr Nathan Goodbun (Traffic Engineering Officer)

**APOLOGIES**

The Mayor, Councillor Pynsent  
Ms Susan Mulyk (Community Representative)  
Ms Cheryl Kitchener (Community Representative)  
Ms Sonia Sharpe (Community Representative)  
Ms Michelle Earl (Community Representative)

Chairperson nominated for the meeting: Mr Craig Layer (Community Representative).

**ACKNOWLEDGEMENT OF COUNTRY**

Acknowledgement of Country delivered by Ms Tracey Skene.

**CONFIRMATION OF MINUTES**

<b>MINUTES:</b>	<b>MOTION</b>	<b>Moved:</b>	Councillor Doherty
		<b>Seconded:</b>	Ms Tracey Skene

**RECOMMENDED** that the Minutes of the Aboriginal and Torres Strait Islander Committee held on 23 March 2018, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

**DISCLOSURES OF INTEREST**

Nil

## ***BUSINESS ARISING***

Nil

### ***LISTED MATTERS - COMMITTEE NO. AACLM11/2018***

***SUBJECT: GATEWAY SIGNS AND INFORMATION BAYS***

***MOTION***      ***Moved:***      Ms Tara Dever      ***Seconded:***      Councillor Doherty

### ***RECOMMENDATION***

1. That the Committee meet to discuss the Acknowledgement of Country wording for the Information Bays and review the Committee Terms of Reference at a working group meeting to be held 9am to 10am before the next scheduled Committee meeting, with feedback to be provided at the Committee Meeting.
2. On the Gateway signage in areas where no concerns have been raised, an Acknowledgement of Country be incorporated onto the signs and the wording be 'Wonnarua Country'.
3. In relation to the Gateway signage where concerns regarding the Acknowledgement of Country wording have been raised, feedback from the external consultation process be provided to the Committee for review.
4. An Expression of Interest be drafted for a Wonnarua artist and/or graphic designer to design a logo for a Wedge-tailed Eagle and the draft Expression of Interest be provided to the Committee for review.

*Mr Nathan Goodbun left the meeting, the time being 9:55am*

Corporate and Community

Report No. CC39/2018

Corporate and Community Services



**LISTED MATTERS - COMMITTEE NO. AACLM10/2018**

**SUBJECT:** **DISPLAY OF AN ACKNOWLEDGEMENT OF COUNTRY IN THE COUNCIL ADMINISTRATION BUILDING FOYER AND ON A PORTABLE PULL-UP BANNER**

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Mr Craig Layer

**RECOMMENDATION**

1. That the Committee note the final design and wording for the Acknowledgement of Country to be displayed in the Council Administration Building foyer and on the portable pull-up banner include the proposed Wedge-tailed Eagle logo.
2. That the Committee note a temporary portable pull-up banner be designed for use in the short term and the design incorporate an Acknowledgement of Country in both English and Wonnarua language and the Wedge-tailed Eagle artwork on the front cover of the Innovate RAP.

*Councillor Doherty left the meeting, the time being 10:30am*

**LISTED MATTERS**

**LISTED MATTERS - COMMITTEE NO. AACLM9/2018**

**SUBJECT:** **COUNCIL ACTIVITIES FOR NATIONAL RECONCILIATION WEEK AND NAIDOC WEEK 2018**

The Committee notes the report.

**CORRESPONDENCE**

Nil

Corporate and Community

Report No. CC39/2018

Corporate and Community Services

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## ***GENERAL BUSINESS***

Nil

*The Meeting Was Declared Closed at 10.50am*

## ***ENCLOSURES***

There are no enclosures for this report

**SUBJECT:** ***DRAFT POLICY FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE (CHARITABLE AND NOT FOR PROFIT ORGANISATIONS)***

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

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## **SUMMARY**

This report details the results of a review of the fees charged for waste disposal at Cessnock Waste Management Centre for charities and not for profit organisations. The report recommends the adoption of a draft policy titled Financial Assistance for the Disposal of Waste (charitable and not for profit organisations) pending the results of a public exhibition of 28 days.

## **RECOMMENDATION**

1. That Council place the draft Policy Financial Assistance for the Disposal of Waste (charitable and not for profit organisations) 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. That Council works with charities in the Cessnock LGA to implement strategies to minimise the amount of waste they need to dispose of, and implement a community education campaign that educates the public about what items are suitable, and not suitable, for donating to charity

## **BACKGROUND**

In the 2016/17 financial year, 556.78 tonnes of waste was disposed of at Cessnock Waste Management Centre from charitable and not for profit organisations. This waste was disposed of free of charge as current practice permits charities, which have a Community Service Exemption from the NSW Environment Protection Authority (NSW EPA), to dispose of waste free of charge.

A NSW EPA Community Service Exemption (CSE) is available to charities and not-for-profit groups performing a community service that involves the collection or receipt of waste. Generally, this exemption applies to waste which is not usually the responsibility of the organisation, such as waste materials dumped on a charity. A CSE provides the organisation and the receiving waste facility with an exemption from paying the NSW waste levy. It does not constitute an exemption from paying other waste disposal fees imposed by Councils.

Investigations reveal that most Lower Hunter Councils impose a charge on charity and not for profit organisations in receipt of a CSE, reflecting the actual operating costs and void space. The current fees for charity/not for profit waste disposal at Port Stephens, Lake Macquarie, Maitland and Newcastle Councils is shown in Table 1 below.

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**Table 1:** Current Fees for the Disposal of Community Service Waste, Lower Hunter Councils.

Council	Current Fees
Port Stephens Council	0 -20 T (Free) > 20 - 60 T (\$32.50) > 60 - 150 T (\$65.00) >150T (Full gate fee at waste facility minus waste levy)
Lake Macquarie Council	\$39 / tonne
Maitland Council	Full gate fee minus waste levy
Newcastle Council	Apply a subsidy which is assessed on a case by case basis
Cessnock Council	Free

**REPORT/PROPOSAL**

A review of the waste disposed of free of charge under a CSE at Cessnock was compared with that received at other Lower Hunter waste management facilities. The results of the review are shown in Table 2 below.

**Table 2:** Tonnages of Community Service Waste disposed of by Lower Hunter Councils in 2016/17.

Council	Tonnes of Community Service Waste 2016/17	Population Size
Maitland	63	79,000
Lake Macquarie	164.10	200,000
Newcastle	184.82	160,000
Port Stephens Council	292	64,500
Cessnock Council	556.78	56,500

The results show that despite having the lowest population, the tonnages disposed of at Cessnock under a CSE are far greater than all other Lower Hunter Councils. In fact, the figure for Cessnock almost totals the volumes received by the four other Councils. As an example, Newcastle has a population over 3.5 times greater than Cessnock and 72% less of this waste type is disposed of at Newcastle compared to Cessnock.

This amount of community services waste leads to a number of impacts including:

- **Budget impacts:** The domestic waste charge reflects the cost of waste disposal. If Cessnock Waste Management Centre is disposing of waste from outside the LGA



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free of charge, Cessnock residents are subsidising waste disposal charges at other councils through their rates.

- **Longevity of the landfill:** Landfill space is valuable. Every tonne of waste brought in from outside the LGA reduces the space available to Cessnock residents and reduces the life expectancy of the current landfill.

Council can continue to provide support to local charities who are often burdened with materials disguised as a 'donation', however Council can elect not to subsidise the cost of charity activities occurring outside the Cessnock LGA.

In support of local charities in Cessnock, Council recently received a grant from the NSW EPA which provides Council with a budget of \$61,040 to conduct a public education campaign around charity waste and also put in place surveillance cameras, fencing and lighting to assist charities manage the issue of illegal dumping.

**OPTIONS**

**Option 1:**

- That Council place the draft Policy – Financial Assistance for the Disposal of Waste (charitable and not for profit organisations) 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.
- That Council works with charities in the Cessnock LGA to implement strategies to minimise the amount of waste they need to dispose of, and implement a community education campaign that educates the public about what items are suitable, and not suitable, for donating to charity.

This is the preferred option as it supports local charities yet minimises the potential for council to be subsidising charitable activities occurring outside the LGA.

**Option 2:**

- That Council continue with the current practice of providing free waste disposal for charities.

This is not the preferred option as it imposes an unfair burden on Council's budget and will result in landfill space being consumed at an accelerated rate.

**CONSULTATION**

Internal consultation has occurred with:

- Council's Waste Services section;
- Council's Finance section;
- Management Advisory Team;
- Executive Leadership Team; and
- Councillor Briefing – 23 May 2018.

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External consultation has occurred with the following local charities:

- Kurri Kurri Community Centre;
- St Vincent de Paul Kurri Kurri;
- Southlakes Refuge (Adra Op Shop);
- Father Riley's; and
- Anglican Church Branxton.

All of the local charities contacted acknowledge and understand the rationale of fees being imposed for waste disposal and understood council's desire to reduce the incentive for waste to come from outside the Cessnock LGA.

**STRATEGIC LINKS**

**a. Delivery Program**

Council's 2017 – 2021 Revised Delivery Program, Community Desired Outcome – A Sustainable and Healthy Environment:

Objective 3.3 – Better Waste Management and recycling.

Objective 3.3.1.a – Priority projects from the revised Waste Management Strategy.

The Better Waste Management and Recycling objective has a strategic direction of diverting more of our waste for recycling and re-processing.

**b. Other Plans**

- Waste Management Strategy 2014-19 - increase diversion rate from landfill
- NSW State Government Waste Avoidance and Resource Recovery Strategy 2014–2021
- Regional Waste Avoidance and Resource Recovery Strategy 2017–2021
- Community Strategic Plan 2023 – Objective 3.3 Divert more waste to recycling or re-processing

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The draft Financial Assistance for the Disposal of Waste (Charitable and Not for Profit Organisations) Policy is provided as Enclosure 1.

**b. Financial Implications**

The cost per tonne proposed by the new policy is shown in Table 3 below.

**Works and Infrastructure****Report No. WI37/2018****Works and Infrastructure****Table 3:** Proposed Cost per Tonne for Waste Disposed under a Community Service Exemption

<b>Tonnage (annual)</b>	<b>Cost Per Tonne</b>
0 - 20	Free
>20 - 50	50% of full gate fee minus levy
>50	Full gate fee minus levy

The new policy will have a positive financial impact as it will reduce any incentive for charities and not for profit organisations to dispose of waste at the Cessnock Waste Management Facility where that waste was generated outside the Cessnock LGA.

If organisations still bring waste to the Cessnock Waste Management Centre that is generated outside the LGA, Council will apply disposal fees (if the volume is greater than 20 tonnes), thus helping to mitigate the unfair financial burden resulting from current practice (see Table C below).

Table 4 below sets out the income that would have been received in 2016/17 for the 556.78 Tonnes of waste disposed under a CSE if:

- a) The waste was charged at the full gate rate (\$350/T); and
- b) The waste was charged at full gate rate minus the waste levy.

**Table 4:** Cost Implications of Current Practice 2016/17

<b>Waste Received (T)</b>	<b>Levy Exempt (\$211.80/T)</b>	<b>Full Gate Rate (\$350/T)</b>
556.78	\$117 926	\$194 873

**c. Legislative Implications**

The Policy relates to Section 356 of the Local Government Act, 1993, which states that a Council may, in accordance with a resolution of the Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Ensuring that the community is aware of the true cost of waste disposal and encouraging people to be responsible for their own waste rather than expecting Council to bear the burden and responsibility for waste separation and waste disposal. Free service discourages responsible waste management.

As part of the EPA grant project, Cessnock Council will set up a working group with the local charities to workshop ideas for maximising the amount of materials their organisations reuse and recycling, and strategies to minimise illegal dumping.

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**f. Other Implications**

Nil

**CONCLUSION**

A large volume of waste is currently being disposed of free of charge at the Cessnock Waste Management Centre every year from charitable organisations. Data shows that the volume of charitable waste disposed is out of proportion with the population size of the Cessnock LGA. This is due largely to the current practice of allowing charity and not for profit organisations to dispose of waste free of charge.

Initial investigations revealed that the volume of material received at the Cessnock Waste Management Centre may in part be reflective of the current free disposal approach. Fuller investigation revealed that other Lower Hunter Councils apply disposal charges reflecting operating and void space costs.

For Council's Waste Management Centre to provide efficient and cost effective waste management services, cost recovery is essential.

It is recommended that Council place the draft Policy – Financial Assistance for the Disposal of Waste (charitable and not for profit organisations) 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.

**ENCLOSURES**

- 1 Policy: Financial Assistance for the Disposal of Waste (charitable and not for profit organisations)
- 2 CONFIDENTIAL ATTACHMENT: Breakdown of CSE Waste Received in 2016-17 - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

**SUBJECT:** *COMMUNITY SPONSORSHIP & FEE WAIVING POLICY*  
**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

### **SUMMARY**

The purpose of this report is to seek Council's endorsement of the draft Community Sponsorship and Fee Waiving Policy. A key objective of the draft Policy is to establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving. It also supports the delivery of key objectives in the Community Strategic Plan and Delivery Program 2017-21.

### **RECOMMENDATION**

**That Council place the draft Community Sponsorship and Fee Waiving 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**

At its meeting of 21 March 2018, Council considered report WI22/2018 – Sponsorships & Subsidies Review and resolved as follows:

1. *That Council notes the existing Property Management Policy 2013 and supports the on-going re-negotiation of leases and licences in accordance with the Policy and associated Guidelines;*
2. *That the General Manager prepare a draft Community Sponsorship and Subsidies Policy that promotes and supports the delivery of key objectives in the Community Strategic Plan and that the draft Policy be brought back to Council for consideration within 3 months.*

This report responds to Item 2 of the above resolution

### **REPORT/PROPOSAL**

In the draft Community Sponsorship and Fee Waiving Policy the following definitions apply;

**Sponsorship** is defined as an agreement that provides Financial Assistance (Payment) and/or In-kind Assistance (Council Resource) to a group or organisation in support of a project, event, community initiative or service that meets the objectives of Council's Community Strategic Plan.

**Fee waiving** is defined as the full or partial removal of fees associated with the use of Council facilities and/or receiving of Council goods and services

In a local government context sponsorship and fee waiving is governed by relevant clauses in the NSW Local Government Act 1993 (the Act).

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Under Section 356 of the Act, Council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. Council is not able to delegate this function to the general manager or any other person or body.

Section 610 (E) of the Act allows Council to apply a reduced fee or waiver a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.

Council has determined the following categories as being applicable;

**Hardship** – where there is evidence that the payment of the fee or charge will impose unreasonable financial hardship on the applicant given their particular circumstances.

**Charity** – where the applicant is a registered charity and the fee is for a service that will enable the provision of charitable services to the community of the Cessnock LGA.

**Not For Profit** – where the applicant is an organisation that holds “not for profit” status and the fee is for a service that will enable the achievement of their objectives and betterment for the community of the Cessnock LGA and where the payment of standard fees or charges would cause financial hardship.

**Commercial** – where the Council, or its contractor, operates a service and reduction of the fee is required to compete in the market.

**Non-Provision of Service** – where the Council is unable to provide a service or venue that has been previously agreed upon and an appropriate discount, fee waiver or substitution is required as compensation.

**Filming related activities** – applicable fees and charges may be waived or reduced for productions undertaken in the LGA where the production’s purpose relates to charitable, educational or community-based, non-commercial activities or where the production’s primary purpose is to highlight the LGA as a tourist destination.

The above categories are detailed in Council’s Annual Fees and Charges.

**Draft Policy**

The key objectives of the draft Community Sponsorship and Fee Waiving Policy are to establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving; and to ensure that the administration of such requests is conducted in a consistent, equitable, transparent and financially sustainable manner to provide maximum benefit to the community of the Cessnock Local Government Area (LGA).

The draft Policy sets out the principles and implementing guidelines for providing financial and/or in-kind support, ensuring that any arrangements are effective and support the provision of a range of activities and services that:

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- respond to an identified community need and provides benefit to the community, and;
- are in accordance with key objectives of Council's Community Strategic Plan

The activities and services may include, but not be limited to, community projects, events, cultural programs, sporting programs and other community services that provide benefit to the Cessnock LGA community.

**OPTIONS**

1. That Council place the draft Community Sponsorship and Fee Waiving 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.

This is the preferred option as it establishes principles and guidelines for the consideration of requests for financial and/or in-kind assistance, including fee waiving.

2. That Council not adopt the draft Community Sponsorship and Fee Waiving Policy.

**CONSULTATION**

- Council's Management Advisory Team
- Council's Executive Leadership Team

**STRATEGIC LINKS**

**a. Delivery Program**

The draft Community Sponsorship and Fee Waiving Policy is consistent with the following Objectives of the Delivery Program 2017-21;

*Objective 1.1 – Promoting Social Connections*

*Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area*

*Objective 5.3 – Making Council more responsive to the Community of the Cessnock LGA*

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The draft Policy establishes a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving; and to ensure that the administration of such requests is conducted in a consistent, equitable, transparent and financially sustainable manner to provide maximum benefit to the community of the Cessnock Local Government Area (LGA).

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**b. Financial Implications**

Depending on the nature of the requests for financial and/or in-kind assistance there may be a slight impact on Operational budgets and/or a decrease in the amount of revenue collected through Council's Fees and Charges.

**c. Legislative Implications**

The policy is in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

**d. Risk Implications**

Negligible.

Under Section 356 of the Local Government Act, 1993 Council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. Council is not able to delegate this function to the general manager or any other person or body.

With regard to Fee Waiving, Council has delegated to the General Manager a maximum limit of \$3,000 for the waiving Fees, after which a resolution of Council is required.

**e. Environmental Implications**

N/A

**f. Other Implications**

Nil

**CONCLUSION**

The draft Community Sponsorship and Fee Waiving Policy establishes a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving. It sets out the principles and implementing guidelines for providing this support, ensuring that any arrangements are transparent and effective. It also supports the delivery of key objectives in the Community Strategic Plan and Delivery Program 2017-21.

**ENCLOSURES**

[1](#) Draft Sponsorships & Subsidies Policy



**SUBJECT:** *CONTRACT FOR SUPPLY OF ELECTRICITY TO SMALL SITES*

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

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### **SUMMARY**

This report contains the results of a tender held for the provision of electricity supply for Council's small sites conducted on 24 May 2018.

### **RECOMMENDATION**

**That Council enter into a retail energy supply contract with Next Business Energy for a 24 month contract term for the supply of electricity to its small sites commencing 1 July 2018.**

### **BACKGROUND**

Council's current electricity supply contract for small sites will expire on 30 June 2018. As in past years, Council has used the services of Regional Procurement® and Energy Action™ to call for tenders for 24 or 36 months.

This report contains the results of a tender held for the provision of electricity supply for small sites conducted on 24 May 2018, and it is provided for Councils consideration and approval.

### **REPORT/PROPOSAL**

Regional Procurement in association with Energy Action conducted a Request for Tender (RFT) on behalf of Cessnock City Council (CCC) for the single source supply and delivery of electricity for small sites. The tender closed on 23 May 2018 with offers from four retailers received.

The tender evaluation was conducted on Thursday, 24 May 2018 with the following CCC staff attending:

- Michael Alexander - Manager Environment and Waste
- Nathan Eveleigh - Recreation and Community Facilities Coordinator
- Kelly McGowan - Operations Account
- Tricia Donnelly - Sustainability Officer

Also present was:

- Peter Salafia – Regional Procurement (facilitator)

Conflict of Interest declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator prior to conducting the evaluation.

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A copy of the predetermined criteria, weightings and methodology used in the evaluation process are attached in Confidential Enclosure 1. A copy of the Energy Action Cost Comparison Report is attached in Confidential Enclosure 2.

**OPTIONS**

1. That Council enter into a retail energy supply contract with Next Business Energy for a 24 month contract term for the supply of electricity to its small sites with the contract to commence 1 July 2018. This is the preferred option;
2. That Council not accept any tender and outline the reasons why.

**CONSULTATION**

Consultation has been undertaken with the Director Works & Infrastructure following the recommendations of Regional Procurement® and Energy Action™.

**STRATEGIC LINKS**

**a. Delivery Program**

This report is consistent with the community's desired outcome of "Civic Leadership and Effective Governance" and Council's responsibility to ensure the efficient and effective management of the community's resources.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Council's Procurement Policy (adopted 6 November 2013) states that "Council will encourage open competition while seeking value for money" and that "Council will support the use of regional tenders and agreements for the acquisition/or sale of goods, and services under the Regional Procurement Initiative® a division of Hunter Councils Inc."

**b. Financial Implications**

The RFT process has resulted in an opportunity for Council to achieve financial savings on its electricity accounts for all small sites.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

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**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Participation in the tender process with Regional Procurement has proven successful with potential savings of \$24,798 per annum for the supply of electricity to Council's small sites.

**ENCLOSURES**

- 1** Hunter Procurement Tender Evaluation Report - *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.*
- 2** Energy Action Pricing Report and Bid Assessment - *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.*

**SUBJECT:** *MILLER PARK MASTERPLAN*  
**RESPONSIBLE OFFICER:** *Manager Open Space & Community Facilities - Nicole Benson*

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### **SUMMARY**

The purpose of this report is to provide Council with the outcome of the extended community engagement undertaken following the deferral of the adoption of the draft Miller Park Masterplan on 21 March 2018.

### **RECOMMENDATION**

1. That Council adopt the draft Miller Park Masterplan.
2. That Council notify persons who made a submission during the public exhibition period of Council's decision.
3. That Council makes provision for the implementation of the draft Miller Park Masterplan in consideration of priority and available resources including grant funding and development contributions.
4. That a draft Masterplan for Greta Central Oval be developed as a priority project in the 2018/2019 financial year.

### **BACKGROUND**

At its meeting held on 21 March 2018 Council considered a report on draft Masterplans for Mount View Park and Turner Park at Cessnock and Miller Park at Branxton, and resolved as follows:-

1. *That Council adopt the draft Mount View Park and Turner Park Masterplans.*
2. *That Council notify persons who made a submission during the public exhibition period of Council's decision.*
3. *That Council makes provision for the implementation of the draft Mount View Park and Turner Park Masterplans in consideration of priority and available resources including grant funding and development contributions.*
4. *That Council defer the draft Miller Park Masterplan to allow for further consultation with a number of user groups and the community.*
5. *That following consultation the draft Masterplan for Miller Park, with any appropriate changes be brought back to Council by the second meeting in May.*

In light of the resolution, Council Officers met with groups affected by the draft Masterplan at Miller Park on 3 April 2018. It was agreed that groups or individuals wishing to provide feedback as a result of discussions at the meeting would do so by 20 April 2018, to allow adequate time for the Council report to be prepared for the second meeting in May 2018.

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Four submissions were received. Based on the information provided in each submission, Officers felt it appropriate to meet with the groups who provided feedback to have further discussions and clarify a number of items such as locations of infrastructure; scope of proposed works; and timing of the implementation of the Masterplan. This meant that the report was delayed until the first Council meeting in June 2018.

**REPORT/PROPOSAL**

Officers met with representatives of Greta Branxton United Cricket Club, Branxton Little Athletics and the Greta Branxton Wildcats Football Club on Monday 7 May 2018. The purpose of the meetings was for Officers to gain an understanding of how each group undertakes maintenance/pre-game activities (e.g. cricket wicket preparation, setting up for athletics events, layout of football fields), training and competition. The key matters discussed with the groups and the Council Officer response / recommendations have been summarised below in Table 1.

Table 1 Summary of key matters and responses / recommendation.

Key matter	Response / Recommendation
The proposed third cricket wicket is supported as it would not be located within the football field of play and can fit beside the long jump pit or the pit could be relocated to the southern end of the field.	<p>A third cricket wicket could fit within the athletics track at the northern end of the football field on the outfield however the layout would not be in line with recreation planning principles (not centrally located as well as being in the field of play for athletics).</p> <p>Once the proposed additional long jump pit is constructed, the area will more than likely be congested and care would need to be taken to keep other facility users off the turf wicket due to the proximity to the long jump area.</p>
The proposed relocation of the athletics long jump pits to the southern end of the field would have minimal impact on the operation of football and athletics.	The relocation of the athletics long jump pit to the southern end of the athletics track would require a large area to marshal athletes and maintain safe distances between discus, shot put and long jump.
Relocation of the long jump pits to the southern end of the athletics track is not supported as it would make it operationally difficult to run athletics events due to the proximity to discus and shot put areas.	Centralising activities such as long jump, discus and shot put requires a large amount of space to marshal athletes for events and a high level of supervision is required to manage athletes and maintain safe distances between activities.
There is not enough storage for bulky athletics equipment such as high jump pads, hurdles and so on.	The Masterplan has been amended to provide an additional multipurpose centralised storage building.
There are concerns for the damage (incidental or otherwise) that could be caused to the third cricket wicket by the other sporting groups if it is located on the extremity of the football field and in the field of play adjacent to the long jump pit.	Measures such as covers could be put in place to protect the wicket. A synthetic wicket could be constructed.

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Lack of drainage shown on the draft Masterplan is a concern as the football main field and amenities block floods on a regular basis during rain events.	Officers will inspect the site during the next rain event to observe the water flow, depth, run off etc and propose a course of immediate action regardless of the Masterplan's adoption. Once the drainage works are scheduled, a detailed design to address drainage at the site will be developed in conjunction with key users.
Lack of seating around the main football field and athletics track.	The Masterplan has been amended to provide additional bench seating around the main football field and athletics track.
Lack of automatic irrigation on all fields.	The Masterplan has been amended to provide irrigation on all fields.
Shot put pads need to be relocated slightly to enable safe use of the area.	The Masterplan has been amended and the shot put pads relocated.
Football will require a third full sized field in the medium term (5-10 years)	Noted though no action for this Masterplan. To be considered as part of future revisions.
A multipurpose hit up wall would provide opportunities for drills and practice to occur.	The Masterplan has been amended to provide a multipurpose hit up wall.
The proposed car park has lots of trees that could be reducing the number of car parks available for large events.	Once the car park works have been scheduled, a detailed design for the car park will be developed in conjunction with key users. In the short term, the use of existing fields for spill over parking during larger events is something that Council encourages and would work closely with all user groups to enable where appropriate.

Other matters discussed and clarified at the meetings included the location and size of gates and fencing, design of long jump pits, scope of the covered areas and tiered seating.

Participation Trends

In considering the matters detailed in Table 1, Officers also reviewed local, state and national participation trends for cricket, athletics and football, along with projected population growth statistics for the Branxton - Greta Planning Area.

Research conducted by Roy Morgan between 2001 and 2016 tracked participation rates of competitive sports in Australia. Increases in participation were observed in soccer (+46 per cent) and Athletics (+9 per cent), while declines were observed in cricket (-10 per cent).

The Australian Sports Commission (2018) commissioned the Ausplay Survey to inform strategy and fill information gaps left by the Australian Bureau of Statistics when it stopped collecting data in 2014. The Ausplay Survey undertakes over 20,000 interviews annually to understand the sports and physical recreation participation trends of both adults and children. The Survey found that of the top ten activities for adults, Athletics ranked fourth and Football ranked sixth. For children (14 years and younger) Football ranked second, Athletics sixth and Cricket tenth.

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Cricket NSW advised Council that there is an estimated 255 participants in the Branxton Region and of that figure, 127 are juniors (male and female between 5 and 18) and 128 seniors (male). Football NSW and Northern NSW Football advised that in 2017 Hunter Valley Football (LGA governing body) had 5,728 registered participants in their zone and within that amount the Greta Branxton Football Club had 385 participants playing football.

In 2016 Council asked sporting clubs across the LGA about their registered members. As at August that year there were 600 registered Athletics participants, 904 registered Cricketers and 6,430 registered Footballers (soccer players).

From a local perspective representatives of Greta Branxton United Cricket Club, Branxton Little Athletics and the Greta Branxton Wildcats Football Club all advised that their clubs are growing and will need additional space for training, competition and storage in the future. They are also supportive of the Masterplan so long as all groups can operate effectively and efficiently.

When reviewing the available participation statistics and forecasting future growth of each sport, it can be demonstrated that there is a need for future cricket, athletics and football facilities within the Branxton - Greta Planning Area.

Sports facilities provision in the Branxton - Greta Planning Area.

There are two Regional Sportsgrounds in the Branxton-Greta planning area being Greta Central Oval and Miller Park. The draft Recreation and Open Space Strategic Plan (ROSSP) notes that there is a surplus of Local and Regional Sportsgrounds and a deficit of District Sportsgrounds in this catchment area.

With regards to demographics and population growth, the draft ROSSP notes that the Branxton-Greta Planning Area has a comparatively young age profile when compared to the Cessnock LGA with a notably higher representation of the 0-14 year old cohort and an under representation of all age groups 45 years and older. The Branxton-Greta Planning Area is anticipated to experience the greatest relative growth of all planning areas to 2036.

With the above-mentioned matters in mind, the draft ROSSP recommends amending the Anvil Creek Planning Agreement to reallocate contributions from the proposed Local Sportsground to improving Greta Central Oval based on the surplus of Local Sportsgrounds in the Branxton-Greta Planning Area. Furthermore, the upgrades to Greta Central Oval will support the recreational needs of the residents at Anvil Creek.

Given that Masterplans provide a local level planning framework for future development of an area or site and that they are strategic documents that include a site analysis, opportunities and developments that could occur in a particular area it is important to consider the proposed open space provided as a result of urban release areas. While the exact timing of the delivery of the proposed facilities is unknown, Table 2 below shows the proposed sports facilities within the Branxton-Greta Planning Area.

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Table 2 Proposed sport facilities within the Branxton-Greta Planning Area

Urban Release Area	Proposed facilities
Anvil Creek, Greta	one playground two rugby league fields one cricket wicket
Huntlee	ten playgrounds six rugby league fields four soccer fields four cricket wickets six multi-purpose courts two tennis courts
West and Wyndham Street, Greta	one playground two netball courts

Council officers recommend the construction of additional cricket facilities at Greta Central Oval based on there being ample open space, and the opportunity to design facilities in line with best planning practice without impacting/constricting user groups. It is noted however that this may affect cricket financially with regards to the costs associated with the preparation of turf wickets. Specifically the need for the club to purchase additional equipment such as a roller, which would be stored at the facility, as well as a mower and other items e.g. (hoses, sprinklers) along with the costs associated with labour to curate the wicket. Conversely, the construction of synthetic wickets could be considered at the design stage to eliminate these costs.

In line with Objective 1.2 of the draft Operation Plan 2018-2019 which is about strengthening community culture and specifically Objective 1.2.5.a, which is to develop and implement (subject to funding) masterplans for recreation and community facilities, it is proposed that the development of a draft Masterplan for Greta Central Oval be made a priority project for 2018/2019. The reason for this is that the Masterplan can consider the proposed urban release areas listed above, along with the provision of the proposed sport facilities for the majority of the Branxton-Greta Planning Area. If this step is taken both plans would be developed and implemented succinctly once they are both adopted.

Drafting of a Masterplan for Greta Central Oval is proposed to occur in 2018/19. Considering the information that is contained within the report, the draft Miller Park Masterplan has been amended to reflect the changes outlined in Table 1. It is recommended that Council adopt the draft Miller Park Masterplan as per the enclosure document and that the development of a draft Greta Central Oval be commenced as a priority project in the 2018/2019 financial year.

**OPTIONS****Option 1**

1. That Council adopt the draft Miller Park Masterplan.
2. That Council notify persons who made a submission during the public exhibition period of Council's decision.
3. That Council makes provision for the implementation of the draft Miller Park Masterplan in consideration of priority and available resources including grant funding and development contributions.



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4. That a draft Masterplan for Greta Central Oval be developed as a priority project in the 2018/2019 financial year.

Option 1 is the preferred option as it allows the majority of the Branxton Greta Planning Area to be Masterplanned at the same time and will provide a very clear direction for the development of sporting and recreation facilities. .

Option 2

1. That Council adopt the draft Miller Park Masterplan with the addition of a third cricket wicket in the athletics field of play.
2. That Council notify persons who made a submission during the public exhibition period of Council's decision.
3. That Council makes provision for the implementation of the draft Miller Park Masterplan in consideration of priority and available resources including grant funding and development contributions.

**CONSULTATION**

Internal stakeholders

- Manager Open Space and Community Facilities
- Recreation and Community Facilities Coordinator
- Strategic Recreation and Community Facilities Planner

External Stakeholders

- Branxton Business Chamber
- Branxton Little Athletics
- Branxton Tidy Towns
- Football NSW
- Greta Branxton Colts Rugby League Football Club
- Greta-Branxton Touch Association
- Greta Branxton United Cricket Club
- Greta Branxton Wildcats Football Club
- Hunter Valley Football (Hawks)
- Northern NSW Football

**STRATEGIC LINKS**

**a. Delivery Program**

The draft Miller Park Masterplan is consistent with Council's Delivery Program Objective 3.2 'Better utilisation of existing open space' and deliverable 3.2.3 'Continue to implement the adopted masterplans for Council's recreation and community facilities and spaces'.

**b. Other Plans**

- Branxton Sub-regional Land Use Strategy 2016
- Branxton Town Centre Masterplan 2016

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- Recreation Needs Analysis 2017
- Draft Recreation and Open Space Strategic Plan 2018

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil.

**b. Financial Implications**

Implementation of the Masterplan, if adopted, will have implications on Council's long term financial plan and each element of the Masterplan will compete against other projects within Council's Delivery Program and subsequent annual Operational Plans. Where applicable grant funding and developer contributions will also be sourced and factored in the project budgets. For example, Schedule 2 of the Huntlee Planning Agreement executed on 18 November 2015 enables a contribution of up to \$1,000,000 towards Regional Recreation Facilities in Miller Park. Note that \$70,000 was allocated to install heat pumps at Branxton Pool in 2016/2017.

The cost schedule outlined as part of the Masterplan will provide Council with an estimate of itemised works outlined in each plan. The Masterplan will also support Council when applying for future grant funds as it will be able to demonstrate links to an adopted strategy, which has a high level of community involvement.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Construction of a third cricket wicket at Miller Park will impact the operation of athletics and football and may reduce opportunities to host regional events such as carnivals, gala days, finals series and the like. Turf cricket wickets, by their nature, are quite hard and compacted and could cause injury to sporting participants. Conversely, the wickets could be covered over when not in use.

Establishment of the long jump pits, shot put pads and discus cages at the southern end of the football field requires a large amount of space and a high level of supervision during events to ensure that safe distances are maintained eliminating risk of injury as a result of a stray discus or shot put.

**e. Environmental Implications**

Nil

**f. Other Implications**

Participation in physical activity creates a wide range of benefits for individuals and the communities they live in. When people are physically active they are healthier, happier and more socially inclusive. By providing opportunities for social interaction, sport and recreation

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can help enhance community identity and promote community integration. Individuals learn and share community values and attitudes and can gain a better understanding of other groups in society. Participation can also have a deterrent effect on anti-social behaviour including vandalism and petty crime.

There is an increasing demand for recreational pursuits in parks, open spaces and natural environments in both urban and non-urban areas. More effective planning and management practices will enable resources and facilities to be better utilised in a manner that is sustainable and equitable, improving the quality of life of individuals and the community in which they live.

**CONCLUSION**

Further consultation was undertaken with the relevant stakeholders and community groups. A review of local, state and national participation trends for cricket, athletics and football and projected population growth for the Branxton - Greta Planning Area was also undertaken. The exercise highlighted that all three sports will experience growth in the future as a result of participation trends and population growth. Additional infrastructure to cater for football and athletics should be developed at Miller Park and the future needs of cricket can be met at Greta Central Oval through the development of a Masterplan for the site.

**ENCLOSURES**

[1](#) ➡ Miller Park Masterplan

**SUBJECT:** *2017/2018 AQUATIC SEASON REVIEW*  
**RESPONSIBLE OFFICER:** *Manager Open Space & Community Facilities - Nicole Benson*

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## **SUMMARY**

This report provides information for Council's consideration regarding its seasonal outdoor pools at Branxton and Cessnock and the year round indoor Kurri Kurri Aquatic and Fitness Centre (KKAFC). Since March 2017 Council has made several resolutions relating to its pools including; heating at Branxton Pool, free family fun day trials, extended operating hours during extreme heat, the possibility of a voucher system for families to access Council's aquatic facilities and an update on the Outdoor Pool Service Improvement Project (SIP).

The purpose of this report is to provide information relating to each of these matters.

## **RECOMMENDATION**

1. That Council note the information contained within the report.
2. That Council offer up to ten free family fun days at the Cessnock and Branxton Outdoor Pools and the Kurri Kurri Aquatic Centre during the 2018/2019 financial year.
3. That Council increase the aquatics budget by \$40,000 for the 2018/2019 financial year.
4. That Branxton Pool and Cessnock Pool close at 12 noon on 24 December and 31 December each year.

## **BACKGROUND**

Council has three aquatic facilities within the Cessnock LGA, Branxton Pool, Cessnock Pool and the KKAFC. Branxton Pool is located in Maitland Street, Branxton. It contains a six lane 33m outdoor pool and a covered toddler pool with water play features. Cessnock Pool is located on Allandale Rd, Cessnock. It contains a six lane, 50m outdoor pool, a covered toddler pool with water play features and a small covered baby pool. Both of these pools are seasonal pools opened between October and March each year and operated by Council.

The KKAFC is Council's year round, indoor aquatic facility which offers a diverse range of aquatic, health and fitness programs along with recreational activities including swimming and water safety programs, squads, pool parties, dry land and aquatic fitness classes. The KKAFC is located within Margaret Johns Park, Kurri Kurri. It contains an eight lane 25m pool as well as a program/leisure pool with a spa seat and an associated splash pool. KKAFC is currently operated by Belgravia Leisure via a management contract.

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Over the past 15 months, Council has resolved to upgrade the heating at Branxton Pool, trial free family fun days at all three pools, extend opening hours in times of extreme heat at the outdoor pools, and for officers to investigate the possibility of a voucher system for family pool passes to be sent with each yearly rates notice.

***REPORT/PROPOSAL***

**2017/2018 Season Review**

**Branxton Pool Heating Upgrade**

*Council, at its 1 March 2017 meeting resolved:*

- 1. That Council install gas heat pumps at Branxton Greta Memorial Baths and fund the operational costs to the value of \$18,000.*
- 2. That the capital cost of the purchase and installation be taken from the Huntlee VPA Contribution.*
- 3. That a report come back at the end of 2017/18 period outlining costs.*

The purchase and installation of three premium gas pool heaters, along with the connection to the main gas line, associated electrical upgrades and fencing was completed in time for the 2017/2018 outdoor pool season at a cost of \$51,065.

With the assistance of the existing solar heating system and a warm summer the utility costs for the gas heaters as at 1 May 2018 was \$6,117.

Despite the installation of the gas pool heaters, recorded pool attendances decreased by 15% at Branxton Pool during the 2017/2018 season. Feedback from regular patrons however was positive throughout the season and Council officers plan to promote the heated pool with the view to increase patronage during the start and conclusion of the 2018/2019 outdoor pool season.

**Family Fun Days – Trial**

*Council at its 6 September 2017 meeting resolved:*

- 1. That Council trial the offer of free entry to families at Cessnock and Branxton pools every Sunday from 10am until Close, starting from the first Sunday in the Christmas School Holidays ending on the last Sunday of February, where the pools are not already booked.*
- 2. That a report come back to Council at the end of the current pool season 2017/2018 with the approximate gate numbers and income from last pool season 2016/2017, to compare, with the numbers for this pool season 2017/2018, to assist with the budget preparation for 2018/2019.*

*In addition to this resolution, Council subsequently resolved the following at its 1 November 2017 meeting:*

- 1. That Council includes KKAFC in the free pool entry trial and covers the cost through quarterly budget reviews.*

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

The ten free family fun days at Council's three aquatic facilities attracted a total recorded attendance of 8,735. Table 1 below provides a snapshot of recorded attendances across the ten free family fun days and the cost to provide the service.

Table 1 - Recorded attendances and cost to Council for the ten free family fun days.

<b>Facility</b>	<b>Fun Day Attendance Entries 2017/18</b>	<b>Cost</b>
Branxton Pool	2,794	\$12,573
Cessnock Pool	2,461	\$11,074
KKAFC	3,480	\$16,464
<b>TOTAL</b>	<b>8,735</b>	<b>\$40,111</b>

The cost estimates provided in Table 1 for Branxton and Cessnock Pools were calculated on a single entry fee of \$4.50. The total costs for the KKAFC excluding GST were calculated on 3,354 single entries at \$5.30 and 126 entries at half price (\$2.65). Half price was offered by Belgravia Leisure because the KKAFC closes at midday on Christmas and New Year's Eve limiting patron's access to the facility.

Table 2, below, provides a comparison of recorded attendances for the ten free family fun days in 2017/18 and corresponding Sundays in 2016/17.

Table 2 - Recorded attendances the corresponding ten Sundays in 2016/17 and 2017/18.

<b>Facility</b>	<b>Sunday Attendance Entries 2016/17</b>	<b>Sunday Attendance Entries 2017/18</b>
Branxton Pool	749	2,794
Cessnock Pool	912	2,461
KKAFC	1,637	3,480
<b>TOTAL</b>	<b>3,298</b>	<b>8,735</b>

Table 2 shows that the recorded attendances across the ten week free family fun days trial was significantly higher in season 2017/18 than in 2016/2017, with 5,437 additional patrons.

Whilst the family fun days brought new patrons to the facilities, feedback from staff and pool patrons following the free family fun days included:

- Those attending the free family fun days did not purchase ongoing memberships or return to the pool during other times throughout the season
- Some patrons came into the pool because it was free and did not swim or have swimming attire
- Pool pass members felt like they were being "ripped off" as they paid for a season pass

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- Regular patrons did not attend due to the lack of available lane space and the behavior of some of the people taking advantage of the free entry
- Expectation of lifeguards to actively supervise young children in the water
- Patron behaviour and requirement of staff to educate and enforce rules, with no consequence as patrons had not paid for entry to the pool.

**Pool Opening Hours**

Outdoor pool operating hours are Monday to Friday 6am to 6pm and weekends and public holidays 7am to 6pm. Pools are closed Christmas Day and Good Friday.

**Extreme Heat**

*Council at its 20 September 2017 meeting resolved:*

1. *That for the 2017/2018 pool season the outdoor pools at Cessnock and Branxton remain open for longer hours during extreme heat subject to lifeguard availability, other weather extremes (such as high wind gusts and/or lightening and storms) and available lane space;*
2. *That Council officers decide prior to 4pm on the days of extreme heat whether to open for longer hours and notification of the decision be broadcast through social media and other appropriate channels;*
3. *That a report on the outcomes of the initiative be presented to Council in May 2018 once the season has concluded.*

Branxton and Cessnock Pool extended their opening hours on two occasions each during the 2018/2018 pool season due to extreme heat. These events are summarised in Table 3, below.

Table 3 - Extended operational hours in 2017/2018 summary.

Facility	Date	Closing Time	Attendances after 6pm
Branxton Pool	Monday 8 January 2018	7.30pm (closed earlier than advertised due to lightning storm)	1
	Monday 22 January 2018	8pm	4
Cessnock Pool	Monday 8 January 2018	7.30pm (closed earlier than advertised due to lightning storm)	1
	Tuesday 23 January 2018	8pm	9
TOTAL			15

A total of 15 attendances after the normal closing time of 6pm were recorded. The income from these attendances, was \$46.30. The staff cost to cover the additional six hours across both pools on the abovementioned dates was approximately \$480. Attendance reports also show that there were 41 member entries and single entry sales completed after 5pm on these days across both outdoor pools.

**Christmas and New Year's Eve**

Cessnock and Branxton are currently the only pools in the Hunter Region that do not adjust their operating hours on Christmas or New Year's Eve. Consultation with aquatic facilities in Singleton, Maitland and Port Stephens LGA's has found that they reduce their hours of

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operation on these days due to the low patronage traditionally experienced. Most facilities open at the usual time for that particular day of the week and close at midday.

A review of attendance at Council's outdoor pools for the past few years also found that visits to our facilities are very low in the afternoons on Christmas and New Year's Eve. As a result, it is recommended that Council alter the operational hours and close Branxton Pool and Cessnock Pool at midday on 24 December and 31 December each year. This will allow Council to fall in line with the majority of other aquatic facilities in the Hunter region.

**Family Fun Day Vouchers**

*Council at its 4 April 2018 meeting resolved that whilst preparing the upcoming staff report relating to the free family fun days, investigations also be made as to:*

- 1. The possible creation of a voucher system for free family pool passes to be sent with each yearly rates notice.*
- 2. The cost implications of such vouchers on council's budget in comparison to the model used over the most recent pool season.*
- 3. That this be included as a subsection of the report currently being prepared and therefore, an extension of time be given to allow for that amended report to be brought back to Council by the end of May 2018.*

Council Officers have investigated several options for possible voucher offers and they are detailed in Options A to D in the section below. Note that the calculations are based on one family entry voucher valued at \$14.00 per ratable assessment (approximately 26,000 as at 1 May 2018 and includes properties that may not qualify such as businesses). Economies of scale for delivery could be accessed if Council resolved to provide multiple vouchers in one or more of the options.

**Option A**

Printed voucher in Cessnock Advertiser and Branxton Greta Vineyard News for people to cut out and present for free entry.

**Reach and cost to prepare**

Cessnock Advertiser reaches 17,000 households and the cost of the advertising space for the voucher in the paper is \$167. Branxton Greta Vineyard News reaches 4,000 households and the cost of the advertising space for the voucher in the paper is \$99. Total cost to prepare vouchers is \$266.

**Benefits**

Each resident who receives either of the local papers gets a voucher to cut out and present at a facility to get free entry. Very cost efficient way to potentially reach 21,400 residences across the majority of the LGA.

**Constraints**

Not every residence in the LGA receives these local publication and some suburbs receive both publications. People may try to reprint themselves and residents may not see the voucher inside the paper. Visitors to the LGA may not be able to access the vouchers.



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Estimated cost of all vouchers are redeemed

\$299,866 if all vouchers are redeemed.

**Option B**

Printed Voucher delivered to each mail box in the LGA by Australia Post.

Reach and cost to prepare

It is estimated that there are 26,000 registered mail boxes in the LGA. 26,000 DL sized colour vouchers cost \$698 to print and each one would cost \$0.20 to delivered. Total cost to prepare and deliver is \$5,200.

Benefits

Every occupant/tenant receives a voucher to attend a facility in their letterbox and residents can access facilities at their own convenience. Occupants and tenants receive the voucher directly in their letterboxes.

Constraints

Theft of vouchers from letterboxes and the timing and impost to deal with complaints that vouchers were not received. Properties that do not have letterboxes or have 'no junk mail' will not receive the voucher. Visitors to the LGA may not be able to access the vouchers.

Estimated cost of all vouchers are redeemed

\$369,898 if all vouchers are redeemed.

**Option C**

Printed voucher distributed with Council rates installment.

Reach and cost to prepare

Based on an estimate of 26,000 rates notices and a cost of \$0.66 per flyer printed and posted with rates notice. Total cost to prepare and deliver is \$17,160.

Benefits

Efficient distribution method.

Constraints

Home owner/Property Manager may not pass on the voucher to tenant (as is sometimes the case with the waste vouchers). Timing and impost to deal with complaints of voucher not passed on to the tenant. Ideally would be sent with the July rates notice as not all rateable properties receive quarterly instalment notices. Visitors to the LGA may not be able to access the vouchers.

Estimated cost of all vouchers are redeemed

\$381,160 if all vouchers are redeemed.

**Option D**

Social Media. Like, comment, share or similar to gain free entry.

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Reach and cost to prepare

Council has approximately 6,090 Facebook followers and the reach is unlimited. The cost is free.

Benefits

Opportunity to grow Council's social media followers. Social media post would specify date and time that the offer is available if presented at a facility. Open to the entire community regardless of where they reside.

Constraints

Not everyone has a social media account, or follows Council on social media. Not everyone has a portable device to show the voucher at a facility.

Estimated cost of all vouchers are redeemed

\$85,260 if all vouchers are redeemed.

**Option E**

Retain the status quo.

Reach and cost to prepare

8,735 attendances were recorded for the ten free family fun days held in 2017/2018.

Benefits

Promote set dates throughout the season. Ability to plan for and offer complimentary services resulting in return visits. Open to the entire community regardless of where they reside.

Constraints

Pool pass holders get less value for money as 10 days are free entry. Unknown volumes of people attending the pools.

Estimated cost of all vouchers are redeemed

\$40,111 based on 2017/2018 attendances.

Based on the information contained within the options above, a continuation of the ten free family fun days could continue in 2018/2019. Spreading the days over the entire financial year would enable people to access the KKAFC outside the outdoor pools operating months of October to March. Advantage could also be taken on days such as Australia Day to allow free entry coupled with a celebration of some sort. It is proposed that the 2018/2019 aquatics budget is increased by \$40,000 if option E is the preferred option.

**Outdoor Pools Service Improvement Project (SIP)**

The SIP provides Council and its staff with a clear plan to increase patronage at the outdoor pools and streamline the processes associated with bookings, membership and entry sales in an effort to decrease the operational cost of both the Branxton and Cessnock pools. The SIP also identified the potential to offer new services at each of the pools. An update on the status of the SIP initiatives is outlined below.

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Year 1 (2017/2018)

- Implementation of EFTPOS and streamlining of membership sales – *Complete.*
- Replacement of the 15 year old pool inflatable with an activity centre that can be used across Council's three pools at Branxton, Cessnock and Kurri Kurri – *Complete.*
- Parties inclusive of a party host, a one hour session on the inflatable activity centre, an hour in the party room with food, beverages and a cake – *Deferred to 2018/2019 due to Clubroom reconfiguration at Cessnock pool.*

The proposed Year 2 (2018/2019) service improvements include:

- Land and water based fitness activities such as Aqua Zumba, Aqua Aerobics, Aqua Fitness, Bootcamps, High Intensity Interval Training, Pilates, Yoga and so on – *Underway and on track with Aqua Zumba commencing at Cessnock Pool in 2017/2018 and Aqua Aerobics continuing at Branxton Pool 2017/2018 ;*
- Parties inclusive of a party host, a one hour session on the inflatable activity centre, an hour in the party room with food, beverages and a cake – *On track.*
- Contemporary Commercial Kiosk Agreements advertised in line with Council's Procurement Policy and Procedures. The new agreements will see increased mutually beneficial outcomes for both Council and the successful operators through incentives for the sale of entries and events such as birthday parties, fun days etc. – *On track.*

The proposed Year 3 (2019/2020) services improvements include:

- Implementation of aquatic education classes such as learn to swim and swimming and water safety programs. *On track and proposed to be brought forward to 2018/2019 in collaboration with swimming clubs.*

**2017/2018 SIP Highlights**

- Implementation of a new staffing structure including:
  - The appointment of an Aquatic Facilities Coordinator to oversee the daily operations of the outdoor swimming pools and provide leadership, specialist advice and direction to pool staff
  - The appointment of four Junior Pool Attendants to provide pool supervision, assist with the supervision and operation of the pool inflatable, and gain industry knowledge and awareness with a view to providing a career path in future years in the aquatic industry.
- Introduction of new services including:
  - Sale of pool memberships at both pools (as opposed to only being available at Council's administration building)
  - The successful staggering of school carnivals (Mon/Wed/Fri only) over term 4 and term 1 to ensure access to the general public and regular users on the alternate days and enable pool staff to undertake facility maintenance and ancillary activities.
- Other:
  - Commissioning of gas heating at Branxton Pool;
  - Successful hosting of the Special Olympics ACT & NSW carnival at Cessnock Pool.

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**Aquatic Facility Marketing & Promotion**

The SIP also recommended that a schedule for an outdoor pools advertising campaign be implemented. This incorporated promotion of the outdoor pools on social media, posters, flyers, website redesign as well as direct marketing with pass holders. Table 4 below provides a snapshot of social media posts and the reach it had with the community in relation to aquatic facilities and activities.

Table 4 – 2017/2018 social media posts

Post Topic	Date	Reach	Likes/ Reactions	Comments	Shares
Family Fun Days	14/12/17	17,308	235	171	126
	15/1/18	2,389	29	6	14
	21/2/18	2,792	14	6	15
	2/3/18	728	3	0	0
Splash! Our Pool Stories – exhibition at Cessnock Library	3/1/18	835	23	0	4
	5/1/18	1,145	23	0	4
	9/1/18	2,193	60	8	11
	21/2/18	391	4	0	0
	23/2/18	395	1	0	1
Extended Pool Hours	8/1/18	5,565	91	23	31
	22/1/18	4,664	71	16	34
End of Season Thankyou	29/3/18	1,129	10	0	3
<b>TOTAL</b>		<b>39,534</b>	<b>564</b>	<b>230</b>	<b>243</b>

The figures shown above in Table 3 show that the four Facebook posts reached 39,534 people and were shared 243 times, providing an excellent platform for Council to build on in 2018/2019 to further promote facilities, services and activities to boost interest in the outdoor pools.

Posters were displayed at all both Aquatic Centre's in the lead up to the family free days and the Splash! Exhibition as well as A5 size flyers handed out to members and visitors. Large posters were displayed in the administration building and on the electronic message monitor in the customer service area to assist in promoting the free entry and Splash! Exhibition to promote the events.

During the hot weather when we operated at extended hours, this was advertised on social media and our website displayed the extended operating hours.

At the end of the season an email blast was sent out to all members thanking them for their patronage for the 2017/2018 season and asking for any feedback. A BBQ breakfast for was also held on the last day of the season to directly engage with patrons and seek feedback.

Council officers are working towards implementing the following changes to further improve the efficiencies and increase patronage in season 2018/2019 by:

- Undertaking further marketing and promotion of the Council's aquatic facilities; and

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- Implementing the Royal Life Saving Society of Australia (RLSSA) Keep Watch Program, which targets parents and carers of children to help them understand their responsibilities and the dangers of leaving their children unattended at the pool.

**Season Attendance & Financial Summary**

The table below provides a summary of the operations of the outdoor pools in 2017/2018 compared with the 2016/2017 season.

Table 5 – Season attendance and financial summary.

<b>Facility</b>	<b>2016/2017 Recorded Attendance</b>	<b>2017/2018 Recorded Attendance</b>	<b>2016/2017 \$ Income</b>	<b>2017/2018 \$ Income</b>	<b>2016/2017 \$ Net Operational cost</b>	<b>2017/2018 \$ Net operational Cost (as at 1 May 2018)</b>
Branxton Pool	25,771	22,298	76,385	67,057	274,526	311,629
Cessnock Pool	42,104	36,018	152,895	131,056	354,119	392,886
<b>Total</b>	<b>67,875</b>	<b>58,316</b>	<b>229,280</b>	<b>198,113</b>	<b>628,645</b>	<b>704,515</b>

The comparison between 2017/2018 and 2016/2017 shows that recorded attendances and income have decreased and operational costs have increased. The subsidy per recorded attendance for the outdoor pools in 2017/2018 as at 1 May 2018 is \$12.08 per person. The subsidy per recorded attendance for the 2016/2017 financial year was \$9.26 across both outdoor pools.

The above Table indicates that lower attendance rates, coupled with the free family fun days had a significant impact on Council's gate entry income.

In exploring options to increase income, Council officers are undertaking a business case analysis to operate both outdoor pool kiosks in-house to assist in providing a holistic customer service.

If Council proceeds with operating the kiosks in-house, all kiosk revenue will be retained by Council and help to off-set the loss of income by offering free entry, should an additional trial of one of the provided options be recommended.

It is noted that the additional operational costs at the outdoor pools, compared to previous years, includes the cost to run the gas heat pumps at Branxton and a change in procedure for completing backwashes at Cessnock Pool. This change meant a considerable time and cost impost to complete each back wash to remove and dispose of waste water off site in order to comply with the Environment Protection Authority requirements.

The increased opening times due to extreme heat, along with the free family fun days also meant that there were additional wage costs to provide increased supervision to ensure compliance with the RLSSA Guidelines for Safe Pool Operation.

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**OPTIONS**

**Option 1**

1. That Council note the information contained within the report.
2. That Council offer up to ten free family fun days at the Cessnock and Branxton Outdoor Pools and the Kurri Kurri Aquatic Centre during the 2018/2019 financial year.
3. That Council increase the aquatics budget by \$40,000 for the 2018/2019 financial year.
4. That Branxton Pool and Cessnock Pool close at 12 noon on 24 December and 31 December each year.

This is the preferred option as the entire community, including residents and visitors can access Council aquatic facilities regardless of where they reside. With regards to the operational hours, historical recorded attendance shows that very few people attend the outdoor pools on Christmas and New Year's Eve and other aquatic facilities within the Hunter Region have shorter operational hours on these days.

**Option 2**

1. That Council note the information contained within the report.
2. That Branxton Pool and Cessnock Pool close at 12 noon on 24 December and 31 December each year.

**Option 3**

1. That Council note the information contained within the report.
2. That Branxton Pool and Cessnock Pool close at 12 noon on 24 December and 31 December each year.
3. That an alternate methodology for free entry to Council pools be advised by Council.

**CONSULTATION**

Belgravia Leisure Group  
Branxton Greta Swimming Club  
Cessnock Amateur Swimming Club  
Cessnock Masters Swimming Club  
Coalfields United Swimming Club  
Finance and Administration Team  
Kiosk Operators  
Maitland City Council Aquatics Team  
Media and Communications Team  
Open Space and Community Facilities Team  
Pool Pass Holders  
Royal Life Saving Society of Australia  
YMCA

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**STRATEGIC LINKS**

**a. Delivery Program**

The recommendations of this report meet the following objectives from Council's Delivery Program objectives:

- 3.2 – Better utilisation of existing open space
  - 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space
- 5.3 – Making Council more responsive to the community
  - 5.3.6 Implement systems and strategies to improve productivity across the organisation
  - 5.3.11 Continue to implementation of the Financial Sustainability Initiative projects

**b. Other Plans**

Aquatic Needs Analysis (2014)

Royal Life Saving Society of Australia (RLSSA) Aquatic Facility Safety Assessment (2018)

Outdoor Pools Service Improvement Project (2017)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Recorded attendances for Council's outdoor pools in season 2017/2018 were down by 15%. Operational costs increased by 12% due to additional staffing requirements during the free family fun day trial, changes to backwash procedures and additional utility costs.

The continuation of the free family fun days trial will have a direct impact on Council's pool income as well as costs associated with reimbursement of entries into KKAFC under the current management contract. The total cost to Council's budget in 2017/18 for the ten free family fun days was \$40,111.

The information provided in Options A – E of this report, provides Council with a variety of choices should it resolve to continue with the free entry fun days in some way. This will have direct financial impact on Council's forward budgets.

**c. Legislative Implications**

*Local Government Act 1993*

*Local Government Regulation (General) 2005*

*Civil Liability Act 2002*

*Public Health Act 2010*

*Commission for Children and Young People Act 1998*

*Child and Young Persons (Care and Protection) Act 1998*

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AS/NZS 2416.1:1010 Water Safety Signs and beach safety flags – Specifications for water safety signs used in workplaces and public areas

**d. Risk Implications**

Continual compliance with the following industry documents to minimise risks associated with aquatic facilities, strengthening Council's water safety functions and responsibilities and therefore maximising the safe public enjoyment at its aquatic facilities:

- RLSSA Guidelines for Safe Pool Operations
- Office of Local Government – NSW Health Practice Note 15 – Water Safety – ensuring
- Councils' Enterprise Risk Management Framework
- Council's Pool Operations Manual

**e. Environmental Implications**

Pool attendances can differ significantly from season to season largely due to weather conditions.

**f. Other Implications**

In recent times there has been acknowledgement that local government has a role in addressing health issues. Although Council does not deliver individualised health programs, it does provide some of the infrastructure to enable the community to socialise and participate in recreational activities. Recreation provides opportunities for people to have fun, be healthy, experience adventure, socialise, learn skills, develop self-esteem and achieve a positive sense of identity. Recreation ultimately contributes to the quality of a person's life and their ability to be involved in their community. Council's aquatic facilities generate significant economic benefits for their patrons and for the Australian health care system. Increased physical activity, in the form of swimming and other aquatic exercise, leads to a valuable improvement in health outcomes.

**CONCLUSION**

The trial of the free family fun days saw a total attendance of 8,735 over ten Sundays and has allowed people who may not normally visit a public swimming pool, the opportunity to access Council's aquatic facilities. The offering however impacted on Council's gate entry income in the 2017/18 season. The continued implementation of the Pool SIP is progressing well with the aim to achieving increased patronage, gate entry income and offering new services.

**ENCLOSURES**

There are no enclosures for this report.



Works and Infrastructure

Report No. WI42/2018

Works and Infrastructure



**SUBJECT:** ***FEES AND CHARGES FOR MARKETS HELD ON COUNCIL LAND***

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

**SUMMARY**

The purpose of this report is to provide information about the fees associated with holding market stalls on Council land.

**RECOMMENDATION**

**That Council notes the information contained within the report.**

**BACKGROUND**

At its meeting on 2 May 2018 Council resolved that a report be prepared for Council with the following information regarding markets that are held on Council land:

1. *The annual income Council receives for market days held on Council land and the impact on the budget if the income is not received;*
2. *The details and value of market stall fee exemptions granted in the last two financial years;*
3. *Why there is a "Market Stall" fee included in the Fees and Charges;*
4. *Information on any other applicable fees if a group wanted to hold markets on Council land eg food inspection;*
5. *The difference between fees charged for a not for profit organisation and a registered charity; and*
6. *That the information be brought back to Council at the first meeting in June.*

**REPORT/PROPOSAL**

Council's open spaces and community facilities are popular places to host community events. Typical activities that occur on open land such as parks and sportsgrounds include informal recreation like walking, picnicking, playing in a playground and dog walking as well as formal organised activities such as sports training and competition, personal training and boot camps, movies in the park, carols in the park and market days.

The majority of open space land is community land. Community land is land, which is owned by the Council for the benefit of local residents and visitors and is legislated under the *Local Government Act 1993*.

The *Local Government Act 1993* requires Council to have a Plan of Management for all community land. Plans of Management provide the framework for the management and development of community land. Not only do they provide an inventory of resources, they also provide general guidelines for the management and future development of community land, which enables Council to budget and source funds for the future maintenance, improvement and development of such land.

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Council has specific measures in place to manage the land, including an application for use process as well as associated fees and charges. The application for use allows Council to assess the proposed use of the land to ensure it meets the core objectives in accordance with the Plan of Management for the land. The applicable fees and charges enable Council to recover costs to offset the administration of the management of the land as well as maintenance of the land.

**Market Stall Fee**

The applicable fee for “Market Stalls” includes GST and is set to make a small contribution towards the costs associated with maintaining Councils parks. Market stalls are generally set up close together and attract a high volume of pedestrian traffic, which often compacts the ground. The “Market Stalls” fee was introduced to offset the cost of rehabilitating land that is affected by this activity.

Other applicable fees that may be applied if a group wanted to hold markets on Council land are outlined below. The information is based on the adopted fees and charges for the 2017/2018 financial year:

- Bonds. These are assessed on a case-by-case basis taking into account factors such as the nature of use, size of event, the location of spaces booked and the number of spaces booked. The minimum charge is \$100.00 and the maximum is \$2,000.00. This fee excludes GST and is set to make a substantial contribution towards the cost of the service.
- Preparation prior to an approved activity (eg. mowing trimming, marking underground services, etc.) – \$422.00. The fee includes GST and is set to make a small contribution towards the cost of the item.
- Cleaning of facility – \$643.00. The fee includes GST and is set to make a small contribution towards the cost of the item.
- Special event one-off hire. Professional/Commercial category – \$332.00. The fee includes GST and is set to make a small contribution towards the cost of the item. Organisations holding an event of a commercial nature are charged this fee.
- Special event one-off hire. Community/Educational category – \$167.00. The fee includes GST and is set to make a small contribution towards the cost of the item. Groups which demonstrate that their event is a not for profit/fundraising event benefiting the community and/or for educational purposes are charged this fee. In the case of market stalls there is no difference between fees charged for a not for profit organisation or a registered charity.
- Temporary food premises may be subject to an inspection fee of \$122.00 on the day of an event. Council's Health Inspectors randomly select major events to attend. If an inspection is performed at a food stall other than one that is not-for-profit, a fee is issued to the individual stall holder. The fee includes GST and is set to make a substantial contribution towards the cost of the Council service.

Not-for-profit or charity groups are normally charged under a Community/Educational category on the basis that their activity will significantly benefit the community or provide exposure and inclusion to awareness raising and/or educational activities at no cost to participants. Groups who charge an entry fee or look to make a commercial gain from the approved activity are charged under a Professional/Commercial category.

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**Income and Fee Waivers**

Annual income Council received and fee waivers granted for market days held in 2016/2017 and 2017/2018 on Council land is summarised below in Table 1.

Table 1 Market stall income and fee waivers for 2016/2017 and 2017/2018.

Year	Income received	Value of fees waived
2016/2017	Nil	\$4400.00
2017/2018	\$567.00*	Nil
<b>TOTAL</b>	<b>\$567.00*</b>	<b>\$4400.00</b>

\* does not include total income for 2017/2018 as some fees are outstanding as at the date of this report

At the time of writing, there were no market stall fee exemptions granted in 2017/2018 and the details for the 2016/2017 financial year are outlined below in Table 2.

Table 2 Details and value of market stall fee exemptions granted in 2016/2017.

Organisation	Event	Value
Kurri Kurri Business Chamber	Nostalgia Festival Est 100 stalls per day for two days at \$20 per stall	\$4000.00
Kurri Kurri Business Chamber	Kurri Kurri Community Festival Est 20 stalls for a one day event at \$20 per stall	\$400.00
<b>TOTAL</b>		<b>\$4400.00</b>

***OPTIONS***

N/A

***CONSULTATION***

- Open Space and Community facilities team members.
- Environmental Health team members.
- Finance team members.

***STRATEGIC LINKS***

**a. Delivery Program**

The information in this report aligns with Objective 3.2 of the Delivery program, which is better utilisation of existing open space, and in particular the 2017-2018 Operational Plan objective 3.2.4, which is to provide and maintain recreation facilities, streetscapes and public open space.

**b. Other Plans**

- Plans of Management for community land
- 2017-2018 Operational Plan Fees and Charges

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***IMPLICATIONS***

**a. Policy and Procedural Implications**

Fees and charges; applications for use; and requests to waive fees are applied in accordance with various corporate policies and procedures.

**b. Financial Implications**

Council did not receive any income from market stalls in 2016/2017, due to fees being waived for certain events, however, Council received \$567.00 in 2017/2018. The estimated financial impact on annual budgets if fees are waived is in the order of \$4400.00.

**c. Legislative Implications**

*Local Government Act 1993.*

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

***CONCLUSION***

The information requested has been provided in the report for Councils information.

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN14/2018

General Manager's Unit



***NOTICES OF MOTION No. BN14/2018***

**SUBJECT:** ***INSTALLATION OF FOOTPATHS AND PRAM RAMPS IN ASSOCIATION WITH DEVELOPMENT***

**COUNCILLOR:** ***Di Fitzgibbon***

***MOTION***

That Council undertakes a review of the Cessnock (2010) Development Control Plan (DCP) and associated *Engineering Guidelines for Development*, and consider including in the revised DCP a requirement to install footpath and pram ramps in all situations where kerb and guttering is required as part of a development.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 June 2018.

**RATIONALE**

On receiving the answer to my question at the Council meeting on 2 May 2018 (Q40/2018), it became apparent that Council does not impose a condition of consent requiring the construction of either a pram ramp or a footpath in some areas of our LGA, therefore missing a great opportunity to install this infrastructure.

To resolve this issue, I believe Council should undertake a review of the current Cessnock DCP (2010) and the associated Engineering Guidelines for Development, and consider the inclusion of footpath and pram ramps installation in all situations where kerb and gutter is being installed either by Council or as a result of development works. These footpaths and pram ramps should be designed to Australian Standards to accommodate the needs of our existing and future community.

Sgd: Di Fitzgibbon

Date: 18 May 2018

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN15/2018

General Manager's Unit



***NOTICES OF MOTION No. BN15/2018***

**SUBJECT:** ***COUNCILLOR ACCESS TO CUSTOMER REQUEST MANAGEMENT SYSTEM (CRM'S)***

**COUNCILLOR:** ***Darrin Gray***

***MOTION***

**That the General Manager investigate the logistics and costs of giving Councillors access to the Customer Request Management System for historic research and policy development purposes and present this report to a Councillor briefing in July 2018.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 June 2018.

**RATIONALE**

Many staff hours and Councillor hours goes into the asking and answering of questions and writing reports using the CRM system. Although this is very effective to ensure accountability, Councillors do not have the ability to search whether a question has been previously asked or capable of researching and tracking the same constituent issues over time.

If Councillors have search capabilities of the historic CRM's within the system, this would save considerable staff and Councillor time and more prompt response to resident enquiries in many cases.

Sgd: Darrin Gray

Date: 25 May 2018

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN16/2018

General Manager's Unit



***NOTICES OF MOTION No. BN16/2018***

**SUBJECT:** *WE WON'T WAIT - PAID DOMESTIC VIOLENCE LEAVE POLICY*

**COUNCILLOR:** *Jay Suvaal*

***MOTION***

1. That Council support the United Services Union's "We Won't Wait!" campaign to end domestic violence.
2. That the General Manager bring back to Council a policy for consideration to implement paid domestic violence leave for employees based on the United Services Union's policy "We won't wait: Paid Domestic Violence Leave Policy".
3. That this report and policy come back to Council by the end of July 2018.
4. That Council calls on everyone in the Cessnock LGA to help stop domestic violence in the community.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 June 2018.

**RATIONALE**

The NSW Recorded Crime Statistics from January to December 2018 show that the Cessnock Local Government Area has recorded 355 incidents of domestic violence related assault. This ranks the LGA the 18<sup>th</sup> highest area in NSW when ranked by population at a rate 625.4 per 100,000.

Following Changes made in the *Local Government (State) Award 2017* Councils are now able to provide paid leave to employees who are victims of family and domestic violence. The United Services Union has provided to Council their policy titled – "We Won't Wait: Paid Domestic Violence Leave Policy".

Sgd: Jay Suvaal

Date: 29 May 2018

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN17/2018

General Manager's Unit



***NOTICES OF MOTION No. BN17/2018***

**SUBJECT:** ***COUNCILLOR NOTIFICATION OF DEVELOPMENT APPLICATIONS AND UPCOMING WORKS***

**COUNCILLOR:** ***Melanie Dagg***

***MOTION***

**That Council extend to all Councillors an 'opt-in' or 'opt-out' program to notify Councillors of notified development applications and upcoming works.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 June 2018.

**RATIONALE**

As Councillors we frequently are asked about current development applications and activity in our wards and also across the LGA.

Without looking up DA tracker every day, proactively Councillors are often unaware of applications and are caught unaware by enquiries and which I feel can reflect poorly on what we should be aware of. The current system of notification and exhibition through Council's "DA Tracker" is a good system for notifying applicants and the public, however following my recent enquiry, I was asked to trial a system where Councillors could be notified by email of DA's as they are notified to the public. This system also includes a quick link app on the mobile device to Council DA tracker to make looking up DA's easier.

I have found this system to be an excellent way to proactively keep track of what is happening in my ward and to provide a level of support to public enquiries. It is very helpful to me as a Councillor to know this information – before the enquiries start coming in. I strongly feel this is something which could benefit all Councillors. At the same time, I know Councillors receive a lot of information in our roles and as such an 'opt-in' or "opt-out" arrangement would cater for those Councillors who are happy to use tracker without being prompted through the system.

Councillors, whether they opt-in or not, would still be able to take advantage of the ongoing offer to train Councillors in the use of DA tracker, and I am advised this offer is still available by contacting the Business Support and Customer Relations Manager.

Further to being notified about Development Applications, Councillors are also keen to be notified about works which are upcoming across the LGA. Often residents are notified and Councillors may not be fully aware of what works are planned and when they are to be carried out. In this regard the same 'opt-in' or 'opt-out' system could apply.



Notices Of Motion

Report No. BN17/2018

General Manager's Unit

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Sgd: Melanie Dagg

Date: 29 May 2018

***ENCLOSURES***

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ49/2018

Works and Infrastructure

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**SUBJECT:** *GUARD RAIL AT MAYBURY PEACE PARK BRIDGE*

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

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**Q47/2018 – Guard Rail at Maybury Peace Park Bridge**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 16 May 2018.

*“if Council could investigate extending the guard rail on the left hand side of the Maybury Peace Park bridge”.*

Cessnock Road is a classified State Road under the control of the Roads and Maritime Services (RMS).

RMS officers have advised that the lengthening of the guard rail has been approved as part of proposed future road works on Cessnock Road and the work is currently programmed for the 2019-20 financial year.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ50/2018

Works and Infrastructure



**SUBJECT:** *BAILEYS LANE ROADWORKS*

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

**Q48/2018 – Baileys Lane Roadworks**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 16 May 2018.

*“advised that residents of Baileys Lane have asked him how long it will be before they can expect the works to commence on the intersection”.*

Regarding the intersection of Baileys Lane and Frame Drive:

- Work at the intersection as part of Stage 3 of the Frame Drive project is nearing completion;
- Future upgrade of the intersection is to be undertaken as a condition of development consent. The timeframe is dependent on the rate of development.

Regarding Baileys Lane:

- Plans are currently being prepared to regrade, improve the pavement, and seal approx. 250m of existing unsealed gravel road between the approach to the intersection and bend to the east;
- Current scheduling is for the construction crew currently working on Frame Drive to undertake the works on completion of the current Stage 3 works;
- It is anticipated that the sealing will commence in July 2018.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ51/2018

Planning and Environment



**SUBJECT:** *LOSS OF CARPARKING SPACES AT WOOLWORTHS CARPARK*

**RESPONSIBLE OFFICER:** *Strategic Planner - Robert Corken*  
*Strategic Planning Manager - Martin Johnson*

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**Q49/2018 - Loss of Car parking Spaces at Woolworths Carpark**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 16 May 2018.

*"The development works that are being carried out at the Woolworths Carpark and the fact that there has been a loss of 10-12 car parking spaces and asked if Council has any Section 94 funds or anything for the loss of the car parking spaces or how are they compensating."*

Consent to DA 8/2017/34 was issued on 28 April 2017 for alterations to existing shopping centre comprising of; façade replacement (upgrade), creation of outdoor recreational area, replacement signage, construction of shade structure and reorganisation of car parking.

There are 15 car spaces (including two disabled parking spaces) on the southern side of the development which are impacted. These car parking spaces are being reconfigured to create 13 car spaces (including four disabled parking spaces). An additional 3 spaces have been provided in the north east corner of the site.

This development application results in no loss of car parking. The reconfiguration of the car parking will result in one additional car space and two reallocated disabled car spaces.

There are no section 94 funds needed, nor any other forms of compensation required.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ52/2018

Works and Infrastructure

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**SUBJECT:** *KURRI KURRI AMBULANCE HALL WORKS*

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

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**Q50/2018 – Kurri Kurri Ambulance Hall Works**

Asked by Councillor Gray at the Ordinary Meeting of Council held on 16 May 2018.

*“an update on the current situation at the Kurri Kurri Ambulance Hall and a timeline on when the repairs should be completed.”*

Officers met with Council's Insurer on Tuesday 29 May 2018 regarding this matter.

At the meeting it was confirmed that the hall ceiling has been removed and the balance of repair works are proposed to be undertaken in two stages.

Stage one includes securing the building and making it watertight by repairing the roof frame and installing new roof sheeting, as well as bracing and tie down repairs. Stage two will incorporate scoping and tendering for the repairs required inside of the building such as new flooring, wall linings and the like.

The insurer advised that development applications will be lodged in the coming weeks for these works. However, at this stage the estimated timeframe for completion of the repairs could be up to 16 weeks.

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ53/2018**

**Works and Infrastructure**

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**SUBJECT:** ***KURRI KURRI COMMUNITY CENTRE WORKS***

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

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**Q51/2018 – Kurri Kurri Community Centre Works**

Asked by Councillor Gray at the Ordinary Meeting of Council held on 16 May 2018.

*“for an update on the repairs to the Kurri Kurri Community Centre?”*

Officers met with Council’s Insurer on Tuesday 29 May 2018.

At the meeting the Insurer advised that a Development Application, seeking approval to undertake the repair works, will be lodged by the insurer in the coming two to three weeks. It is proposed that a tender process will run parallel to this with the view that contractors would be engaged to complete the works once the development consent has been granted.

At this stage the insurers estimated timeframe for the repair works to be undertaken is 20 weeks.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ54/2018

Works and Infrastructure

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**SUBJECT:** ***BUCKLAND AVENUE/HENDERSON AVENUE AND  
MARLTON STREET***

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

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**Q52/2018 – Buckland Avenue/Henderson Avenue and Marlton Street**

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 16 May 2018.

*“if Buckland Avenue/Henderson Avenue and Marlton Street are included in any future road plans”.*

Neither Buckland Avenue, Henderson Avenue nor Marlton Street, Cessnock are currently listed in the Road or Traffic Facilities Capital Works Programs within the 2017-21 Delivery Program.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ55/2018

Planning and Environment

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**SUBJECT:** *VINTAGE BALANCE LANDS*

**RESPONSIBLE OFFICER:** *Strategic Planner - Iain Rush*  
*Strategic Planning Manager - Martin Johnson*

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**Q54/2018 – Vintage Balance Lands**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 16 May 2018.

*“What is the trigger point before the tourist facilities, hotel and golf course have to be built at the Vintage?”*

In accordance with clause 7.11A of the *Cessnock Local Environmental Plan 2011*, the total number of residential lots or dwellings on the land cannot exceed 822 until at least 344 serviced apartments and hotel or motel accommodation units have been constructed and issued with occupation certificates. There is no specific requirement for the development of a golf course.

**ENCLOSURES**

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ56/2018

Works and Infrastructure

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**SUBJECT:** *HANDOVER - NEW ENGLAND HIGHWAY/MAITLAND STREET, BRANXTON*

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

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**Q54/2018 – Handover – New England Highway/Maitland Street, Branxton**

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 16 May 2018.

*“if the outstanding issues would be finalised before the handover takes place”.*

Council officers expect any works or correspondence required as a result of current matters before Roads and Maritime Services (RMS) to be undertaken prior to the proposed re-classification of sections of the New England Highway and Maitland Street, Branxton.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO17/2018

Corporate and Community Services



**SUBJECT:** *FORMER WOLLOMBI PUBLIC SCHOOL SITE*

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

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**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 13 December 2017 Council considered a Business With Notice BN59/2017 regarding the former Wollombi Public School Site and resolved as follows:

**That Council writes to Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter and Mr Clayton Barr, State Member for Cessnock seeking a meeting to progress efforts with Wollombi School.**

Council is in receipt of correspondence from Clayton Barr MP, State Member for Cessnock dated 28 March 2018. A copy is attached for Councillors information.

Formal correspondence has not been received from Scot MacDonald, MLC Parliamentary Secretary for Planning, the Central Coast and the Hunter office, however a representative from his office on the 11 April 2018 enquired with the General Manager if Council had been approached to purchase the site from the State Government. The General Manager advised that Council has not been approached by the State Government to purchase the site and Council has not made any commitment to purchase the site.

**ENCLOSURES**

[1](#) ➡ Correspondence from Mr Clayton Barr MP

Correspondence

Report No. CO18/2018

Corporate and Community Services



**SUBJECT:** *HUNTER JOINT ORGANISATION*

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

**RECOMMENDATION:**

**That Council note the correspondence received.**

Council is in receipt of correspondence from The Hon. John Barilaro MP, Deputy Premier and the Hon. Gabrielle Upton MP, Minister for Local Government regarding the establishment of a network of 11 joint organisations, made up of 74 member councils across regional NSW.

The correspondence acknowledges the leadership of Council and congratulates Cessnock City Council on becoming a member of the Hunter Joint Organisation, along with Dungog, Lake Macquarie, Maitland, Mid-Coast, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter Councils.

A copy of the correspondence is attached for Councillors information.

**ENCLOSURES**

[1](#) ➡ Correspondence - Joint Organisation