



14 September 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, 19 September 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**  
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Councillor Paul Dunn
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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## ***Principles for Local Government***

### **Exercise of functions generally**

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

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

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

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

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

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

*Cessnock – thriving, attractive and welcoming.*

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

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



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

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

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 5 SEPTEMBER 2018, COMMENCING  
AT 6.30PM**

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

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

**APOLOGY:**

**MOTION**

**Moved:** Councillor Dagg

**Seconded:** Councillor Lyons

623

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

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

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

624

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15 August 2018, as circulated, be taken as read and confirmed as a correct record.

**FOR****AGAINST**

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

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

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI15/2018**

**SUBJECT: DISCLOSURES OF INTEREST**

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

**NI4/2018 - Notice of Intention to Deal With Matters in Confidential Session - PE50/2018 - Development Compliance Investigation regarding the alleged unauthorised use of a shed as a dwelling at 10 Glennie Street, Ellalong**– Councillor Stapleford declared a Non Pecuniary Significant Interest for the reason that he is related to one of the parties involved in the matter. Councillor Stapleford advised that he would leave the Chamber and take no part in discussion and voting.

**PE50/2018 - Development Compliance Investigation regarding the alleged unauthorised use of a shed as a dwelling at 10 Glennie Street, Ellalong** – Councillor Stapleford declared a Non Pecuniary Significant Interest for the reason that he is related to one of the parties involved in the matter. Councillor Stapleford advised that he would leave the Chamber and take no part in discussion and voting.

**WI70/2018 - Minutes of Local Traffic Committee held 20 August 2018 – Item TC39/2018** – Councillor Stapleford declared a Non pecuniary Interest – Significant Conflict for the reason that he is related to people in this report. Councillor Stapleford advised that he would leave the chamber and take no part in discussion and voting.

**PE47/2018 - Development Application 8/2017/160/1 proposing construction of a multi-dwelling development - 288 - 290 Maitland Road, Cessnock** – Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that the developer is a family friend – therefore it could not reasonably be regarded that her decision was not influenced by this. Councillor Fitzgibbon advised that she would leave the chamber and take no part in discussion and voting.



## PETITIONS

NIL

### Local Government NSW Awards - RH Dougherty Awards

The General Manager presented to the Mayor an award for the “Most Innovative Programme” for Seniors Week 2017. This is the second year running that Council has won the award.

The General Manager and Mayor also presented to the Senior Media and Communications Officer a Highly Commended Award for “Excellence in Communication” for the “Don’t Mess with Cessnock” Campaign.

## ADDRESS BY INVITED SPEAKERS

*Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that the developer is a family friend – therefore it could not reasonably be regarded that her decision was not influenced by this. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Councillor Fitzgibbon left the meeting, the time being 6.35pm*

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Wayne Wilkinson	For Recommendation	PE47/2018 - Development Application 8/2017/160/1 proposing construction of a multi-dwelling development  288 - 290 Maitland Road, Cessnock	46	3 mins

Mr Geoff Boyd	Against Recommendation	PE47/2018 - Development Application 8/2017/160/1 proposing construction of a multi-dwelling development  288 - 290 Maitland Road, Cessnock	<b>Error! Bookmark not defined.6</b>	3 mins
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**PLANNING AND ENVIRONMENT NO. PE47/2018**

**SUBJECT: DEVELOPMENT APPLICATION 8/2017/160/1 PROPOSING  
CONSTRUCTION OF A MULTI-DWELLING DEVELOPMENT**

**288 - 290 MAITLAND ROAD, CESSNOCK**

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**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Lyons  
625  
**RESOLVED**

**1.      That:**

- (i)      Development Application No. 8/2017/160/1 proposing the construction of a multi-dwelling development at 288 – 290 Maitland Road Cessnock, be refused pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the reasons for refusal contained in this report.**
- (ii)     The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**

  - The proposal fails to satisfy the overall objectives of Clause 7.3(1) and the provisions contained in Clause 7.3(3) of the Cessnock Local Environmental Plan (CLEP) 2011 in that the development is likely to increase the risk to life and property due to the flooding hazard of the land.
  - The proposal fails to satisfy the provisions contained in Chapters C.6, C.9 and D.2 of the Cessnock Development Control Plan (DCP) 2010.
  - The proposal is likely to result in adverse impacts on the natural and built environment through alteration of floodwater behaviour.
  - The site is considered unsuitable for the development as it will intensify residential development within the floodplain, and the bulk and scale of the proposal is not consistent nor compatible with the locality.
  - The proposed development is not in the public interest.
- (iii)    In considering community views, the following is relevant:**

  - The flood affectation of the site and the impact of the development on flood patterns in the locality.
  - Amenity impacts of the development on adjoining land.
  - Non-compliance of the development with the Cessnock Council DCP 2010 with regard to urban design.
- (iv)    The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979**

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASONS FOR REFUSAL

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1. The proposal fails to satisfy the overall objectives of Clause 7.3(1) of the Cessnock Local Environmental Plan (CLEP) 2011 in that the development is likely to increase the risk to life and property due to the flooding hazard of the land (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
2. The proposal fails to satisfy the provisions contained in Clause 7.3(3) of the Cessnock Local Environmental Plan (CLEP) 2011 in that the development is not compatible with the flood hazard of the land, will adversely affect flood behaviour and impact on development and properties within the locality (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
3. The proposal fails to satisfy the provisions contained in the following chapters of the Cessnock Development Control Plan (DCP) 2010:
  - (i) Chapter D.2 – Urban Housing – Section 2.4.3 (building scale).
  - (ii) Chapter C.6 - Access and Mobility – Section 6.3(2) – the development has not been designed to satisfy the provisions of Australian Standard 4299.
  - (iii) Chapter C.9 – Development on Flood Prone Land – the applicant has not demonstrated that the proposed development (including filling of the land) will not adversely impact on flood behaviour, people's safety, surrounding properties, structures and the natural environment.(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
4. The proposal is likely to result in adverse impacts on the natural and built environment through alteration of floodwater behaviour (Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).
5. The site is considered unsuitable for the development as it will intensify residential development within the floodplain. Furthermore, the site is not considered suitable for a multi-dwelling development of this scale due to the adverse impacts resulting from the design of the development proposed, most notably the finished floor levels and overall bulk and scale (Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979).
6. The submissions received during the public notification period raise relevant issues regarding the likely adverse impacts of the development on the locality and adjoining properties (Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979).

7. The proposed development is not in the public interest (Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

*Councillor Fitzgibbon returned to the meeting, the time being 6.50pm*

Mr Michael Jones representing Professional Construction Services Pty Ltd	For Recommendation	PE49/2018 - Development Application No. 8/2017/548/1 - Alterations and additions to an existing dwelling to establish an 84 place centre-based child care facility  1764 Wine Country Drive, North Rothbury	97	3 mins
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Mr Nathan Williams	Against Recommendation	PE49/2018 - Development Application No. 8/2017/548/1 - Alterations and additions to an existing dwelling to establish an 84 place centre-based child care facility  1764 Wine Country Drive, North Rothbury	97	3 mins
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**PLANNING AND ENVIRONMENT NO. PE49/2018**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2017/548/1 - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING TO ESTABLISH AN 84 PLACE CENTRE-BASED CHILD CARE FACILITY**

**1764 WINE COUNTRY DRIVE, NORTH ROTHBURY**

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**MOTION**

626

**RESOLVED**

**Moved:** Councillor Dagg

**Seconded:** Councillor Burke

**1. That:**

- (i) That Council determine Development Application No. 8/2017/548/1 proposing alterations and additions to an existing dwelling to establish an 84 place centre-based child care facility at 1764 Wine Country Drive (Lot 10 DP 1090815) North Rothbury, by the granting of deferred commencement development consent pursuant to Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

  - The proposal is a permitted landuse in the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
  - The variations proposed to Chapter C.1 (Car Parking) of Cessnock Development Control Plan 2010, are supported on the basis of evidence provided by the applicant demonstrating that on-site car parking can be provided in satisfaction of the performance objectives, and that strict compliance with the numerical requirements is unreasonable and unnecessary.
  - The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environments or the social and economic locality.
  - Satisfactory measures are proposed with respect to the nature and capacity of infrastructure to cater for the proposed development with specific regard given to required upgrades of Morgan Street and the Wine Country Drive/Morgan Street intersection.
  - The proposal is consistent with the existing and emerging streetscape and character of the locality. The site is considered suitable for the proposed development as it is located within an established residential locality adjoining a business zone. Therefore, the construction of additional child care facilities is consistent with the desired future character of the area.
- (iii) In considering community views, the following is relevant:

- The proposal is consistent with the existing and desired future amenity and character of the surrounding area, as the land surrounding the proposed child care facility is primarily used for urban purposes.
  - A suitable area for the placement of waste receptacles has been proposed on site.
  - An acoustic report and supporting documentation was submitted to Council in support of the development application. Such report was prepared specific to the Guideline for Child Care Centre Acoustic Assessment 2013, and considered satisfactory by Council.
  - With respect to wastewater, a Section 68 Application (15/2017/101) has been issued by Council supporting a commercial pump-out system for the management of wastewater on site.
  - Details confirming the disposal of stormwater from the site have been submitted to Council, and are considered to be in accordance with Council's 'Engineering Requirements for Development'.
  - Relevant conditions of consent with respect to the upgrade of Morgan Street to cater for increased traffic movements, have been imposed on the notice of determination.
  - Relevant conditions of consent with respect to the Wine Country Drive/Morgan Street intersection, have been imposed on the notice of determination, and the final design of the intersection will be approved by the RMS.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## **CONDITIONS OF CONSENT**

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### **SCHEDULE 1**

Within twelve (12) months from the date of determination, the proponent shall submit the following information/documentation, to the satisfaction of Council:

The applicant must provide evidence that the easement relocation is accepted by all burdened property owners of upstream lots – Lot 11 DP 1090815 and Lot 12 DP 1090815. The proposed re-alignment of the easement must be undertaken entirely within the subject site, being Lot 10 DP 1090815.

A suitable 88B instrument prepared in accordance with Conveyancing Act 1919 shall be submitted to Council.

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 4.53 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 twelve (12) 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 NSW Rural Fire Service dated 31 May 2018 (Reference No: D17/3644) 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. 8/2017/548/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Plan Title: Site Plan Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Ground (existing in shade) Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Ground Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: First Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Elevation A+B Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Elevation C+D Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Section 01 Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Carpark Plan Job No: 0797	ENZHUO Studio	26/07/18
Plan Title: Stormwater Management Concept for DA Plan & Details Job No: 23201 Sheet No: 101 Rev: DA-A	Hoolihan Partners Consulting Engineers	16-06-18



Document Title	Prepared By	Dated
Document Title: Small Site and Minor Development Assessment Reference: GFF 17519	Greg Little BSC Principal Consultant General Flora and Fauna (GFF)	July 2017
Document Title: Traffic Assessment Report for proposed Child Care Centre Wine Country Drive North Rothbury	BJ Bradley & Associates Consulting Civil and Traffic Engineers	4 September 2017
Document Title: Statement of Environmental Effects Version: 2.1 Final for DA Submission	Michael Leavey Consulting Planning & Development Services	September 2017
Document Title: Addendum to Statement of Environmental Effects	Michael Leavey Consulting Planning & Development Services	25 June 2018
Document Title: Noise Impact Assessment Document No: 171462-7284-R1	Spectrum Acoustics Noise and Vibration Consultants	June 2018
Document Title: Email Response to Council (Noise Impact Assessment Addendum) Reference: 171462/7646B	Spectrum Acoustics Noise and Vibration Consultants	6 July 2018
Document Title: Bushfire Assessment Project: 17210	Australian Bushfire Assessment Consultants	September 2017
Document Title: RE: Cessnock City Council DA 8/2017/548/1 Child Care Facility 1764 Wine Country Drive (Bushfire Report Addendum)	Clarke Dowdle & Associates Development Consultants	22 May 2018
Document: BCA Assessment Report	Grandaconsulting	22 December 2017

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

### 3. Separate Approval for Signs

A separate DA for any proposed signs additional to those approved as part of this consent must be submitted to and approved by Council prior to the erection or display of any such signs.

### 4. CC, PCA & Notice Required

In accordance with the provisions of Section 6.6 (cf previous s 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 6.5 (cf previous s 109E) of the *EP&A Act 1979*; and

- c) If Council is not the *PCA*, notify Council no later than two (2) days before building work commences as to who is the appointed *PCA*; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

## 5. BCA Compliance

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

## 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. Cessnock Section 94A Levy Development Contributions Plan

A total monetary contribution of \$7,125.80 is to be paid to Council, pursuant to Section 7.12 (cf previous s 94A) of the *Environmental Planning and Assessment Act 1979*, such contribution is to be paid prior to the issue of a Construction Certificate in respect of the proposed development.

- i) This condition is imposed in accordance with the provisions of *Cessnock S94A Levy Development Contributions Plan 2017*. A copy of the document is available on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au) or maybe inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council to determine the indexed amount of contribution on the date of payment.

## **7. Acoustic and BCA Assessment Report**

Prior to the issue of a CC, plans shall be submitted to, and approved by the CA confirming that the recommendations specified in the BCA Compliance Report prepared by Granada Consulting dated 22 December 2017, and the recommendations specified in the Noise Impact Assessment Document No: 171462-7284-R1 Spectrum Acoustics Noise and Vibration Consultants June 2018, have been implemented in the final design of the proposed development.

In respect of the Noise Impact Assessment, the plans are to confirm that a 1.8m high brick wall will be erected along the southern elevation of the first floor outdoor play area, as illustrated on the approved plans.

## **8. Disabled Access**

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

## **9. Long Service Levy**

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

## **10. Relocation of Easement**

The proposed re-alignment of the easement to drain water must be undertaken wholly within the subject site – Lot 10 DP 1090815, and in accordance with Council's further conditions of consent.

## **11. Security for Cost of Damage and Completion of Public Work**

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

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

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

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

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the

Council for a refund of any balance remaining of the security within six (6) years of the date of issue of the Occupation Certificate or Subdivision Certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

## **12. Road Works Required**

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

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

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

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

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

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

## **13. Road - Bond**

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

Based on a road length of approximately 95 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$4,400.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

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

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

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to

be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the Subdivision Certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

#### **14. RMS Approval Required**

Approval must be obtained from New South Wales *RMS* for the proposed works in the public road reserve (Wine Country Drive) in the form of a Works Authorisation Deed (WAD).

The following works are required in accordance with the approved Works Authorisation Deed (WAD):

- a) Upgrade works to allow right turn into Morgan Street from Wine Country Drive and right turn out from Morgan Street to the appropriate RMS standards.
- b) Install approved signage/line marking as directed by RMS.
- c) Construct drainage works as necessary.
- d) Install No Stopping signage for the entire frontage of the property on Wine Country Drive.

Evidence of the approval/WAD must be submitted to the CA prior to the issue of any CC.

#### **15. Roadworks**

The registered proprietors of the land shall construct the following for the full frontage of Lot 10 for the full length of Morgan Street to allow for the turning circle in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Construct kerb and gutter
- b) Construct and gravel road shoulders
- c) Upgrade Morgan Street from the intersection of Wine Country Drive to a two-way 6m sealed pavement width in accordance with Council's Engineering Requirements for Development
- d) Topdress and turf footpath
- e) Construct drainage works

#### **16. Car Parking – Commercial/Industrial**

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

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

#### **17. Parking – Minimum Requirement**

Onsite car parking shall be provided for a minimum of twenty-three (23) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

#### **18. Parking – Delivery Vehicles**

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

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

#### **19. Disabled Car Parking Spaces**

A total of one (1) car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

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

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

#### **20. Stormwater – Construction Management Plan Requirement**

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

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

- ii) Construction materials
- iii) Raw materials such as sand, soil, mulch and the like
- v) Details regarding the provision of facilities for workers associated with the development.

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

## **21. Stormwater - Detailed Design Requirements**

Detailed design of stormwater treatments on site must meet the following reductions in pollutant loads:

- 80% of total suspended solids
- 45% of total phosphorus
- 45% total nitrogen

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

## **22. Stormwater – Detailed Design Requirements**

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

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

## **23. Stormwater – Detention Requirement**

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

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

## **24. Food Premises**

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

- a) Food Act 2003
- b) Food Regulation 2015
- c) Food Standards Australia and New Zealand – Food Standards Code 2003
- d) AS 4674-2004 for Design, Construction and Fit out of Food Premises
- e) AS 1668.2-2002 – The use of ventilation and air conditioning in buildings
- f) BCA.

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

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

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

## **25. Air Conditioning Units**

Any air conditioning unit on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the *Protection of the Environment Operations Act 1997*.

Details demonstrating noise attenuation measures in this regard are to be submitted to the CA prior to the issue of a CC.

## **26. Smoke Free Premises**

The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2016*. Details demonstrating compliance with this condition are to be provided to the CA prior to the issue of a CC.



## **27. 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*.

## **PRIOR TO COMMENCEMENT OF WORKS**

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

## **28. Site To Be Secured**

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

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

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

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

## **29. PCA Signage and Contact Details**

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

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

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

## **30. Public Liability Insurance**

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

### **31. Relocation of Services**

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

### **32. Nominated Location of Waste**

The location and facilities for the collection, storage and disposal of waste generated within the premises shall be submitted to the *PCA*, prior to the commencement of works.

### **33. Toilet Facilities**

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

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

### **34. Construction and Traffic Management Plan**

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

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.

- ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the work health and safety requirements of SafeWork NSW.
- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

### **35. 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.

### **36. Approval Required for Equipment in Road Reserve**

An application for any of the following on public property (footpaths, roads, reserves) shall be submitted to, and approved by, Council prior to the commencement of works.

- a) Construction zone
- b) A pumping permit
- c) Mobile crane
- d) Skip bins.

### **37. 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:
  - 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.

### **38. 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.**

### **39. Approved Plans Kept On Site**

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

### **40. Site is Securely Fenced**

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

### **41. Construction Noise**

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

### **42. Construction Hours**

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

#### **43. Construction Vehicles**

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

#### **44. Waste Management**

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

#### **45. Building Materials On Site**

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

#### **46. Location of Council Pipes**

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

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

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

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

#### **47. Stormwater – Impact on Adjoining Land – Natural Drainage**

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

#### **48. Stormwater – Impact on Adjoining Land – Surface Water**

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

#### **49. 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.

## **50. Implementation of Soil and Water Management Plan**

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

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

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

## **51. 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.

## **52. Virgin Fill To Be Used**

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

## **53. Removal of Contaminated Soil**

Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the New South Wales Environment and Heritage *Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-liquid Wastes 1999* and the *Protection of the Environment Operations Act 1997*.

Any soil which fails to meet the criteria is not to be disposed of off-site unless agreed to in writing by the Environment Protection Authority. Results of testing are to be forwarded to Cessnock Council for acknowledgement before any off-site disposal, and before proceeding with any construction works.

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

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

## **54. Child Care Centre**

A service approval to operate the child care centre must be obtained from New South Wales Family and Community Services, prior to the issue of an OC.

The age breakdown and the number of children attending the child care centre shall not exceed the maximum number of approved child care places advised by New South Wales Family and Community Services.

#### **55. Section 68 Approval**

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, the following matters are to be completed:

The redundant Onsite System of Sewage Management has been decommissioned in accordance with Council requirements and satisfaction; and

The dedicated collection well and pump-out system has been installed and commissioned in accordance with Council approval.

The OC is not to be issued until the Certifying Authority has received a satisfactory final inspection report from Council verifying that these above requirements have been completed to Council's satisfaction.

#### **56. Waste Management Plan**

Prior to the issue of an OC, the *PCA* must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

#### **57. Waste Disposal**

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

#### **58. Relocation of Easement**

The applicant shall provide a 3m wide inter-allotment drainage easement to drain Lot 11 and Lot 12, DP 1090815. 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 the release of an Occupation Certificate.

Note:

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

#### **59. Use of Existing Drainage System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed, from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the PCA, (a registered plumber, or a person of equivalent or greater experience or qualification) prior to the issue of an OC, to confirm that the system is in good working order and adequate to accept additional flows.

#### **60. Positive Covenant – OSD**

Prior to the issue of an OC, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the onsite detention and onsite retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the onsite stormwater detention facilities (“OSD”).
- b) The proprietor shall have the OSD inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times, to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures which comprise the OSD, or which convey stormwater from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor, or successor, must bear all costs associated with the preparation of the subject 88E instrument. Proof of registration with the NSW Department of Lands must be submitted to, and approved by, the PCA prior to the issue of an OC.

#### **61. Certification of Fire Services**

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

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

#### **62. Change of Building Use**

Prior to the use or occupation of the subject building, an OC is required to be issued by the nominated PCA.

#### **63. Fire Safety Upgrade**

All Fire Safety Upgrade works required by Clause 94 of the EP&A Regulation, and as stipulated in Condition 7 shall be constructed/installed and certified by an appropriately qualified person. All fire safety measures within the building, including any sprinklers are to be included in the fire safety schedule.



#### **64. Food Premises**

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

#### **65. Acoustic Report Recommendations Complied With**

A certificate must be submitted to and approved by the CA prior to the issue of an OC demonstrating compliance with the recommendations of the Noise Impact Assessment Document No: 171462-7284-R1, Spectrum Acoustics Noise and Vibration Consultants, June 2018.

In respect of the Noise Impact Assessment, the certification is to confirm that a 1.8m high brick wall has been erected along the southern elevation of the first floor outdoor play area, as illustrated on the approved plans.

The certificate must be prepared by an accredited acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

#### **66. Completion of Landscape Works**

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.

#### **67. Completion of Road Works**

Prior to the issue of an OC, the PCA must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the approved design and relevant AS, must be provided to Council prior to the issue of an OC.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

#### **68. Road Works/Intersection – Construct**

The registered proprietors of the land shall construct all approved roadworks/intersection works in the public road reserve (Wine Country Drive), prior to the issue of an OC to the satisfaction of the RMS in accordance with the approved Works Authorisation Deed (WAD).

#### **69. Roads – Concrete Crossing**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Morgan Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a

Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim OC.

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

The initial fee will facilitate approval of the application and one (1) construction inspection (steel and formwork inspection).

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

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

**70. Parking – Completion**

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

**71. Parking – Loading Facility Requirement**

Loading/unloading facilities shall be constructed prior to the issue of an OC.

**72. Disabled Access/Parking**

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with *AS 1428.1* and *AS 2890.6*. The access shall be provided prior to issue of an OC.

**ONGOING USE**

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

**73. Child Care Centre**

A current service approval to operate the child care centre from the New South Wales Family and Community Services must be maintained/held, at all times.

**74. Hours of Operation**

The property is to be open for business and used for the purpose approved only within the hours of 6.30am and 6.30pm, Monday to Friday.

## **75. Maximum Number of Children**

The maximum number of children cared for the premises must not exceed the following at any given time:

Age Range (years)	Maximum Number of Children Permitted
0-1	8
1-2	16
2-3	20
3-4	20
4-5	20
<b>Total</b>	<b>84</b>

## **76. Submission of Annual Fire Safety Statement**

An annual Fire Safety Statement must be given to Council and the New South Wales Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued.

## **77. Outdoor Lighting**

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

## **78. Maintenance of Landscaping**

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the three (3) years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

## **79. 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.

## **80. Discharge Into Waterways**

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system. Only clean, unpolluted water is permitted to discharge. Waste oil shall be stored in a covered and suitably bunded area, pending regular removal to a waste oil recycler.

## **81. Liquid Spills**

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Materials used to clean up must be disposed of to an appropriately licensed waste facility.

## **82. Parking Areas to be Kept Clear**

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

## **83. Driveways to be Maintained**

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

## **ADVISORY NOTES**

## **84. Disability Inclusion Act**

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Inclusion Act 2014. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The Disability Inclusion Act 2014 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provide the most comprehensive technical guidance under the Disability Inclusion Act 2014 currently available in Australia.

## **85. “DIAL BEFORE YOU DIG” DIAL 1100**

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

## **86. Dividing Fences**

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

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

## **87. Other Approvals and Permits**

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

## **88. Responsibility for Other Consents/Agreements**

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

## **89. Site Contamination Issues During Construction**

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

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

**CARRIED**

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

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Lyons  
627

### **RESOLVED**

That Report No's:-

CO30/2018	Pay Day Lending Machines
CO31/2018	Hart Road, Government Road and Gingers Lane, Weston Intersection
CO32/2018	Mobility Parking Adjacent to Kurri Kurri Centrelink
CO33/2018	2018 National General Assembly Motion

**be dealt with englobo.**

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

**CARRIED UNANIMOUSLY**

**MOTION**

628

**Moved:** Councillor Burke**Seconded:** Councillor Lyons**RESOLVED****That the following reports be resolved as recommended:-**

CO30/2018	Pay Day Lending Machines
CO31/2018	Hart Road, Government Road and Gingers Lane, Weston Intersection
CO32/2018	Mobility Parking Adjacent to Kurri Kurri Centrelink
CO33/2018	2018 National General Assembly Motion

**FOR****AGAINST**

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

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

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

## **NOTICE OF INTENTION NO. NI4/2018**

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

**PE50/2018 - DEVELOPMENT COMPLIANCE INVESTIGATION  
REGARDING THE ALLEGED UNAUTHORISED USE OF A SHED AS A  
DWELLING AT 10 GLENNIE STREET, ELLALONG**

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*Councillor Stapleford declared a Non Pecuniary Significant Interest for the reason that he is related to one of the parties involved in the matter. Councillor Stapleford left the meeting and took no part in discussion and voting.*

*Councillor Stapleford left the meeting, the time being 7.09pm*

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
629

### **RESOLVED**

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

**Report Number PE50/2018 – Development Compliance Investigation regarding the alleged unauthorised use of a shed as a dwelling at 10 Glennie Street, Ellalong as it deals with advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

### **CARRIED**



7.10PM

**Confidential reports (closed session)**

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

*Councillor Stapleford returned to the meeting, the time being 7.36pm*

7.36PM

**Open Session**

The meeting moved back into Open Session and the General Manager reported on the outcomes of the Closed Session

**PLANNING AND ENVIRONMENT NO. PE50/2018**

**SUBJECT: DEVELOPMENT COMPLIANCE INVESTIGATION REGARDING THE ALLEGED UNAUTHORISED USE OF A SHED AS A DWELLING AT 10 GLENNIE STREET, ELLALONG**

*This matter is considered to be confidential under Section 10A(2) (e) (g) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Gray  
630

**RESOLVED**

1.     That Council note the action taken by Council's Development Compliance Officer to-date, in accordance with Council's adopted Compliance and Enforcement Policy.
2.     That based on the evidence obtained/submitted to-date and Council's advice, Council discontinue the investigation and take no further enforcement action in relation to the alleged unauthorised use of the shed as a dwelling, unless new evidence is tendered from an identifiable source.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (3)</b>

**CARRIED**

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU15/2018***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU18/2018**

**SUBJECT: ARMISTICE CENTENARY GRANTS PROGRAM**

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

631

#### **RESOLVED**

1. That Council allocate \$16,888 to the Armistice banner and banner pole project provided from the Restricted Assets (Miscellaneous and Property) Reserve (old loan fund savings).
2. That Council accept the grant of \$19,046 under the Armistice Centenary Grants Program by 7 September 2018.
3. That Council install four banner poles in Weston, four banner poles in Greta and one banner pole in Wollombi subject to relevant approvals required.
4. That Council will continue to seek external funding opportunities to increase the number of poles in the other towns and villages in the Cessnock LGA.
5. That Exact locations for the banner poles are emailed to ward Councillors for feedback.
6. That Council takes future banner design and civic aesthetics to the Cultural Facilities Committee for their input.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
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**

### **PLANNING AND ENVIRONMENT NO. PE46/2018**

**SUBJECT: DISPOSAL OF SURPLUS COUNCIL LAND**

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**MOTION**                      **Moved:**     Councillor Doherty                      **Seconded:**     Councillor Burke

1.     That Council authorise the General Manager to obtain open market valuations and then negotiate the sale to the open market the following surplus Council properties, for no less than 90% of the valuation obtained, being;
  - a.     Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b.     Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c.     Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d.     Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
2.     That Council authorise the General Manager to engage a suitable real estate agent or agents to undertake to dispose of the surplus Council properties, being;
  - a.     Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b.     Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c.     Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d.     Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
3.     That Council authorise the common seal of Cessnock City Council be affixed to the Transfer of Land between Cessnock City Council and the purchaser of the following surplus Council properties, being;
  - a.     Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b.     Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c.     Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d.     Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
4.     That Council authorise the Mayor and the General Manager to execute the Transfer between Cessnock City Council and the purchaser of the following surplus Council properties, being;
  - a.     Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b.     Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c.     Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d.     Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
5.     That Council allocate the proceeds of sale in accordance with the adopted Property Investment Fund Policy

*Councillor Doherty left the meeting, the time being 7.43pm*

*Councillor Doherty returned to the meeting, the time being 7.45pm*

**AMENDMENT**     **Moved:**     Councillor Olsen

**That the report be deferred.**

*The amendment lapsed for want of a seconder.*

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

**MOTION**

632

**RESOLVED****Moved:** Councillor Doherty**Seconded:** Councillor Burke

1. That Council authorise the General Manager to obtain open market valuations and then negotiate the sale to the open market the following surplus Council properties, for no less than 90% of the valuation obtained, being;
  - a. Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b. Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c. Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d. Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
2. That Council authorise the General Manager to engage a suitable real estate agent or agents to undertake to dispose of the surplus Council properties, being;
  - a. Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b. Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c. Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d. Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
3. That Council authorise the common seal of Cessnock City Council be affixed to the Transfer of Land between Cessnock City Council and the purchaser of the following surplus Council properties, being;
  - a. Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b. Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c. Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d. Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
4. That Council authorise the Mayor and the General Manager to execute the Transfer between Cessnock City Council and the purchaser of the following surplus Council properties, being;
  - a. Lot 7, Section F DP1846 ID11454 (27 Middle Street, East Branxton)
  - b. Lot 7, Section C DP193027 ID16557 (5 Frederick Street, North Rothbury)
  - c. Lot 4, Section 3 DP758382 ID16094 (29 Helena Street, Ellalong)
  - d. Lot 2, Section 44 DP32655 ID9684 (163 Cessnock Road, Weston)
5. That Council allocate the proceeds of sale in accordance with the adopted Property Investment Fund Policy

**FOR**

Councillor Doherty  
 Councillor Dunn  
 Councillor Fagg  
 Councillor Stapleford  
 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. PE48/2018**

**SUBJECT: DEVELOPMENT APPLICATION 8/2018/388/1 - SINGLE STOREY DWELLING WITH ATTACHED SECONDARY DWELLING AND ATTACHED GARAGES**

**41 OLIVIA PLACE, NORTH ROTHBURY**

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**MOTION**  
633  
**RESOLVED**

**Moved:** Councillor Burke

**Seconded:** Councillor Dagg

**1. That:**

- (i) Development Application No. 8/2018/388/1 proposing a single storey dwelling, attached secondary dwelling and attached garages at 41 Olivia Place, North Rothbury be approved pursuant to Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979 subject to the conditions contained in this report
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

  - a) The proposal is a permitted land use in the RU5 zone under Cessnock Local Environmental Plan 2011;
  - b) The proposal is consistent with the objectives of the RU5 zone under Cessnock Local Environmental Plan 2011;
  - c) The proposal is consistent with the relevant provisions contained within applicable State Environmental Planning Policies;
  - d) The proposal is generally compliant with the provisions of Cessnock Development Control Plan 2010 (as applicable), and any variations are considered minor in nature;
  - e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environments;
  - f) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
  - g) The site is considered suitable for the proposed development as it is located within an established residential locality, and the construction of housing is consistent with the desired future character of the area; and
  - h) The proposed development is considered to maintain the public interest.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979

## CONDITIONS OF CONSENT

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### STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- i) The proposal is a permitted land use in the RU5 zone under Cessnock Local Environmental Plan 2011;
- j) The proposal is consistent with the objectives of the RU5 zone under Cessnock Local Environmental Plan 2011;
- k) The proposal is consistent with the relevant provisions contained within applicable State Environmental Planning Policies;
- l) The proposal is generally compliant with the provisions of Cessnock Development Control Plan 2010 (as applicable), and any variations are considered minor in nature;
- m) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environments;
- n) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
- o) The site is considered suitable for the proposed development as it is located within an established residential locality, and the construction of housing is consistent with the desired future character of the area; and
- p) The proposed development is considered to maintain the public interest.

### CONSIDERATION OF SUBMISSIONS

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, it is noted that the Application was not required to be placed on public exhibition and no submissions were made. The Cessnock DCP 2010 (Part B2) did not require public notification of this application.

## CONDITIONS OF CONSENT

### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2018/388/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Job Number 301594 Sheets 1, 2, 3, 4, 5 & 2.5 Rev. C	Hudson Homes	10.05.18

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

### 2. CC, PCA & Notice Required

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



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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

### 3. Residential S94 Contributions Plan

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

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$ 747.04
523	District Community Facilities (Halls)	\$ 457.34
524	District Community Facilities (Libraries)	\$ 122.05
522	District Community Facilities (Bushfire)	\$ 34.87
527	District Roads – Urban Areas	\$ 568.66
543	Studies (Plan Preparation)	\$ 42.92
540	Plan Administration	\$ 163.62
534	<b>Total</b>	<b>\$2,136.50</b>

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

## PRIOR TO COMMENCEMENT OF WORKS

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

### 4. PCA Signage and Contact Details

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

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

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

## **5. Home Building Act Requirements**

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

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

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

## **6. Road Opening Permit**

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

## **7. Toilet Facilities**

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

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

## **8. Relocation of Services**

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

## **DURING WORKS**

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

## **9. BCA Compliance**

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

## **10. Construction Hours**

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

## **11. Road – Obstruction of Footpath Restriction**

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

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

## **12. Protection of Street Trees**

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

## **13. Erosion and Sediment Controls**

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

## **14. Stormwater Runoff**

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

## **15. Waste Management**

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

## **16. Building Materials on Site**

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

## **17. BASIX Certificate**

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

## **18. Securing Excavations**

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

## **19. Bushfire Protection**

The following bushfire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

### **a) Asset Protection Zones**

The intent of measures is to provide sufficient space, and maintain reduced fuel loads, so as to ensure radiant heat levels of buildings are below critical limits, and to prevent direct flame contact with a building.

At the commencement of building works, and in perpetuity, the entire property shall be managed as an inner protection area in accordance with Section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the Rural Fire Services document 'Standards for Asset Protection Zones':

### **b) Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- i) Water, electricity and gas to comply with Section 4.1.3 of Planning for Bushfire Protection 2006
- ii) All above ground water and gas service pipes external to the building shall be metal, including and up to any taps.

### **c) Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack.

- i) New construction is to comply with AS 3959-2009 'Construction of buildings in bushfire prone areas' – Bushfire Attack Level (BAL) 19 and the additional requirements of Addendum Appendix 3 to Planning for Bush Fire Protection 2006

- ii) Roofing shall have guttering screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5 when tested in accordance with AS 1530.2-1993 *'Methods for fire tests on building materials, components and structures – Test for flammability of materials'*
  - iii) Garage doors are to be tight fitting to door jambs with gaps no greater than 5mm when closed, and any roller shutter is to be provided with an ember protection device at the top of the shutter that captures any embers where a gap of 2mm or greater exists on the external surface.
- d) Access
- The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bushfire, and for occupants faced with evacuation. To achieve this, the following requirements shall apply:
- i) Access shall comply with Section 4.1.3(2) of *Planning for Bush Fire Protection 2006*.
- e) Landscaping
- Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

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

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

### **20. BASIX Certification**

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

### **21. Completion of onsite sewage management system**

Prior to issue of a Final OC, written notice is to be provide from Council that the onsite sewage management system has been supplied, installed and constructed in accordance with the approval.

### **22. Roof Stormwater – Street Gutter**

Roof water from the principal and secondary dwellings shall be conducted to the water storage tank in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to issue of an OC.

### **23. Finish of Excavated &/or Filled Areas Around Site**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
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**

### **CORPORATE AND COMMUNITY NO. CC59/2018**

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

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
634  
**RESOLVED**

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 30 June 2018:
  - 91% of deliverables are either complete or on-track for completion as programmed
  - 77% of measures are either on-track or ahead of target
  - 94% of capital works programs are either complete or on-track to be completed as programmed.
2. That Council continue to monitor the incomplete deliverables in future Delivery Program reviews.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
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. CC60/2018**

**SUBJECT: SECTION 449 DISCLOSURE OF INTERESTS RETURNS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
635  
**RESOLVED**

**That Council note the register of annual returns as tabled by the General Manager from Councillors and designated persons.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
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. CC61/2018**

**SUBJECT: RICHMOND MAIN COLLIERY - PROGRESS REPORT**

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

636

**RESOLVED**

1. That Council note the progress of actions for Richmond Main Colliery and that a further report be presented to Council in February 2019.
2. That further progress reports be presented to Council in November 2018 and February 2019.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
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. CC62/2018**

**SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 -  
REFER FOR AUDIT AND COUNCIL CERTIFICATION**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
637  
**RESOLVED**

1. That the financial statements are formally referred for external audit.
2. That in accordance with Section 413(2)(c) of the Local Government Act, 1993 the General Purpose Financial Report has been prepared in accordance with:
  - The Local Government Act 1993 and the Regulations made thereunder.
  - The Australian Accounting Standards and professional pronouncements.
  - The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these reports:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

3. That in accordance with the Local Government Code of Accounting Practice and Financial Reporting the Special Purpose Financial Reports have been prepared in accordance with:
  - The Local Government Code of Accounting Practice and Financial Reporting.
  - NSW Government Policy Statement "Application of National Competition Policy to Local Government".
  - Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality".

To the best of our knowledge and belief, these reports:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

4. That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statements by Council on its Opinion of the 2017-18 Financial Statements.

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (12)**

**Total (0)**

***CARRIED UNANIMOUSLY***

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI69/2018**

**SUBJECT: WOLLOMBI ROAD, CEDAR CREEK ROAD SAFETY IMPROVEMENTS  
EAST OF STONEHURST WINERY**

---

**MOTION**      **Moved:**    Councillor Burke      **Seconded:**    Councillor Lyons  
638  
**RESOLVED**

1.    That Council note the outcome of investigation and the design options considered.
2.    That Council endorse Concept B for interim works and that Concept B may be funded from Council's existing operational budget for the year 2018-19, under the current Delivery Program 2017-21.
3.    That Council continue to monitor external funding opportunities to support implementation of Concept A.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
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. WI70/2018**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 20 AUGUST 2018**

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*Councillor Stapleford declared a Non pecuniary Interest – Significant Conflict for the reason that he is related to people in this report. Councillor Stapleford left the Chamber and took no part in discussion and voting.*

*Councillor Stapleford left the meeting, the time being 7.59pm*

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Gray  
639

### **RESOLVED**

**That the Minutes of the Local Traffic Committee of 20 August 2018 be adopted as a resolution of the Ordinary Council being:**

- 1. TC32/2018 – That the matter be deferred to the next available Traffic Committee meeting, pending review of Section 94 plans for the area;**
- 2. TC33/2018 – That Council authorise the temporary regulation of traffic on Oakey Creek Road, McDonalds Road and De Beyers Road for the proposed End2End Festival event in accordance with the End2End Festival Parking and TCP;**
- 3. TC34/2018 – That Council authorise the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Wollombi Public Holiday Markets TCP;**
- 4. TC35/2018 – That Council:**
  - **Authorise temporary roundabout controls at the intersection of Hart Road, Gingers Lane, Government Road, and Sawyers Gully Road, Loxford, within the existing road footprint by the installation of a semi-mountable annulus and associated signage and line marking;**
  - **Continue liaison with RMS to advance the installation of a properly constructed permanent roundabout at the intersection; and**
  - **Note:**
    - **the treatments previously presented to, and rejected by Local Traffic Committee;**
    - **the treatments already installed;**
    - **the restrictions imposed by legislation, guidelines and Australian Standards, regarding certain proposed treatments, and**
    - **the recent reduction in crash reports at the intersection as a result of the cessation of nearby road work activities on Frame Drive and its return to free flowing conditions.**
- 5. TC36/2018 – That Council authorise the temporary regulation of traffic on Congewai Road, Congewai for the Great North Walk Ultras event in accordance with the Great North Walk Ultras TCP;**
- 6. TC37/2018 – That Council authorise installation of channelised right turn, short {CHR(S)} and auxiliary left turn, short {AUL(S)} intersection line marking at the entrance to 2198 Broke Road, Pokolbin in accordance with the Proposed Access Plan;**

7. **TC38/2018 – That Council authorise temporary regulation of traffic on Broke Road, Grady Road, and De Beyers Road, Pokolbin for AirVenture Australia 2018 in accordance with the AirVenture Australia 2018 TCPs;**
8. **TC39/2018 – That Council note that:**
- **For the Wollombi Music Festival event scheduled to take place on Wollombi Road, Sweetmans Creek on Friday 21 and Saturday 22 September 2018, no application for the temporary regulation of traffic under the *Roads Act 1993* has been received;**
  - **Should the organisers proceed with the proposal, the conduct of the event would be unauthorised;**
  - **Council officers took all reasonable steps in liaising with the proponents of the event to facilitate the Roads Act application and approval process.**

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**Total (0)**

***CARRIED UNANIMOUSLY***

*Councillor Stapleford returned to the meeting, the time being 8.03pm*

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

### ***BUSINESS WITH NOTICE NO. BN26/2018***

**SUBJECT: POOL SEASON PASS FEES - AMENDMENT TO FEES & CHARGES**

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

640

**RESOLVED**

**That Council review all pool fees and charges at the end of the 2018-19 pool season, including a potential fee reduction for Pensioners and Seniors.**

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

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

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

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ80/2018***

***SUBJECT: EASY TO DO BUSINESS***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ81/2018***

***SUBJECT: STAFF ENGAGEMENT SURVEY***

---

The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ82/2018***

***SUBJECT: WASTE TRANSFER STATION***

---

The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ83/2018***

***SUBJECT: GREEN FROG SYSTEMS - SOLAR LIGHTING***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ84/2018***

***SUBJECT: INFORMATION BAY - ROUTE 33***

---

The answer was noted.



## **QUESTIONS FOR NEXT MEETING**

*Councillor Anne Sander*

### **HOWE PARK - FIRE DAMAGE**

Councillor Sander asked if consideration has been given to the arrangements for the cricket season at Howe Park after the fire damage.

*Councillor Anne Sander*

### **AMBULANCE HALL – KURRI KURRI**

Councillor Sander asked when the Ambulance Hall at Kurri will be complete.

*Councillor Allan Stapleford*

### **WOLLOMBI PARK BINS**

Councillor Stapleford asked when the bins at Wollombi Park will be installed.

*Councillor Mark Lyons*

### **SAFETY PEDESTRIAN REFUGE – ALDI/JACARANDA GROVE**

Councillor Lyons asked that the Safety Pedestrian Refuse between Aldi and Jacaranda Grove be investigated for safety reasons.

*Councillor Mark Lyons*

### **MARTHAVILLE – CONGREGATING OF GROUPS**

Councillor Lyons advised that groups are congregating at Marthaville of a night and would like to know what Council can do and whether there has been any damage.

*Councillor Di Fitzgibbon*

### **TRAFFIC CONDITIONS – CHRISTIAN COLLEGE**

Councillor Fitzgibbon asked for a progress report on the traffic solution for the St Phillips Christian College.

*Councillor Rod Doherty*

### **ALLIANCE MEETING MINUTES**

Councillor Doherty asked if Councillors could receive copies of the Alliance Tourism Meeting Minutes.

*Councillor Ian Olsen*

**HOWE PARK FIRE**

Councillor Olsen asked if the change rooms at Howe Park will be rebuilt in time for the next rugby league season.

*Councillor Ian Olsen*

**BIMBADEEN LOOKOUT UPGRADE**

Councillor Olsen asked for an update on the upgrade of the Bimbadeen Lookout area.

*Councillor Darrin Gray*

**SENIOR ENVIRONMENTAL PLANNER**

Councillor Gray ask for the timeline for the recruitment of the Senior Environmental Planner.

*Councillor Darrin Gray*

**COMMUNITY CENTRE – KURRI KURRI**

Councillor Gray asked for a progress report on the Community Centre Kurri works.

*Councillor Melanie Dagg*

**ALLIANCE MEETINGS**

Councillor Dagg asked if Councillors could be notified when Alliance meetings are being held.

*Councillor Paul Dunn*

**ABBOTSFORD STREET BRIDGE**

Councillor Dunn asked for an update on the Abbotsford Street Bridge.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO30/2018**

**SUBJECT: PAY DAY LENDING MACHINES**

---

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

641

**RESOLVED**

**That the correspondence be noted.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO31/2018**

**SUBJECT: HART ROAD, GOVERNMENT ROAD AND GINGERS LANE, WESTON INTERSECTION**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Lyons  
642  
**RESOLVED**

**That the correspondence be noted.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO32/2018**

**SUBJECT: MOBILITY PARKING ADJACENT TO KURRI KURRI CENTRELINK**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Lyons  
643  
**RESOLVED**

**That the correspondence be noted.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO33/2018**

**SUBJECT: 2018 NATIONAL GENERAL ASSEMBLY MOTION**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Lyons  
644  
**RESOLVED**

**That the correspondence be noted.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO34/2018**

**SUBJECT: FLOODING AT SOUTH CESSNOCK CLAIM**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
645  
**RESOLVED**

**That the correspondence be noted and a copy be forwarded to the State Member, Clayton Barr MP.**

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

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Olsen

### **Nulkaba Park Run**

Councillor Olsen advised of the success of the Nulkaba Park Run on Saturday mornings at St Phillips Christian College and others should be encouraged to attend.

Councillor Gray

### **Kurri Kuri Hydro Community Consultation Meeting**

Councillor Gray advised of his attendance at the Kurri Kurri Hydro Community Consultation Meeting and advised that the new owner, Flow Systems, as a Utility provider, will be looking at sustainable development on the site.

Councillor Lyons

### **Laguna Lamp Festival**

Councillor Lyons gave an update on the Laguna Lamp Festival which he attended.

Mayor Pynsent

### **Spring Awakening Festival**

The Mayor advised that due to impending inclement weather the Spring Awakening Festival which was to be held on Friday 7 September 2018 has been cancelled.

### **Destination NSW – Vineyards Visitation Advertising Campaign**

The Mayor advised that the \$50,000 Council contribution to the marketing campaign which industry funded to \$300,000 through pledges had originally been on matching funding from Destination NSW. The campaign which is currently underway is a value of over \$2m. Councillors are encouraged to view the campaign.

### **Access to Cessnock Jail**

The Mayor advised that a fact sheet had been released by Corrections NSW in regard to the proposed access to now be via Kerlew Street, Nulkaba and this had been distributed to all Councillors that afternoon.



*The Meeting Was Declared Closed at 8.17pm*

**CONFIRMED AND SIGNED** at the meeting held on 19 September 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI16/2018**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

**Motions of Urgency**

**Report No. MOU16/2018**

**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. GMU19/2018  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE AUDIT COMMITTEE MEETING HELD 21 AUGUST 2018*

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

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**RECOMMENDATION**

That the Minutes of the Audit Committee Meeting of 21 August 2018 be adopted as a resolution of the Ordinary Council.

***MINUTES OF THE AUDIT COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN THE ANTE ROOM ON TUESDAY, 21 AUGUST 2018, COMMENCING AT 9.34 AM***

**PRESENT:** Mrs Jennifer Hayes – Independent Chair  
Dr Felicity Barr – Independent Member  
Mr Stephen Coates – Independent Member  
Mayor Bob Pynsent  
Councillor Paul Dunn  
Councillor Mark Lyons – Alternate Member (9.59am to 10.35am)

**IN ATTENDANCE:** Mr Stephen Glen – General Manager  
Mr Robert Maginnity – Director Corporate & Community Services  
Mr Gareth Curtis – Director Planning & Environment  
Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure  
Ms Darrylen Allan – Human Resources Manager  
Mr Ian Lyall – Internal Auditor  
Mr Andrew Glauser – Finance and Administration Manager (*left meeting at 10.41am*)  
Ms Cath Watson – External Auditor – Forsyths Business Services Pty Ltd (*via teleconference, from 9.38am to 10.41am*)  
Mr James Sugumar – External Auditor – NSW Audit Office (*via teleconference from 9.38am to 10.41am*)  
Ms Melissa George – Internal Auditor (Secondment)  
Mrs Vivian Waugh – Administration Support Officer – Corporate & Community Services  
Mrs Robyn Keegan – Minute Taker

**INVITEES:** Mr Paul Grosbernd – Management Accountant  
Mr Manav Sharma – Financial Accountant  
Ms Catherine Bradley – Infrastructure Accountant  
Ms Kelly McGowan – Operations Accountant  
Mr Steven Hepple – Information Technology Manager

## ***APOLOGIES***

Mr Furqan Yousuf – External Auditor – 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 1 May 2018, as circulated, be taken as read and confirmed as a correct record.

***CARRIED UNANIMOUSLY***

## ***DISCLOSURES OF INTEREST***

### ***COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI3/2018***

***SUBJECT: DISCLOSURES OF INTEREST***

### ***RESOLVED***

That any interests and reasons for declaring such interest in the matters under consideration at this meeting are now disclosed.

**ACCLM29/2018 – Internal Audit Report July 2018** – Stephen Coates – Independent Member declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he is a Director of the Institute of Internal Auditors, Australia. Stephen advised that he would remain in the Meeting and participate in discussion and voting as the conflict does not influence him in carrying out his public duty.

General Manager's Unit  
Report No. GMU19/2018  
General Manager's Unit



## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. ACCLM23/2018**

**SUBJECT:** 2017-18 INTERIM MANAGEMENT LETTER

**MOTION  
RESOLVED**

**Moved:** Stephen Coates

**Seconded:** Dr Felicity Barr

That the Committee note the receipt of the Interim Management Letter from the Audit Office and Management Responses to the issues raised.

**CARRIED UNANIMOUSLY**

*Mayor Pynsent left the meeting, the time being 9.59am.*

### **LISTED MATTERS - COMMITTEE NO. ACCLM24/2018**

**SUBJECT:** DRAFT ANNUAL FINANCIAL STATEMENTS 2017-18

**MOTION**

**Moved:** Jennifer Hayes

**Seconded:** Stephen Coates

**RESOLVED**

1. That the Audit Committee recommend to Council, subject to distribution of the final documents and out of session consensus from Committee members:

- That the draft financial statements are formally referred for external audit.
- That in accordance with Section 413(2)(c) of the Local Government Act, 1993 the following statement of Council be adopted:

*The General Purpose Financial Report has been prepared in accordance with:*

- *The Local Government Act 1993 and the Regulations made thereunder.*
- *The Australian Accounting Standards and professional pronouncements.*
- *The Local Government Code of Accounting Practice and Financial Reporting.*

General Manager's Unit

Report No. GMU19/2018

General Manager's Unit



*To the best of our knowledge and belief, these reports:*

- *Present fairly the Council's operating result and financial position for the year, and*
- *Accord with Council's accounting and other records.*

*We are not aware of any matter that would render the reports false or misleading in any way.*

2. That the Audit Committee notes that changes may occur and that any changes and schedules will be referred to the Committee for their consideration.
3. The Audit Committee acknowledges the efforts of the Finance Team.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM25/2018**

**SUBJECT: POLICY POSITION - ACCOUNTING FOR RURAL FIRE SERVICE ASSETS**

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

*Mayor Pynsent returned to the meeting, the time being 10.35am.*

**RESOLVED**

1. That the Audit Committee supports Council's current practice of recognising Rural Fire Service Land and Buildings which are owned by Council but not recognising Rural Fire Service plant and equipment ('firefighting equipment') within Council's financial accounts as, based on the criteria for recognition of assets within the AASB Accounting Standards, Council does not have control of Rural Fire Service plant and equipment.
2. That this policy position is subject to re-evaluation in the event of changes to accounting standards or via directive from the Office of Local Government.

**CARRIED UNANIMOUSLY**

*Ms Cath Watson – External Auditor – Forsyths Business Services Pty Ltd and Mr James Sugumar – External Auditor – NSW Audit Office left the conference call at 10.41am.*

General Manager's Unit  
Report No. GMU19/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM26/2018***

**SUBJECT:**     **AUDIT OFFICE OF NSW - SURVEY ON FINANCIAL AUDIT SERVICES  
                  TO LOCAL GOVERNMENT**

**MOTION  
RESOLVED**

**Moved:**     Stephen Coates

**Seconded:**   Jennifer Hayes

That the Committee note the financial audit services survey results from the Audit Office of NSW.

**CARRIED UNANIMOUSLY**

***LISTED MATTERS - COMMITTEE NO. ACCLM27/2018***

**SUBJECT:**     **STATUTORY COMPLIANCE**

**MOTION  
RESOLVED**

**Moved:**     Jennifer Hayes

**Seconded:**   Councillor Dunn

1.     That the Audit Committee note the 'in progress' Statutory Compliance Register and proposed compliance improvement actions.
2.     That the Audit Committee endorse the draft Statutory Compliance and Reporting Protocol.
3.     That an update report be provided to the Audit Committee in May 2019.

**CARRIED UNANIMOUSLY**



General Manager's Unit  
Report No. GMU19/2018  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM28/2018**

**SUBJECT: INFORMATION TECHNOLOGY - UPDATE ON AUTHORITY SECURITY AND ACCESS**

**MOTION  
RESOLVED**

**Moved:** Mayor Pynsent

**Seconded:** Stephen Coates

That the Audit Committee notes the information regarding the restructure and improvements to security configuration within Council's Authority system.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM29/2018**

**SUBJECT: INTERNAL AUDIT REPORT JULY 2018**

*Stephen Coates declared a Non Pecuniary Less than Significant Conflict for the reason that he is a Director of the Institute of Internal Auditors, Australia. Stephen Coates remained in the Meeting and participated in discussion and voting.*

**MOTION  
RESOLVED**

**Moved:** Jennifer Hayes

**Seconded:** Mayor Pynsent

1. That the Audit Committee notes the July 2018 Internal Audit Report.
2. That the Audit Committee supports the participation of the Internal Auditor in the Institute of Internal Auditors Guidance Development Committee meetings in Orlando in November 2018 and Anaheim in July 2019, subject to approval by Council after its consideration of a separate report.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU19/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM30/2018***

**SUBJECT: SECTION 94 (FORENSIC) INTERNAL AUDIT REPORT**

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

That the Section 94 (Forensic) internal audit report be received and the agreed management action plan be noted.

**CARRIED UNANIMOUSLY**

***LISTED MATTERS - COMMITTEE NO. ACCLM31/2018***

**SUBJECT: AUDIT AND RISK COMMITTEE CHARTER**

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

That the Audit Committee endorses the Audit and Risk Committee Charter for presentation to Council.

**CARRIED UNANIMOUSLY**

***LISTED MATTERS - COMMITTEE NO. ACCLM32/2018***

**SUBJECT: AUDIT COMMITTEE INDICATIVE CALENDAR**

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

That the Audit Committee notes the indicative Calendar.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU19/2018  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM33/2018***

***SUBJECT:     AUDIT COMMITTEE ACTIONS REPORT***

***MOTION  
RESOLVED***

***Moved:***     Jennifer Hayes

***Seconded:***     Stephen Coates

That the Audit Committee notes the report.

***CARRIED UNANIMOUSLY***

***CORRESPONDENCE***

Nil.

***GENERAL BUSINESS***

Nil.

*The Meeting Was Declared Closed at 11.39am*

***ENCLOSURES***

There are no enclosures for this report.

General Manager's Unit

Report No. GMU20/2018

General Manager's Unit



**SUBJECT:** *PROPOSAL TO CLOSE COUNCIL OFFICES BETWEEN CHRISTMAS AND NEW YEAR*

**AUTHOR:** *Human Resource Manager - Darrylen Allan*

### **SUMMARY**

Council Offices, including Libraries, have traditionally closed between Christmas and New Year, with staff available for emergency situations.

### **RECOMMENDATION**

1. That Council close its offices, including Libraries, from 12 noon Friday, 21 December 2018 and reopen on Wednesday, 2 January 2019.
2. That Council close the Cessnock Performing Arts Centre from 2.00 pm Friday, 21 December 2018 and re-open on Monday, 7 January 2019.

### **BACKGROUND**

Council has traditionally closed its offices, including Libraries, between Christmas and New Year, with staff available for emergency situations.

### **REPORT**

It is proposed that Council Offices, including Libraries, close from 12 noon Friday, 21 December 2018 and that the office and Libraries re-open on Wednesday, 2 January 2019 and the Performing Arts Centre close from 2.00 pm Friday, 21 December 2018 and re-open on Monday, 7 January 2019.

Listed below is a breakdown of applicable Public Holidays and Office closure dates:

Friday, 21 December 2018	Office Closed (12noon)
Monday 24 December 2018	Office Closed
Tuesday, 25 December 2018	Christmas Day (Public Holiday)
Wednesday, 26 December 2018	Boxing Day (Public Holiday)
Thursday, 27 December 2018	Office Closed
Friday, 28 December 2018	Office Closed
Monday 31 December 2018	Office Closed
Tuesday, 1 January 2019	New Year's Day (Public Holiday)

Council will notify members of the Community of the Council Christmas closure by way of notices in local print media, on Council's website and all Council's social media outlets. In addition notices will be posted in Council's Administration Building, Cessnock Library and Kurri Kurri Library.

General Manager's Unit  
Report No. GMU20/2018  
General Manager's Unit



## **OPTIONS**

Option 1: That Council Offices close between Christmas and New Year.

Option 2: That Council Offices remain open between Christmas and New Year.

Option 1 is the preferred option.

## **CONSULTATION**

N/A

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report links to the community's desired outcome outlined of *Civic Leadership and Effective Governance*.

N/A

### **b. Other Plans**

N/A

## **CONCLUSION**

It is proposed that Council Offices, including Libraries, close from 12 noon Friday, 21 December 2018 and re-open on Tuesday, 2 January 2019.

It is proposed that the Cessnock Performing Arts Centre, close from 2.00 pm Friday, 21 December 2018 and re-open on Monday, 7 January 2019.

## **ENCLOSURES**

There are no enclosures for this report.

**SUBJECT:** ***EXHIBITION OF DRAFT CHAPTER E.18 - BLACK HILL  
EMPLOYMENT AREA OF THE CESSNOCK DEVELOPMENT  
CONTROL PLAN 2010***

**RESPONSIBLE OFFICER:** ***Acting Strategic Planning Manager - Keren Brown***

## **SUMMARY**

The purpose of this Report is to seek Council's endorsement to exhibit draft Chapter E.18 - Black Hill Employment Area of the Cessnock Development Control Plan (DCP) 2010 for a minimum period of 28 days.

The draft DCP Chapter has been developed in collaboration with the proponent and provides additional site specific controls for development in the Black Hill Employment Area. The draft DCP Chapter is required to enable appropriate development outcomes at Black Hill and satisfy the requirements of clause 6.3 of the *Cessnock Local Environmental Plan 2011* (LEP 2011), regarding new development in urban release areas.

## **RECOMMENDATION**

- 1. That Council place draft Chapter E.18 – Black Hill Employment Area of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.**
- 2. That Council receive a further report following public exhibition of Draft Chapter E.18 – Black Hill Employment Area of the Cessnock Development Control Plan 2010.**

## **BACKGROUND**

'Black Hill Employment Area' is a reference to land on the southern site of John Renshaw Drive at Black Hill comprising Lot 1131 DP 1057179 and part Lot 119 DP 1154904, see **Figure 1**.

The Black Hill Employment Area was the subject of a Planning Proposal initiated on 7 March 2012 and notified on 13 April 2017 as Amendment No. 24 to the LEP 2011. The Planning Proposal resulted in the Black Hill Employment Area being rezoned from RU2 Rural Landscape to E2 Environmental Conservation (40.4ha), IN2 Light Industrial (195.6ha) and E4 Environmental Living (64ha and maximum 4 lots). The Planning Proposal also resulted in the Black Hill Employment Area being identified as an Urban Release Area (URA) in the LEP 2011 to which clause 6.3 of the LEP 2011 applies. Clause 6.3 prohibits a consent being issued for development in a URA until a development control plan has been prepared for the URA.

The Black Hill Employment Area is part of a larger tract of land zoned IN2 Light Industrial that extends into the Newcastle Local Government Area (LGA) between Black Hill and Beresfield. A Concept Plan for the adjacent industrial site, in the Newcastle LGA, was approved by the Minister for Planning and Environment on 19 November 2013 under the former Part 3A 'Major Project' provisions of the *Environmental Planning and Assessment Act 1979*. Urban

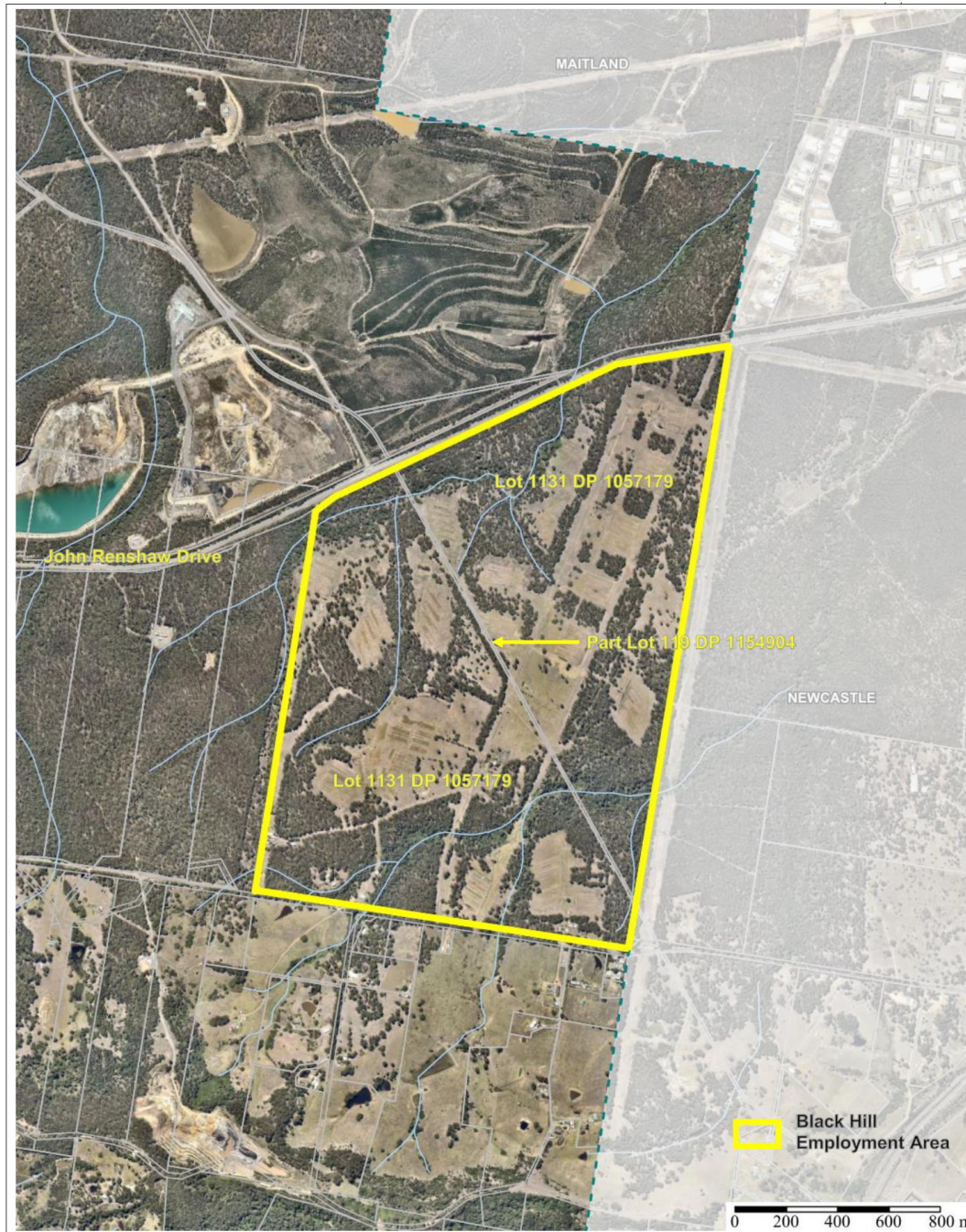
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Design Guidelines have recently been approved by the Minister for the adjacent site and a development application for staged subdivision lodged with Newcastle City Council.



	<p><b>Important Notice!</b> This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.</p>		<p>Drawn By: Iain Rush Projection: GDA94 / MGA zone 56 Date: 24/08/2018 1:55 PM</p>	<p><b>Black Hill Employment Area</b>  Map Scale: 1:20000 at A4</p>
<p>Cessnock City Council 62 – 78 Vincent Street Cessnock NSW 2325 Telephone: 02 4493 4100 Email: <a href="mailto:council@cessnock.nsw.gov.au">council@cessnock.nsw.gov.au</a></p>	<p>Disclaimer: Cessnock City Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. © New South Wales Government (Spatial Services), © Cessnock City Council.</p>			

**Figure 1: Subject Land – Black Hill Employment Area**

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**REPORT/PROPOSAL**

The Black Hill Employment Area is identified as an Urban Release Area (URA) in the LEP 2011. Council is currently assessing three development applications in respect of the land:

- DA 8/2018/101 Five lot subdivision
- DA 8/2018/102 Staged development comprising of concept approval and Stage 1 approval for clearing of land.
- DA/8/2018/539 Large lot industrial subdivision, site remediation, earthworks, two signalised intersections and all servicing requirements

Clause 6.3 of the LEP 2011 outlines that consent cannot be issued for development in a URA until such time as a development control plan has been prepared for the land. Therefore, at this point in time, the above applications cannot proceed to determination.

In consultation with Council, the proponent has prepared a draft DCP Chapter for the Black Hill Employment Area. The draft DCP Chapter is provided at **Enclosure 1** to this Report. The purpose of the draft DCP Chapter is to satisfy the requirements of clause 6.3 of the LEP 2011 and provide detailed guidance for future development in the Black Hill Employment Area.

In preparing draft Chapter E.18 - Black Hill Employment Area, consideration has been given to the approved Design Guidelines for the adjacent industrial site in the Newcastle LGA. This is to ensure a reasonable level of consistency in the development standards that apply between the two local government areas.

It is anticipated that draft Chapter E.18 - Black Hill Employment Area will be integrated into the Cessnock DCP 2010 as a site specific chapter. The draft DCP Chapter builds on existing chapters of the Cessnock DCP 2010, which remain applicable to the site. The draft DCP Chapter outlines a concept structure plan for the industrial precinct and includes additional site specific guidelines for subdivision and staging, access and transport, parking, landscaping, water management, setbacks and building appearance.

The draft DCP Chapter also identifies the Black Hill Employment Area as a 'priority precinct' in the Cessnock LGA to reflect its status in the draft Greater Newcastle Metropolitan Plan as a key catalyst site. The site is expected to provide employment opportunities, relating to freight, warehousing and logistics.

To reflect the importance of the land, the draft Chapter identifies mechanisms to facilitate positive outcomes for development applications and encourage best practice assessment and accelerated determinations. These mechanisms include:

- priority access to pre-application meetings with Council staff;
- a 'Black Hill Precinct Management Working Group', which will meet quarterly; and
- a commitment to meeting the statutory approval timeframes identified in the *Environmental Planning and Assessment Regulation 2000*.

The proponent has advised that they are satisfied with the DCP and have provided a letter of support at **Enclosure 2** of this Report.



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**Report No. PE51/2018**

**Planning and Environment**



Upon Council's endorsement of the draft DCP Chapter for exhibition and the satisfactory resolution of any other relevant matter, the outstanding development applications may proceed to determination.

**OPTIONS**

1. Place draft Chapter E.18 - Black Hill Employment Area of the Cessnock Development Control Plan 2010 on public exhibition inviting submissions. This is the preferred option.
2. Amend draft Chapter E.18 - Black Hill Employment Area of the Cessnock Development Control Plan 2010 and place the Plan on public exhibition inviting public submissions.
3. Not place draft Chapter E.18 - Black Hill Employment Area of the Cessnock Development Control Plan 2010 on public exhibition.

**CONSULTATION**

The draft DCP Chapter has been developed in consultation with Council's Development Services Team and the proponent. The proponent has advised that they are satisfied with the draft DCP and have provided a letter of support at **Enclosure 2** of this Report.

Exhibition of the draft DCP Chapter will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*, which requires a minimum exhibition period of twenty eight (28).

The following consultation will occur in relation to the draft DCP Chapter:

- written notification to adjacent landowners of the public exhibition;
- written notification to Newcastle City Council;
- notification in the Cessnock Advertiser, locally circulated newspaper; and
- hard copy display at Council's Administration Building (Help & Information Centre); and Cessnock and Kurri Kurri Public Library.

**STRATEGIC LINKS**

**a. Delivery Program**

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

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

**b. Other Plans**

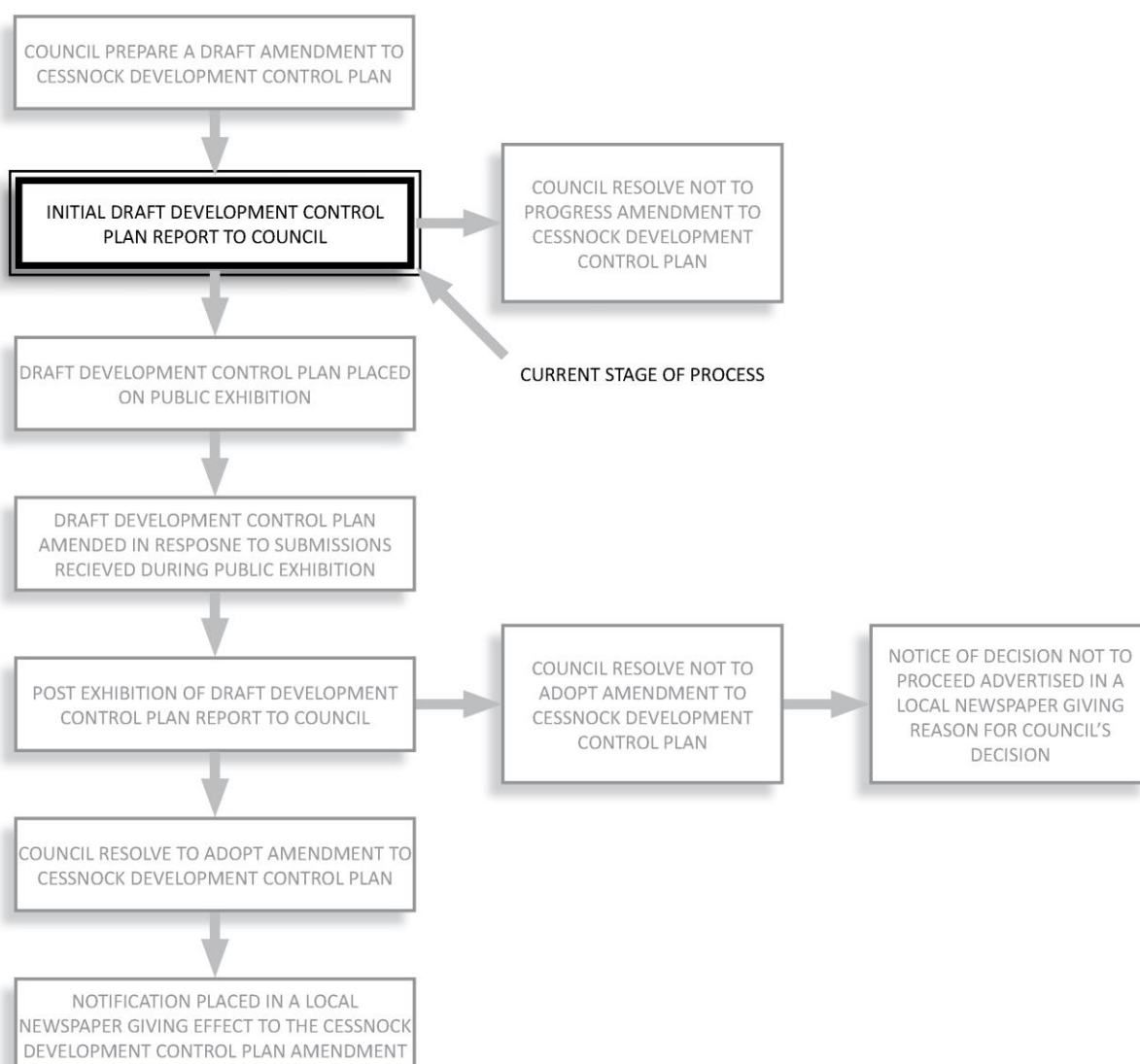
It is anticipated that the draft Chapter E.18 - Black Hill Employment Area will be integrated into the Cessnock DCP 2010 as site specific chapter. The draft DCP Chapter builds on existing, relevant chapters of the Cessnock DCP 2010, which remain applicable to the site.

## IMPLICATIONS

### a. Policy and Procedural Implications

The current status of the draft DCP Chapter is identified in the process map below.

#### PROCESS - CESSNOCK DEVELOPMENT CONTROL PLAN



### b. Financial Implications

Costs associated with the exhibition and finalisation of the draft DCP Chapter will be charged to the proponent in accordance with Council's adopted Fees and Charges Policy.

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**c. Legislative Implications**

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

Once adopted, Council will be required to consider the Draft DCP Chapter when determining Development Applications in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

**d. Risk Implications**

Draft Chapter E.18 - Black Hill Employment Area of the Cessnock DCP 2010 serves to reduce the risks of land use conflict by:

- Promoting industrial development that demonstrates ecologically sustainable design principles.
- Providing development that incorporates a high level of amenity.
- Allowing for the protection and conservation of land with high ecological value in the Black Hill Employment Area.
- Implementing buffers to mitigate the impacts of industrial development.

**e. Environmental Implications**

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

**f. Other Implications**

Nil

**CONCLUSION**

It is recommended that Council endorse draft Chapter E.18 - Black Hill Employment Area of the Cessnock DCP 2010 for public exhibition for a minimum period of 28 days to enable the community to respond to the draft DCP Chapter. A further report will be presented to Council following the exhibition period responding to submissions received and any amendments required to the draft document.

**ENCLOSURES**

- 1 ➞ Draft Chapter E.18 Black Hill Employment Area
- 2 ➞ Proponent Letter of Support

**SUBJECT:** ***EAST CESSNOCK FLYING-FOX GRANT - FINALISATION REPORT***

**RESPONSIBLE OFFICER:** ***Acting Strategic Planning Manager - Keren Brown***

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### **SUMMARY**

The purpose of this Report is to provide Council with a final update on the Local Government NSW *Stream 3 - Implementing approved actions in flying-fox camp management plans* grant project.

### **RECOMMENDATION**

**That Council note the completion of the Stream 3 - Implementing approved actions in flying-fox camp management plans grant program.**

### **BACKGROUND**

At its meeting of the 20 June 2018, Council resolved, inter alia, in response to report (CO21/2018):

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. ....

This report provides an update to Council on the completed grant project funded under the Local Government NSW (LGNSW) Flying Fox Grant Program, *Stream 3 - Implementing approved actions in flying-fox camp management plans*

LGNSW advised Council in December 2017 that it had been successful in obtaining \$50,000 in grant funding. Council would also be aware that the grant project also involved an in-kind contribution of \$50,000 from Council.

The works undertaken through the grant program are works that were identified within the adopted East Cessnock Flying-Fox Camp Management Plan (CMP).

### **REPORT/PROPOSAL**

The aim of the Local Government NSW (LGNSW) Flying Fox Grant Program Stream 3 grant implementation project was to help reduce the impact of the flying-fox camp on surrounding residents and assets. The objectives of the project as outlined in Council's grant application were to:

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- Provide residents with support and practical solutions to better protect assets from the flying-fox camp.
- Improve the health of vegetation within the flying-fox camp.
- Improve community awareness and education of flying-foxes.

To achieve these objectives Council undertook the following actions:

- A subsidy funding program offering 50% of the nominated cost of car/caravan covers, pool covers, clothesline covers and high pressure hoses, made available by application. The subsidy program was advertised in the local paper and on Council's social media, and letters were sent to residents within 500m of the flying-fox camp inviting them to apply.

29 individual applications for subsidy funding were received. All requests for funding were supported and Council administered \$6,119.85 in subsidies. Further information on the subsidy program is included in **Enclosure 1**.

- Site works including:
  - Extension of 10m buffer zone between the flying-fox camp and adjoin dwellings.
  - Mass planting to offset clearing works, including 10 Melaleuca Linarifolia, 150 Themeda Australis, 150 Westringia Fruticosa, and 150 Acacia Floribunda. These species were selected as they are native, non-roosting species that are compatible with the vegetation of the site.
  - General maintenance near to public footpaths, including removal of tree limbs hanging over public footpaths.

Details of site vegetation works are included in **Enclosure 2**.

- An education campaign to improve community awareness of the importance of the grey-headed flying fox. This included the installation of information signage about the grey-headed flying fox. Details of site signage are included at **Enclosure 3**.

Council received correspondence from LGNSW on 28 August 2018 advising that the final report on for the grant project had been approved, a copy of this correspondence is appended to the report in Enclosure 4.

### **OPTIONS**

To note the information in the report.

### **CONSULTATION**

The subsidy program was advertised in the local paper and on Council's social media. Letters were sent to residents within 500m of the flying-fox camp advising them of the subsidy program. Information was also made available on Council's website. As a result there were 29 separate applications for financial support under the grant funded subsidy program.

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

Works completed under the grant program were identified within the CMP. The CMP aligns with Objective 3.1 Protecting and enhancing the natural and the rural character of the area of the Delivery Program 2017-21.

**b. Other Plans**

Works completed under the grant program are works that were identified within the CMP.

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

Councils CMP was prepared in accordance with the *Flying-Fox Camp Management Policy 2015*.

**b. Financial Implications**

A summary of the financial reporting for the grant program is detailed in Table 1. Council provided in kind contribution in the form of staff time and resources.

**Table 1: Financial Summary**

Activity (as outlined in the Project Plan)	Projected Grant Expenditure	Actual Grant Expenditure
Subsidy Funding	\$10,000	\$7,899*
Site Vegetation Works	\$35,000	\$28,850
Community Education	\$5,000	\$4,786
<b>Total</b>	<b>\$50,000</b>	<b>\$41,535</b>

\*Including postage and advertising for the subsidy program.

LGNSW provided Council with \$40,000 up front to commence grant works, with the remaining \$10,000 to be invoiced on completion. As Council spent \$1,535 of the outstanding \$10,000, the invoice has been sent to LGNSW for the outstanding amount. The remaining funds remain with LGNSW and are unable to be spent by Council.

**c. Legislative Implications**

Flying-foxes are protected in NSW under the *National Parks and Wildlife Act 1974*. Grey-headed flying-fox (*Pteropus poliocephalus*) are nominated as vulnerable under the *Threatened Species Conservation Act 1995* and are protected under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* (Cwth).

To implement the works identified within the grant program, Council was required to obtain a Threatened Species Licence (Part 2 of the *Biodiversity Conservation Act 2016*) and an Environmental Management Licence (*Crown Lands Act 1989* Section 34A).

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**d. Risk Implications**

Nil.

**e. Environmental Implications**

The vegetation works undertaken on site were selected based on measures outlined as suitable within the CMP. All works were completed within the confines of the relevant legislation. The intention of vegetation works is was to reduce the impact of the flying-fox camp on the surrounding community whilst ensuring minimal impact on the overall camp. Offset planting will mitigate the impact of clearing works in the long term.

**f. Other Implications**

Nil.

**CONCLUSION**

The *Stream 3 - Implementing approved actions in flying-fox camp management plans* grant project has been successfully implemented and the grant return has been submitted to LG NSW, as such the project is finalised.

**ENCLOSURES**

- [1](#) ➡ Enclosure 1 - Subsidy Program Summary
- [2](#) ➡ Enclosure 2 - Site Vegetation Works
- [3](#) ➡ Enclosure 3 - Site Signage
- [4](#) ➡ Enclosure 4 - Project Completion Correspondence

**SUBJECT:** ***APPOINTMENT OF COUNCIL REPRESENTATIVE TO ABEL MINE COMMUNITY CONSULTATIVE COMMITTEE***

**RESPONSIBLE OFFICER:** ***Acting Strategic Planning Manager - Keren Brown***

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### **SUMMARY**

The purpose of this Report is to nominate a Council representative to attend the Abel Mine Community Consultative Committee meetings.

### **RECOMMENDATION**

- 1. That Council appoint a representative to attend the Abel Mine Community Consultative Committee meetings.**
- 2. That Council advise Yancoal (Abel Underground Mine) of its appointment.**

### **BACKGROUND**

Abel Mine is an underground coal mine operating south of John Renshaw Drive in Cessnock. The mine is owned by Yancoal and was approved in June 2007.

In April 2016, the operation of the mine changed to a state of 'care and maintenance', following a reduction in mining activities. The move to care and maintenance was a response to ongoing challenges in the global market for coal. Care and maintenance includes rehabilitation of the site in accordance with existing approvals and ongoing site management.

### **REPORT/PROPOSAL**

Council has received an enquiry as to whether it would like to appoint a representative to attend the Abel Mine Community Consultative Committee meetings. The committee meetings are held biannually in March and September. The meetings are an opportunity for Council to be a participant in decisions made in relation to the mine site, including the ongoing care and maintenance of the site.

The Abel Mine Community Consultative Committee is not a formal committee of Council and as such, Council may choose either a staff member or councillor to attend the meetings.

Council's Natural Resources Manager was previously Council's representative to the Committee. However, since the departure of the Manager in 2017, Council has not been represented at the meetings. Council may choose either a staff member or councillor to attend the meetings.



Planning and Environment

Report No. PE54/2018

Planning and Environment



**OPTIONS**

1. That Council appoint a representative to attend the Abel Mine Community Consultative Committee meeting, with wording for a resolution being:

*That Council appoint <insert councillor name or staff position> as its representative to the Abel Mine Community Consultative Committee.*

2. That Council not appoint a representative to attend the Abel Mine Community Consultative Committee meeting.

*That Council not accept the invitation for a representative to the Abel Mine Community Consultative Committee.*

**CONSULTATION**

Nil

**STRATEGIC LINKS**

**a. Delivery Program**

This matter progresses the Community's Desired Outcome for 'A Sustainable and Healthy Environment' in particular Objective 3.1 of the Delivery Program 'Protecting and Enhancing the Natural Environment and Rural Character of the Area'.

This matter also relates to the Community's Desired Outcome for 'Civic Leadership and Effective Governance'.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**Planning and Environment**

**Report No. PE54/2018**

**Planning and Environment**

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**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

***CONCLUSION***

Council is not currently represented at the biannual Abel Mine Community Consultative Committee meetings. Council is requested to appoint a representative to attend the meetings.

***ENCLOSURES***

There are no enclosures for this report

**SUBJECT:** *MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE 5 SEPTEMBER 2018*

**RESPONSIBLE OFFICER:** *Acting Strategic Planning Manager - Keren Brown*

**RECOMMENDATION**

1. That the Minutes of the Strategic Property & Community Facilities Committee of 5 September 2018 be adopted as a resolution of the Ordinary Council.
2. That Council resolve to publically exhibit the draft “Licences – Operation of Hebburn Estate” policy for a period of 28 days, including the following amendments:
  8. Council will not permit the Licensee or the Licensee’s estate to transfer the licence rights unless it can be demonstrated that:
    - a) The dwelling is of a standard suitable for accommodation as determined by Council;
    - b) The OSSM and effluent disposal area is being operated and maintained, to Council’s requirements and standards - including quarterly servicing certificate and satisfactory Council inspections;
    - c) A certificate of currency is provided to Council annually;
    - d) All structures are lawfully approved and constructed within the licensee’s lease hold.
- That a report on the outcomes of the community consultation be provided.
3. That Council rescind the resolutions relating to General Manager’s Report No. GMU14/2007 of 21 March 2007.
4. That Lot 20 DP6264 (47 Kalingo Street, Bellbird) remain in Council ownership and that the adjoining land owners be advised of Councils decision.
5. That Council endorse that the costs associated with the engagement of the Strategic Property Officer positions be funded from the Strategic Property Reserve effective from the commencement of the 2018-19 financial period.
6. That the funding for the Strategic Property Officer positions be sourced from the Strategic Property Reserve within the 2018-19 Operational Plan and the appropriate variations be made in the next Quarterly Budget Review process.
7. That Council place the revised draft Property Development & Investment Policy, draft Property Management Policy and revised draft Property Management Guidelines on public exhibition for a period of 28 Days, and that a report on the outcomes of the community consultation be provided.
8. That in respect to the Vineyard Grove Stage 8 development, Council endorse the amended subdivision plan including changes to the drainage, increased lot yield, and realignment of Saxonvale Grove Road.

9. That Council endorse the investigation of the potential of reclassifying the land adjacent to Vineyard Grove Stage 8, known as Lot 1208 in DP 1102977, Lot 1110 in DP 1093402, Lot 1015 in DP 1093073, Lot 1014 in DP 1093073, and Lot 915 in DP 1085219.

**MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE OF  
THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 5  
SEPTEMBER 2018, COMMENCING AT 1:30PM – 2:29PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning & Environment  
Director Works & Infrastructure  
Director Corporate & Community  
Acting Strategic Planning Manager  
Project Manager – Strategic Property Review (JO)  
Project Manager – Strategic Property Review (DL)  
Councillor Burke  
Councillor Fitzgibbon

**MINUTES:** **MOTION** **Moved:** Sander  
**Seconded:** Lyons

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**RECOMMENDED** that the Minutes of the Strategic Property & Community Facilities Committee held on 13 June 2018, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

**BUSINESS ARISING**

Nil.

## **OFFICER'S REPORTS**

### **OFFICER'S REPORTS NO. SPOR14/2018**

**SUBJECT:** **HEBBURN ESTATE - POLICY REVIEW**

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

#### **RECOMMENDATION**

1. That the Committee recommend that Council publically exhibits the draft policy, including amendments discussed in the meeting, "Licences – Operation of Hebburn Estate" for 28 days.
2. That the committee receive a further report on the outcomes of the community consultation.

**CARRIED UNANIMOUSLY**

### **OFFICER'S REPORTS NO. SPOR15/2018**

**SUBJECT:** **47 KALINGO STREET, BELLBIRD UPDATE REPORT**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Lyons

#### **RECOMMENDATION**

1. That the Committee recommend to Council to rescind the resolutions relating to General Manager's Report No. GMU14/2007 of 21 March 2007.
2. That the Committee recommend to Council that Lot 20 DP6264 being 47 Kalingo Street Bellbird remain in Council ownership and that the adjoining land owners be advised of Councils decision.

**CARRIED UNANIMOUSLY**

**OFFICER'S REPORTS NO. SPOR17/2018**

**SUBJECT: PROPERTY INVESTMENT FUND REPORT**

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Dunn

**RECOMMENDATION**

That the Committee note the balance of the Property Investment Fund as at 30 June 2018.

**CARRIED UNANIMOUSLY**

**OFFICER'S REPORTS NO. SPOR18/2018**

**SUBJECT: STRATEGIC PROPERTY OFFICERS - FUNDING**

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Lyon

**RECOMMENDATION**

1. That the Committee recommend that Council endorse the costs associated with the engagement of the Strategic Property Officer positions be funded from the Strategic Property Reserve effective from the commencement of the 2018-19 financial period.
2. That the Committee recommend that Council consider the reallocation of the existing funding for the Strategic Property Officer positions currently within the 2018-19 Operational Plan.
3. That the the Committee recommend that the appropriate variations be made in the next Quarterly Budget Review process to reflect the allocation of these funds following Council determination.
4. This is subject to the outcome of Report SPOR20/2018 being endorsed regarding the distribution of funds received from Council's Property Investment portfolio changing from an 80/20 split to 100% of net profit being reinvested into the Property Investment Fund.

**CARRIED UNANIMOUSLY**

Planning and Environment  
Report No. PE56/2018  
Planning and Environment



**OFFICER'S REPORTS NO. SPOR19/2018**

**SUBJECT: STRATEGIC PROPERTY REVIEW PROJECT STATUS REPORT**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander

**RECOMMENDATION**

That the Committee note the information contained within this report and that 100% of the profits from the sale of 2 Quorrobolong Road, Cessnock, go to the Property Investment Fund.

**CARRIED UNANIMOUSLY**

**OFFICER'S REPORTS NO. SPOR20/2018**

**SUBJECT: STRATEGIC PROPERTY INVESTMENT AND MANAGEMENT POLICY REVIEW**

**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Dunn

**RECOMMENDATION**

1. That the Committee recommend that Council place the revised Property Development & Investment Policy, Property Management Policy and updated Property Management Guidelines on public exhibition for a period of 28 Days.
2. That the outcomes of the public exhibition period be reported back to the Committee.
3. That the revised Property Development & Investment Policy be amended prior to exhibition, to change low risk to <2%.

**CARRIED UNANIMOUSLY**

Planning and Environment

Report No. PE56/2018

Planning and Environment



**OFFICER'S REPORTS NO. SPOR21/2018**

**SUBJECT: VINEYARD GROVE DEVELOPMENT UPDATE**

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

**RECOMMENDATION**

1. That the Committee endorse the amended subdivision plan including changes to the drainage, increased lot yield, and realignment of Saxonvale Grove road;
2. That the Committee endorse the investigation of the potential of reclassifying the land adjacent to Vineyard Grove Stage 8, known as Lot 1208 in DP 1102977, Lot 1110 in DP 1093402, Lot 1015 in DP 1093073, Lot 1014 in DP 1093073, and Lot 915 in DP 1085219.
3. That the road widths be reviewed to allow access for service and emergency vehicles, and to consider car parking.

**CARRIED UNANIMOUSLY**

**OFFICER'S REPORTS NO. SPSEGB2/2018**

**SUBJECT: AIRVENTURE PROPOSED AIRSHOW**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander

**RECOMMENDATION**

That the Committee note the information contained within this report.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

*Councillor Bob Pynsent*

**SUBJECT: PROPOSED AIRPORT WORKS**

That Mayor requested that the Committee be briefed on the proposed works at the airport. As well as the physical works, the briefing include the business case that accompanies the request for funding.

The General Manager agreed to arrange a briefing for the Committee.



Planning and Environment

Report No. PE56/2018

Planning and Environment



*Councillor Anne Sander*

**SUBJECT: AGENDAS**

Councillor Sander requested a hard copy of Committee agendas be provided.

The General Manager agreed to provide hard copies in future.

*Councillor Di Fitzgibbon*

**2-4 ALLANDALE ROAD, CESSNOCK**

Councillor Fitzgibbon requested that the Committee recognise the acquisition of 2-4 Allandale Road, Cessnock as a strategic acquisition and that funding comes from the Property Investment Fund.

The General Manager agreed to look into the matter and report back to a future Committee meeting.

*The Meeting Was Declared Closed at 2:29pm*

**ENCLOSURES**

- [1](#) ➞ Enclosure 1: Draft Licences - Operation of Hebburn Estate
- [2](#) ➞ Enclosure 2: Draft Property Development & Investment Policy
- [3](#) ➞ Enclosure 3: Draft Property Management Policy
- [4](#) ➞ Enclosure 4: Draft Property Management Guidelines

Corporate and Community

Report No. CC63/2018

Corporate and Community Services



**SUBJECT:** *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 24 AUGUST 2018*

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

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**RECOMMENDATION**

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 24 August 2018 be adopted as a resolution of the Ordinary Council for Report Number AACLM12/2018 Committee Terms of Reference - 'That a draft Terms of Reference with changes discussed be tabled at the next Committee meeting'.
2. That Council notes the items discussed at the Inquorate Aboriginal and Torres Strait Islander Committee held on 24 August 2018 being Reports;
  - AACLM13/2018 Draft Expression of Interest Wedge-Tailed Eagle Logo as requiring further consultation with the Committee.
  - AACLM14/2018 Innovate Reconciliation Action Plan (RAP) as progress report only on the RAP's implementation
  - AACLM15/2018 Welcome to Country at Civic Events and the advice provided from attendees "The Committee considered the report and due to the sensitivities surrounding Australia Day recommended no Welcome to Country or smoking ceremony be included".
  - AACLM16/2018 Bridges Hill Park and Design of Shade Shelter.

Information for Council's Consideration

The meeting was in quorum for Committee Report Number AACLM12/2018.

The meeting was inquorate for Committee Report Numbers:-

- AACLM16/2018 and AACLM13/2018 and relates to Recommendation 2.
- AACLM14/2018 and relates to Recommendation 3.
- AACLM15/2018 and relates to Recommendation 4.

Corporate and Community

Report No. CC63/2018

Corporate and Community Services



**MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE  
MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON FRIDAY, 24  
AUGUST 2018, COMMENCING AT 10.15 AM**

**PRESENT:**

Councillor Doherty  
Councillor Gray  
Ms Cheryl Kitchener (Community Representative)  
Ms Sonia Sharpe (Community Representative)  
Ms Tracey Skene (Community Representative)

**IN ATTENDANCE:**

Councillor Lyons  
Ms Natalie Drage – Community & Cultural Engagement Manager  
Ms Jo Dennis – Principal Community Planner  
Ms Jo Miller – Community & Cultural Engagement Officer

**INVITEES:**

Ms Kate Harris – Strategic Recreation & Community Facilities Planner

**APOLOGIES**

The Mayor, Councillor Pynsent  
Ms Susan Mulyk (Community Representative)  
Ms Michelle Earl (Community Representative)  
Mr Craig Layer (Community Representative)  
Ms Tara Dever (Community Representative)

In the absence of the Committee Chairperson, the meeting was chaired by Ms Sonia Sharpe (Community Representative).

**ACKNOWLEDGEMENT OF COUNTRY**

Acknowledgement of Country delivered by Ms Tracey Skene.

**CONFIRMATION OF MINUTES**

**MINUTES:**

**MOTION**

**Moved:**

Ms Tracey Skene

**Seconded:**

Councillor Doherty

**RECOMMENDED** that the Minutes of the Aboriginal and Torres Strait Islander Committee held on 18 May 2018, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

## ***DISCLOSURES OF INTEREST***

Nil

## ***BUSINESS ARISING***

Nil

## ***LISTED MATTERS***

### ***LISTED MATTERS - COMMITTEE NO. AACLM12/2018***

***SUBJECT: COMMITTEE TERMS OF REFERENCE***

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***MOTION Moved:*** Ms Tracey Skene      ***Seconded:*** Ms Sonia Sharpe

### ***RECOMMENDATION***

**That a draft Terms of Reference with changes discussed be tabled at the next Committee meeting.**

### ***CARRIED UNANIMOUSLY***

*Councillor Doherty left the meeting, the time being 10:58am*

*At this time the meeting became inquorate, and the following items were considered by the committee and are referred to Council as notes for information.*

### ***LISTED MATTERS - COMMITTEE NO. AACLM16/2018***

***SUBJECT: BRIDGES HILL PARK AND DESIGN OF SHADE SHELTER***

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***MOTION Moved:*** Ms Tracey Skene      ***Seconded:*** Ms Sonia Sharpe

**That the Wedge-tailed Eagle artwork on the front cover of the Innovate RAP be used in consultation with the artist to inform a concept design for inclusion in the Bridges Hill Park development and the concept design be presented to the Committee.**

### ***CARRIED UNANIMOUSLY***

Corporate and Community

Report No. CC63/2018

Corporate and Community Services



***LISTED MATTERS - COMMITTEE NO. AACLM13/2018***

***SUBJECT: DRAFT EXPRESSION OF INTEREST WEDGE-TAILED EAGLE LOGO***

***MOTION Moved: Ms Tracey Skene Seconded: Councillor Gray***

1. A Draft Expression of Interest for a Wedge Tailed Eagle Logo has been tabled.
2. The Committee recommends that as an interim measure the wording 'Wonnarua Country' be used as an Acknowledgement of Country on the Information Bay Signs where no concerns have been raised.
3. The Committee will continue to progress the development of wording for an Acknowledgment of Country and interpretative information for the Information Bay Signage at each location.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. AACLM14/2018***

***SUBJECT: INNOVATE RECONCILIATION ACTION PLAN (2018-2020) ACTIONS***

***MOTION Moved: Councillor Gray Seconded: Ms Cheryl Kitchener***

The Committee progress report on the Innovate Reconciliation Action Plan has been noted.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. AACLM15/2018***

***SUBJECT: WELCOME TO COUNTRY AT CIVIC EVENTS***

***MOTION Moved: Councillor Gray Seconded: Ms Cheryl Kitchener***

The Committee considered the report and due to the sensitivities surrounding Australia Day recommended no Welcome to Country or smoking ceremony be included.

***CARRIED UNANIMOUSLY***

Corporate and Community

Report No. CC63/2018

Corporate and Community Services

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## ***CORRESPONDENCE***

Nil

## ***GENERAL BUSINESS***

Nil

*The Meeting Was Declared Closed at 12 pm*

## ***ENCLOSURES***

There are no enclosures for this report

Corporate and Community

Report No. CC64/2018

Corporate and Community Services



**SUBJECT:** *ELECTION OF DEPUTY MAYOR*

**AUTHOR:** *Director Corporate and Community Services - Robert Maginnity*

### **SUMMARY**

Council has historically elected a Deputy Mayor for a term of twelve months. There is no statutory requirement for the appointment of a position of Deputy Mayor, however if Council so determines, the term and the method of election to be used needs to be decided.

### **RECOMMENDATION**

**That the election of Deputy Mayor be held and determined by open ballot with the term of office to be from 1 October 2018 to 1 October 2019.**

### **BACKGROUND**

The Local Government Act 1993 provides for Councillors to elect a person from among their number to be the Deputy Mayor. Historically Council has elected a Deputy Mayor each year for a term of twelve months. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

### **REPORT**

In relation to a Deputy Mayor, Section 231 of the Local Government Act 1993 provides:

1. The Councillors may elect a person from among their number to be the Deputy Mayor.
2. The person may be elected for the Mayoral term or a shorter term.
3. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor.
4. The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Schedule 7, clause 394 of The Local Government (General) Regulation 2005 provides options for the election process for the position of Mayor or Deputy Mayor (**Enclosure 2**).

The following procedure is recommended:

- The General Manager (or delegate) will be the Returning Officer.
- Nominations are to be announced and elections are to be conducted.
- A nomination is to be made in writing by two or more Councillors, one of whom may be a nominee. The nominee must consent to the nomination in writing.
- Council determine the election process - preferential, ordinary or open voting.
- Preferential ballot and ordinary ballot will be secret ballots.

The nomination form is attached to this report (**Enclosure 1**) and must be handed or delivered to the General Manager, acting as Returning Officer, prior to the election.

**Corporate and Community**

**Report No. CC64/2018**

**Corporate and Community Services**



The Code of Meeting Practice (cl3.9.9) requires that the election is to be held at the Council meeting at which the Council resolves on the method of voting.

For the information of Council, whilst Cessnock has a popularly elected Mayor who serves for the term of Council, those Councils that elect a Mayor from among their number, the term of office is set at 2 years. Section 230 of the Act provides (inter-alia);

1. *A mayor elected by the councillors holds the office of mayor for 2 years.*
2. *A mayor elected by the electors holds the office of mayor for 4 years.*

**CONSULTATION**

N/A

**STRATEGIC LINKS**

**a. Delivery Program**

This reports links to the community's desired outcome of "*Civic Leadership and Effective Governance*".

**b. Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The fee applicable to the Deputy Mayor position was set at \$800 for 2018-19 and is included in the budget allocation for the Mayor as per Section 249 and 252 of the Act.

**c. Legislative Implications**

Section 231 of the Local Government Act 1993 provides that Councillors may elect a person from among their number to be the Deputy Mayor, and any such person may be elected for the Mayoral term or a shorter term.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A



**Corporate and Community**

**Report No. CC64/2018**

**Corporate and Community Services**



***OPTIONS***

1. Council decide not to elect a Deputy Mayor.
2. Council elect a Deputy Mayor, subject to:
  - 2.1 Term of Office
    - Council elect a Deputy Mayor for a 12 month period.
    - Council elect a Deputy Mayor for the remainder of the Mayoral term.
    - Council elect a Deputy Mayor for another designated term.
  - 2.2 Method of Election
    - The election of Deputy Mayor be by preferential ballot.
    - The election of Deputy Mayor be by ordinary ballot.
    - The election of Deputy Mayor be by open voting.

***CONCLUSION***

The Act provides for the election of a Councillor to be the Deputy Mayor. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

***ENCLOSURES***

- 1 ➡ Nomination Paper for Election of Deputy Mayor 1 Page
- 2 ➡ Schedule 7

Corporate and Community

Report No. CC65/2018

Corporate and Community Services



**SUBJECT:** *FINANCIAL ASSISTANCE GRANT 2018-19*

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

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## **SUMMARY**

The purpose of this report is to advise Council of the impact on Council's Operational Plan following the confirmation of the financial assistance grant for 2018-19.

## **RECOMMENDATION**

**That Council note the lower than anticipated financial assistance grant funds to be received in 2018-19 of \$19,854 and that the appropriate variations be made in the next Quarterly Budget Review.**

## **BACKGROUND**

Council has received notification from the NSW Local Government Grants Commission in regards to the financial assistance grant for 2018-19, and this information is provided to Council outlining the impacts on the budget for 2018-19.

## **REPORT/PROPOSAL**

The financial assistance grant calculations are based on forward estimates of the consumer price index (CPI) and population across States, with an escalation factor each year designed to reflect real per capita term increases. Each year an adjustment for the previous year's grants takes into account variations in the actual CPI and population shares compared to the estimates used to determine that years grants. This adjustment can be an increase or decrease applicable which is then added to the current year's allocation.

The general purpose component of the grants is allocated to the States on a population basis, NSW received 32% or \$544 million, which represents a 3.7% increase on last year. NSW continues to receive its 29% fixed share of the local roads component which is based on a historic formula, with NSW receiving \$219 million.

Financial assistance grants are an important income stream for all councils (in some cases it can be the primary income source for a council) with the grants providing funding for infrastructure and services. Cessnock is reliant on these funds for the local road programs in particular, with the grant historically being approximately 10% of total revenue each year.

The NSW Local Government Grants Commission has advised of the recommended 2018-19 financial assistance grants and details are shown in Table 1.

## Corporate and Community

Report No. CC65/2018

## Corporate and Community Services



Table 1 – Confirmed Grant Details

	General Purpose	Roads & Bridges	Total
2018-19 Grants Commission Estimate	5,506,721	1,688,686	7,195,407
2017-18 Adjustment (CPI/Population)	1,632	(211)	1,421
<b>2018-19 Adjusted Entitlement</b>	<b>5,508,353</b>	<b>1,688,475</b>	<b>7,196,828</b>
2018-19 Prepayment Received June 2018	2,805,422	837,960	3,643,382
<b>2018-19 Payments to be Received</b>	<b>2,702,931</b>	<b>850,515</b>	<b>3,553,446</b>

Details of budget and actual grant to be received in 2018-19 are shown in Table 2 below:

Table 2 – Councils Operational Budget

	General Purpose	Local Roads	Local Bridges	Total
Confirmed Grant 2018-19	2,702,931	756,108	94,407	3,553,446
Budget 2018-19	2,751,000	731,000	91,300	3,573,300
<b>Deficit to budget 2018-19</b>	<b>(48,069)</b>	<b>25,108</b>	<b>3,107</b>	<b>(19,854)</b>

As Council would be aware, a prepayment of 50% of the financial assistance grant (approximately \$3.6m) was made to Council in June 2018, and these funds were recognised in the last financial year with the funds being held in reserve at year end. The reserve funds will be brought into this current year's budget, so the net effect of grants available for use in the current year will remain the same as if the funds had been paid in the current period. In anticipation that the pre-payment of the grants will not continue in 2018-19, Councils budget for 2018-19 was structured to reflect this situation. Should the prepayment be received again, there will be a positive impact on the operational result from an accrual accounting perspective at year end.

For comparison, actual grants received for the last 7 years are shown in Table 3 below, and show the current year grants to be at similar levels to 4 years ago:

## Corporate and Community

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## Corporate and Community Services



Table 3 – Financial Assistance Grants History

	General Purpose	Local Roads	Local Bridges	Total
Actual 2011-12	5,321,625	1,368,897	153,750	6,844,272
Actual 2012-13	5,295,314	1,358,097	156,443	6,809,854
Actual 2013-14	5,445,091	1,433,636	,164,593	7,043,320
Actual 2014-15	5,414,718	1,451,404	159,346	7,025,468
Actual 2015-16	5,299,979	1,409,800	184,175	6,893,954
Actual 2016-17	5,168,776	1,400,828	177,717	6,747,321
Actual 2017-18	5,404,468	1,436,445	179,354	7,020,267
Confirmed Grant 2018-19	5,508,353	1,501,054	187,421	7,196,828

Following confirmation of the financial assistance grant (exclusive of the prepayment) there is a negative impact on Councils operational budget for 2018-19 of \$19,854. It is recommended that the appropriate adjustments to reflect the lower than anticipated grant be made as part of the next Quarterly Budget Review process, where it is anticipated that offset savings can be identified. As the funds associated with the roads and bridges component of the financial assistance grant are normally quarantined and utilised for these purposes, it is proposed to retain the existing funding levels for the roads and bridges program in 2018-19.

In this way, Council will be able to provide the necessary funding for these projects without impacting on other operational budgets for works already in the 2018-19 Operational Plan.

**OPTIONS**

1. Council can elect to lower the level of funding allocated to roads and bridges projects to reflect the levels of grants to be received, and reduce funding to another operational area to reflect the lower than anticipated general purpose component of the grant to be received.
2. Council can elect to defer any funding alterations to the September Quarterly review to reflect the lower than anticipated grants to be received, and seek to offset the deficit to other savings to be identified.

Option 2 is the preferred option as it retains funding allocations to the priority road and bridges projects and allows for the review and identification of alternate funding sources to offset the shortfall in financial assistance grant funding.

**CONSULTATION**

Management Accountant  
Finance and Administration Manager  
General Manager

Corporate and Community

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Corporate and Community Services



**STRATEGIC LINKS**

**a. Delivery Program**

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

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

Financial assistance grants provide a significant proportion of Council's operational budget and are used to fund necessary infrastructure and services. This report details the impact on the 2018-19 Operational Plan with appropriate adjustments to be included as part of the next Quarterly Budget Review process, with a net \$19,854 lower level of funding to be received.

**c. Legislative Implications**

Local Government (Financial Assistance) Act 1995 (Commonwealth) facilitates the grants.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

**CONCLUSION**

The report highlights the lower than anticipated amount to be received in 2018-19 in relation to the financial assistance grant and recommends adjustments as part of the next Quarterly Budget Review process.

**ENCLOSURES**

- [1](#) Financial Assistance Grant Notification
- [2](#) Financial Assistance Grant Appendices

Corporate and Community

Report No. CC66/2018

Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - AUGUST 2018*

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

## **SUMMARY**

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

## **RECOMMENDATION**

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

## **BACKGROUND**

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

## **REPORT**

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

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

### **General Investment Commentary**

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

The Reserve Bank of Australia (RBA) official cash rate as at 31 August 2018 was 1.50%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The meeting held on 4 September 2018 retained the official cash rate at 1.50%.

Investment revenues to the end of August 2018 exceeded the benchmark in the Investment Policy with an actual level of return 14.04 % more than budget.

## Corporate and Community

Report No. CC66/2018

## Corporate and Community Services

**Investment Portfolio Information**

Total cash and investments held by Council as at 31 August 2018 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			1.15%	5,142
	Commonwealth Bank	At Call			0.50%	41
1243	AMP Bank	At Call			1.80%	500
1263l	Westpac Bank	TD	128	31-Oct-18	2.84%	600
1270s	Bendigo & Adelaide Bank	FRN	92	14-Nov-18	3.23%	500
1277r	Greater Bank	FRN	92	24-Nov-18	3.40%	500
1281h	National Bank	TD	273	20-Feb-19	2.66%	700
1286h	IMB Bank	TD	181	11-Sep-18	2.50%	900
1288g	Members Equity Bank	TD	195	04-Sep-18	2.50%	800
1297f	Members Equity Bank	TD	187	24-Sep-18	2.50%	900
1298l	Newcastle Permanent Building Society	VRD	92	03-Oct-18	3.48%	800
1303f	IMB Bank	TD	210	29-Jan-19	2.75%	700
1304e	AMP Bank	TD	279	15-Jan-19	2.65%	800
1305f	Commonwealth Bank	TD	34	02-Oct-18	2.20%	900
1306e	Suncorp Bank	TD	182	07-Nov-18	2.65%	900
1307g	Bankwest	TD	181	04-Dec-18	2.70%	800
1308g	Bankwest	TD	182	31-Oct-18	2.70%	900
1311e	Bankwest	TD	273	13-Feb-19	2.65%	600
1312e	Newcastle Permanent Building Society	TD	90	11-Sep-18	2.50%	700
1320c	Bankwest	TD	179	14-Dec-18	2.75%	600
1322b	Bankwest	TD	272	23-Apr-19	2.80%	900
1323a	Bankwest	TD	273	13-Feb-19	2.65%	800
1324b	National Bank	TD	153	19-Nov-18	2.75%	900
1325a	Members Equity Bank	TD	273	20-Feb-19	2.75%	900
1330	National Bank	TD	306	26-Sep-18	2.50%	900
1331a	IMB Bank	TD	112	14-Dec-18	2.60%	800
1332a	Suncorp Bank	TD	176	30-Nov-18	2.75%	1,000
1334	Commonwealth Bank	TD	187	17-Sep-18	2.54%	800
1335a	Suncorp Bank	TD	223	12-Mar-19	2.65%	1,000
1336	Maitland Mutual Building Society	TD	182	27-Nov-18	2.80%	1,000
1337a	Bankwest	TD	98	08-Oct-18	2.10%	1,200
1338	Bankwest	TD	273	26-Feb-19	2.65%	800
1339	Suncorp Bank	TD	211	22-Jan-19	2.82%	1,000
1340	AMP Bank	TD	211	22-Jan-19	2.85%	1,000
1341	AMP Bank	TD	224	05-Feb-19	2.85%	1,000
1342	Suncorp Bank	TD	224	05-Feb-19	2.82%	1,000
1343	National Bank	TD	111	16-Oct-18	2.76%	1,000
1344	Suncorp Bank	TD	192	07-Jan-19	2.85%	1,200
1345	National Bank	TD	106	23-Oct-18	2.73%	800
1346	Suncorp Bank	TD	221	19-Mar-19	2.70%	800
1347	Suncorp Bank	TD	228	26-Mar-19	2.70%	800
1348	AMP Bank	TD	230	02-Apr-19	2.80%	700
1349	Bankwest	TD	294	11-Jun-19	2.80%	1,000

Corporate and Community

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Corporate and Community Services



Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1350	Bankwest	TD	301	18-Jun-19	2.80%	1,000
1351	Commonwealth Bank	TD	232	16-Apr-19	2.62%	1,000
1352	Commonwealth Bank	TD	246	30-Apr-19	2.66%	1,000
1353	Suncorp Bank	TD	186	05-Mar-19	2.70%	1,500
<b>TOTAL</b>						<b>44,083</b>

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

Financial Institution	Amount \$'000	% of Portfolio
Suncorp Bank	9,200	20.87%
Commonwealth Bank	8,883	20.17%
Bankwest	8,600	19.51%
National Bank	4,300	9.75%
AMP Bank	4,000	9.07%
Members Equity Bank	2,600	5.90%
IMB Bank	2,400	5.44%
Newcastle Permanent Building Society	1,500	3.40%
Maitland Mutual Building Society	1,000	2.27%
Westpac Bank	600	1.36%
Greater Bank	500	1.13%
Bendigo & Adelaide Bank	500	1.13%
<b>TOTAL</b>	<b>44,083</b>	<b>100.00%</b>

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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	36,600	83.03%
Cash/At Call Deposits	Low	Low	5,683	12.89%
Floating Rate Notes	Low	Low	1,000	2.27%
Variable Rate Deposit	Low	Low	800	1.81%
<b>TOTAL</b>			<b>44,083</b>	<b>100.00%</b>



Corporate and Community

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Corporate and Community Services



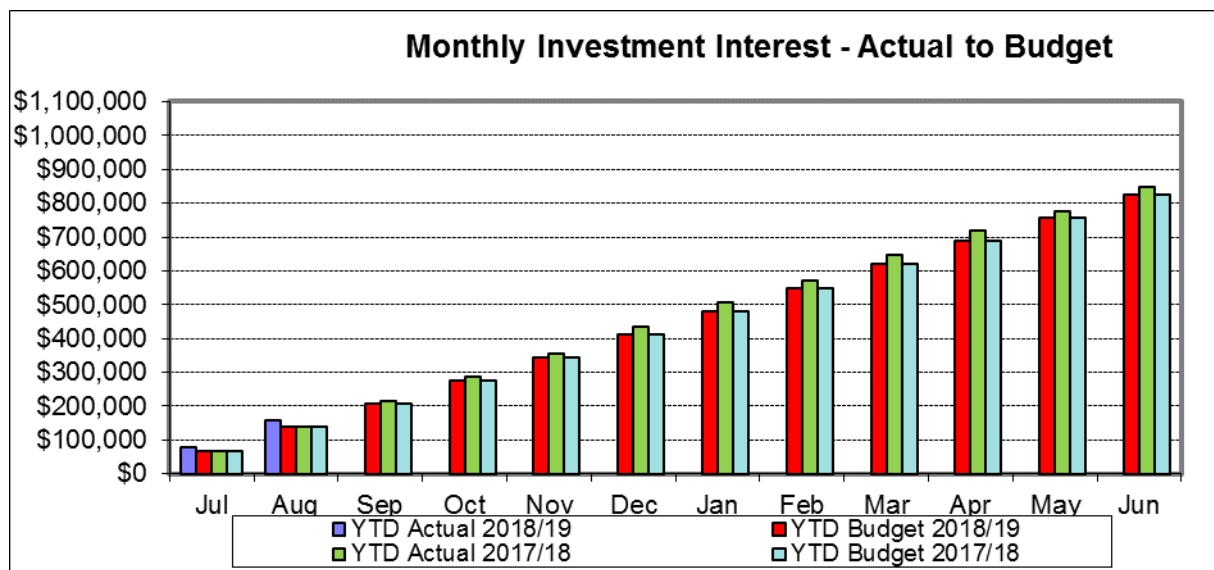
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.46%	2.38%
BBSW Average Interest Rate (year to date) *	1.99%	1.70%
Actual Investment Interest Earned (year to date)	\$156,807	\$138,327
Budget Investment Interest (year to date)	\$137,500	\$137,500
Original Budget Investment Interest (Annual)	\$825,000	\$825,000
Revised Budget Investment Interest (Annual)	\$825,000	\$825,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$38,760,390	\$36,277,000
Month End Current Balance	\$44,082,867	\$38,541,790

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

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



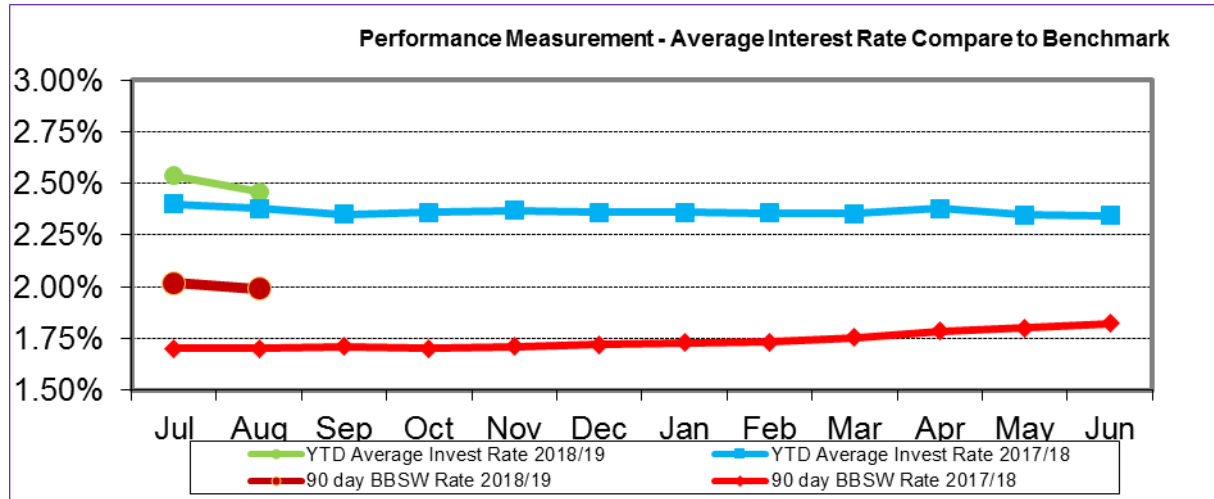
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The following graph compares current year portfolio performance to prior year performance.



**Restrictions over cash and investments:**

Developer Contributions	10,783
RMS Contributions (Reserve)	2,303
Specific Purpose Unexpended Grants	2,281
Loan Funds Unexpended	500
Plant & Vehicle Replacement Reserve	1,471
Employees Leave Entitlement Reserve	2,264
Bridge Replacement	721
Insurance Provisions	933
Miscellaneous and Property Reserve	4,866
Property Investment Fund	872
Single Invitation Contracts	1,764
Waste Depot and Rehabilitation Reserve	5,588
Other Reserves and Council funds still to be spent	9,737
<b>TOTAL</b>	<b>44,083</b>

**OPTIONS**

N/A

**CONSULTATION**

Director Corporate & Community Services  
Management Accountant

**STRATEGIC LINKS**

**a. Delivery Program**

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

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

5.3.7: Continue to educate staff on statutory compliance obligations.

5.3.8: Carry out governance functions to comply with legislation and best practice.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

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

**b. Financial Implications**

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

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

**c. Legislative Implications**

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

**d. Risk Implications**

Investment risks are detailed within this report.

**e. Other Implications**

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

**CONCLUSION**

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

**ENCLOSURES**

There are no enclosures for this report.

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Report No. CC67/2018

Corporate and Community Services



**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

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

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### **SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 10 August 2018 to 12 September 2018.

Councillors are advised that the format for the reports are currently under review.

### **RECOMMENDATION**

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

### **ENCLOSURES**

- 1 ➡ Outstanding Actions
- 2 ➡ Completed actions 10 August 2018 to 12 September 2018

Works and Infrastructure

Report No. WI71/2018

Works and Infrastructure



**SUBJECT:** *CHINA SWORD POLICY - RECYCLING SERVICE*

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

## **SUMMARY**

This report provides an update on the impact of the China National Sword Policy on Council's kerbside recycling collection service.

## **RECOMMENDATION**

1. That Council meets the increased service cost for the 2018/19 Financial Year from the internal Waste Reserve;
2. That Council recovers the cost impact in 2019/20 and 2020/21 through the domestic waste management charge.

## **BACKGROUND**

Council is a joint partner with Lake Macquarie, Maitland and Singleton Councils in the ownership and operations of Hunter Resource Recovery (HRR), which was formed in 1997 to administer a Recycling Service Contract.

In July 2013, Council through HRR, entered into a new Contract for a period of ten (10) years plus 2 x 1 year Contract extension options.

The fortnightly service that is administered by HRR covers 144,000 households across the four Local Government Areas (Cessnock, Lake Macquarie, Maitland and Singleton). This service resulted in 33,500 tonnes of product being collected in 2017-18 financial year.

The collection service is supplied by Solo Resource Recovery with the product sorted and dispensed under a sub-contract relationship with Polytrade, Australia's second largest recycler.

China has long been the destination for the sorting and processing of recyclable material for both the local product and product from around the world. In 2016 China received half the world's exports of recovered paper and used plastics however, the introduction of the China National Sword Policy in 2017 has significantly impacted recycling sustainability in Australia and across the world.

This report details the impact of the China National Sword Policy on Council's kerbside recycling collection services.

## **REPORT/PROPOSAL**

In September 2017, China notified its intent to adopt a 0.5% - 1% contamination acceptance threshold for the 24 categories of recyclable waste. The value of recyclable products has

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been impacted by this decision with many of the commodity prices falling from a sustainable market position to a negative (at cost) position.

A similar impact has been felt on glass recycling/re-processing with 3 furnaces closed within Australia and glass imported. Until recently, China was a large importer of recyclable materials, accepting more than 30 million tonnes of waste from all over the world every year. Australia alone sent approximately 1.25 million tonnes of recycled material to China in 2016-17. This has resulted in a number of material recovery facilities (MRF's) becoming unsustainable with the new commodity prices and existing (processing) gate fees.

NSW households generate approx. 5 – 6kgs of dry recyclables/ week (330kgs/yr). Currently the industry is desperately searching for new markets and processing techniques to sustain the crisis and maintain the service. The investigations range from use of materials such as glass into the aggregate supplements, secondary processing to achieve higher grade (and marketable) materials and the potential as fuel source. Whilst all have a degree of merit the industry predicts the impact is considered to be in the order of \$40 - \$150/hh/yr.

Service Assistance Fee

Following independent financial review and advice, the Board of Directors of HRR approved a financial assistance package (Service Assistance Fee) that will allow the recycling service to continue uninterrupted, with the existing Contractor maintaining all facets of the service.

The Service Assistance Fee is made up of two parts:

- Part 1 - Direct financial support via an increase in service charge;
- Part 2 - Allowing the Contractor to retain 100% of the Container Deposit Scheme revenue for 2 years commencing 1 July 2018.

The revised service cost(s):

- 140 & 240 litre bins will be charged at \$83.54 ex GST per annum
- 360 litre bins will be charged at \$85.94 ex GST per annum.

The current service cost is:

- 140 and 240 litre \$50.60
- 360 litre \$52.96

The financial support approved by the HRR Board of Directors will be subject to certain conditions, the most significant being that the Service Assistance Fee is capped for 24 months from 1 July 2018 and subject to Financial Assessment twice per year. Should there be no industry improvement after 24 months the Board of Directors may review the remaining life of the current contract.

Furthermore, due to the ongoing fluctuations in market conditions, storage, transport and processing costs, the Board has resolved to review the Service Assistance Fee twice per year and the fee reduced accordingly in line with any improved conditions.

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**OPTIONS**

Option 1

1. That Council meets the increased service cost for the 2018/19 Financial Year from the internal Waste Reserve
2. That Council recovers the cost impact in 2019/20 and 2020/21 through the domestic waste management charge.

This is the preferred option

Option 2

1. That Council recovers the cost impact in 2018/19 by publically advertising for 28 days, and then applying, a \$32.94 increase to the 2018/19 domestic waste management charge and continue to recover the cost impact in 2019/20 and 2020/21 through the same charge.

**CONSULTATION**

Council is represented on the Board of HRR and has received briefings and updates from the Manager (HRR).

Council staff have been kept informed as these developments as they have arisen.

EPA have also provided briefings to Council officers on possible management action/arrangements that may be considered to manage the oversupply of material currently awaiting processing.

Recent media release from the EPA states:

*“Effectively responding to this issue requires a collaborative approach. The EPA is committed to helping local government, industry and the community work together to find an effective solution.*

*The EPA has met with representatives from state, local and federal government, industry, recycling associations, the not-for-profit sector and environment groups to help the EPA to understand the extent of the impact of China’s National Sword policy and develop short, medium and long-term solutions in response to these challenges.*

*While industry faces immediate pressures to find alternative markets for recycled materials, this is an opportunity to strengthen local markets and the NSW recycling industry.”*

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**STRATEGIC LINKS**

**a. Delivery Program**

Councils adopted Delivery Program Objective 3.3 identifies Better Waste Management and Recycling as a key operational function

**b. Other Plans**

State, Regional and Local waste strategies all embrace a waste less recycle more philosophy

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Whilst there is no direct policy or procedural implication there are some actions that can be forthcoming from government sectors that will help create a circular economy and stimulate the market for recycled product.

There are a range of existing potential markets for Australia's recovered recyclates. Fibre can be used in insulation and building products, plastic in asphalt and glass fines as an additive in asphalt and concrete. Glass fines are a valid sand replacement in road base. The limiting factor or barrier, is not the science around the use of the materials but inertia around the purchasing of these materials.

**b. Financial Implications**

The Service Assistance Fee that has been adopted by the Board of HRR results in an increase of \$32.94 (ex GST) per service for Council's kerbside recycling collection, effective from July 1 2018.

Whilst the NSW State Government has announced a support package of \$47M to help local government and industry to respond to these global challenges the funds are sourced from the Waste Less Recycle More program and represents a reconfiguration of funds that have already been assigned to projects/programs.

**c. Legislative Implications**

To stay open MRF operators need higher gate rates from generators (including Council). Despite having current contracts in-place, provisions under Change in Law and Force Majeure (Act of God) apply.

**d. Risk Implications**

If funded from the waste reserve Council the impact will flow on to impact the planned landfill expansion plan currently underway.



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**e. Environmental Implications**

Without an increase in service cost the material will be destined for landfill and the resource lost.

It is highly likely the community will not support this action.

**f. Other Implications**

Whilst there has been recent media coverage around the state of waste generally (War on Waste) and the position with recycling has been reported many residents do not realise the fragile position currently being experienced.

Whilst residents are likely to oppose any alteration to the recycling service they are also likely to voice the dissatisfaction with any increase in service cost.

**CONCLUSION**

The introduction of the China National Sword Policy (adopting a 0.5 – 1% contamination rate on recyclable material) and the closure of reprocessing facilities over time has significant impact on the cost of the kerbside recycling service provided by Council. The Policy has resulted in increased operational/processing costs that cannot be sustained by the current collection service contractor without an increase in the service cost.

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** *INTERIM KERB AND GUTTER REQUIREMENTS*

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

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### **SUMMARY**

This report seeks to amend the existing interim requirements for the conditioning of kerb and gutter on development applications and to provide an update on the status of the draft Kerb and Gutter Strategy.

### **RECOMMENDATION**

1. **That Council adopt the Amended Interim Requirements for Kerb and Gutter for residential development applications.**
2. **That Council note the progress on preparation of the draft city wide Trunk Drainage Strategy and associated Kerb and Gutter Strategy.**

### **BACKGROUND**

At its Ordinary meeting of 1 October 2014, Council resolved to adopt the following interim position with respect to requirements for the conditioning of kerb and gutter on development applications:

- *For dual occupancy and 2 lot residential subdivisions, a condition of consent requiring the construction of kerb and gutter, will only apply in circumstances where kerb and gutter exists immediately adjacent the subject site;*
- *For residential subdivision of 3 lots or more, and multi-dwelling development and any other form of residential development (with the exception of single dwellings), a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances; and*
- *For all commercial and industrial development, a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances.*

The above interim requirements for the conditioning of kerb and gutter on development applications have been reviewed and proposed. Amendments have been identified to make application of the requirements more practical to install and achieve improved outcomes.

### **REPORT/PROPOSAL**

**Kerb and Gutter:** Whilst the need for kerb and gutter is warranted, not only for the purpose of collecting and conveying stormwater to a suitable discharge point, but also for formalising the road edge, from an engineering perspective it is not effective in all cases.

Over time, implementation of the existing interim requirements has highlighted areas where construction of kerb and gutter has proven problematic or as has been seen as impractical in the location and the condition of consent deleted.

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By way of example, where kerb and gutter has recently been conditioned, in accordance with the Council's current interim requirements for a four lot subdivision on Hunter Street, Greta, a functioning swale drain is located in the road reserve adjacent to the proposed development. Construction of kerb and gutter in this location serves no purpose and would more likely concentrate flows and cause scouring as it intercepts the swale drain.

In areas where swale drains are functioning as part of an overall drainage system, a more suitable solution is the use of an edge beam to formalise the road edge, preventing moisture from causing damage to the road pavement, and allowing the swale drain to continue to operate.

**Water Sensitive Urban Design:** Use of swale drains in association with edge beams is a cost effective solution which provides a Water Sensitive Urban Design (WSUD) outcome of substantial benefit to the drainage system as well as to the environment.

In accordance with *Australian Runoff Quality A guide to Water Sensitive Urban Design* the purpose of WSUD is to treat urban stormwater to meet water quality objectives and preserve the natural hydrological regime of catchments. In wide local streets where formal swale drains have been constructed, water quality targets can be effectively achieved by infiltration and recharge of groundwater through swale drains.

**Interim Requirements:** Amendment to the existing interim requirements for the conditioning of kerb and gutter on development applications allowing use of swale drains with associated edge beams for residential development will provide flexibility to Council's Development Services Unit in the assessment of kerb and gutter requirements, in order to achieve a better outcome for infill sites in differing locations.

Amendment to the interim requirements will also improve certainty to developers in respect of the need to manage stormwater in a manner that suits the individual site constraints.

It is anticipated that the amended interim requirements will be in use until the exhibition and adoption of a city wide Trunk Drainage Strategy and associated Kerb and Gutter Strategy occurs.

**Trunk Drainage Strategy:** A Draft Trunk Drainage Strategy has been prepared and is currently undergoing review by internal stakeholders. This draft strategy is a critical piece of work that will underpin the requirements for kerb and gutter as storm water collected has to be effectively managed downstream so as not to simply push nuisance stormwater or inundation from one location to another.

**Kerb and Gutter Strategy:** As a companion document to the Draft Trunk Drainage Strategy, a Draft Kerb and Gutter Strategy has also been prepared and is similarly undergoing internal stakeholder review ahead of presentation for public exhibition.

It is anticipated that, once finalised, exhibited and adopted, the city wide Trunk Drainage Strategy and associated Kerb and Gutter Strategy will replace the amended interim requirements for the conditioning of kerb and gutter on development applications.

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**OPTIONS**

Option 1

1. That Council adopt the amended Interim Requirements for Kerb and Gutter.
2. That Council note the progress on preparation of the draft city wide Trunk Drainage Strategy and associated Kerb and Gutter Strategy.

This is the preferred option to improve drainage and development outcomes.

Option 2

1. That Council alter the amended Interim Requirements for Kerb and Gutter.
2. That Council note the progress on preparation of the draft city wide Trunk Drainage Strategy and associated Kerb and Gutter Strategy.

This is not the preferred option as it may not promote WSUD treatment of stormwater and may not improve drainage and development outcomes for the immediate future.

**CONSULTATION**

Internal consultation has occurred with the following Council officers:

- Director Works and Infrastructure
- Director Planning and Environment
- Development Services Manager
- Principal Development Engineer
- Strategic Flooding and Drainage Engineer

External consultation with key stakeholders is planned via the upcoming September 2018 Developer's Forum hosted by Council's Development Services Unit.

**STRATEGIC LINKS**

**a. Delivery Program**

**Community Strategic Plan Cessnock 2027:** The recommendation of this report aligns with *Section 4 - A Sustainable & Healthy Environment*

Objective 3.1 - Protecting and enhancing the natural environment and the rural character of the area

**Delivery Program 2017-21:** The recommendation of this report aligns with *Section 4 Improving the road network:*

*4.2 – Improving the road network*

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**b. Other Plans**

**Cessnock Development Control Plan 2010:** The recommendation of this report aligns with:

- Part C: General Guidelines – C.9 Development on Flood Prone Land.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The proposed amendment to the interim requirements modifies Council's current Engineering guideline requirements

An internal guide to ensure consistent application of assessment criteria will be prepared and used.

New standard conditions of consent will be prepared to ensure conditions are consistent and the desired outcomes are achieved.

**b. Financial Implications**

**Cost to Developers:** The amendments to the interim requirements for the conditioning of kerb and gutter on development applications will provide clarity and certainty on the application of conditions for improvements to manage stormwater in the public road reserve. This will allow developers to forecast costs and budget accordingly.

**Cost to Council:** More effective management of stormwater will lower maintenance costs to Council by reducing scour in areas without kerb and gutter and lessening the amount of silt accumulated in trunk drainage systems which affect capacity and increase the need for cleaning out.

A more streamline assessment process will also be a time and resource saving for Council Officers and developers alike.

**c. Legislative Implications**

Nil.

**d. Risk Implications**

**Reputational Risk:** The amendments to the interim requirements for the conditioning of kerb and gutter on development applications will reduce the likelihood of criticism of Council's decisions particularly where kerb and gutter is installed by one developer and removal of the requirement is sought and granted to another. This will reduce the risk of damage to Council's reputation.

**Environmental Risk:** The amendments to the interim requirements for the conditioning of kerb and gutter on development applications will reduce the likelihood of requirements being imposed with poor environmental results. This will reduce the risk of damage to Council's drainage systems and the environment.

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**e. Other Implications**

Nil.

***CONCLUSION***

Amendments to the interim requirements for the conditioning of kerb and gutter on development applications to allow use of swale drains with edge beams will improve the processing of development applications and result in better outcomes for the management of stormwater.

***ENCLOSURES***

[1](#) ⇨ Interim Kerb and Gutter requirements

**SUBJECT:** *CESSNOCK LGA TRAFFIC AND TRANSPORT STRATEGY*

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

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### **SUMMARY**

The purpose of this Report is to outline the consideration of submissions following public exhibition, and to seek Council's endorsement to adopt the Cessnock LGA Traffic and Transport Strategy Technical Report.

### **RECOMMENDATION**

1. That Council note the outcome of the public exhibition and submissions.
2. That Council adopt the Cessnock LGA Traffic and Transport Strategy Technical Report, as amended.
3. That the General Manager write to all those persons who made a submission thanking them for their input and to advise Council's decision.

### **BACKGROUND**

The *Draft Cessnock LGA Traffic and Transport Strategy Technical Report* was prepared by Bitzios Consulting Pty Ltd in 2015 on behalf of Council.

The Draft Strategy aims to make the Cessnock LGA more accessible by accommodating greater travel choices to meet the needs of residents and visitors. The Draft Strategy's key priority is to create a people-friendly City by improving conditions for pedestrians, cyclists, motorists and those using public transport.

At its Ordinary Meeting of 7 June 2017, Council resolved the following:

1. *That Council place the Draft Cessnock LGA Traffic and Transport Strategy on public exhibition for a period of six weeks.*
2. *That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Draft Cessnock LGA Traffic and Transport Strategy.*

This report provides a summary of the submissions received and how they have been addressed in the final Strategy that is being recommended for adoption.

### **REPORT/PROPOSAL**

#### **Draft Strategy**

The Draft Cessnock LGA Traffic and Transport Strategy has been prepared to assist planning for the City's future. It provides:

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- analysis of the existing road network and transport system;
- strategic framework for traffic and transport planning to accommodate expected population growth until 2041;
- basis for other strategic land use and environmental studies being undertaken by Council's Strategic Planning Unit;
- policy framework to determine the priority of needs and issues and guide operational decisions;
- foundation for generating detailed investigations (rather than resolve all current traffic and transport issues).

Preparation of the Draft Strategy included a Modelling Report. The main purpose of the modelling was to explore the effect of proposed bypasses, new roads and the performance of the network in the face of anticipated future development. It tested 15 options to develop the preferred road network.

**Structure of the Document:** The Strategy, will help identify and prioritise transport infrastructure and service improvements and meet community and government objectives. The Draft Strategy is presented in five parts as follows:

**Part A: Setting the Scene**

- Introduction;
- Planning Context;
- Key Statistics and Trends;
- Transport Challenges; and
- Options Development

**Part B: Transport Strategy**

- Integration of land use;
- Parking Strategy;
- Active Transport Strategy;
- Public Transport Strategy;
- Roads and Freight Strategy; and
- Future Road Network and Hierarchy



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Part C: Road Hierarchy Plans

- Staging Considerations;
- Modal Priorities;
- Network Planning Principles;
- Network Deficiencies;
- Network Improvements; and
- Heavy Vehicle Routes

Part D: Recommendation and Implementation Plan

- Key Conclusions;
- Staging Considerations;
- Recommendation and Implementation Plan; and
- Funding

Appendix A

- Modelling Report
- List of Tables
- List of Figures

**Exhibition and Engagement**

**Exhibition:** The public exhibition ran for six weeks between 10 June and 24 July 2017. The exhibition was advertised in newspapers, news media websites and promoted through a webpage on Council's website and social media.

A hard copy of the Draft Strategy was also placed at the following locations:

- Council's Administration Building (Customer Services Section);
- Cessnock Public Library;
- Kurri Kurri Library;
- Hunter Valley Visitor Information Centre at Pokolbin; and
- Branxton Real Estate.

Two community drop-in sessions were held as shown in **Table 1** below:

Table 1 - Community Drop-In Sessions

Location	Date	Time
Cessnock Library	Tuesday 20 June 2017	9am till 12pm
Kurri Kurri Library	Wednesday 21 June 2017	2pm till 6pm

**Engagement:** During the exhibition period a high level of engagement of audiences was achieved as shown in **Table 2** below.

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Table 2 – Engagement

Method of Engagement	People Reached
5 Facebook posts	20,186
1 digital advertisement in Cessnock Advertiser	7,670
Council's exhibition webpage	3,319
1 Online survey monkey	21
2 Community drop-in sessions	12
Direct phone calls	6
<b>TOTAL no engaged</b>	<b>31,214</b>

**Submissions:** 42 submissions were received as summarised in **Table 3** below.

Table 3 – Summary of Submissions

Method	Received
Online survey monkey	21
Written submissions from the general public	19
Written submissions from Government Agencies	2
<b>TOTAL submissions received</b>	<b>42</b>

**Issues Raised:** A synopsis of the key issues raised in the 42 survey and written submissions received is outlined in **Enclosure 1**.

On review, the issues raised in a majority of submissions were:

1. A strong desire for more direct consultation and low level of support for construction of the proposed **Weston Bypass** due to perceived direct impact on properties, road safety and cost, as well as a desire to see existing roads maintained over construction of additional roads.
2. High level of support to improve current **network deficiencies**, and undertake better traffic and transport planning for the future.

A further issue was raised by key stakeholder, Roads and Maritime Services (RMS):

1. High **estimated growth rate** of 2.4% used in the traffic modelling which relates to the demand for transport dependent on population, age structure and rates of participation in employment, education and community.

The issues raised and corresponding responses are provided in detail in **Enclosure 2**. The responses aim to explain the reasons for, and merits of the Draft Strategy's proposals.

Since the public exhibition, these issues have been considered and wherever possible listed for reconsideration in the first five year review cycle.

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Final Strategy

In response to the two main issues raised, over the last 12 months, further work and preparation of Concept Designs has been undertaken in house to ensure that these issues could be satisfactorily addressed. As a result, the following minor amendments to the Draft Strategy have been made to improve the information provided and aide consultation including:

2. **Weston Bypass:** Inclusion of a program of general and targeted stakeholder consultation throughout planning for the Weston Bypass and for other stages of the Recommended Implementation Plan.

Inclusion of information to aide consultation including:

- definition of nexus between proposed new development and existing traffic volumes;
- five year review cycle to evaluate progress and update the Recommended Implementation Plan.
- indicative costs, location, and timing for construction of proposed roads.

3. **Network Deficiencies:** To address concerns around network deficiencies, planning included in the Recommended Implementation Plan has been commenced as follows:

- Southern Outer Cessnock CBD Bypass

Concept Options for the Bypass have been progressed to test the impact on property and the environment. The work to date indicates that the concerns can be meet with practical solutions including use of existing road reserves in Bellbird, South Cessnock and Aberdare.

- Northern Outer Cessnock CBD Bypass

Concept Options for the Bypass have also been progressed and found the most practical routes utilising existing road reserve in Nulkaba.

- Wollombi Road, Cessnock

Concept Plans to introduce peak hour clearways from Abbottsford Street, Bellbird to Old Maitland Road, Cessnock to alleviate capacity issues have been prepared, including installation of traffic signals and intersection treatments at heavily used intersections.

In response to the issue raised by RMS:

4. **Estimated Growth Rate:** The individual circumstances of growth anticipated in the City of Cessnock is projected to increase to 2.4%, from the current rate of 1.8% growth scenario proposed in Council's adopted *City Wide Settlement Strategy* and the recently released *Hunter Regional Plan*, which projects 1.3% growth.

The Strategy seeks to accommodate this anticipated growth to ensure that the community is provided with an appropriate level of infrastructure.

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**Amendments:** Changes to the Draft Strategy reflect the needs of the community and also supports State and Regional planning goals listed in the *Future Transport Strategy 2056* and in the *Hunter Regional Plan 2036*. To support these goals the following have been included:

- Review Council's development contributions plans to ensure the extent of transport works supports the desired development patterns and projections of the Draft Strategy;
- Work with NRMA to ensure the LGA is part of the Electric Vehicle Faster Charger Network rollout. Supporting regional tourism is a core aim of the project as it is ensuring communities have the infrastructure they need as more and more EVs take to the roads over the coming decades;
- Direct link to the Adoption of Cessnock Commercial Precinct Project and Kurri Kurri District Strategy. The Draft Strategy is supported by commercial centre masterplans for Kurri Kurri and Weston;
- Five year review cycle to evaluate progress and update the Recommended Implementation Plan;
- Review and updated the objectives in the Action Plan that better reflect the changing needs of the community and the role of Council and other stakeholders in implementation of the Draft Strategy;
- Changes associated with the opening of the Hart Road exit from the M15 Hunter Expressway have increased traffic on Gingers Lane and Frame Drive as an alternate route to Cessnock Road. Funding from the Federal Government and discussion with RMS, suggest a review of road classification; and
- Glossary of Terms and Abbreviations list.

These amendments made to finalise the publicly exhibited Draft Strategy to address the issues raised in the submissions are considered to be minor, and therefore re-exhibition is not warranted.

**Implementation**

To successfully achieve the vision of the Draft Strategy a number of actions need to occur over the immediate, short, medium and long term. At Part D Implementation, a Recommended Implementation Plan prioritises The Action Plan, these actions, based on cost, challenges and benefit to the community, have been developed and will inform future capital works programs.

The Action Plan outlines multiple initiatives to be implemented over the next 30 years. Some of the key immediate and short term actions are:

- Work with the State Government to integrate and expand service coverage of bus services;
- Implement the high priorities from the Pedestrian Access and Mobility Plan (PAMP) and Cycling Strategy;
- Develop bypass routes for heavy vehicles;

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- Introduce access control on the arterial network to reduce delays to through traffic movements; and
- Investigate commuter parking opportunities at public transport nodes.

The Recommended Implementation Plan sets indicative timeframes and scheduled investigation of all Actions over the next five years to ensure growth patterns or use are considered.

The Recommended Action Plan of Part D Implementation as exhibited, presented an ambitious program for the recommended road renewal, which is in essence unfunded at this time.

The trigger for all new roads is the nexus between proposed new development and existing traffic volumes. If a development does not proceed or the number of lots not needed than the need for a bypass may not be required so soon. The Recommended Implementation Plan is expected to be reviewed and refined in the five year review.

***OPTIONS***

Option 1:

- That Council note the outcome of the public exhibition and community submissions.
- That Council adopt the Cessnock LGA Traffic and Transport Strategy Technical Report, as amended.
- That the General Manager write to all those persons who made a submission thanking them for their input and to advise of Council's decision

This is the preferred option as it presents good strategic direction, planning, improving and future proofing the LGA's transport network.

Option 2:

- That Council note the outcome of the public exhibition and community submissions.
- That Council amend and adopt the Cessnock LGA Traffic and Transport Strategy Technical Report.

This is not the preferred option as the LGA has suffered from ad-hoc development due to the absence of a specific vision and strategic framework.

Option 3:

- That Council note the outcome of the public exhibition and community submissions.
- That Council do not adopt the Cessnock LGA Traffic and Transport Strategy Technical Report.

This is not the preferred option as the LGA has suffered due to the absence of a specific vision and strategic framework.

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**Works and Infrastructure****CONSULTATION**

**Preparation of Draft Strategy:** Multiple staff meetings and workshops were held from scoping the brief in 2014 to the final draft in 2017.

Councillors were briefed on the Draft Strategy, prior to public exhibition on 28 October 2015, 10 February 2016, 23 November 2016 and 8 February 2017.

During the preparation of the Draft Strategy multiple media releases have informed the community of the project as well as dates for the community drop-in sessions. An email was also set up for input and feedback.

While investigating options and preparation of the Draft Strategy, three community drop in sessions were held as shown in **Table 4** below and approximately 3 people were engaged.

Table 4 – Strategy Preparation Drop-In Sessions

Location	Date	Time
Cessnock Performing Arts Centre	Tuesday 27 October 2015	3pm till 7pm
Branxton Community Centre	Wednesday 28 October 2015	12pm till 4pm
Kurri Kurri Community Centre	Thursday 29 October 2015	3pm till 7pm

A survey seeking input from the community regarding traffic, transport and mobility related issues was also made available online, at Council's Administration Building (Customer Services Section), Cessnock Library and Kurri Kurri Library. Nine surveys were completed. Key elements of the feedback were incorporated into the Draft Strategy.

**Public Exhibition of Draft Strategy:** For an outline of the exhibition activities, see the preceding **REPORT/PROPOSAL** section.

Community consultation reached 31,214 people. External consultation has occurred with:

- Roads and Maritime Services (RMS),
- Maitland City Council,
- Community / Public Consultation (community workshops),
- Council's Facebook page, website and online community survey,
- Rover Coaches,
- Public Utilities,
- NSW Department of Primary Industries - Lands,
- ROSS Planning Pty Ltd, and
- Conybeare Morrison International Pty Ltd.

Internal consultation has occurred with staff across all three directorates of Council, during the preparation of the Draft Strategy and the exhibition period.

- Director Works and Infrastructure,
- Strategic Land Use Planning Team,
- Recreation Services Team,
- Design Delivery Team,
- Works and Operations Manager,

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- Development Services Team,
- Economic Development Team,
- Finance Team; and
- Community and Cultural Engagement Team.

In order to provide Councillors with an overview of the Draft Strategy, a Councillor Briefing was held on 22 August 2018.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2013-2017:** The recommendation of this report aligns with the following action:

*4.1.3. a Commence the Transport & Land Use Planning Needs Analysis component of the City Wide Infrastructure Strategy*

**Community Strategic Plan Cessnock 2027:** The recommendation of this report aligns with *Section 4 Accessible infrastructure, services and facilities:*

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

**Delivery Program 2017-21:** The recommendation of this report aligns with *Section 4 Better transport links:*

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

**b. Other Plans**

**2017-18 Operational Plan:** The activity aligns with *Section 4 Better transport links*

- 4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding*
- 4.1.1a Advocate for commuter car parking to provide carpooling and community transport opportunities associated with the Hunter Expressway*
- 4.1.1b Support applications for upgrades of bus stops.*
- 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.*
- 4.2.4 Work with the State Government to develop a land use strategy for the Hunter Expressway corridor*

There are links to many existing plans at State, Regional and Local planning level. For a full summary of relevant plans is detailed in the Planning Context section of the Strategy and it includes the following:

- Draft Future Transport Strategy 2056,
- Hunter Regional Plan 2036,
- Pedestrian Access and Mobility Plan 2016,
- Cessnock Cycling Strategy 2016
- Hunter Strategic Infrastructure Plan 2013,

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- City Wide Settlement Strategy 2010,
- Recreation and Open Space Strategic Plan 2009
- Draft Hunter Region Special Infrastructure Contribution,
- Greater Newcastle Metropolitan Plan,
- Cessnock 2023 Community Strategic Plan,
- Cessnock LGA Economic Development Strategy,
- Branxton Town Centre Masterplan,
- Kurri Kurri District Strategy, and
- Weston Commercial Centre Masterplan.

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

NIL

**b. Financial Implications**

There are significant financial implications for Council, developers and other government agencies associated with the adoption of the Draft Strategy.

**Funds Required:** The cost estimate for works proposed over a period of time, is approximately \$195 million. This vision will allow Council to actively pursue grant funding. The works identified in the Draft Strategy will significantly improve Council's ability to secure grant funding in the longer term.

**Source of Funds:** It is anticipated that funding for the works proposed by the Recommended Implementation Plan will be considered in a revision of Councils existing s94 Contribution Plans and Planning Agreements. Existing s94 Plans will enable a small portion of the works proposed to be levied for and constructed, however funding the majority of the works will need to be raised through new planning agreements, development contributions, state government, road reclassification, grants and Councils capital works program.

**Table 5** below provides an indication source of funds required to undertake the projects listed in the Recommended Implementation Plan.

Table 5 – Source of Funds\*

<b>Proposed Works</b>	<b>*Estimated Cost</b>	<b>Council's Contribution</b>	<b>Source of Funds</b>
Proposed New Strategic Roads	\$95.2M	\$0.3M	Development contributions, grants & Council
Proposed Strategic Road Upgrades	\$93.5M	\$65M	Development contributions, grants & Council
Proposed intersection upgrades	\$6.2M	\$0.7M	Development contributions, grants, RMS & Council
<b>TOTAL</b>	<b>\$195M</b>	<b>\$66M</b>	

\*Note: The above costs are strategic estimated costs and are not based on detailed investigation and design. Whilst potential contingencies have been considered final costs will more closely reflect site constraints such as local topography, environmental, heritage, and utility services. Project costs have been developed as strategic estimates using rates defined by the Independent Pricing and Regulatory



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Tribunal of New South Wales (IPART). Local Infrastructure Benchmarking Cost. It is available on the [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au)

The Draft Strategy recommends a number of new roads, road upgrades and intersections to be constructed over the next 30 years, to support future growth. Council's contribution to this work is estimated at \$66M. These works would include concept designs, and works associated with traffic management treatments, to upgrade existing roads to rectify current deficiencies. The indicative timing of the upgrades is the link between proposed new development and existing traffic volumes.

The Draft Strategy has identified several key infrastructure improvement measures. The improvements are required to support the projected future traffic volumes. The Road Capital Works Priorities has identified the need for new roads, upgrades and intersection upgrades. The proposed measures are to improve traffic conditions in and around the LGA.

Some of the upgrades have been identified in various development traffic impact assessment reports. The proposed new roads are linked to future developments proposed throughout the LGA. These works are funded by:

- *Bellbird North s94 Contribution Plan;*
- *Future Hydro s94 Contribution Plan;*
- *Future Sawyers Gully s94 Contribution Plan;*
- *Future Clifftleigh s94 Contribution Plan;*
- Future planning agreements; and
- *Draft Hunter Region Special Infrastructure Contribution*

Minor intersection upgrades to be funded from Council's Delivery Program. Roads and Maritime Services (RMS) are responsible for the approval of any new or changes to signalised intersections on roads. RMS also has jurisdiction over regulatory signage, regulatory line marking, new traffic signals and heavy vehicle operations. Council officers will continue to work with RMS for the proposed traffic signal installation.

Major proposed works are typically undertaken in phases over many years. The exact alignment, mode or type of infrastructure required within the corridor may not be certain for many years or decades. Concept designs would be prepared by Council.

A range of variables can influence final infrastructure outcomes and the timing of infrastructure project delivery. This can include a change of housing and job growth rates within NSW, consumer and user behavioral change, and advances in technology. Therefore, Preliminary design would only proceed if all external funding became available.

It is important to note the trigger for new roads is the nexus between proposed new development and existing traffic volumes. If a development does not proceed or the proposed number of lots are changed, then the need for a bypass and / or road upgrades may not be required so soon. It is important that the corridors are identified for future planning.

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**Grant Opportunities**

Furthermore, should the Draft Strategy be adopted, Council will be in an excellent position when applying for grant funds as it will be able to demonstrate links to an adopted strategy that has had a high level of community involvement which is often one of the key criteria to be met when applying for funds.

Such as:

- Roads To Recovery
- Hunter Infrastructure Investment Fund
- NSW Government Safer Roads Program Local Government Road Safety
- National Stronger Regions Fund
- Fixing Country Roads

**c. Legislative Implications**

**Environmental Planning and Assessment Act 1979:** Council will be required to consider the Draft Strategy in the assessment of planning proposals and development applications in accordance with the Act.

On adoption of the Draft Strategy, the following planning instruments will require amendment:

- *The Cessnock Local Environmental Plan 2011 (LEP 2011);*
- *Development Control Plan (DCP) 2010; and*
- *Bellbird North s94 Contribution Plan.*

**d. Risk Implications**

Unfortunately the LGA has suffered from ad-hoc development in the past due to the absence of a specific vision and strategic framework, resulting in network and capacity issues we are facing today.

The Draft Strategy will be used in managing traffic and transport issues stemming from development growth within the Cessnock LGA. It will also be used as a supportive document in developing future Council Delivery Plans (and associated annual operational plans) and Development Contributions such as s94 and / or VPA.

The risk in Council resolving not to not adopt the Draft Strategy includes:

- Continued poor and declining levels of service in some sections of the road network.
- Potential loss of development contributions from incoming development.
- Missed grant opportunities for key infrastructure.

**e. Environmental Implications**

**Flora and Fauna:** The ecological impact of new roads will be considered as part of the detailed planning including preparation of Environmental Impacts Assessments, Species Impact Assessments and Reviews of Environmental Factors.

**Flooding:** There are some flood affected locations which will be considered as part of the detailed planning including preparation of Environmental Impacts Assessments.

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**Urban and Rural Character:** The Draft Strategy recognises the importance of the villages that make up the whole of City, and proposes a series of new connections and bypass roads to separate longer-distance through traffic from local access and shorter trips with the LGA.

**Cultural Heritage:** The heritage significance of any affected site will also be considered at detailed planning stages.

**f. Other Implications**

Nil

**CONCLUSION**

The Draft Strategy reflects and builds upon the local priorities that will contribute to the Federal and State governments' objectives of corridor improvements to deliver greater journey time saving and road safety outcomes, and to help fund projects that better connect local and regional roads to state highways and key freight hubs.

An adopted Strategy will ensure that the Cessnock LGA is well-positioned to benefit from major regional infrastructure, urban growth and infill development. An adopted Strategy will also assist Council in applying for grants and State and Federal government funding for major infrastructure.

**ENCLOSURES**

- [1](#)⇒ Enclosure 1 \_ Summary response of Key Issues Raised on the Draft Cessnock LGA Traffic and Transport Strategy
- [2](#)⇒ Enclosure 2 \_ Outcomes of Public Consultation on the Draft Cessnock LGA Traffic and Transport Strategy

**SUBJECT:** ***STRONGER COUNTRY COMMUNITIES FUND ROUND 2 - SUCCESSFUL PROJECTS***

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

### **SUMMARY**

The purpose of this report is to advise Council of the outcomes of the applications that were lodged under Round Two of the Stronger Country Communities Fund (SCCF).

### **RECOMMENDATION**

1. That Council notes the acceptance of the Stronger Country Communities Fund Round 2 grants offered as follows:
  - a) Community Hall Toilet Upgrade Program - \$126,700
  - b) Maitland Street, Branxton (Northside) – Pavement and Street Tree Planting - \$120,643
  - c) Bridges Hill Park Regional Themed Playground - \$936,315
  - d) Branxton Public Square - \$279,973
  - e) Part funding for Cessnock Pool Splash Pad - \$242,355
2. That a further report be brought back to Council detailing the final design of the Cessnock Pool Splash Pads, along with information on additional funding needs and funding sources to undertake the project.

### **BACKGROUND**

The NSW Government committed \$200 million to support local infrastructure projects that will improve amenity and help sustain the social bonds at the heart of strong regional communities.

SCCF aims to deliver crucial local infrastructure to improve the quality of life of people living in Regional NSW. Funding is provided to support local projects such as parks, community halls, playgrounds and amenity blocks.

### **REPORT/PROPOSAL**

Council submitted eight applications for funding under Round Two of the SCCF program. After an unprecedented demand for local projects in the first round of the fund, the NSW Government doubled the funding total for Round Two to \$200 million.

Round two applications closed on 4 May 2018 and announcements were made earlier this month. The Round two funding allocation for Council is \$1,705,986 and Council has been successful with the following applications:

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Community Hall Toilet Upgrade Program \$126,700

Refurbishment of toilets in North Cessnock Community Hall and Weston Civic Centre incorporating lighting, flooring, replacement/renewal of partitions/walls, painting, renewal of plumbing, WC's, vanity basins, urinals, tapware and mirrors.

Branxton Public Domain Works \$400,616

Maitland Street, Branxton (Northside) and Branxton Public Square (two separate applications under instruction from the funding body). Public domain works in the Branxton Town Centre including footpath upgrades and tree planting as per the adopted the Branxton Town Centre Masterplan 2016.

Bridges Hill Park Regional Themed Playground \$936,315

Construction of a toddlers play area and an adventure section incorporating a mix of Indigenous themed nature play, playground equipment suitable for toddlers, landscaping and access improvements as per adopted Masterplan and Playground Concept Plan.

The above projects are fully funded through the SCCF program and the General Manager has accepted the offer of funding for these projects.

**Part-Funded Project**

A part funding offer has been made for the Cessnock Pool Splash Pad project in order to fully utilise the allocation of funding available for the Cessnock Local Government Area.

Splash Pad for Cessnock Pool \$242,355

The project includes the installation of a splash pad at Cessnock Pool incorporating slides, fountains, tipping buckets, soft fall, shade and associated plant and equipment.

In order to complete this project, currently valued at \$922,150 a Council contribution will be required. It is recommended that a further report be brought back to Council detailing the final design and financial implication in proceeding with this project.

**Unsuccessful applications**

Baddeley Park Regional Sporting Complex Floodlight Upgrade \$1,304,900

The project is on the Evans Street side of the Baddeley Park Regional Sporting Complex and included upgrading the power supply to the site to enable the replacement of all existing light fixtures with energy efficient globes to maintain appropriate lux levels on the four areas which host soccer, cricket, hockey and dog obedience/training.

Sporting Amenities Replacement at Birrale Park \$934,304

Demolition of existing amenities and replacement with a fit for purpose facility inclusive of toilets, change rooms, referees room, a first aid room, storage and kiosk.

Gateway Beautification Treatment and General Improvements (Clift and Maitland Streets) \$400,760

To upgrade the public domain at the intersection of Clift and Maitland Streets by installing new paving, landscaping and street furniture.

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**OPTIONS**

Option 1

1. That Council notes the acceptance of the Stronger Country Community Round two grants offered as follows:
  - a. Community Hall Toilet Upgrade Program - \$126,700
  - b. Maitland Street, Branxton (Northside) – Pavement and Street Tree Planting - \$120,643
  - c. Bridges Hill Park Regional Themed Playground - \$936,315
  - d. Branxton Public Square - \$279,973
  - e. Part funding for Cessnock Pool Splash Pad - \$242,355
2. That a further report be brought back to Council detailing the final design of the Cessnock Pool Splash Pads, along with information on additional funding needs and funding sources to undertake the project.

This is the preferred option as Council previously resolved to allocate reserved funds for leverage of potential grant funding opportunities.

Option 2

1. That Council resolves not to accept the Stronger Country Community Round two grant offers.

**CONSULTATION**

Executive Leadership Team  
Finance & Administration Team  
Infrastructure Management Team  
Open Space & Community Facilities Team  
Strategic Land Use Planning Team

**STRATEGIC LINKS**

**a. Delivery Program**

Community Objective 1.1 - 'Promoting social connections'  
Community Objective 1.2 – 'Strengthening Community Culture'  
Community Objective 2.1 - 'Diversifying Local Business Options'  
Community Objective 2.2 – 'Achieving more sustainable employment opportunities'  
Community Objective 2.3 – 'Increasing Tourism Opportunities & Visitation in the Area'  
Community Objective 3.2 - 'Better Utilisation of Existing Open Space'

**b. Other Plans**

- Recreation and Open Space Strategic Plan (2009)
- Generic Plan of Management – Parks (2014)
- Branxton Town Centre Masterplan (2016)
- Convent Hill, Bridges Hill Park and East End Oval Masterplan (2016)

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- Draft Branxton Town Centre Public Domain Plan (2016)
- Bridges Hill Playground Concept Design (2017)
- Buildings Asset Management Plan (2017)
- Recreation Needs Analysis (2017)
- Draft Recreation and Open Space Strategic Plan (2018)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The current estimate for the Cessnock Pool Splash Pad project is \$922,150, however given a contribution is required from Council to undertake the project it is proposed that a further report be brought back to Council detailing the final design and financial implication in proceeding with this project.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**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 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.

The Branxton town centre works will provide significant aesthetic, safety and functionality improvements within the Branxton CBD.

**CONCLUSION**

The acceptance of \$1,705,986 from round two of the SCCF will create diverse and accessible experiences to a broad spectrum of the community following the delivery of each of the funded projects.

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***ENCLOSURES***

There are no enclosures for this report



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**SUBJECT:** *ROADSIDE TRIBUTE POLICY*

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

**SUMMARY**

The purpose of this report to seek Council's endorsement to place the draft Roadside Tribute Policy on public exhibition for 28 days.

**RECOMMENDATION**

**That Council place the draft Roadside Tribute 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**

The placement of roadside flowers / tributes is a matter for individual families and is acknowledged as an important part of the grieving process for the loss of life of a person involved in a road crash.

Currently there are a number of existing roadside tributes within the Cessnock Local Government Area (LGA) which are the subject of complaints to Council and Police for persons who reside in the vicinity.

**REPORT/PROPOSAL**

**Needs of the Community:** It is important to respect the wishes of families and individuals and to provide sympathetic advice for those seeking it. It is also important to set consistent parameters and guidelines for grieving persons who may wish to place a tribute at the site of a road crash.

The draft Roadside Tribute Policy aims to assist members of the community to plan and prepare roadside tributes to ensure they do not present a safety risk for other drivers or those visiting a tribute site. The Policy provides detailed information on the size, type and considerations for the placement of roadside tributes, as well as a process for removal.

**Needs of Council:** The creation of roadside tributes may affect conditions in the public road reserve in terms of access, maintenance and conservation when road works are undertaken. A Policy is required to guide Council staff in sensitively dealing with roadside tributes that they encounter while carrying out road works.

**Locations:** This Policy will be applied to all roads under the care and control of Cessnock City Council. It does not include placement on State controlled roads where advice should be sought from Roads and Maritime Services.

The Policy guides locations based on safety, including clear zone and visibly considerations.

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**Related Policies:** The proposed Policy is consistent with Roadside Tribute Fact Sheet prepared by Roads and Maritime Services, and similar policies adopted by our neighbouring LGA's of Maitland and Port Stephens.

The proposed Policy seeks to ensure that the same requirements apply to all roads within the City of Cessnock regardless of road classification i.e. local or State road. This would avoid a two tiered system where loved ones wishing to place a tribute on a local road would be subject to different policy requirements than those wishing to place one on a State road.

***OPTIONS***

Option 1

1. That Council note the need to guide establishment and maintenance of tributes in the public road reserve.
2. That Council place the draft Roadside Tribute 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 is consistent with Roads and Maritime Services Roadside Tribute Fact Sheet and Policies adopted by our neighbouring LGA's.

Option 2

1. That Council note the need to guide establishment and maintenance of tributes in the public road reserve.
2. That Council consider alternate requirements for inclusion in a Roadside Tribute Policy.

This is not the preferred option as an inconsistent approach to the placement of roadside tributes represents a poor outcome for the community and Council.

***CONSULTATION***

External consultation has occurred with the following stakeholders:

- Road Safety Officers from Maitland and Port Stephens Councils
- NSW Police

Internal consultation has occurred with the following Council officers:

- Ranger Team Leader
- Road Safety Officer
- Traffic Engineering Officer
- South Area Maintenance Coordinator
- Community and Cultural Engagement Manager

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**STRATEGIC LINKS**

**a. Delivery Program**

**Community Strategic Plan Cessnock 2027:** The recommendation of this report aligns with objectives of the Plan as follows:

- Objective 1.3 Promoting safe communities – Our roads are safe for motorists and pedestrians,

**Delivery Program 2017-21:** The recommendation of this report aligns with objectives of the Plan as follows:

- Objective 1.3.5 Improve the safety of the road network

**b. Other Plans**

**Road and Road Infrastructure Network Asset Management Plan 2017:** The recommendation of this report has been prepared in consideration of the above Asset Management Plan.

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

**IMPLICATIONS**

**a. Policy and Procedural Implications**

**Policies and Codes Register:** This report involves the adoption of a new policy and will therefore require an amendment to Council's *Policies and Codes Register*.

**b. Financial Implications**

**Cost to the Community:** This matter has no direct financial impact upon Council's adopted budget or forward estimates.

**Cost to Individuals:** Providing guidance on the allowable nature and scale of roadside tributes aims to reduce the incidence of expenditure by individuals in items that are subsequently removed from the road reserve due to safety or other implications.

**Cost to Council:** It is anticipated that the Policy will guide the nature and scale of roadside tributes. This will in turn provide greater certainty around the cost to decommission and reestablish tributes affected by road work.

**c. Legislative Implications**

**Roads Act 1993:** Generally all work in the road reserve requires approval under Section 138 of the Act. This policy will allow the placing of tributes in the road reserve with no other approvals being required.

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Part 6 – Road Work

Division 1 – General

Section 71 – Powers of roads authority with respect to road work

Part 7 – Protection of Public Roads and Traffic

Division 1 – Protection of public roads

Section 107 – Obstructions and encroachments

Part 10 – Other Road Management Functions

Division 1 – Functions with respect to land generally

Section 145 – Roads authorities own public roads

***Road Regulations 2008***

Division 3 – Protection of Roads and Traffic

Regulation 11 - Things placed on and use of roads

***Road Rules 2014***

Part 12 – Restrictions on Stopping and Parking

Part 14 – Rules for Pedestrians

**d. Risk Implications**

**Safety Risk:** Road side tributes may be a hazard to those placing tributes, those visiting tributes and general passersby.

**Reputational Risk:** Failure to adopt a Roadside Tribute Policy would leave Council with the appearance of being remiss in this area.

Adoption of a Policy which does not align with Roads and Maritime Services Roadside Tribute Fact Sheet would lead to the absurdity of having differing requirements on various roads within the LGA.

**e. Environmental Implications**

**Environmental Impact:** By regulating the nature and scale of items placed on roadsides as a tribute to deceased persons any impact on the natural or built environment will be minimal.

**f. Other Implications**

**Social Impact:** It is understood that the death of a family member due to road trauma is devastating and that often the placement of a roadside tribute may help in the grieving process.

Adoption of this Policy will provide guidelines to members of the public regarding the placement of roadside tributes and to Council staff when faced with dealing with them in the course of their works in the road reserve.

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***CONCLUSION***

As a Roads Authority it is incumbent on Council to have a coherent Policy in place which is consistent with the Policies of neighbouring Roads Authorities to guide families in relation to this emotional and sensitive process.

The draft Roadside Tribute Policy will provide the community with guidelines for the placement of flowers and small tributes at sites of road crashes involving a fatality, within the City of Cessnock.

***ENCLOSURES***

[1](#) ➡ Draft Roadside Tribute Policy

**SUBJECT:** ***SAFER COMMUNITIES FUND ROUND 3 -  
INFRASTRUCTURE GRANTS***

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

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**SUMMARY**

The report seeks Council's approval to submit applications under the Australian Government's Safer Communities Fund Round 3 - Infrastructure Grants.

**RECOMMENDATION**

**That Council endorse the submission of applications under the Safer Communities Fund Round 3 - Infrastructure Grants for 100% funding for the following projects:**

- **Cessnock CBD Crime Prevention Through Environmental Design public domain treatments;**
- **Kurri Kurri Town Centre Crime Prevention Through Environmental Design public domain treatments; and**
- **Hunter Valley Wine Country Visitor Information Bays security lighting and electronic surveillance.**

**BACKGROUND**

The Safer Communities Fund Round 3 - Infrastructure Grants (SCF) supports the Australian Government's commitment to deliver safer communities by:

- boosting the efforts of local councils and community organisations to address crime and anti-social behaviour by funding crime prevention initiatives that benefit the wider community or community organisations (such as fixed and mobile CCTV and lighting)
- protecting community organisations that may be facing security risks associated with racial or religious intolerance.

The program's intended outcomes are to:

- contribute to the enhancement of community safety, improve security and reduce street crime and violence through local security infrastructure that benefits the community;
- contribute to greater community resilience and wellbeing by addressing crime, anti-social behaviour and other security risks;
- help to reduce fear of crime and increase feelings of safety in the Australian community and contribute to greater community resilience;

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- contribute to the safety of communities that may be at risk of racial and/or religious intolerance

Approximately \$18 million will be available under Round 3 for Infrastructure Grants, with grants of up to \$1 million being made available for security infrastructure activities to address crime and anti-social behaviour in public or community spaces.

The purpose of this report is to seek Council's endorsement to lodge funding applications as detailed in the report.

**REPORT/PROPOSAL**

**Eligibility:** The SCF provides grants to community organisations and local governments for local crime prevention and security infrastructure activities and to protect community organisations that may be facing security risks associated with racial and /or religious intolerance.

**Scope of Work:** Project activities can include:

- installation of fixed or mobile CCTV cameras
- installation of security lighting
- installation of bollards
- installation of security and alarm systems, intercoms and swipe access attached to a public or community space
- Crime Prevention Through Environmental Design (CPTED) including changing the environmental characteristics in public or community spaces, such as a lack of lighting or poor natural surveillance, that can facilitate street crime and violence. Eligible CPTED activities may include but are not limited to:
  - incorporating design features in the landscaped environment that encourage large numbers of users and provide greater natural surveillance, or incorporating additional lighting in public spaces so that they do not create places for potential offenders to hide, and
  - installation of fencing, walls, doors and blast proof windows if linked to CPTED in public or community spaces.

CPTED seeks to reduce the opportunities for crime through the design and management of the landscaped environment. Strategies include modifying the environment to create safer public or community places that are less crime-prone or can make people feel safer. CPTED does not include major capital works which modify private buildings that do not have a wider benefit to the community or community organisations that may be facing security risks associated with racial and/or religious intolerance.

**Funding Amounts:** Grants of up to \$1 million will be available to fund up to 100 per cent of eligible project costs.

**Timeframe:** Applications close on 25 September 2018. Projects must be completed by 31 March 2020.

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**Application Process:** Applications will be made online and will be required to provide the following:

- detailed project scope
- appropriate project plan in a provided pro-forma
- clear and detailed project budget in a provided pro-forma
- at least one quote (from a tradesperson or qualified contractor) or detailed estimate from a quantity surveyor or suitably qualified person
- information on how the project will help boost the liveability of the local community
- evidence on how the project will meet a need of the community including who and how many in the community will benefit from the project
- information on how the project will be operated and/or maintained upon completion
- a letter of support from the relevant NSW state sporting organisation if a sports-related project is seeking over \$1 million in grant funding.

**Assessment process:** Applications will be checked for eligibility and viability before entering a community choice modelling process with the other projects submitted in the same LGA.

Suitable projects in the City of Cessnock area include:

**Cessnock CBD CPTED public domain treatments**

Scope: The scope of the project is to apply CTPED treatments to two important pedestrian links within the Cessnock Town Centre including:

- Pathway along Black Creek (drain) between Charlton Street and Keene Street. This pedestrian link suffers from poor surveillance, damaged pavement, poor fencing, no lighting, limited signage (wayfinding) and overgrown landscaping. The proposal is to undertake the removal of unsuitable landscaping and replacement with suitable alternatives, installation of new fencing and lighting, replacement of pedestrian pavement and the installation of wayfinding signage. This land is privately owned, the Grant Application is subject to Owner's consent being provided; and
- Link between Keene and Darwin Streets alongside the Wine Country Motor Inn. There is a pedestrian link that runs between these two important shopping nodes, however, the link has no lighting or signage. Encouraging use of this link will increase surveillance and lighting will encourage the link to be used after hours.

Rationale: The project meets the eligibility criteria as CPTED improvements to these important links will improve the safety and the perception of safety in the Cessnock Town Centre.

Estimated Cost: \$500,000

**Kurri Kurri Town Centre – CPTED public domain treatments.**

Scope: In the Kurri Kurri Town Centre Masterplan, the concept plan for Rotary Park includes upgrades and extensions to footpaths and lighting both within and around the perimeter of the Park. While the upgrades are primarily to improve amenity and access, the plan



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acknowledges the improvements to safety and security that the upgrades will bring about, particularly in relation to the new footpath and lighting.

Rationale: The project meets the eligibility criteria as CPTED improvements to Rotary Park will improve the safety and the perception of safety in the park. The funding will also contribute to the achievement of the suite of public domain works identified in the Kurri Kurri Town Centre Master Plan.

Estimated Cost: \$500,000

**Wine Country Visitor Information Bays security lighting and electronic surveillance**

Scope: The scope of the project is to install lighting and CCTV to improve security at the new Information Bays.

Rational: The project meets the eligibility criteria as it will contribute to the enhancement of community safety, improve security and reduce street crime and violence through local security infrastructure that benefits the community. The Information Bays are well used, however being in remote locations to suite the wayfinding needs of visitors, they are vulnerable to misuse and as a location for anti-social gatherings.

Estimated Cost: \$300,000

**OPTIONS**

Option 1:

That Council endorse the submission of applications under the Safer Communities Fund Round 3 - Infrastructure Grants for 100% funding for the following projects:

- Cessnock CBD Crime Prevention Through Environmental Design public domain treatments;
- Kurri Kurri Town Centre Crime Prevention Through Environmental Design public domain treatments; and
- Hunter Valley Wine Country Visitor Information Bays security lighting and electronic surveillance.

This is the preferred option.

Option 2:

the submission of applications under the Safer Communities Fund Round 3 - Infrastructure Grants for 100% funding for alternate projects.

This is not the preferred option as alternate projects have not been sufficiently scoped.

Option 3:

That Council does not participate in the funding program.

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This is not the preferred option as there are demonstrated issues and Council has insufficient internal funding to meet the need.

**CONSULTATION**

Consultation has occurred with internal stakeholders as follows:

- Director Works & Infrastructure
- Manager Open Space and Community Facilities
- Acting Manager Strategic Planning

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** The recommendation of this report aligns with the following objectives:

- *Community Objective 1.1 - 'Promoting social connections'*
- *Community Objective 1.2 - 'Strengthening Community Culture'*
- *Community Objective 2.1 - 'Diversifying Local Business Options'*
- *Community Objective 2.2 - 'Achieving more sustainable employment opportunities'*
- *Community Objective 2.3 - 'Increasing Tourism Opportunities & Visitation in the Area'*
- *Community Objective 3.2 - 'Better Utilisation of Existing Open Space'*

**b. Other Plans**

**Cessnock CDB Public Domain Plan (2017):** The recommendation of this report aligns with the following objectives of the Plan.

**Kurri Kurri Town Centre Masterplan:** The recommendation of this report aligns with the following objectives of the Plan.

**Hunter Valley Wine Country Signage Strategy (2015):** The recommendation of this report aligns with the following objectives of the Strategy.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

**Grant Funds:** The SCCF is a full funding program for projects valued up to \$1 million on a 100% basis.

**Council Funds:** Management and delivery of the projects will require allocation of Council officers which will divert internal resources from other tasks. This will be managed by redistribution of workload.

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**c. Legislative Implications**

Nil

**d. Risk Implications**

**Safety Risk:** The aim of the projects is to remove and minimise safety hazards and improve public safety.

**Financial Risk:** There is minimal financial risk to Council as the grant provides 100% funding for eligible activities. Funding guidelines will be followed to ensure that activities undertaken are eligible and appropriate records are kept.

**Reputational Risk:** If Council is not willing to make an application the organisation will forego the opportunity of securing external funds to undertake significant safety improvement projects that have been identified but are not presently funded.

**e. Environmental Implications**

Nil

**f. Other Implications**

**Social Impact:** The projects are aimed at positive social impacts by funding crime prevention initiatives that benefit the wider community or community organisations and have a deterrent effect on anti-social behaviour including vandalism and petty crime.

In particular, night time activation of spaces improves social cohesion through more opportunities for social interaction and improves lifestyle by enabling options for outdoor exercise after dark.

**CONCLUSION**

Council has an opportunity to make application under a grant program to potentially receive funds to support delivery of projects to improve security within the City of Cessnock.

The Cessnock CBD, and Kurri Kurri Town Centre Crime Prevention Through Environmental Design public domain treatments, and Hunter Valley Wine Country Visitor Information Bays security lighting and electronic surveillance are projects well suited for the funding and will improve public security and reduce vandalism.

**ENCLOSURES**

There are no enclosures for this report.

Notices Of Motion

Report No. BN27/2018

General Manager's Unit



***NOTICES OF MOTION No. BN27/2018***

**SUBJECT:** *CESSNOCK CORRECTION CENTRE ACCESS ROAD*

**COUNCILLOR:** *Ian Olsen*

***MOTION***

1. That Council rescind any prior motions relating to the Cessnock Correctional Centre access road and replace with Point 2 of this motion.
2. That Council give full support to gain access to the Correctional Centre via Calvary Allandale Nursing Home from Wine Country Drive.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 September 2018.

**RATIONALE**

The current access is not supported by any resident on the south side of the centre, the new access released last week by Corrective Services put the traffic back onto a local road which is not supported by the residents on the north side. The best option available is a direct route to Wine Country Drive through state owned land to a state road.

By moving the access to Kerlew Street it is not removing the problem, it is only transferring the problem.

Sgd: Ian Olsen

Date: 10 September 2018

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN28/2018

General Manager's Unit



***NOTICES OF MOTION No. BN28/2018***

**SUBJECT:** *CESSNOCK CORRECTIONAL CENTRE ENTRANCE*

**COUNCILLOR:** *Di Fitzgibbon*

***MOTION***

**That Council supports the State Member for Cessnock, Clayton Barr MP on the preferred entry to the Cessnock Correctional Centre, that being a direct route from Wine Country Drive onto land owned by Hunter New England Health through to land owned by Corrective Services NSW and the Cessnock Correctional Centre.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 September 2018.

**RATIONALE**

In the Mayoral Minute MM5/2016, Council's position is clear, that is, access to the Correctional facility should be via direct route to the State road network and that local roads, paid for by Cessnock ratepayers, should not shoulder the significant financial and maintenance burden brought about by the expansion of this State facility.

Sgd: Di Fitzgibbon

Date: 10 September 2018

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ85/2018

Planning and Environment

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**SUBJECT:** *SENIOR ENVIRONMENT PLANNER - RECRUITMENT*

**RESPONSIBLE OFFICER:** *Acting Strategic Planning Manager - Keren Brown*

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**Q90/2018 – Senior Environment Planner – Recruitment**

Asked by Councillor Gray at the Ordinary Meeting of Council held on 5 September 2018.

*“for the timeline for the recruitment of the Senior Environmental Planner?”*

The Senior Environment Planner position was advertised in August 2017 and again in March 2018. Unfortunately a suitable candidate has not been found, despite negotiations reaching a final stage. A recruitment agency was also approached to source a candidate and despite lengthy enquiries and approaches to prospective candidates, they agency was also unable to find any suitable applicants.

Given the difficulty in finding a suitable candidate Council continues to seek alternative recruitment strategies including seeking temporary appointments, recruitment agency assistance or contractors. It is difficult to advise when the position will be filled in these circumstances. All options to recruit for the role are currently being investigated.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ86/2018

Corporate and Community Services



**SUBJECT:** *MARTHAVILLE - CONGREGATING OF GROUPS*

**RESPONSIBLE OFFICER:** *Principal Community Planner - Johanna Dennis  
Community & Cultural Engagement Manager - Natalie Drage*

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**Q85/2018 - Marthaville – Congregating of Groups**

Councillor Lyons at the Ordinary Meeting of Council held on 5 September 2018

*“advised that groups are congregating at Marthaville of a night and would like to know what Council can do and whether there has been any damage?”*

Council Officers are aware of people sleeping in the grounds of Marthaville Arts and Cultural Centre and have spoken to the individuals and explained it is not appropriate for them to stay at the site. The individuals advised Council Officers they would move on. Council staff have reported the matter to Cessnock Police and provided the individuals with a list of local services that can be contacted for assistance with food and housing.

Representatives from the Marthaville Arts and Cultural Centre Section 355 Committee have been consulted about the issue and have been encouraged to contact Cessnock Police if they arrive at the site and there are individuals present who they believe are sleeping rough.

Council already has in place security night patrols for some of its assets, Marthaville Arts and Cultural Centre has been added to the service.

Since the initial report received in August regarding the rough sleepers there has not been any property damage at the facility. However prior, there had been reoccurring incidences of malicious damage at the facility and was addressed by utilising Council's reactive maintenance budget.

Community and Cultural Engagement staff have prepared a funding submission for refurbishment and maintenance works at Marthaville Arts and Cultural Centre for the purpose of improving the facilities accessibility, safety and functionality. The application submitted is for the NSW Government Regional Cultural Fund, which closes 21 September 2018.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ87/2018

Works and Infrastructure

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**SUBJECT:** *AMBULANCE HALL - KURRI KURRI*

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

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**Q82/2018 – Ambulance Hall – Kurri Kurri**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 5 September 2018.

*“when the Ambulance Hall at Kurri will be complete”.*

Development consent for the works to the Kurri Kurri Ambulance Hall has been granted.

A tender process is currently being undertaken by Council’s insurers who will engage a suitably qualified contractor to complete the works. Council’s insurers estimate the repair works will take up to 16 weeks to complete. User groups will be notified once a start date has been determined.

**ENCLOSURES**

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ88/2018

Works and Infrastructure

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**SUBJECT:** *WOLLOMBI PARK BINS*

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

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**Q83/2018 – Wollombi Park Bins**

Asked by Councillor Stapleford at the Ordinary Meeting of Council held on 5 September 2018.

*“when the bins at Wollombi Park will be installed”.*

Two bin cabinets have been ordered to be installed at Slacks Park, Wollombi. With a lead time of 6-8 weeks for delivery. Open Space and Community Facilities staff are currently finalising the location of the bin cabinets in consultation with Waste and Sustainability staff and will have the concrete slab installed in readiness for their expected arrival in early October. It is expected the bins will be installed the second week of October.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ89/2018

Works and Infrastructure



**SUBJECT:** ***SAFETY PEDESTRIAN REFUGE - ALDI AND JACARANDA GROVE***

**RESPONSIBLE OFFICER:** ***Roads Officer - Nathan Goodbun***  
***Infrastructure Manager - Katrina Kerr***

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**Q84/2018 – Safety Pedestrian Refuge – ALDI / Jacaranda Grove**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 6 September 2018.

*“that the Safety Pedestrian Refuse between Aldi and Jacaranda Grove be investigated for safety reasons”.*

The existing pedestrian refuge on Wollombi Road Cessnock between Aldi and the new Jacaranda Grove facility is currently non-compliant.

In particular, the refuge lacks kerb blisters on the eastern (Aldi) side of the road. This appears to be due to the installation of a driveway to Aldi to cater for the swept path of delivery trucks.

Further investigation of the location, development history and options for upgrade of the refuge will be undertaken by Council's Traffic Office during the second quarter of 2018/19.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ90/2018

Works and Infrastructure



**SUBJECT:** *TRAFFIC CONDITIONS - ST PHILIPS CHRISTIAN COLLEGE*

**RESPONSIBLE OFFICER:** *Roads Officer - Nathan Goodbun*  
*Infrastructure Manager - Katrina Kerr*

**Q86/2018 – St Philips Christian College**

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 5 September 2018.

*“a progress report on the traffic solution for the Christian College”.*

A solution for the traffic issues associated with St Philips Christian College has progressed through high level meetings to define the issue, roles and responsibilities and the actions required.

A meeting between Roads and Maritime Services (RMS), Council officers and representatives of the School was facilitated by Stephen Wills of the NSW Department of Premier and Cabinet on 6 August 2018.

The meeting received observations from Council officers on traffic issues occurring for short school day morning and afternoon peaks. The Meeting also heard the process required for RMS consideration of an additional access to the school property from Wine Country Drive. It was noted that a second access is not supported based on the information currently available and that management of traffic within the school site is needed to minimise the impact of queuing onto the public road network.

A follow up meeting was held on 27 August 2018 between Council officers and representatives of the School. At the Meeting Council officers clarified the current conditions of development consent for the School and outlined the benefit of preparing a Masterplan for the site to facilitate communication between stakeholders. Officers also pointed out the need to consider flooding and ecological constraints when planning the potential of the site.

A subsequent teleconference was held on 4 September 2018 between RMS, Council officers and the School Principal. The RMS Regional manager reiterated the need to understand the root cause of the traffic pattern and for further information in the form of a Masterplan to facilitate consideration of any additional access.

Council officers have assisted in investigating the current traffic pattern and driver behaviour on both the site and the public road network by commissioning video recordings by drone.

A further meeting is planned later in the month to discuss the anticipated Masterplan.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ91/2018

Works and Infrastructure

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**SUBJECT:** *HOWE PARK - FIRE DAMAGE*

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

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**Q88/2018 – Howe Park - Fire**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 5 September 2018.

*“if the change rooms at Howe Park will be rebuilt in time for the next rugby league season”.*

**Q94/2018 – Howe Park - Fire Damage**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 5 September 2018.

*“if consideration has been given to the arrangements for the cricket season at Howe Park after the fire damage”.*

It is unknown at this stage whether the building can be repaired or whether it will need to be replaced. If the building needs to be replaced it is unlikely that this will occur before the commencement of the next rugby league season.

Council staff are liaising with user groups and looking at suitable temporary facilities to be used as an interim measure until the scope and timing of works have been determined.

Council and the user groups will be kept informed of the progress.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ92/2018

Works and Infrastructure

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**SUBJECT:** *BIMBADEEN LOOKOUT UPGRADE*

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

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**Q89/2018 – Bimbadeen Lookout Upgrade**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 5 September 2018.

*“for an update on the upgrade of the Bimbadeen Lookout area”.*

Consent was granted from Mindaribba and Local Land Services to undertake selective vegetation removal at Bimbadeen Lookout in August 2017 and these works were undertaken in the pursuing months after the consent was granted.

Additional works at Bimbadeen Lookout are programmed in the adopted 2017 – 2021 Delivery Program. These works form part of the Recreation Facilities Renewal Program, which includes \$40,000 in 2019/2020 for replacement of the barrier fence and \$12,300 in 2019/2020 for the installation of a picnic shelter.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ93/2018

Works and Infrastructure

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**SUBJECT:** *COMMUNITY CENTRE - KURRI KURRI*

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

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**Q91/2018 – Community Centre – Kurri Kurri**

Asked by Councillor Gray at the Ordinary Meeting of Council held on 5 September 2018.

*“for a progress report on the Community Centre Kurri works”.*

Development consent for the works to the Kurri Kurri Community Centre has been granted.

A tender process is currently being undertaken by Council's insurers who will engage a suitably qualified contractor to complete the works. Council's insurers have indicated that the repair works will take up to 20 weeks to complete. User groups will be notified once a start date has been determined.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ94/2018

Works and Infrastructure

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**SUBJECT:** *ABBOTSFORD STREET BRIDGE*

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

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**Q94/2018 – Abbotsford Street Bridge**

Asked by Councillor Dunn at the Ordinary Meeting of Council held on 5 September 2018.

*“for an update on the Abbotsford Street Bridge”.*

Council resolved to include Abbotsford Street Bridge in the Operational Plan 2018-19.

A meeting has been held with developers of the Ruby Street residential housing estate to the west of Abbotsford Street with a view to realising any potential for shared provision of a new upgraded bridge.

The negotiation is continuing ahead of expending Council funds on a like for like replacement.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ95/2018

General Manager's Unit

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**SUBJECT:** *ALLIANCE MEETINGS - SCHEDULED MEETING DATES*

**RESPONSIBLE OFFICER:** *General Manager - Stephen Glen*

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**Q92/2018 – Alliance Meetings**

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 5 September 2018.

*“If Councillors could be notified when Alliance meetings are being held.”*

All Councillors will be notified when Hunter Valley Wine Country Alliance meetings will be held.

**ENCLOSURES**

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ96/2018

General Manager's Unit

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**SUBJECT:** *ALLIANCE MEETING MINUTES*

**RESPONSIBLE OFFICER:** *General Manager - Stephen Glen*

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**Q87/2018 – Alliance Meeting Minutes**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 5 September 2018.

*“If Councillors could receive copies of the Alliance Tourism Meeting Minutes.”*

All Councillors will be provided with a copy of the Hunter Valley Wine Country Alliance meeting minutes when available.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO35/2018

Corporate and Community Services



**SUBJECT:** *HART ROAD, GOVERNMENT ROAD AND GINGERS LANE, WESTON INTERSECTION*

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

#### **RECOMMENDATION**

**That the correspondence be noted.**

At its Ordinary Meeting of 2 May 2018 Council considered a Motion of Urgency No. 7/2018 – Hart Road, Government Road and Gingers Lane, Weston Intersection and resolved (inter alia) that:

1. *That the General Manager immediately correspond with the following persons:*
  - *State Member for Cessnock, Clayton Barr MP*
  - *State Minister for Roads, Maritime & Freight, the Hon. Melinda Pavey MP*
  - *Federal Member for Paterson, Meryl Swanson MP*
  - *Federal Minister for Infrastructure & Transport, the Hon. Michael McCormack MP*
  - *Federal Minister for Regional Development, Territories and Local Government, the Hon. Dr John McVeigh MP*
  - *Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot MacDonald MLC*

*to seek their support and actively pursue any and all funding available through both State and Federal grant programs, including but not limited to the Black Spot Funding and Fixing Country Roads programs, together with any other potential sources of grant funding to fast-track the redevelopment of the intersection at Hart Road, Government Road and Gingers Lane, Weston.*

5. *That the General Manager write to the State Minister for Police, the Hon. Troy Grant MP and the Hunter Local Area Command requesting increased policing of the area and/or targeting by mobile speed cameras to assist in improving driver behaviour.*

A response has been received from Mr Kevin Anderson MP, Parliamentary Secretary for Regional Roads, Maritime and Transport on behalf of the Minister for Roads, Maritime and Freight. Mr Andrews advises that Roads and Maritime Services continue to work with Council to find a solution to improve safety at this intersection, and had provided an intersection upgrade proposal in June 2018, and will provide further information regarding the strategic proposal and funding arrangements at their next meeting with Council.

A copy of the letter is provided for Council's information.

#### **ENCLOSURES**

- [1](#) ➡ Letter from Parliamentary Secretary