



16 November 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, 21 November 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	
Leave of absence has been granted to: Councillor Anthony Burke - 12 November 2018 to 21 November 2018 Inclusive	
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
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Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Model Code of Conduct

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

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 7 NOVEMBER 2018, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Acting Development Services Manager (Team Leader Development Services)
Strategic Planning Manager
Finance & Administration Manager
Infrastructure Manager
Human Resource Manager
Health & Building Manager
Internal Auditor
Principal Strategic Planner
Principal Development Engineer
Operations Accountant
Financial Accountant
Media & Communication Officer
Corporate Governance Officer

APOLOGY:

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

647

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

Leave of absence was granted to Councillor Burke from 12 – 21 November 2018.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

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

648

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 17 October 2018, as circulated, be taken as read and confirmed as a correct record.

FOR**AGAINST**

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

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

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI19/2018

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI86/2018 - Near Buttai Road, Black Hill - Proposed Road Closure – Councillor Dagg declared a Non Pecuniary Less Than Significant Conflict for the reason that her husband is employed by the Bloomfield Group at another site. Councillor Dagg advised that she will remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
James Sugumar Audit Office NSW	For	CC78/2018 - Financial Statements for the Year Ended 30 June 2018 - Presentation to Council and the Public	283	7 mins

CORPORATE AND COMMUNITY NO. CC78/2018

SUBJECT: **FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 -
PRESENTATION TO COUNCIL AND THE PUBLIC**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Burke
649

RESOLVED

That the Annual Financial Statements incorporating the Auditor's Reports for the year ended 30 June 2018 be received and the information noted.

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

CARRIED UNANIMOUSLY

Mr Brian Rockley	Against	PE60/2018 - DA 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases 17 Ash Street, Cessnock	57	3 mins
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Donna Clarke, Land Dynamics	For	PE60/2018 - DA 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases 17 Ash Street, Cessnock	57	3 mins
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EXTENSION OF TIME

Moved:
Seconded:

Councillor Suvaal
Councillor Fitzgibbon

650

RESOLVED

That an extension of 1 minute be given to Donna Clarke to complete her presentation.

FOR

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

AGAINST

Councillor Olsen

Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE60/2018

SUBJECT: DA 8/2017/461/1 PROPOSING DEVELOPMENT OF A MANUFACTURED HOME ESTATE COMPRISING 165 MOVABLE DWELLING SITES AND ANCILLARY FACILITIES TO BE CONSTRUCTED IN SIX (6) PHASES

17 ASH STREET, CESSNOCK

MOTION

651

RESOLVED

Moved: Councillor Dagg

Seconded: Councillor Gray

1. That:

- (i) Development Application No. 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases at 17 Ash Street, Cessnock, 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:

 - The proposal is consistent with the relevant provisions contained within State Environmental Planning Policy No. 36 Manufactured Home Estates.
 - The proposal is a permitted land use in the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
 - The proposal is consistent with objectives of the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
 - The subject development is designed in a manner that takes into account the constraints of the site and proposes measures that will minimise any impacts on the natural and built environments. The development, in the manner proposed, is suitable for the site.
 - The development provides a form of housing that will add to the diversity of housing stock in the area. The development provides a social benefit and serves in the public interest by contributing to housing affordability.
- (iii) In considering community views, the following is relevant:

 - The proposal has been designed in such a way that its impact on the natural and built environment is considered acceptable, and the proposal is consistent with the character of the existing residential area.
 - Approval of the development will result in improvements to the adjoining residential area with regards to upgrades to existing infrastructure and services within the locality.

- The design of the development, along with the recommended conditions of consent, have adequately responded to issues raised by the public during the exhibition period relating to the development application.
- (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.
 3. That the General Manager ensures that the Notice of Determination also includes that the applicant or person(s) acting on the development consent, engage with the adjoining residents regarding the stormwater drainage designs before a Construction Certificate is issued.
 4. That condition 40 be amended to include point (f) a footpath and associated pram ramps be constructed from the entrance of the development along one side of Ferguson Street to the new bus stop in Anzac Avenue.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/461 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Phases Plan, Issue C,	Land Dynamics Australia	30 August 2018
General Layout Plan, Issue E,	Land Dynamics Australia	30 August 2018
Landscape Concept Plan, Issue C,	Land Dynamics Australia	30 August 2018
Ash Street Laneway Details, Issue D,	Land Dynamics Australia	30 August 2018
Visual Assessment Details, Issue C,	Land Dynamics Australia	30 August 2018
Fencing Plan, Issue A,	Land Dynamics Australia	30 August 2018
Community Facilities Plan, Issue B	OA+D O'Connell Architecture and Design	12 July 2018
Clubhouse Plan, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Clubhouse Elevations, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Sheds Floor Plans and	OA+D O'Connell Architecture and	11 August 2017

Elevations, Issue A	Design	
Managers Residence, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Dwelling Plan 1, Typical Layout Rear to North or Side, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Dwelling Plan 2, North to Internal Road, Issue A	OA+D O'Connell Architecture and Design	11 August 2017

Document Title	Prepared By	Dated
Statement of Environmental Effects, Revision 2,	Land Dynamics Australia	September 2017
Draft Flood Evacuation Plan	Land Dynamics Australia	January 2018
Traffic Impact Assessment, Revision 3, Final J/N 042017	Streetwise Road Safety & Traffic Services	31 August 2017
Preliminary Ecological Assessment	Wildthing Environmental Consultants	1 August 2017
Social Impact Statement	Complete Planning Solutions	August 2017

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

2. General Terms of Approval

All General Terms of Approval issued by NSW Rural Fire Services Dated 20 September 2017 shall be complied with prior, during and at the completion of the development, as required.

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

3. Phasing Sequence Approved

The development must sequentially follow the phasing proposed. Phase 2 to follow Phase 1, Phase 3 to follow Phase 2, Phase 4 to follow Phase 3, Phase 5 to follow Phase 4 and Phase 6 to follow Phase 5.

4. Compliance with Division 3 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005

The proposed development (for each phase) must be designed, constructed, maintained and operated in accordance with the requirements of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005*.

5. Compliance with Division 4 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005

All future dwellings to be located within the manufactured home estate must comply with the provisions of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

6. Restriction to the number of bedrooms for dwellings

Any future dwelling located within the manufactured home estate must not exceed two (2) bedrooms with the exception of one (1) dwelling that will be used for the purpose of a manager's residence. The estate managers must take reasonable measure to ensure that the restriction to the maximum number of bedrooms is conveyed to prospective residents and must not advertise dwelling sites in such a manner to mislead prospective residents/purchasers in this regard.

7. Swimming Pools and Spas

The approved swimming pool / spa must comply with the *Swimming Pools Act 1992* and relevant standards. Pool filters, pumps and related plant must only operate in accordance with the *Protection of the Environment Operations Act 1997*.

8. Plan of Management Revision Requirement

Draft Plan of Management for the Hunter Lifestyle Estate Dated November 2017 is to be amended to be consistent with all of the conditions of consent. The revised management plan is to be prepared and implemented for the development. The management plan to include:

- a. Restrictions to prevent any dwelling that has more than two (2) bedrooms being located on any of dwelling site with the exception of one dwelling site that is for the purpose of a Manager's residence.
- b. Control access of residents and visitors to the development after the closing of the main gate;
- c. Provide an after-hours contact and that contact is to have the ability to access the premises;
- d. Ensure that the onsite manager is present on the premises at all hours;
- e. Private waste collection information and schedules;
- f. Estate management is responsible for the regular maintenance of the buffer areas on the southern, eastern and western boundaries of the development site.
- g. A community map is to be provided;

A copy of the amended Plan of Management is to be provided to Council prior to issue of the CC for Phase 1.

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

9. Documents Availability

The holder of the approval to operate the manufactured home estate must ensure that copies of the following documents must be readily available for inspection (without cost) by any person:

- (a) the approval for the manufactured home estate,
- (b) the current community map,

- (c) *the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

10. Community Building Noise Restrictions

The use and activities within or associated with the operation of the Community Building shall not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997. Noisy activities audible at any adjacent residential premises must not occur between the hours 10.00pm to 7.00am.

11. Design Guidelines Requirements

Design guidelines are to be developed for prospective dwelling site purchasers for each phase which offer a visual mix of varied dwelling designs in order to avoid sameness in adjoining dwellings in the estate. These guidelines will address at a minimum:

- street elevations;
- variety in materials and external colour scheme without jeopardy to the requirements of the Local Government Regulation;
- no primary colours, highly reflective or zincalume roofing; and,
- landscaping plan.

A copy of the Design Guidelines is to be provided to Council prior to the issue of the CC for each phase.

12. Plan of Management Revisions

A graffiti management plan and a maintenance policy is to be incorporated into the maintenance plan for the development.

13. Lighting Design Requirements

Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, particularly Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.

14. 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.

15. Minimum Parking Requirements for Dwelling Houses

The minimum number of car spaces to be provided for is:

- Two (2) spaces per dwelling houses;
- Twenty-eight (28) visitor car spaces including
- Two (2) car parking spaces for use by persons with a disability;
- One (1) community bus space;

16. 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.

17. Section 68 Activity Approval Application Required

Prior to works commencing, an approval to operate a manufactured home estate must be obtained under Part 1 of chapter 7 of the Local Government Act 1993.

The application shall be subject to a fee as listed in Council's Fees and Charges Schedule, an inspection and assessment.

18. Disabled Access and Facilities

The community buildings and facilities in Phases 1 and 5 are to be provided with access and facilities for people with disabilities in accordance with the provisions of the Disability (Access to Premises-Buildings) Standard 2010.

19. Fire Hydrants

No part of a dwelling site or community building within the manufactured home estate shall be situated more than 90 metres from a fire hydrant. Any fire hydrant located within the manufactured home estate must be a double-headed pillar type fire hydrant, and be listed in the properties Fire Safety Schedule as an essential fire safety measure. A final Fire Safety Certificate including the fire hydrant installation is to be submitted to Council prior to occupation of any building and before the issue of an Approval to Operate a Manufactured Home Estate.

20. Clearing Specifications

All clearing of habitat trees is to be done under the direct supervision of a suitably qualified and experienced Ecologist. When fauna are present, the animals are to be removed and relocated to the adjacent bushland prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals to the adjacent bushland. Where, in spite of precautions, wildlife is injured the Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE/ACTIVITY APPROVAL – GENERAL REQUIREMENTS

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

21. Hunter Water Corporation Requirements

Consultation and compliance with the requirements of the HWC:-

- a. All development works are required to comply with the Hunter Water's *Building Over or Encroaching on Hunter Water Easements or Property Policy*;
- b. Prior to construction, the sewer mains is to be physically located via non-destructive means;
- c. Construction access to the site is to be arranged to avoid loading or any disturbance to the mains;
- d. Compaction if required shall be undertaken with a plate compactor. No heavy vibratory rollers or other vibration construction techniques are permitted within 5.0m of the mains;
- e. The internal roads are to be designed to ensure that loads are not transferred to the sewer mains. To facilitate the approval of the roads over the sewer mains and/or easement, the following details are to be provided to the Hunter Water Corporation:
 - I. A long section plan showing the depth of the sewer mains and the clearance to the proposed internal road. The Hunter Water Corporation requires a minimum cover of 750mm over the sewer mains in accordance with the Hunter Water's Design Code; and,
 - II. A detailed design showing the measures to ensure no loads are transferred to the water main and the pavement jointing;
- f. The easement area is not to be excavated or filled without approval from the Hunter Water Corporation. If excavation or filling is proposed, then the developer is to provide Hunter Water with a surveyed plan and a longitudinal section showing the sewer main, existing and finished surface levels and the locations and clearances of all other pipes and utilities proposed to be constructed within Hunter Water Corporation's easement. Pipe clearances and minimum depths are to comply with the Hunter Water's Water Design Manual;
- g. House drains or other private services are not to be constructed within the easement without approval from the Hunter Water Corporation. The Account Manager Major Development (Newcastle Office – Mr. Malcom Withers) is to be contacted should private services be proposed to be constructed in the easement;
- h. Any structure within or adjacent to the easement is to be designed and constructed to ensure the structural integrity of the structure is not compromised by any excavation by the Hunter Water Corporation within the easement;
- i. All due care must be taken when working and excavating in the vicinity of the sewer mains. The Developer is required to ensure that all workers and contractors are made aware of the potential safety risks associated with working in the vicinity of the sewer mains. The Developer will be responsible for any damage that may be caused to the sewer main during construction and costs of any subsequent repairs and/or third party injury or damage caused by the failure of the sewer main during construction; and,

- j. The repair and reinstatement of the private road surface or any other improvement on the land over the Hunter Water assets associated with future repair replacement or renewal

22. Ausgrid Requirements

Consultation and compliance with the requirements of Ausgrid letter dated 15 September 2017 including:

- a. A connection application form will be required to be lodged with Ausgrid;
- b. A kiosk sub-station will be required which is to be protected by a registered easement in accordance with Ausgrid Network Standard 141;
- c. Any works proposed within an existing easement located on the subject land or works in the public road, must be approved by Ausgrid prior to issue of the CC;
- d. Any Ausgrid assets located on the subject land or in the road reserve is to be covered by an easement or relocated at the developers cost;

23. Dust Control – 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'.

24. Car parking design

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

with a CC application.

The minimum number of car spaces to be provided:

- Two (2) spaces per dwelling houses for all phases
- Twenty-eight (28) visitor car spaces in phase 1
- Two (2) car parking spaces for use by persons with a disability in phase 1
- One (1) community bus space in phase 1

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 / Activity Approval.

25. Asset Protection Zone Requirements

Prior to a CC and Activity Approval for each phase being issued, the boundaries of the approved Asset Protection Zone are to be clearly delineated using brightly coloured tape to ensure that construction and development activities do not encroach or impact on any areas of native vegetation outside of the approved Asset Protection Zone. Clearing of native vegetation and development activities must only occur within the approved development footprint and Asset Protection Zone.

26. Hollow Bearing Trees Retention

Hollow bearing trees are to be retained where possible. Nest boxes are to be installed in retained habitat areas to replace roosting habitat lost through the clearing of hollow bearing trees. Nest boxes are to replace lost hollows at a ratio of one (1) nest box per hollow. A variety of nest box types are to be installed to provide roosting habitat for a range of native fauna species. Nest boxes are to be installed prior to clearing of known habitat trees. Additional nest boxes are to be installed if additional hollows are discovered after trees are felled. Evidence that this has occurred is to be submitted to and approved by Councils Ecologist prior to the issue of a CC / Activity Approval for each phase.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 1 CIVIL WORKS AND COMMUNITY BUILDINGS/ SWIMMING POOL

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

27. Lighting

A plan of external lighting arrangements including sensor lighting for the entire development is to be provided prior to issue of the CC for the community building.

28. External Colour and Materials Schedule

An external colour and materials schedule is to be provided for the community buildings.

29. Air Conditioning Units/ Hot Water Storage Units

Any individual air conditioning unit and heat pump for hot water storage units 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.

30. Communal Waste Storage and Collection Area

Prior to issue of either the CC for Phase 1, plan details are to be provided which confirm the floor plan, screening materials and the provision of a wash down area with taps.

31. Fencing Requirements

The entirety of the development site is to be fenced with an open style fence (school fencing) of a height to prevent scaling except where agreement on alternative fencing (materials and height) has been reached with adjoining private landowners on the southern lot boundary prior to the issue of any Activity Approval.

32. Local Traffic Committee Approval

Any application involving the installation of, or amendment to, regulatory signage, line marking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any CC / Activity Approval, and subsequent Section 138 Roads Act Approval.

33. 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 / Activity Approval.

34. Security for cost of damage and completion of public work

Prior to issue of a CC / Activity Approval 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, storm water 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 OC for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

35. Disabled car parking spaces

A total of 2 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 phase 1 CC / Activity Approval for.

- 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; and,
- 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.

36. Road Internal access construction-Perimeter Road No.1

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 7m wide pavement in accordance with phase 1 of the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Construct a 1.2m wide concrete footpath within the development in accordance with the approved plans; and,
- f. Construct a gravel fire trail 4m wide with a passing bay every 200m to exit the development through phase 5 and 6.

37. Road Internal access construction-Perimeter Road No.2

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct passing bays every 200m;
- c. Construct kerb and gutter;
- d. Place two (2) coat hot bitumen seal on new works; and,
- e. Construct drainage works as necessary.

38. Road Internal access construction Main/Entry/Exit -Road No.1

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Construct a 1.2m wide concrete footpath within the development in accordance with the approved plans; and,
- f. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

39. Road Bond –Ferguson Street

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

Based on a road length of approximately 155 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees – engineering plan checking and supervision of \$6,800.
- 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 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

OC for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

40. Road- upgrade of Ferguson Street

The registered proprietors of the land shall construct the following for the length of Ferguson street, a distance of approximately 155m 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 issue of a phase 1 construction certificate and release of the S138 Roads Act Approval.

- a. Upgrade Ferguson Street pavement to 7m minimum width carriageway;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on road pavement, Construct and seal road shoulders;
- d. Construct drainage works; and,
- e. Top-dress and turf footpath.
- (f) A footpath and associated pram ramps be constructed from the entrance of the development along one side of Ferguson Street to the new bus stop in Anzac Avenue.

41. 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 a phase 1 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.

42. Stormwater Detention Requirement

The registered proprietor of the land is to provide a storm water detention facility within the boundaries of the site to reduce the peak storm water discharge from the developed lot to that of the peak storm water 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 on-site 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 phase 1 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.

43. Detention Basin Engineering Checking

The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a Civil CC for the site. Council's current fee is \$500per basin for basins less than 50m³. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges.

44. Traffic Management – Intersection Treatments

Submit for approval a Concept Design and subsequent Detailed Design, in accordance with Austroads, Council's Engineering Requirements for Development, RMS Technical Directions, including the RMS Guide to Road Design – Part 4A Unsignalised and Signalised Intersections and all relevant Australian Standard's for the following:

- a) a local area traffic management (LATM) scheme delivering a change of intersection priority at the intersection of Ferguson Street and Doyle Street, providing route priority for the western leg of Ferguson Street, and the southern leg of Doyle street, with suitable controls for the other intersection legs, as per AS1742.2 Manual of Uniform Traffic Control Devices;
- b) kerb and gutter, sealed shoulders, and line marking on Ferguson Street, north of Anzac Avenue, to the site entry point;
- c) upgrade of the existing bus stop on the northern side of Anzac Avenue, west of Anstey Street by the provision of bus stop signage and a bus shelter in accordance with Council's POLICY No. B37.1 – BUS SHELTER DESIGNS; and,
- d) an alternate egress from the site suitable for use under emergency conditions for the purpose of evacuation or the like.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR ALL PHASES – GENERAL CONDITIONS

The following general conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

45. Civil Works to be completed

Civil works for all phases are to be completed prior to issue of the Activity Approval for each phase.

46. Section 68 (Part A1) Activity Approval Required

Works associated with the dwelling houses (being a manufactured home) approved by this consent must not commence until an Activity Approval under Section 68 (Part A1) of the Local Government Act 1993 has been issued by Council for installation of manufactured homes on the land for each phase.

47. Amended Plans and Certification Required

The plans submitted in association of the Activity Approval applications for the manufactured dwelling houses for each phase must incorporate the following amendments:

- a) All dwelling houses are to be provided with an outdoor clothes line for drying purposes;
- b) All dwelling design plans are to be marked to clearly identify the laundry areas and comply with the Local Government Regulation minimum size requirements;
- c) All home sites are to have privacy fencing and gates to the private open space areas for the dwelling houses;
- d) Mechanical ventilation is required in all bathrooms and toilets; and,
- e) Plans and certification of compliance with the Local Government Regulation requirements is to be lodged where relevant.

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the Activity Approvals for each phase.

48. Dwelling House Specifications

The dwelling houses are to comply with the following safety requirements for doors, windows and fire safety equipment:

Doors

- a. External doors and frames shall be of solid construction;
- b. Glass within doors may be reinforced to restrict access;
- c. Door locks shall comply with the *Australian Standard - Mechanical locksets for doors in buildings, AS:4145* and the National Construction Code of Australia (fire regulations) to restrict access;
- d. Locks are to be checked and maintained on a regular basis to ensure that the locks are in good working order;
- e. A door viewer or security/screen doors may be used and such doors are to be designed and installed to the Australian Standard;
- f. Patio bolts on sliding doors are recommended; and,
- g. Under access points to be restricted.

Windows

- a. External windows and frames to be of solid construction;
- b. Window frames to be anchored to the building to prevent easy removal;
- c. Windows shall be fitted with locks that comply with the *Australian Standard - Mechanical locksets for doors in buildings, AS:4145* to restrict access;
- d. Glass within windows to be reinforced to restrict access; and,
- e. Metal security grilles or shutters may be installed to restrict access but are to be designed to allow occupants to depart the building in fire events.

Fire Safety Equipment

- a. Each dwelling house must have a minimum of one (1) working smoke alarm;
- b. Fire extinguishers and fire blankets to be installed in those parts of the building where fires are likely; and,
- c. All dwelling houses to have a Fire Escape Plan. For further information on Home Fire Safety, refer to NSW Rural Fire Services website, www.fire.nsw.gov.au.

49. Air Conditioning Units/ Hot Water Storage Units

Any individual air conditioning unit and heat pump for hot water storage units 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 an Activity Approval for the each phase.

50. Street Numbers

The home site numbers must be prominently displayed at the front of home sites to comply with the Local Government Act or must be painted on the street kerb outside the home site to assist emergency services and visitors to locate the home site. The number is to be a minimum height of 120mm above ground if signposted and be visible at night.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THE THIRTY-NINE (39) DWELLING HOUSES FOR PHASE 1

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

51. Residential S94 Contributions Plan (39 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for phase 1:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$38,235.60
523	District Community Facilities (Halls)	\$23,380.89
524	District Community Facilities (Libraries)	\$6,276.66
522	District Community Facilities (Bushfire)	\$1,778.40
527	District Roads – Urban Areas	\$29,134.56
543	Studies (Plan Preparation)	\$2,196.87
540	Plan Administration	\$8,369.01
	Total	\$109,371.99

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

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

52. Side Setback Home Site 163

The dwelling house on Home Site 163 must be located a minimum of 3.0 metres from the boundaries of the subject land.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 2 CIVIL WORKS

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

53. 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.

54. Road Internal access construction Road 3

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

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated road 3.

55. Road Internal access construction Road 4

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

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

56. Road Internal access construction Road 5

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

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated road 5.

57. Footpath

Provide a 1.2m wide concrete footpath linking Cornish Street to the proposed bowling green in accordance with the approved plan and Council engineering guidelines for developments.

58. 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.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THIRTY-FOUR (34) DWELLING HOUSES FOR PHASE 2

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

59. Residential S94 Contributions Plan (34 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for Phase 2:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$33,333.60
523	District Community Facilities (Halls)	\$20,383.34
524	District Community Facilities (Libraries)	\$5,471.96
522	District Community Facilities (Bushfire)	\$1,550.40
527	District Roads – Urban Areas	\$25,399.36
543	Studies (Plan Preparation)	\$1,915.22
540	Plan Administration	\$7,296.06
	Total	\$95,349.94

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 3 CIVIL WORKS

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

60. 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.

61. Road Internal access construction Road 5

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

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated road 5.

62. 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.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR SIXTEEN (16) DWELLING HOUSES FOR PHASE 3

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

63. Residential S94 Contributions Plan (16 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for Phase 3:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$15,686.40
523	District Community Facilities (Halls)	\$9,592.16
524	District Community Facilities (Libraries)	\$2,575.04
522	District Community Facilities (Bushfire)	\$729.60
527	District Roads – Urban Areas	\$11,952.64
543	Studies (Plan Preparation)	\$901.28
540	Plan Administration	\$3,433.44
	Total	\$44,870.56

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 4 CIVIL WORKS

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

64. 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.

65. Road Internal access construction Road 3

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

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated road 3.

66. Road Internal access construction Road 4

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

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

67. 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.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THIRTY-SEVEN (37) DWELLING HOUSES FOR PHASE 4

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

68. Residential S94 Contributions Plan (37 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for phase 4:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$36,274.80
523	District Community Facilities (Halls)	\$22,181.87
524	District Community Facilities (Libraries)	\$5,954.78
522	District Community Facilities (Bushfire)	\$1,687.20
527	District Roads – Urban Areas	\$27,640.48
543	Studies (Plan Preparation)	\$2,084.21
540	Plan Administration	\$7,939.83
	Total	\$103,763.17

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 5 CIVIL WORKS

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

69. 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.

70. Road Internal access construction Road 5

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

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary.

71. Road Internal access construction-Perimeter Road No.1

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

- a. Construct a variable 5.5m to 7.0m wide pavement in accordance with phase 5 of the approved plans
- b. Construct kerb and gutter
- c. Place two (2) coat hot bitumen seal on new works
- d. Construct drainage works as necessary

72. Footpath

Provide a 1.2m wide concrete footpath linking Ash Street to the proposed Facilities in accordance with the approved plan and Council engineering guidelines for developments.

73. 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.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR SIXTEEN (16) DWELLING HOUSES FOR PHASE 5

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

74. Residential S94 Contributions Plan (16 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for Phase 5:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$15,686.40
523	District Community Facilities (Halls)	\$9,592.16
524	District Community Facilities (Libraries)	\$2,575.04
522	District Community Facilities (Bushfire)	\$729.60
527	District Roads – Urban Areas	\$11,952.64
543	Studies (Plan Preparation)	\$901.28
540	Plan Administration	\$3,433.44
	Total	\$44,870.56

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 6 CIVIL WORKS AND DEMOLITION OF DWELLING HOUSE AND IMPROVEMENTS

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

75. 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.

76. Road Internal access construction Road 3

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

- a. Construct a 5.5m wide pavement in accordance with the approved plans,
- b. Construct kerb and gutter,
- c. Place two (2) coat hot bitumen seal on new works,
- d. Construct drainage works as necessary.

77. Road Internal access construction Road 4

The registered proprietor of the land shall construct the following in accordance with

Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works; and,
- d. Construct drainage works as necessary.

78. Road Internal access construction-Perimeter Road No.1

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

- a. Construct a 5.5m wide pavement in accordance with phase 6 of the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works; and,
- d. Construct drainage works as necessary.

79. Footpath

Provide a 1.2m wide concrete footpath linking Ash Street to the proposed Facilities in accordance with the approved plan and Council engineering guidelines for developments.

80. 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.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR TWENTY-THREE (23) DWELLING HOUSES FOR PHASE 6

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

81. Residential S94 Contributions Plan (23 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act*

1979 for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for phase 6. The contributions are based on the construction of 22 x 2 bedroom dwelling houses (a credit of one dwelling house has been attributed to the demolition of the existing dwelling house):

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$21,568.80
523	District Community Facilities (Halls)	\$13,189.22
524	District Community Facilities (Libraries)	\$3,540.68
522	District Community Facilities (Bushfire)	\$1,003.20
527	District Roads – Urban Areas	\$24,253.90
543	Studies (Plan Preparation)	\$1,239.26
540	Plan Administration	\$4,720.98
	Total	\$61,697.02

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

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

82. Demolition of dwelling prior to activity Approval

The dwelling must be demolished and an asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA prior to the issue of an Activity Approval for phase 6.

PRIOR TO COMMENCEMENT OF WORKS FOR ALL PHASES

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

83. Demolition Proposed – Phase 6

Consent is granted for the demolition of dwelling house and improvements currently existing on the property in Phase 6, subject to strict compliance with the following conditions:

- The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- Prior to demolition, the applicant must erect a sign at the front of the property with

the demolisher's name, licence number, contact phone number and site address.

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

occupational hygienist is to be undertaken. If asbestos is present then:

- i) A SafeWork licensed contractor must undertake removal of all asbestos.
- ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and AS 2601:2001: *Demolition of structures*.
- iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
- iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA at the completion of the demolition works if asbestos is identified in the demolition of the dwelling house and improvements on the land.

84. 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, and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered civil engineer.

- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
- d) All site works must comply with the requirements of Ausgrid and the Hunter Water Corporation and the telecommunications provider.
- e) 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.
- f) 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.

85. 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.

86. 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.

87. 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.

88. S.138 Roads Act 1993 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.

89. Over mass over size approval

Obtain and comply with over mass over size (OMOS) approval from the National Heavy Vehicle Regulator for delivery and removal of manufactured homes. Include OMOS requirements in the Construction Traffic Management and Traffic Control Plans.

90. 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.

91. Relocation 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 FOR ALL PHASES

The following conditions are to be complied with during works.

92. Construction Hours

Excavation and building 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.

93. 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*.

94. Construction Vehicles

Construction material and vehicles must 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.

95. 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.

96. 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.

97. 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.

98. 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.

99. 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 storm water 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.

100. Floor level Certification

The floor level of the proposed building community buildings (mens/maintenance shed, pavilion and clubhouse) must be certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval (ARI) flood level.

The floor level must be certified as being not less than RL 65.46m Australian Height Datum (AHD).

The evidence to be submitted to the CA prior to construction works proceeding beyond floor level stage.

101. Swimming Pool

The swimming pool and safety fences and gates shall be installed in accordance with the approved plans, specifications, the *Swimming Pools Act 1992* (as amended) and the BCA. The swimming pool shall at all times be surrounded by a child resistant barrier:

- a) that separates the swimming pool from any residential building situated on the premises, and from any place (whether public or private) adjoining the premises; and
- b) that is designed, constructed, installed and maintained in accordance with the standards prescribed by the Swimming Pools Regulation 2008 and AS1926.1 "Safety barriers for swimming pools".

Waste water from the pool shall be disposed of, so as not to create a nuisance to surrounding properties, or to pollute the environment. Where the Hunter Water Corporation's sewer is available, wastewater shall be drained or pumped to the sewer.

All requirements of the Hunter Water Corporation shall be observed in relation to waste water disposal.

Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring property.

102. Clearing Restriction

Clearing of native vegetation is not to occur in the spring nesting season (September – November) to minimise impacts on native nesting birds and their offspring.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE FOR PHASE 1 – COMMUNITY BUILDINGS/SWIMMING POOL

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):

103. Occupation Certificate required

Prior to use of the premises approved by this consent, the applicant must obtain an OC.

104. Landscape buffers and boundary fencing

All of the landscape buffer areas, the Ash Street pedestrian accessway and all perimeter fencing must be completed prior to issue of the OC in Phase 1.

105. Swimming Pool

The swimming pool must not be filled with water until such time as the safety fencing and gates have been completed in accordance with the approved plans and specifications.

Note: It is the applicant's responsibility to ensure that all excavations and incomplete pools have appropriate safety fencing, or are otherwise protected.

106. Plan of Management

A copy of the revised plan of Management is to be provided to Council prior to issue of the OC in phase 1.

107. Fire Hydrants

The community buildings 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 buildings or issue of an OC.

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

108. Signage

Signs are to be erected clearly defining who may enter the premises, times of entry, behaviour on premises and general directions.

109. Warning Signs

Warning signs are to be displayed around the perimeter of the premises to warn intruders of what security treatments have been implemented to reduce opportunities for crime. For example;

- a. Warning – Trespassers will be prosecuted; and,
- b. Warning – This property is under electronic surveillance, etc.

The warning signs to be fixed at a height of approximately 1.5m above ground level and intervals not less than of 20m.

110. Gate Controls

The entrance/exit points to the development site are to be fitted with electronic gates to control access to the site during the night by vehicles and pedestrians.

The design and management of the entrance/exit gates are to allow entrance for any emergency vehicles.

111. Roads-Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Ferguson 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 an 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.

112. All services provided

Certification that all services as required (e.g. water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the PCA prior to issue of an OC.

113. Allocation of car parking spaces

The approved parking spaces must be allocated for each phase of the development. All spaces must be appropriately line marked and labelled according to these requirements prior to the issue of an OC. If the development is strata subdivided, the car park layout must be in accordance with the required allocation:

- a) 2 residential off street parking spaces per house site.
- b) 28 visitor parking spaces and a community bus space.
- b) 2 disabled parking spaces for phase 1.

114. Road - Access Completion

The access road to serve the development shall be completed in accordance with Council's 'Engineering Requirements for Development' prior to the issue of an OC.

115. Road – Signage (Access)

The vehicular entrance and exit driveways, and the direction of traffic movement within the site, shall be clearly indicated by means of reflective signs and pavement markings prior to issue of an OC.

116. 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 to be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the onsite storm water detention facilities ("OSD").

- b) The proprietor to have the OSD inspected annually by a competent person.
- c) The Council to 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 storm water from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor to 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, to 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*.

117. Stormwater plan of management

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

118. Completion of driveway access crossing

The driveway access crossing is to be constructed prior to the issue of an *OC*.

119. Roof stormwater-Clear of buildings

Prior to issue of an *OC*, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.

120. Flooding-Evacuation Management Plan

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

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

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

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

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the *OC* / Completion Certificate.

122. Telecommunications

Prior to the issue of OC / Completion Certificate, the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities and fixed-line telecommunications infrastructure are fit for purpose to all premises.

123. Electricity Connection Requirements

Prior to the issue of the OC, the developer must provide documentary evidence to the CA that the energy provider is satisfied that the development complies with the requirements.

PRIOR TO THE ISSUE OF A COMPLETION CERTIFICATE FOR THE MANUFACTURED DWELLING HOUSES FOR ALL PHASES – GENERAL CONDITIONS

The following conditions are to be complied with, to the satisfaction of Council, prior to issue of either an Interim or Final Completion Certificate (as specified within the condition) for each phase of the development for the manufactured dwelling houses:

124. Letter Boxes for the Dwelling Houses

Letterboxes are to be of a suitable size and conform with the Australian Standards and to be fitted with a suitable lock set to restrict access to the mail.

125. Power Board Requirements for the Dwelling Houses

Power boards to be housed within cabinets made of solid construction to restrict tampering with the power supply and the cabinets are to be secured with locksets approved by the energy provider.

126. All services provided

Certification that all services as required (e.g. water supply, gas, electricity, telephone, sewer), are available to the site, must be submitted to the PCA prior to issue of a Completion Certificate.

127. Completion of driveway access crossing

The driveway access crossing is to be constructed prior to the issue of a Completion Certificate.

128. Roof stormwater-Clear of buildings

Prior to issue of a Completion Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.

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

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the Completion Certificate.

130. Telecommunications

Prior to the issue of Completion Certificate, the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities and fixed-line telecommunications infrastructure are fit for purpose to all premises.

131. Electricity Connection Requirements

Prior to the issue of the Completion Certificate, the developer must provide documentary evidence to the CA that the energy provider is satisfied that the development complies with the requirements.

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the manufactured home estate.

132. Site Management Plan

The development must be undertaken as described within the revised Plan of Management.

133. Estate Incident Book and Accident Injury Register

An estate incident book and accident injury register is to be regularly maintained and is required to be made available on request by NSW Police or Council officers.

134. Complaints Register

A complaints register is to be kept in the event that complaints are received from the general public on the estate. Full details of the complaint are to be recorded including date, name, address, nature of the complaint and the outcome of the complaint. The register is to be made available on request by NSW Police or Council officers.

135. Use of Swimming Pool

The swimming pool shall not be used for commercial or professional purposes without separate approval from Council.

Access gates are to be self-closing and self-latching, and shall open outwards from the pool area. The occupier of any premises in or on which a swimming pool is situated must ensure that gates providing access to the swimming pool are kept securely closed at all times when they are not in actual use.

Pool plant (i.e. filter) shall be sited and operated so as not to cause a noise nuisance to adjoining neighbours. Provisions of the *Protection of the Environment Operations Act* include restrictions relating to noise levels.

The occupier of the property in or on which a swimming pool is situated must ensure that there is at all times a sign complying with the requirements of clause 10 of the Swimming Pools Regulation 2008, prominently displayed and permanently fixed in the vicinity of the swimming pool.

136. 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.

137. Lighting

Adequate and uniform lighting is to be provided throughout the development, especially in vicinity of the clubhouse recreational area, maintenance building, and entrance/exit gates to the development and the Ash Street pedestrian pathway. Lighting is to work in conjunction with the CCTV.

138. Surveillance – CCTV

Sufficient CCTV cameras are to be located in and around the clubhouse, maintenance shed, recreational areas and entrance/exit points including the Ash Street pedestrian pathway.

Minimum standards for CCTC are:

- a. CCTV to operate on a 24 hour basis;
- b. CCTV footage is to be recorded in digital format on a hard drive that is capable of retaining stored images for a 28 day period;
- c. Staff to be trained in the use of the CCTV system and be able to download footage for NSW Police use as required;
- d. CCTV camera covering the entrances/exits to be placed in a location as to allow the recording of persons faces upon entry;
- e. Recording equipment should be installed in a lockable, restricted area where persons/s cannot tamper with the equipment

139. Road-Advice

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

140. Surveillance Landscaping Maintenance

A landscaping maintenance program is to be implemented to ensure that surveillance opportunities are not hindered due to neglected landscaping areas, especially on the perimeter of the development.

141. Landscaping

Landscaping in the public areas and on the perimeter of the development site including the Ash Street pedestrian pathway is to be managed on an ongoing basis as follows:

- a. Trees and shrubs are to be trimmed to reduce hiding places and increase visibility

to and from the street. Shrubs should not be allowed to grow above 1.0m and trees should be trimmed of foliage below a height of 1.8m;

- b. Overhanging branches are to be trimmed to prevent people using them to access other parts of the property;
- c. No objects or plants are to be placed close to fences or buildings so as to provide a natural ladder to unauthorised persons;

142. Retention of Vegetation Not Approved for Clearing

All native vegetation (as defined under the Local Land Services Amendment 2016) on the lot outside of the development footprint and approved Asset Protection Zone is to be retained in a natural state and not disturbed or cleared (as defined under the Local Land Services Amendment 2016).

143. Graffiti Resistant Materials and Graffiti Removal

Graffiti resistant materials are to be used in fencing and ground floor areas and graffiti is to be removed within forty-eight (48) hours.

144. Private Contractor – Waste Collection

A private contractor is to be engaged for waste collection including general waste, recycling, green waste and regular bulk waste collection.

ADVISORY NOTES

A. 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.

B. “DIAL BEFORE YOU DIG” DIAL 1100

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

C. 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.

D. 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*.

E. 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.

F. 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.

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

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

H. Aboriginal Heritage

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

- I.** That the applicant or person(s) acting on the development consent, engage with the adjoining residents regarding the stormwater drainage designs before a Construction Certificate is issued.

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

CARRIED

Kim Slater	For	PE61/2018 - Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal Exhibition Outcomes	163	3 mins
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EXTENSION OF TIME

Moved:

Councillor Suvaal

Seconded:

Councillor Fitzgibbon

652

RESOLVED

That an 1 minute extension be given to Kim Slater to complete his presentation.

FOR

AGAINST

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

Councillor Olsen

Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE61/2018

**SUBJECT: JOINT CESSNOCK AND SINGLETON 'VINEYARD'S DISTRICT'
PLANNING PROPOSAL EXHIBITION OUTCOMES**

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

653

RESOLVED

1. That Council not proceed with the Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal.
2. That Council notify the Department of Planning and Environment of its decision pursuant to Section 3.35 of the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.
4. That Council write to those who made submissions, informing them of its decision.
5. That a status report on the progress of the Vineyards District Precinct Planning be provided to Council by end of April 2019.

FOR

AGAINST

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

Kyra Jurd	For	BN32/2018 - Drug Addiction Rehabilitation Facility	368	3 mins
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EXTENSION OF TIME

Moved:

Councillor Suvaal

Seconded:

Councillor Fitzgibbon

654

RESOLVED

That a 1 minute extension be granted to Kyra Jurd to complete her presentation.

FOR

AGAINST

Councillor Doherty

Councillor Olsen

Councillor Dunn

Councillor Stapleford

Councillor Suvaal

Councillor Fitzgibbon

Councillor Gray

Councillor Dagg

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

Total (11)

Total (1)

CARRIED

BUSINESS WITH NOTICE NO. BN32/2018

SUBJECT: DRUG ADDICTION REHABILITATION FACILITY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Gray
655
RESOLVED

1. That the General Manager write to Hunter New England Health seeking information to allow for lobbying for the provision of adequate resources to address the ice addiction in the Cessnock Local Government Area, and that the information sought from Hunter New England Health include:
 - The scale of the issue, the admission rates for drug induced medical incidents and the like for the Cessnock Local Government Area.
 - Hunter New England Health policy and operational responses to the high incidence of illicit drug use in the Cessnock Local Government Area.
 - Community support programs assisting in the rehabilitation of ice addicts for the region.
2. That Council consider a report on the information provided by Hunter New England Health to support the introduction of a rehabilitation facility and associated community support in the Cessnock Local Government Area and the provision of sufficient ongoing resources to tackle the illicit drug use issue.

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

CARRIED UNANIMOUSLY

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

MOTION

656

Moved: Councillor Doherty

Seconded: Councillor Dunn

RESOLVED

That having read and considered the report in the agenda related to items:-

- GMU23/2018 - Minutes of the Special Audit and Risk Committee Meeting held 16 October 2018
- CC79/2018- Annual Report 2017-18
- CC80/2018 – Minutes of the Cultural Facilities Committee Meeting of Cessnock City Council held 16 October 2018
- CC81/2018 – Draft Copyright Policy
- WI86/2018 – Near Buttai Road, Black Hill – Proposed Road Closure
- WI88/2018 – Minutes of the Dollar for Dollar Grants committee Meeting of Cessnock City Council held 10 October 2018
- CO39/2018 – Public Library Funding
- CO40/2018 – Future of Waste Recycling in NSW
- CO41/2018 – Cessnock Correctional Centre Access Road

Council adopt the recommendations as printed for those items.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM11/2018

**SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS
REVIEW COMMITTEE MEETING HELD 10 OCTOBER 2018**

MOTION **Moved:** Councillor Pynsent
657
RESOLVED

That the Minutes of the Organisational and General Managers Review Committee of 10 October 2018 be adopted as a resolution of the Ordinary Council.

- **That the Performance Agreement for the General Manager for the period of 2018/2019 in accordance with Clause 7.10 of the Standard Contract of Employment, be signed by the Mayor on behalf of Council.**
- **That the amended four point assessment scale contained within the Performance Agreement be noted.**
- **That for the 2018/2019 review period a rating of 2.5 or above is required for the General Manager to achieve a better than satisfactory standard in accordance with Clause 8.3 of the Standard Contract of Employment.**
- **That the General Manager be awarded a 2.5% increase in the total remuneration package, which is equivalent to the percentage increase received by staff under the Local Government State Award on 1 July 2018, due to better than satisfactory performance in the 2017/2018 review period in accordance with Clause 8.3 of the Standard Contract of Employment, effective from the first full pay period on or after 1 July 2018**

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

CARRIED

MAYORAL MINUTES NO. MM12/2018

SUBJECT: LG NSW SAVE OUR RECYCLING CAMPAIGN

MOTION **Moved:** Councillor Pynsent

658

RESOLVED

1. That Council endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. That Council make representation to the State Member for Cessnock, Clayton Barr MP, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Luke Foley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. That Council take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally.
5. That Council endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
6. That Council formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU19/2018

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU23/2018

**SUBJECT: MINUTES OF THE SPECIAL AUDIT AND RISK COMMITTEE MEETING
HELD 16 OCTOBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
659
RESOLVED

**That the Minutes of the Special Audit and Risk Committee Meeting of 16 October 2018
be adopted as a resolution of the Ordinary Council.**

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE59/2018

SUBJECT: ABANDONED VEHICLES

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

660

RESOLVED

1. That Council note the report.
2. That Council amends its Compliance and Enforcement Policy to reflect the consideration of bushfire risk when dealing with all abandoned vehicles.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE62/2018

SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
661
RESOLVED

That Council note the Annual Code of Conduct Complaints Report.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC79/2018

SUBJECT: ANNUAL REPORT 2017-18

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
662

RESOLVED

That the report be received and the information noted.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC80/2018

**SUBJECT: MINUTES OF THE CULTURAL FACILITIES COMMITTEE MEETING OF
CESSNOCK CITY COUNCIL HELD 16 OCTOBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
663
RESOLVED

**That the minutes of the meeting of the Cultural Facilities Committee held on
16 October 2018 be adopted as a resolution of the Ordinary Council.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC81/2018

SUBJECT: DRAFT COPYRIGHT POLICY

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn

664

RESOLVED

That Council adopts the draft Copyright Policy.

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI86/2018

SUBJECT: NEAR BUTTAI ROAD, BLACK HILL - PROPOSED ROAD CLOSURE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn

665

RESOLVED

1. That Council consent to the closure of the sections of unconstructed public road near Buttai Road, Black Hill, as indicated on the Property Location Plan.
2. That Council writes to the Hon. Paul Toole MP, Minister for Lands and Forestry requesting to transfer the roads to the Crown in accordance with the provisions of the *Roads Act 1993*.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI87/2018

SUBJECT: TRAFFIC AND TRANSPORT STRATEGY - IMPLEMENTATION PRIORITIES

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Fitzgibbon
666
RESOLVED

1. That Council endorse the breakdown of priorities for implementation of the Cessnock LGA Traffic and Transport Strategy.
2. That Council make provision for the prioritised implementation of the Cessnock LGA Traffic and Transport Strategy in consideration of available development contributions and grant funding.
3. That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for Planning, the Central Coast and the Hunter, the State Member for Cessnock and Taylor Martin MLC seeking support for funding to implement the high priority projects.
4. That traffic lights at the intersection of Wine Country Drive and Ferguson Street be included in Table 2 – Road Capital Works Priorities.
5. That the priorities listed in Table 4 – Active Transport Capital Works Priorities be:-
 1. Wollombi Road Cessnock.
 2. Branxton Greta Cycleway (grant funding dependent).
 3. Cessnock Road Abermain as listed.
 4. Off road cycleway along Wine Country Drive Kerlew Street to Lomas Lane.

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

CARRIED

WORKS AND INFRASTRUCTURE NO. WI88/2018

**SUBJECT: MINUTES OF THE DOLLAR FOR DOLLAR GRANTS COMMITTEE
MEETING OF CESSNOCK CITY COUNCIL HELD 10 OCTOBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
667
RESOLVED

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 10 October 2018.
2. That Council write to all applicants advising them of the outcome of their applications and thank them for their ongoing support and commitment to the enhancement of either Council's sporting and community facilities, the local environment, community and the arts.

Community and Cultural Development Dollar for Dollar

3. Fund the projects as per the 'Funding Payable' column in Table 2.

Table 2 – Eligible Applications – Recommended for Funding

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Abermain Eisteddfod Committee	Purchase HP computer and printer	\$1,695	\$847.50	\$847.50
Branxton Greta Business Chamber	Business and Community Forum Hire of toilet, table, chairs generator & onsite security. Printing & promotion. Entertainment & hire of jumping castle	\$9,625	\$3,000	\$3,000
Central Hunter Community Broadcasters Inc	Purchase two CD players	\$878.90	\$439.45	\$439.45
Cessnock No.252 (Cessnock Masonic Lodge)	Cessnock Masonic Centre Transformation Project – Furniture Tables, chairs & trollies	\$9,365.34	\$3,000	\$3,000
Cessnock Regional Art Galley	Spring Art Fair Cessnock	\$6,550	\$2,000	\$2,000

	Acquisitive Art Prize			
Coalfields Heritage Group	Undertake local history research Printing, stationary, internet costs	\$3,000	\$1,500	\$1,500
Kurri Kurri Community Centre	Greta, Branxton, Huntlee Family Disco 2019 Promotions, decorations, entertainment, catering	\$4,200	\$2,100	\$2,100
Reach Foundation	Secondary School workshops Facilitator, transport, project management, logistics, & administration	\$6,703.27	\$3,000	\$3,000
Richmond Vale Preservation Co-operative Society	Rebuild museum website Contractor fee – design, page preparation, host backup and update website	\$3,985	\$1,992.50	\$1,992.50
Sculpture in the Vineyards	Wollombi Sculpture in the Vineyards Marketing, transportation, venue hire, printing	\$24,000	\$3,000	\$3,000
Towns with Heart	2019 Town of Murals Show Major Award (\$2,200) Acquisitive art prize	\$14,300	\$2,200	\$2,200
Youth off the Streets	Cessnock Community Services Day (November 2018) Promotion, personal care packs, birth certificates, refreshments, transport, venue hire, co-ordination & facilitation	\$2,035	\$1,017.50	\$1,017.50
TOTAL		\$86,337.51	\$24,096.95	\$24,096.95

4. Fund the project as per the 'Funding Payable' column in Table 3.

Table 3 – Recommended for Funding

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Stanford Merthyr Infants School	Stanford Merthyr Infants First Nation culture, education and enrichment activities Bus hire, replacement costumes	\$2,200	\$1,100	\$1,100
TOTAL		\$2,200	\$1,100	\$1,100

5. That Council endorse the amendment to the 2019 Dollar for Dollar Grant Scheme Guidelines for the Community and Cultural Development Dollar for Dollar Grant Scheme.

Schools Environment Grant

6. Fund the applications as per the 'Grant Requested' column in Table 2 of the report.
7. Remaining \$700 funds to be provided to Office of Environment Heritage for Woodlands Bird Resource Kit.

Table 2 – Eligible Applications – Recommended for Funding

School	Project Description	Total Cost	Grant Requested	Grant Proposed
Kurri Kurri and District Preschool Kindergarten	Papermaking project to demonstrate reuse of waste paper	\$1744	\$200	\$200
Cessnock Occasional Childcare Centre	Potted Garden for herbs and vegetables.	\$460	\$200	\$200
Nulkaba Preschool	Worm farm and supporting educational resources	\$485	\$200	\$200
*Bees Nees Early Learning	Indoor plants for air quality improvement	\$213	\$200	\$200
*Stanford Merthyr Infants School	Restore and improve existing Aboriginal garden within the school grounds.	\$1,000	\$500	\$500
*Kitchener Public School	Greenhouse for seed propagation	\$839	\$500	\$500
Laguna Public School	New watering system for vegetable garden	\$1000	\$500	\$500
Cessnock West Public	School wide waste management program	\$2,379	\$500	\$500
Cessnock High School	Life Skills gardening program for 4 support classes	\$2,000	\$1,000^	\$500

*Kurri Kurri High School	Materials for nesting boxes and insect hotels	\$2,100	\$500	\$500
St Phillip's Christian College	Attend OEH workshop and participate in development of "Woodland Birds" resource kit	\$900	\$500	\$500
TOTAL		\$13,420	\$4,800	\$4,300

Tidy Towns Dollar for Dollar Grant

8. Provide the following funding through the Tidy Towns Dollar for Dollar program for:

- Greta Tidy Town \$172.50
- North Rothbury Tidy Town \$715.50

Eligible Applications – Recommended for Funding

TIDY TOWN GROUP	PROJECT	TOTAL COST (exc. GST)	GRANT FUNDS REQUESTED	PROPOSED FUNDING AMOUNT 2018-19
Greta Tidy Towns	Repair donated display cases for Greta Museum	\$345	\$172.50	\$172.50
North Rothbury Tidy Towns	Purchase self-propelled mower to assist with cleanup.	\$1431	\$715.50	\$715.50
TOTAL		\$1,776	\$888.00	\$888.00

9. That a second round of grants for the remaining budget (\$9,112.00) be run in February 2019.

10. Examine the eligible groups criteria for this grant and present an options paper for discussion to the next Committee meeting.

Community Facilities Dollar for Dollar Grant

11. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.

Table 1 – Eligible Applications – Recommended for Funding

FACILITY/ ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Abermain Plaza Hall Section 355 Committee	Purchase of a vacuum cleaner for Abermain Plaza Hall	\$907	\$454	\$454
Branxton Community Hall Section 355 Committee	Purchase and installation of sensor lights at Branxton Community Hall	\$1,775	\$886	\$886
Branxton Playgroup	Replacement of vinyl and carpet floor coverings at Branxton	\$13,170	\$6,585	\$6,585

	Community Hall (Playgroup area)			
Branxton Playgroup	Replacement of kitchen at Branxton Community Hall (play group area)	\$8,645	\$4,318	\$4,318
Cessnock Multi-Purpose Children's Centre	Water engineering for water play at Cessnock Multi-Purpose Children's Centre	\$9,965	\$4,982	\$4,982
Wollombi Valley Progress Association	Supply and installation of stainless steel drinking bubbler at Laguna Community Hall	\$4,173	\$2,086	\$2,086
Wollombi Valley Progress Association	Stainless steel cleaners sink and grate for Laguna Community Hall	\$1,896	\$948	\$948
Wollombi Valley Progress Association	Hardwood slab storage area for cleaning equipment and products at Laguna Community Hall	\$2,409	\$1,205	\$1,205
TOTAL		\$42,940	\$21,464	\$21,464

Sporting Facilities Dollar for Dollar Grant

12. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.
13. Transfer \$1,464 from the Sporting Facilities Dollar for Dollar Grant Scheme to the Community Facilities Dollar for Dollar Grant Scheme to fully fund all Community Facilities projects.

Table 1 – Eligible Applications – Recommended for Funding

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex GST)
Abermain Weston Hawks Rugby League Football Club	Purchases of appliances for Howe Park Abermain	\$1,661	\$830	\$830*
Cessnock Athletics Centre	Purchase of ride on lawn mower for Turner Park	\$6,168	\$2,727	\$2,727**

	Cessnock (athletic track)			
Cessnock Dog Club	Improvements to the training area at Baddeley Park Cessnock (dog obedience area)	\$4,736	\$2,368	\$2,368
Kearsley Community Sporting Association	Purchase of line marker and paint for Jeffrey Park Kearsley	\$2,800	\$1,400	\$1,400
Kurri Kurri Tennis Club	Replacement of floodlighting at Kurri Kurri Central Park (tennis courts)	\$20,735	\$3,636	\$7,597***
Wollombi Pony Club	Construction of a timber horse round yard at Wollombi Recreation Ground	\$7,226	\$3,614	\$3,614
TOTAL		\$43,326	\$14,575	\$18,535

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI89/2018

SUBJECT: COUNCIL OWNED CAR PARKS - PRIORITY FOR RENEWAL

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

668

RESOLVED

1. That Council utilises the \$53,000 budget allocation in 2018/19 to undertake linemarking, signage and minor pavement repairs on carparks P5, P6, P10 and the Council owned area in Charlton Street adjacent to the covered Hunter Water Drain as identified in Figure 1 of the report.
2. That Council undertakes linemarking works in Darwin Street, adjacent to the TAFE grounds, to clearly delineate on street parking arrangements in this area.
3. That the Turner Park carpark resurfacing/rehabilitation works be funded within existing program and operating budgets.
4. That the General Manager coordinates an appropriate scope of works for upgrading the car park P1 as identified in figure 1 of the report, with these works to include re-design and removal of existing concrete strips and a report come back to Council in April 2019.

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

CARRIED

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN31/2018

SUBJECT: PEDESTRIAN CROSSING SIGNS

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

669

RESOLVED

That Council as part of its signage Strategy and regular signage maintenance and improvement program start painting 'look to your right' signs on pedestrian crossings, similar to what the City of Sydney and other major centres have.

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

CARRIED

BUSINESS WITH NOTICE NO. BN33/2018

SUBJECT: WOMENS LEGAL STATUS ACT 1918

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

670

RESOLVED

1. That Council acknowledges that on the 21st December 2018, it will be 100 years since the commencement of the *Women's Legal Status Act 1918*.
2. That Council notes that the *Women's Legal Status Act 1918* removed gender as a barrier to women seeking the positions of Councillor, Mayor, Member of the Legislative Assembly, solicitor, barrister, justice of the peace, judge and others, in New South Wales.
3. That Council acknowledges the contribution of women to public life and the diversity of views and perspective obtained through women's inclusion.
4. That a category of *Young Female Achiever* be added to the Australia Day Awards ceremony and be known as the Maree Callaghan Award to acknowledge a young female who demonstrates exemplary qualities.

FOR

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

AGAINST

Councillor Olsen
Councillor Doherty

Total (2)

CARRIED

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ110/2018

SUBJECT: ST PHILIPS CHRISTIAN COLLEGE TRAFFIC SOLUTION

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ111/2018

SUBJECT: GALLAGHER STREET, CESSNOCK - TURNING HEAD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ112/2018

SUBJECT: INDOOR SPORTS STADIUM - MOUNT VIEW ROAD, CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ113/2018

SUBJECT: CLASSIFICATION DATE - MITCHELL AVENUE AND GOVERNMENT ROAD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ114/2018

SUBJECT: FRAME DRIVE ABERMAIN WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ115/2018

SUBJECT: ENDEAVOUR INDUSTRIES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ116/2018

SUBJECT: DRAIN COVER ISSUE AT COLES SUPERMARKET, CESSNOCK

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

SEALING ROAD CORNER MITCHELL AVENUE

Councillor Sander asked if Council can cost and identify a possible funding source to seal the section of road from the corner of Mitchell Avenue along Government Road where it meets the HEX.

Councillor Ian Olsen

ST PHILIPS CHRISTIAN COLLEGE TRAFFIC SOLUTIONS

Councillor Olsen referred to the answer in relation to St Philips Christian College traffic solutions and asked why Council Officers are commissioning video recordings by drone to help the network of roadworks when it is a private school issue that they have to address not Council.

Councillor Ian Olsen

GALLAGHER STREET

Councillor Olsen referred to his previous question and advised that he is still concerned that he did not find Gallagher Street in the Capital Works Programs until it appeared in the 16/17 program. How is Council going to fund Gallagher Street, why was it put into the plan and pushed ahead of all the other projects that were already in the budget for 4 years.

The Director Works & Infrastructure advised that the issue of Gallagher Street first came up as a WHS issue with the Waste Service Operators who have difficulty turning their vehicles around at the end of the street. The funding would be coming from the Waste Reserve as it is to do with Waste Operations.

Councillor Rod Doherty

SUBMISSION ON BRANXTON/GRETA CYCLEWAY

Councillor Doherty referred to the Branxton/Greta Cycleway submission and asked why it was called a cycleway and not a shared pathway.

CORRESPONDENCE

CORRESPONDENCE NO. CO39/2018

SUBJECT: PUBLIC LIBRARY FUNDING

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
671
RESOLVED

That the correspondence be noted.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO40/2018

SUBJECT: FUTURE OF WASTE RECYCLING IN NSW

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
672
RESOLVED

That the correspondence be noted.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO41/2018

SUBJECT: CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
673
RESOLVED

That the correspondence be noted.

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

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

Mayor

Local Government NSW Conference

The Mayor advised of his attendance at the conference where Council had 4 voting delegates. There were 100 motions dealt with on the day and our Council had one motion that was amalgamated regarding the Recycling issue and the second motion in regard to carparking outside Federal Institutions which was dealt with in the Policy of Local Government NSW.

The speakers and the conference in general was certainly well run, applause to Local Government NSW in their first campaign in regards to increasing Library Funding across NSW was so positive. Craig Reucassel from the War on Waste who co-launched the Local Government NSW Recycling Policy and knowledge shared was amazing and also the Stephen Bradbury story was riveting.

Lower House enquiry into Small Businesses and the Mining Industry.

The Mayor advised of his and the General Manager's appearance before the Lower House enquiry into Small Business and the Mining Industry in Singleton to put forward Council's case. Basically small businesses cannot wait 60-90 days to have their accounts paid. Council is saying that it should be no longer than 30 days. Council is saying in their submission that if the Mine is in a Local Government Area those businesses should be the first ones to get the option of procurement of both goods and services. The mines also, if there are not any businesses in the area that cannot supply those goods and services there should be some training brought forward to assist those businesses in that town.

The other thing that came from the questioning side is the status of training from young people and while the TAFE's are being reduced it is very difficult, unless they have parents to transport them around with the public transport system it is very hard. The Mayor advised that when the final report comes back he is hoping that there is something about TAFE and training of young people to prepare them, particularly for those jobs in the mining sector and we are not allowing 357 and importing workers when we could be training the young.

The Meeting Was Declared Closed at 8.16pm

CONFIRMED AND SIGNED at the meeting held on 21 November 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI20/2018

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. MOU20/2018

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. GMU24/2018
General Manager's Unit



SUBJECT: *INVITATION TO JOIN REGIONAL CITIES NSW*

RESPONSIBLE OFFICER: *General Manager - Stephen Glen*

SUMMARY

The Inland Forum (IF) is an existing group of seven NSW Councils that have worked collaboratively for a number of years to achieve improved outcomes and opportunities for inland NSW. The IF membership includes Albury City, Armidale Regional, Bathurst Regional, Dubbo Regional, Orange City, Tamworth Regional and Wagga Wagga City Councils.

The membership of the IF has agreed that there is huge potential in expanding the membership of the group to create a new body to be known as Regional Cities NSW (RCNSW), a group of 16 regional Councils in NSW that are outside of the metropolitan areas of Sydney, Newcastle and Wollongong that have distinct regional catchments and share similar opportunities and challenges for growth and investment.

The RCNSW proposal includes Cessnock City Council subject to the Council agreeing to join the group.

RECOMMENDATION

1. That Cessnock City Council join Regional Cities NSW with a formal review of Council's membership to occur after 30 June 2020, to ensure that the RCNSW is meeting its stated objectives.
2. That the \$5,000 for membership of Regional Cities NSW for the period 1 January 2019 to 30 June 2019 of \$5,000 be funded from within the existing Economic Development operational budget for 2018-19.
3. That \$10,000 be considered for inclusion in the draft 2019-20 Operational Plan for Council's 2019/2020 full year membership of the Regional Cities NSW.
4. That any requests for financial contributions over and above the annual membership fee to Regional Cities NSW be reported to Council for further consideration.

REPORT/PROPOSAL

RCNSW is an alliance of regional city council's dedicated to achieving real change in regional New South Wales through policy development and active implementation of those policies with the NSW State and Federal Governments.

Regional cities are the heart of regional New South Wales and by improving their infrastructure and livability, regional cities can help to grow and support wider regional and rural communities.

General Manager's Unit

Report No. GMU24/2018

General Manager's Unit



RCNSW is based on the successful model that has been implemented in Victoria, where the Councils of the ten largest cities outside of Melbourne work cooperatively on issues and projects of mutual interest that affect regional cities in that State.

RCNSW will comprise of Mayors and CEOs/General Managers of Councils of 16 large cities in regional New South Wales. The following councils have been invited to join RCNSW by virtue of having a distinct city identity that provides services to a broader regional catchment:

Albury City	Coffs Harbour City	Maitland City	Tamworth Regional
Armidale Regional	Dubbo Regional	Orange City	Mid-Coast
Bathurst Regional	Griffith City	Port Macquarie - Hastings	Tweed Shire
Cessnock City	Lismore City	Queanbeyan - Palerang Regional	Wagga Wagga City

These cities reside outside of the expanded metropolitan areas of Sydney, Newcastle and Wollongong, have distinct regional catchments, and share similar opportunities and challenges for growth and investment.

To better understand the interests and opportunities of establishing an alliance, a workshop was organised by the members of the IF and those council's that have already agreed to be a part of the RCNSW alliance. The workshop was held on the 2 August 2018 and developed the following Vision and Objectives for the alliance.

The RCNSW Vision

Building a sustainable New South Wales through regional growth.

The RCNSW Objectives

- Continue to play an important role in the development of strategies that benefit regional and rural New South Wales and inform government policy.
- Develop long-term policy positions that support and encourage the growth of regional New South Wales in its own right, that develop the regions as a viable alternative to metropolitan Sydney, and that encourage, enable and support government to deliver these policies.
- Improve the infrastructure and livability of regional cities through development of quality services, amenities and transport networks in order to promote economic development in regional and rural communities.
- Encourage new industries and increase workforce capacity and employment opportunities in regional cities.
- Continue to build awareness of RCNSW within government, media, business and RCNSW communities.
- Maintain a reputation for well-considered and evidenced-based positions.

This workshop also agreed on the following:

Indicators of overall success for RCNSW as:

- State government and community recognise the significance and benefits of regional cities.

General Manager's Unit

Report No. GMU24/2018

General Manager's Unit



- A seat at the policy table to advise state government on the formation and implementation of policies.
- The establishment of a population or settlement strategy that would prioritise population growth to regional cities.
- The alliance is known as having a clear point of difference from other alliances in the regional development space.
- A strong network that offers collaboration, networking and collective benefit to all members.

Memorandum of Understanding (MOU) with State Government

A formal agreement will be established for the alliance to have a seat at the NSW government table and provide strategic influence on the State's policy and investment agenda. The MOU will define the principles, roles and responsibilities, and how the parties will work together under a strategic framework.

Snowy Hydro Legacy Fund

The alliance will provide a set of recommendations on how the government should invest the \$4.2 billion released in the NSW budget from the sale of NSW share in the Snowy Hydro Scheme. The government has indicated that all of these funds will go to the regions and they will need guidance on how this money should be allocated and how streamlined funding mechanisms can be implemented to enable regional cities to access this funding.

Population Strategy

Due to the ongoing issues of congestion and population growth in metropolitan areas, the alliance may be able to influence the development of a framework for growing regional cities, with the aim to develop a settlement plan directing people, infrastructure and business to regional cities.

Governance and structure:

Formation:	The alliance to be known as the Regional Cities New South Wales (RCNSW) and will be governed by an unincorporated arrangement, via a MOU, to be effective from 1 January 2019.
Membership:	Councils representing regional cities that have a clear service centre role would be invited to be members.
Board Members:	Mayors and CEO/General Manager with alternates offered in case of inability to attend.
Board Structure:	All member councils (Mayor and CEO/General Manager) will sit on the board. Voting rights will be one vote per member council in attendance.
Meeting Schedule:	Quarterly at a venue to be determined
Working Group:	A working group has already been established to define and evolve the structure and agenda of the alliance

Issues to be considered

Joint Organisation v RCNSW

A Joint Organisation is geographically based and its interests are those of the geographic region that it represents. RCNSW membership is not geographically based and will focus on commonality of interests between the 16 regional councils, regardless of their location. This form of an alliance will be able to pursue issues such as population growth, congestion, access, investment etc. more effectively and on a broader scale than a Joint Organisation.

Funding of the RCNSW

Membership funding has been set at \$10,000 per year per council. The collected monies will enable the RCNSW to be established, to engage an appropriate secretariat and to develop a strategic plan. Initially council would fund \$5,000 for the period 1 January 2019 to 30 June 2019, after which the full \$10,000 would be required for the 2019/2020 financial year.

OPTIONS

Option 1

That Cessnock City Council resolve to join the Regional Cities NSW alliance and that \$5,000 be provided for the membership for the period 1 January 2019 to 30 June 2019. Further, the RCNSW membership fee for the 1 July 2019 to 30 June 2020 be considered for the inclusion in the 2019/2020 Operational Plan.

This is the preferred option.

Option 2

That council resolved not to join the Regional Cities NSW alliance.

CONSULTATION

Mayor Pynsent

STRATEGIC LINKS

a. Delivery Program

Becoming a member of the RCNSW alliance is linked to all objectives in the Delivery Program, with an emphasis on Objective 5: Encouraging community and leadership, and making Council more responsive to the community.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

There are no Policy or Procedural Implications as a result of being a member of the RCNSW.

b. Financial Implications

Membership funding has been set at \$10,000 per year per council. The collected monies will enable the RCNSW to be established, to engage an appropriate secretariat and to develop a strategic plan. Initially council would be required to fund \$5,000 for the period 1 January 2019 to 30 June 2019, with funding sourced from within existing operational budgets. The full \$10,000 required for the 2019/2020 financial year would be listed for consideration for inclusion in the draft 2019/2020 draft operational plan.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Participating in the RCNSW alliance as one of 16 NSW regional councils will provide Council with an opportunity to participate in the development of strategies and policies that would benefit regional and rural NSW. These benefits could include the improving of the infrastructure and livability of regional cities through the development of quality services, amenities and transport networks that would promote economic development, encourage new industries and increase workforce capacity and employment opportunities.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC82/2018

Corporate and Community Services



SUBJECT: *RICHMOND MAIN COLLIERY - PROGRESS REPORT*

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

SUMMARY

Council at its meeting on 5 September 2018 considered report CC61/2018 Richmond Main Colliery - Progress Report and the resolution included that Council be provided with a progress report in November 2018 for actions undertaken at Richmond Main Colliery.

In addition following a request from the Society for a 6 month extension to operate from two Precinct B buildings being the Locomotive Shed and Store, and Power House Store, this report seeks consideration of the arrangements for Precinct B after the Richmond Main Preservation Co-operative Society Limited (Society) agreement terminates.

RECOMMENDATION

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 Council note the cessation of commercial operations within Precinct B.
3. That Council note the progress in regards to activities undertaken to clean up the precinct, and in particular the efforts of the Richmond Main Preservation Co-operative Society Limited over the last 6 months.
4. That Council, in not currently being able to fund the remediation works required for the Locomotive Shed and Store and/or Power House Store buildings, commence discussions with the Richmond Main Preservation Co-operative Society Limited Board to establish the feasibility of members of the Society and its community partners undertaking the building repair works in accordance with the Structural Assessment Building Report, and once works are completed to a standard agreed by Council, the Society be allowed to re-occupy the buildings for operational purposes as part of a licence agreement.
5. That Council note grounds maintenance within Precinct B and C has historically been undertaken by the Richmond Main Preservation Co-operative Society Limited and permitting ongoing access to these Precincts for this purpose will be discussed with the Society as part of a new licence agreement.

Corporate and Community

Report No. CC82/2018

Corporate and Community Services



BACKGROUND

The Richmond Main Colliery site is located at 262 Leggett's Drive, Richmond Vale and is recognised as a State Significant heritage item under Part 1 of Schedule 5 of the Cessnock Local Environment Plan (LEP) 2011 (LEP no. 1221). It is also listed on the State Heritage Register (SHR), under the *NSW Heritage Act 1977* (SHR no. 00016).

The site is considered as having three Precincts, described as A, B and C. These Precincts will be referred to throughout this report and can be described as:

Precinct A – (Community Activities)

This Precinct is where community events and open days occur. It includes the Administration Building (museum), Ablutions block and Explosive Bunkers. Part of the land and buildings forming Precinct A include heritage listed items (State Significance). Adjacent to the state heritage listed area of Precinct A is the Café/Entry Building and Carriage Shed. Under the LEP these lands are listed as a local heritage item.

Precinct B – (Former Industrial Buildings)

This Precinct comprises the former industrial site of the Richmond Main Colliery and includes the Locomotive Shed and Store, and Power House Store buildings used by the Society. The land and all buildings within Precinct B are heritage listed (State Significance) under the LEP. This Precinct does not form part of any community events or open days.

Precinct C – (Restricted)

This Precinct contains ruins of former colliery buildings and a building in poor condition. Access to this Precinct is generally prohibited and is subject to the development of a Remediation Action Plan. A Deed of Access is in place for instances where the Society requests access, for example mowing and slashing and includes a requirement for use of personal protective equipment.

REPORT/PROPOSAL

This report provides an overview on the progress of actions since the previous report tabled to Council 5 September 2018.

Cessation of Operations and Termination of the Arrangements Currently in Place

Council at its meeting on 4 July 2018 considered Report No. CC47/2018 Richmond Main Colliery - Outcome of Site Assessments and Future Lease and Licence Arrangements and resolved:

- 1. That Council cease all operations within Precinct B of the Richmond Main Colliery site and take steps to terminate the arrangements currently in place in accordance with Option 1.**

Confidential Enclosure 1 provides information on the termination of arrangements for site user groups.

Corporate and Community

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Discussions for the preparation of a new licence agreement with the Society has commenced, including providing the Society with an Application to Lease/Licence Council Land, which the Society are to complete and return. As part of the discussions the Society has requested Council consider extending their current arrangement by a further 6 months and would enable more time to discuss a licence agreement along with the feasibility of a partnership arrangement for a building repair program for the Locomotive Shed and Store, and Power House Store buildings. Matters to be discussed include if the Society has the capacity, resources, appropriate licences and insurances in place within its membership and its community partners to undertake building works in accordance with work, health and safety requirements. If this model was to proceed and where works are complete and agreed to as being complete by Council, the Society could commence re-occupying the building for operational purposes with an amendment to their licence.

The Structural Assessment of Council Buildings, Building Assessment Report, prepared by Jacobs Group (Australia) Pty Limited (2018) would guide the community partnership approach. The structural report was tabled to Council 4 July 2018 and a copy was provided to the Society Board. A condition-grading model below, was used to assess the defects and prioritise remedial recommendations based on the functionality and safety of the building structure only.

Condition definition	Rating	Priority	
Good Condition New built or construction quality can be compared with new construction. Needs no maintenance or repair.	1	Immediate attention recommended	5
Adequate Signs of early ageing to the building. Needs no immediate maintenance or repair.	2	Attention recommended in next 5 months - 1 year	4
Fair Signs of ageing to the building. Needs minor repairs.	3	Attention recommended in the next 1 - 3 years	3
Poor Damage to building. Needs major repairs and maintenance.	4	Attention recommended in the next 3 - 5 years	2
Unsatisfactory Dilapidated where conditions of construction is classified as harmful or dangerous and requires replacement or major remediation.	5	No Attention recommended	1

Locomotive Shed and Store

There were 40 elements inspected in this facility. 38 elements were considered to be in poor condition and 1 in fair condition. 1 element was not rated.

- 29 elements require remediation in the next five months to a year.
- 7 elements require works in the next one to three years.
- 3 elements require works in the next three to five years.
- 1 element requires no attention.

Corporate and Community

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\$182,550 has been estimated to remediate the 40 elements assessed in this facility.

Power House Store

There were 18 elements inspected in this facility. 17 elements were considered to be in a fair condition and 1 in poor condition.

- 8 elements require works in the next five months to a year.
- 7 elements require works in the next one to three years.
- 3 elements require works in the next three to five years.

\$121,040 has been estimated to remediate the 18 elements assessed in this facility.

To ensure good investment and sustainability for ongoing occupation of key buildings in Precinct B and noting some time has already passed since the building inspection occurred, (March 2018) and it is now five months since the Structural Assessment Report was received (25 June 2018) a remediation program that considers all works required up to three years is recommended.

Alternative to considering a community partnership arrangement for a building repair program for the Locomotive Shed and Store, and Power House Store, Council could consider funding these works from its own budget.

Precinct B - The Lamp House Building

The Conservation Management Plan includes a preliminary Structural Engineers Report undertaken by Mott MacDonald September 2017 and has been used to inform the Plan's conservation policies. The assessment found the Lamp House requires some minor works noting;

'Internally, several cracks are visible in the brick walls that appear to have formed as the result of differential settlement of the building's footings. Other defects include:

- Corroding steel lintels over openings
- Missing lintels over openings with cracks appearing in the brickwork above the openings
- Small fig trees and other vegetation growing from the gable parapets
- Mortar loss in small patches around the building
- Small patches of brick fretting'.

A quote will be sourced in the near future for these minor works and once complete the Conservation Management Plan (Policy 51) recommends that the building 'be adaptively reused as an ancillary museum space, in association with the museum in the former Administration Building'. This opportunity is being discussed with the Society as part of a new licence agreement and with its positioning on the site can be accessed via Precinct A.

Corporate and Community

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Corporate and Community Services



Site Clean Up Activities

At the meeting held 23 October 2018 with the Society Board and Council staff it was confirmed that cleanup of the site has commenced and includes significant works within Precinct B with the removal of 46 tons of scrap metal. Other items removed include batteries, rubbish such as plastics, old hoses, containers, oils and oil drums. The Society has provided a written report tabling progress to date for cleanup works.

The removal of non-essential items from the historic site has improved the visual amenity and safety within Precinct B.

The outcome of cleanup activities initiated and undertaken by the Society within Precinct B is evident in the below before and after pictures.



Corporate and Community

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Corporate and Community Services



Site Management Action Plan

A Draft Site Management Action Plan was tabled at the meeting held with the Society Board and Council staff 23 October. The Draft Plan is being reviewed by the Society and will be discussed at the next meeting scheduled for 6 December 2018.

Funding Applications

A funding application for \$225,000 was submitted by Council to the Regional Cultural Fund, Create NSW Arts, Screen & Culture. Funds were sought for priority building maintenance works in accordance with the sites Conservation Management Plan and structural building assessment reports, including: installation of fencing to protect and showcase historical buildings, and electrical assessment and works as per Australian Standards 3000 - Wiring Rules. With the grant closing 21 September 2018 the outcome of the application is not known.

Prior to the September 2017 bush fire a Hunter Region Heritage Grant was awarded from the Office of Environment & Heritage (\$20,000 grant funds and \$20,000 Council's contribution). This grant is in the process of being executed with monument style fencing to be installed separating in parts Precinct A with Precinct B and to be positioned between the cooling dam and museum building. Where fencing is dismantled and salvageable (the new fencing will replace the existing cyclone fencing) it will be provided to the Society for installation near to the entry building and carriage shed (Precinct A).

The Society has also been active in submitting a number of grant applications in support of site improvement and preservation works.

Conservation Management Plan

The Conservation Management Plan prepared by City Plan Services was provided to the Society on 6 July 2018. The Society have reviewed the Conservation Management Plan and on 3 October 2018 provided written feedback on the Plan's content along with suggested amendments. The suggested amendments are being considered by Council staff and progress will be discussed with the Society Board at the next scheduled meeting 6 December 2018.

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Asbestos Management

On the 26 and 27 September 2018 HTS Group undertook a further phase of asbestos removal, encapsulation and/or application of PVA glue within Precinct B as recommended in the Asbestos Management Plan Richmond Main Colliery (2017). This included works within the Locomotive Shed and Store.

Precinct C - Remediation Action Plan

The report to Council on 4 July 2018 advised GHD is preparing a Remediation Action Plan for Precinct C and Ramboll Australia Pty Ltd has been appointed external site auditor. The appointment of an external site auditor is in accordance with the Guidelines for the NSW Site Auditor Scheme, NSW Environment Protection Authority.

Phone meetings have occurred with GHD and Council staff on 26 September 2018 and 30 October 2018 to discuss the data gap analysis. A finding of the data gap analysis is limited data available for soil impacts and needs to be determined to enable a decision as to whether the site is suitable for future proposed open space/recreational uses. Currently being considered is a fee proposal for soil testing.

Minor maintenance works have occurred securing Precinct C and include:

- Repairs to perimeter on-hire fencing and re-securing of hessian.
- Realignment of Precinct C fencing to enable the Society improved access for when undertaking works to reinstate the passenger tourist rail line to Pelaw Main.

Entry Sign

The entry sign for the Richmond Main Heritage site will be installed near to the Leggett's Drive, Richmond Vale entrance and its design will be in accordance with the 'Cessnock Signage Strategy'. On 23 October 2018 the content of the sign was consulted with the Society Board. The entry sign has been part funded from Section 94 tourism signage funds and the remaining balance secured with grant funding. Consent will be sought under Section 138 of the *NSW Roads Act 1993* for placement in the road reserve. The expected installation date of the entry sign is early 2019.

OPTIONS

The following option alternatives have been broken into differing sections relating to individual components of the report, with commentary on the varying options available to Council. The report combines the various components from each section into one recommendation for Councils consideration.

Corporate and Community

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Corporate and Community Services



Option 1

Community partnership model renewal of key buildings in Precinct B

- If Council was not able to fund the capital works required for the Locomotive Shed and Store and/or Power House Store buildings, discussions to commence with the Society Board to establish the feasibility of remedial building works being undertaken in accordance with the Structural Assessment Building Report by members of the Society and its community partners.

This is the recommended if Council elects to enter into a partnership model. The Society has over 100 members comprising 40 active volunteers, strong community partners and regional support, and may be able to leverage some of that support and undertake the required works at a reduced cost.

- That Council not commence discussions with the Society Board to establish the feasibility of remedial building works being undertaken in accordance with the Structural Assessment Report by members of the Society and its community partners for the Locomotive Shed and Store and Power House Store.

This is not preferred as there has been limited opportunity for Council to discuss with the Society the feasibility of a community partnership model due to the past resolution of Council to terminate the agreement and the Society has now requested an extension to occupy some the buildings.

Option 2

Council allocate funding for renewal of key buildings in Precinct B

- That Council consider allocating funding to remediate the Locomotive Shed and Store and/or Power House Store buildings in accordance with the Structural Assessment Building Report, and once works are complete, the Richmond Main Preservation Co-operative Society Limited to re-occupy the building for operational purposes.

This option once necessary works are complete, would enable the Society to re-commence its operations within areas of Precinct B. The Locomotive Shed and Store building is unique to the site providing access to an engine pit enabling restoration of locomotives and is pivotal to the Society's operations.

- That Council not allocate funds to remediate the Locomotive Shed and Store and/or Power House Store buildings in accordance with the Structural Assessment Building Report and grant the Society a further 6 month period of access to Precinct B buildings.

The Structural Assessment Building Report advises the Locomotive Shed and Store building requires 29 elements to be remediated December 2018 to June 2019. Of the 18 elements assessed for the Power House Store building 8 elements require works from December 2018 to June 2019 and a further 7 elements will require works by June 2021. Council will be exposed to risk if an incident was to occur with there being no funded works program in place for items requiring remediation during December 2018 to June 2019.

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The estimated cost to undertake the priority building remediation works within Precinct B in accordance with the Structural Assessment Building Report, is \$182,550 for the Locomotive Shed and Store, and \$121,040 for the Power House Store. Once these works are complete, the Richmond Main Preservation Co-operative Society Limited could re-occupy the building for operational purposes.

Option 3

Precinct B - Grounds maintenance

- That Council note grounds maintenance within Precinct B and C has historically been undertaken by the Society and permitting ongoing access to these Precincts for this purpose will be discussed with the Society as part of a new licence agreement.

This a preferred option as grounds maintenance will still need to be undertaken in accordance with the minimum standards of the *NSW Heritage Act 1977*.

- That Council prohibit the Society from accessing Precinct B and C for grounds maintenance once the current licence arrangement terminates.

This is not the preferred option as grounds maintenance will still need to be undertaken in accordance with the minimum standards of the *NSW Heritage Act 1977* and if not undertaken by the Society, Council will be required to allocate a budget for grounds maintenance.

CONSULTATION

In preparing this report, consultation has occurred with:

Director Corporate and Community Services
Director Works and Infrastructure
Asset Engineering Officer
Senior Property Officer

Representatives from the Society Board were advised at a meeting held with Council staff on 23 October 2018 that a progress report was being prepared for Council.

STRATEGIC LINKS

a. Delivery Program

The 2017-2021 Delivery Program has the Objective 1.2 Strengthening Community Culture and action 1.2.3 "Commence Implementation of the Community Infrastructure Strategic Plan".

The 2018-19 Operational Plan has an action 1.2.3a 'Liaise with community groups who operate from Council owned cultural facilities, to provide a welcoming, engaging, inclusive, safe and accessible environment'.

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b. Other Plans

Strategic assessments prepared for the site are:

- Asbestos Management Plan Richmond Main Colliery (2017), prepared by WSP Parsons Brinckerhoff.
- Structural Assessment of Council Buildings, Building Assessment Report, prepared by Jacobs Group (Australia) Pty Limited (2018).
- Structural Assessment of Council Buildings, Building Assessment Report (2017), prepared by Jacobs Group (Australia). Note: Assessments occurred only for Ablution Block, Main Shaft Number 2, Compressor House and Shaft Winder. The Report included a number of other Council owned facilities unrelated to the colliery site.
- Conservation Management Plan, prepared by City Plan Services (2018).
- GHD is preparing the Remediation Action Plan for Precinct C and Ramboll Australia Pty Ltd has been appointed external site auditor.

IMPLICATIONS

a. Policy and Procedural Implications

Where facilities are made available for use and occupancy, Council has a responsibility to ensure they are safe and comply with the relevant legislation.

b. Financial Implications

The estimated cost to repair the following buildings, with appropriate planned maintenance works and would achieve a further 25 years of occupation as referenced in the Structural Assessment of Council Buildings, Building Assessment Report, prepared by Jacobs Group (Australia) Pty Limited (2018) is:

- Locomotive Shed and Store \$182,550
- Power House Store \$121,040

The above costings do not include any compliance works with the Building Code of Australia and electrical upgrades. Electrical connection has been re-established to the Administration Building (museum) only, with an assessment required to determine compliance with Australia Standard AS/NZS 3000 Wiring Rules, prior to re-connection to Precinct B. A grant has been submitted to the Regional Cultural Fund for electrical works.

Cumulative expenditure costs

- The report to Council 4 July 2018 advised expenditure of \$108,975 for site specific studies and expenditure for the post response bushfire incident at \$186,280.

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- The report to Council 5 September 2018 advised expenditure for site management costs and included a fire safety certificate for the Administration (Museum) Building, weed spraying, hire of utilities and water use charges. Total of this expenditure was \$2,543.
- New expenditure is \$17,852 for fencing hire in Precinct B and C and replacement of hessian material on fencing. In accordance with the Asbestos Management Plan Richmond Main Colliery (2017), a further phase of contamination removal occurred at the site and the quote provided for the works was \$9,200.

Cumulative Costs to Date: \$324,850

c. Legislative Implications

The following legislation is applicable to the site:-

- *Work Health and Safety Act 2011 (NSW)*
- *Work Health and Safety Regulation 2011 (NSW)*
- *Building Act 1975* - compliance with the Building Code of Australia
- *NSW Heritage Act 1977* - Richmond Main Colliery is listed on the State Heritage Register and the Cessnock LEP 2011 (State and local heritage items) and therefore the provisions of the *NSW Heritage Act 1977* apply. Under the Act, Council is legally required to ensure minimum standards are met and includes weather protection, fire protection, security and essential maintenance and repairs.

d. Risk Implications

Council's public liability policy has an exclusion relating to asbestos claims. The asbestos exclusion results in Council being responsible for a broad range of costs arising from liability to pay claimant's or Council's legal costs and expenses or any other cost and expenses undertaken at the site to improve safety.

If Council was to elect that the Society extend their current arrangement for Precinct B buildings, it needs to be aware that the Structural Assessment Building Report advises the Locomotive Shed and Store building requires 29 elements to be remediated December 2018 to June 2019. Of the 18 elements assessed for the Power House Store building 8 elements require works from December 2018 to June 2019. Council will be exposed to risk if an incident was to occur and if there was no funded works program in place for items requiring remediation during December 2018 to June 2019.

e. Environmental Implications

The NSW Environment Protection Authority was notified of the site's contaminated lands post bush fire incident.

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f. Other Implications

There are no alternative buildings available and designed accordingly at the site to restore locomotives if the Locomotive Shed and Store Building located in Precinct B was not to be renewed. The Society has advised this asset is pivotal to their ongoing operations and viability as a not for profit organisation. Currently the Society maintain Precinct B and C as part of their grounds maintenance program and this includes mowing and slashing. If the Society were to cease maintaining the grounds in these Precincts, Council will need to allocate a budget to ensure it is undertaking these works and complying with the minimum standards of the *NSW Heritage Act 1977*.

CONCLUSION

Council has a responsibility to ensure the facilities it makes available to the community under lease and licensing agreements are safe to occupy. Many of the buildings located within the Richmond Main Colliery are nearing 100 years old and over time the site has experienced considerable deterioration. With the site being on the State Heritage Register, Council has a responsibility to ensure it is preserving key historical assets. The Society has advised they are committed to working with Council to discuss opportunities to renew Precinct B Buildings.

ENCLOSURES

- 1** Confidential Enclosure - Richmond Main Colliery Licence Arrangements - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

Corporate and Community

Report No. CC83/2018

Corporate and Community Services



SUBJECT: *QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2018*

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

SUMMARY

The purpose of this report is to present the September 2018 Quarterly Budget Review Statements (QBRS) for the Council's consideration, as per requirements of Clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

1. That Council note the September 2018 Quarterly Budget Review Statements were presented to and endorsed by the Audit and Risk Committee on 5 November 2018.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the September 2018 Quarterly Budget Review Statements.

BACKGROUND

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

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

The QBRS for September 2018 are presented to the Council for consideration and adoption. The Audit and Risk Committee has reviewed and endorsed the QBRS prior to referral to Council.

REPORT

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

The quarterly review has taken into account a range of cost increases/decreases. Additional revenues and reductions in expenditure items have been identified where appropriate to ensure the adopted budget strategy remains intact and that an appropriate source of funding is identified for unexpected expenditure variations. Directors have been provided full group summaries for review and have endorsed the proposed changes as outlined in the QBRS.

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Corporate and Community Services



General Budget Commentary

The QBRS are provided to Council at **Enclosure 1** and are showing on a cash basis a surplus of \$20,629. The surplus is recommended for retention as a buffer against future deteriorations and to help improve Council's unrestricted cash position.

Profit and Loss Statement Commentary

The Income & Expenses Budget Review Statement (Profit & Loss) shows a net increase of approximately \$4,608,000. The major items altered in this review are:

- User Charges and Fees Income – an increase in Town Planning and Building application fees \$86,150.
- Rates and Annual Charges – an increase of \$70,599.
- Grants and Contributions Income – Operating – Environmental grants \$93,220.
- Grants and Contributions Income – Capital – Restart NSW Gingers Lane \$4,450,000.

Road and Infrastructure Programs

Budget review changes to Road and Infrastructure Programs are contained in the Capital Budget Review Statement which is reported in the enclosed QBRS Reports.

Aged Sundry Debtors Trial Balance

In line with a request from the Audit and Risk Committee, a summary aged trail balance for Sundry Debtors has now been included as part of the QBRS suite of reports, and will be provided in all future QBRS. The summary provides commentary on the > 120 days balances, with all debtors being subject to Councils normal recovery processes.

Responsible Accounting Officer Statement

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

Upon inspection of the quarterly budget review statements, I Robert Maginnity, as Responsible Accounting Officer hereby certify that having regard to the original estimates of income and expenditure, and the projected estimates of income and expenditure to 30 June 2019, the financial position of Council is considered **satisfactory** as the identified changes proposed have been offset by suitable funding allocations.

Corporate and Community

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Corporate and Community Services



In making this statement and the presentation of the QBRs it is highlighted that while the adopted balanced budget strategy has been preserved through a cash surplus, current operations and future commitments continue to exert pressure on the management of our financial position. Budget commitments and associated processes will continue to undergo careful reassessment with a view to identifying opportunities for improvement.

Continued Improvement Strategies

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

CONSULTATION

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

- General Manager
- Directors
- Managers
- Senior finance staff

STRATEGIC LINKS

a. Delivery Program

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

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

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

Corporate and Community

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c. Legislative Implications

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

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The QBRS for September 2018 are submitted for consideration and adoption.

ENCLOSURES

[1](#) ➡ September 2018 Quarterly Budget Review Statement

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

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

SUMMARY

Update of progress against Council's 2017-21 Delivery Program.

RECOMMENDATION

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 30 September 2018.
2. That Council endorse the correction in the 2017-21 Delivery Program:
 - a. 4.1.4.a From Bridge Street Weston to Bridge Street Cessnock.
3. That Council endorse the following change to the Recreation Facilities Construction Program:
 - a. Remove: CFR-2019-004 Various – Jeffries Park (Abermain), Brunner Park (Branxton), Harle St (Abermain) – Playground replacement program
 - b. Add: CFR-2019-004 Jeffries Park (Abermain) – Playground replacement program
4. That Council endorse deferring 2017-21 Delivery Program actions 3.1.6.a - Adopt a Climate Change Policy and 3.1.6.c – Adopt a Contaminated Land Policy and Procedures to the 2019-20 Operational Plan.
5. That Council note the progress of carryover deliverables.

BACKGROUND

Section 404(5) of the Local Government Act 1993 requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports provided at least every six months.

The Quarterly Budget Review Statements, required under clause 203 of the Local Government (General) Regulation 2005, provide financial information in regards to estimates of income and expenditure and are separately reported to Council.

Council adopted the 2017-21 Delivery Program and 2017-18 Operational Plan in June 2017. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

Corporate and Community

Report No. CC84/2018

Corporate and Community Services



At the end of each quarter (September, December, March and June) a report is prepared to assess our progress against 2017-21 Delivery Program actions and the Capital Works Program.

REPORT/PROPOSAL

The 2018-19 Operational Plan is a one year plan (the second year of the 2017-21 Delivery Program) developed to implement the adopted actions from the 2017-21 Delivery Program. A summary of progress for the September quarter including highlights for the quarter are provided below.

September 2018 quarter highlights included:

- The Council Facebook page now has 6,511 likes and 6,518 follows.
- Recent performances at Cessnock Performing Arts Centre include: The Australian Bee Gees Show, Echoes of Pink Floyd and school production, The Princess Bride. The Very Hungry Caterpillar had 2 performances and both were near sell outs.
- NAIDOC Week 8-15 July - 19 events under the theme "Because of Her We Can".
- CPAC Winners in the Hunter Region Customer Service Awards.
- Queue Management System has been implemented to improve the customer experience.
- Citizenship Ceremony held.
- Mayoral Debate held and Mayoral Scholarships awarded.
- Grant funding received - \$3 million for Cessnock Commercial Precincts.
- Increase in trainees/apprentices in organisation structure.
- Energy Efficiency Project: 4 sites completed.

2017-21 Delivery Program

At 30 September 2018, 8 (or 5%) of the deliverables (from the Operational Plan) were completed and 154 (or 95%) were on-track.

Corporate and Community

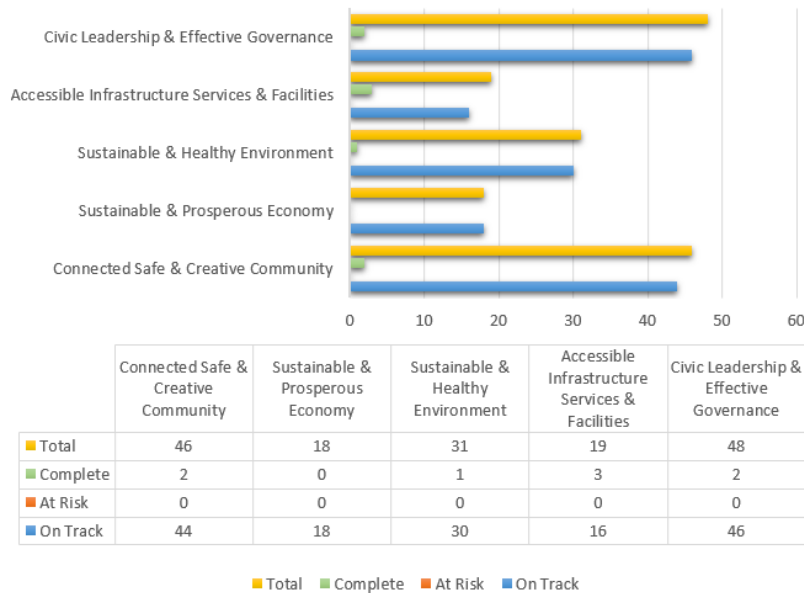
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Corporate and Community Services

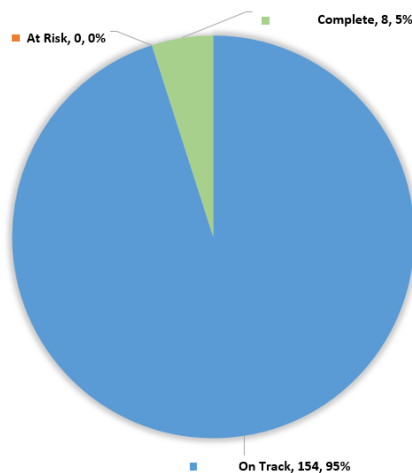


100% of deliverables are either complete or on-track for completion as programmed.

Status of Deliverables



There is a total of 162 actions within the 2018-19 Operational Plan. The chart below shows the overall status of these actions.



2017-21 Delivery Program – Measures

At 30 September 2018, 40 (or 98%) of the Delivery Program measures were on-track and 1 (or 2%) was ahead of target.

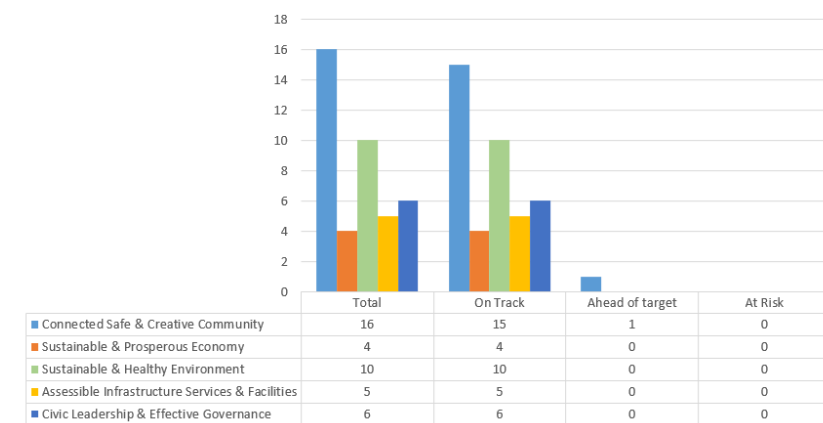
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100% of measures are either on-track or ahead of target.



Details of progress against each action and measure in the 2017-21 Delivery Program are included in **Enclosure 1** to this report.

2011-13 Delivery Program and 2013-17 Delivery Program – carried forward deliverables

Council has resolved to continue to monitor the incomplete deliverables from the 2011-13 Delivery Program and 2013-17 Delivery Program in future quarterly reviews.

The 2 outstanding deliverables carried forward from the 2011-13 Delivery Program have been included in the 2018-19 Operational Plan as part of the Cessnock City Planning Strategy and will continue to be reported against 3.1.1.a.

The 1 outstanding deliverable carried forward from the 2013-17 Delivery Program has been included in the 2018-19 Operational Plan and will continue to be reported against 3.1.10 and 3.1.10.a.

2017-21 Delivery Program (2017-18 Operational Plan) – carried forward deliverables

At 30 September 2018, 7 (or 24%) of the carried forward deliverables (from the 2017-18 Operational Plan) were on-track, 7 (or 24%) were completed, 3 (or 10%) were at risk and 12 (or 42%) had been included as actions in the 2018-19 Operational Plan.

2 actions have been deferred until the 2019-20 Operational Plan and will be progressed when a Senior Environmental Planner is appointed.

Although 3 measures have been classified at risk and 2 actions deferred, there is the opportunity for them to be delivered over the life of the Delivery Program (i.e. by 30 June 2021). Details of these measures are provided below:

Corporate and Community

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Ref.	"At Risk" & "Deferred" Deliverables
3.1.5.a	Commence implementation of the Energy Efficiency Project.
	<i>4 sites completed (Admin Building, Works Depot, Cessnock Library & Tourist Info Centre). Lights received for Airport Western Terminal with installation to occur 15-17 October.</i>
3.1.6.a	Adopt a Climate Change Policy.
	<i>Project deferred until the 2019-20 Operational Plan.</i>
3.1.6.c	Adopt a contaminated land policy and procedures.
	<i>Project deferred until the 2019-20 Operational Plan.</i>
3.1.10	Continue implementation of Council's Trunk Stormwater Drainage Strategy to protect and enhance the natural environment.
	<i>Draft strategy prepared, undergoing internal review.</i>
4.2.3.a	Implement action plan from the "Leading Practice in Procurement" program.
	<i>Workshop booked for October.</i>

Details of deliverables, along with progress comments, are included in **Enclosure 1** to this report.

2018-19 Capital Works Program

At 30 September 2018, 55 (or 67%) of the Capital Works Program projects were on-track, 26 (or 32%) were in progress and 1 (or 1%) were complete.

	Connected, Safe & Creative Community	Sustainable & Prosperous Economy	Sustainable & Healthy Environment	Accessible Infrastructure, Services & Facilities	Total Projects	%
Complete	-	-	1	-	1	1%
On Track	14	7	16	18	55	67%
In Progress	2	4	8	12	26	32%
At Risk	-	-	-	-	0	0%
Total Program	16	11	25	30	82	100%
Unfunded	5	-	1	20	26	
Carryover projects	4	-	4	12	20	

Of the 20 outstanding projects carried forward from the 2016-17 and 2017-18 capital works programs, 3 have been completed, 11 are in progress and 2 are at risk. The 2 at risk projects are due to stalled easement acquisition negotiations.

Detailed information on the Capital Works Program is included in Enclosure 2.

OPTIONS

Option 1 – adopt the report.

Option 2 – adopt the report with amendments.

CONSULTATION

The General Manager, Directors, Managers and Coordinators provided the information for inclusion into this report and its enclosures.

STRATEGIC LINKS

a. Delivery Program

This report is part of the organisation's governance framework – providing feedback on the progress against the key plans 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

The quarterly budget review forecasts have been reported separately to Council.

c. Legislative Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

d. Risk Implications

N/A

e. Other Implications

N/A

Corporate and Community

Report No. CC84/2018

Corporate and Community Services



CONCLUSION

The review of the Delivery Program for the quarter ended 30 September 2018 is submitted for Council's consideration.

ENCLOSURES

- [1](#) ➡ September 2018 Quarter Review of 2017-21 Delivery Program
- [2](#) ➡ September 2018 Quarter Review of the 2018-19 Capital Works Program

SUBJECT: *COUNCIL RECESS PERIOD*

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

SUMMARY

This report seeks Council approval for recess arrangements and to provide the Mayor and/or Deputy Mayor, and the General Manager with delegations over the recess period.

RECOMMENDATION

1. That Council be in recess from 13 December 2018 to 6 February 2019.
2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2019 Ordinary Meeting of Council scheduled to be held on 6 February 2019.

BACKGROUND

There are no meetings proposed to be held in January, so Council should consider and adopt a recess period, and determine what delegated authorities will be granted to the Mayor and/or Deputy Mayor, and the General Manager specific to the recess period.

REPORT/PROPOSAL

There may be development applications under the standard process which would require Council to determine between the last Ordinary Meeting of Council in 2018 and the first Ordinary Meeting of Council in 2019. In this regard, it is considered prudent to delegate authority to the Mayor and/or Deputy Mayor, and the General Manager to determine those applications that cannot wait until the first Ordinary Meeting scheduled in February.

In addition, any other function of Council should be delegated to ensure the effective and efficient operations of the Council during the recess period. This was in effect in previous years, and did not eventuate in any undue impact on operations, or use of the delegations.

OPTIONS

1. That Council grants delegated authority to the Mayor and/or Deputy Mayor, and the General Manager.

This is the preferred option, and is reflected within the recommendation to this report.

2. That Council not grant delegated authority to the Mayor and/or Deputy Mayor, and the General Manager.

Corporate and Community

Report No. CC85/2018

Corporate and Community Services



CONSULTATION

General Manager

Director Corporate & Community Services

STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

Sec 377 of the Local Government Act 1993 provides for delegations to the General Manager.

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

To ensure effective and efficient processing of development applications and other functions of Council during the recess period, delegated authority should be granted to the Mayor and/or Deputy Mayor, and the General Manager for the recess period.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC86/2018

Corporate and Community Services



SUBJECT: *SCHEDULE OF ORDINARY MEETINGS OF COUNCIL DATES 2019*

AUTHOR: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

This report outlines the proposed schedule of Ordinary Meetings of Council for 2019.

RECOMMENDATION

That Council adopt the following schedule of Ordinary Meetings of Council for 2019:

6 February	20 February
6 March	20 March
3 April	17 April
1 May	15 May
5 June	19 June
3 July	17 July
7 August	21 August
4 September	18 September
2 October	23 October
6 November	20 November
11 December	

BACKGROUND

For planning purposes, Councillors are notified of the scheduled dates for the Ordinary Meetings of Council for the forthcoming year.

REPORT

Council is required to adopt a schedule of meeting dates every year and the Local Government Act 1993 requires a council to meet a minimum of 10 times per year, each time in a different month. The proposed schedule includes 21 meetings for the year.

Councils Code of Meeting Practice references meetings being scheduled on the first and third Wednesday of each calendar month, with the exception of December and January. Council can amend the frequency and/or times of meetings at a later date if required or make an amendment to the meeting schedule when it reviews its Code of Meeting Practice.

It is noted that there is no meeting scheduled for January 2019. Should there be urgent business arising during the month of January that is outside the delegations of the General Manager and Mayor, an Extraordinary Council Meeting could be called.

The LG NSW Annual Conference is being held 13-16 October 2019 at Warwick Farm. The last day of the conference would have been the same date as the second scheduled meeting in October so this report recommends moving this to 23 October 2019 and as there are 5 Wednesdays in October a 2 week gap before the first meeting in November is maintained.

OPTIONS

1. That Council adopt the proposed schedule of meetings for 2019 with meetings held the 1st and 3rd Wednesday of each month excluding January and December, inclusive of the change to the October meetings due to the 2019 Local Government NSW Annual Conference. This option is reflected within the recommendation to this report.
2. That Council amend the proposed schedule of meetings for 2019.

CONSULTATION

General Manager
Corporate Governance Officer

STRATEGIC LINKS

a. Delivery Program

This report is linked to the objectives of *Encouraging More Community Participation in Decision Making* and *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Council's Code of Meeting Practice Part 7 deals with the number of and when Council Meetings are to be held, with regular meetings held in the Chambers on the first and third Wednesday of each month commencing at 6:30 pm, excepting January and December.

b. Financial Implications

N/A

c. Legislative Implications

Section 365 of the Local Government Act 1993 requires a council to meet at least 10 times each year, each time in a different month.

d. Risk Implications

N/A

e. Other Implications

N/A

Corporate and Community

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Corporate and Community Services



CONCLUSION

Council is required to adopt a schedule of meeting dates for 2019.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC87/2018

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - OCTOBER 2018*

RESPONSIBLE OFFICER: *Financial Accountant - Manav Sharma*
Finance and Administration Manager - Andrew Glauser

SUMMARY

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

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

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

REPORT

Statement by the Responsible Accounting Officer

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

General Investment Commentary

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

The Reserve Bank of Australia (RBA) official cash rate as at 31 October 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 6 November 2018 retained the official cash rate at 1.50%.

Investment revenues to the end of October 2018 exceeded the benchmark in the Investment Policy with an actual level of return 26.25 % more than budget.

Corporate and Community

Report No. CC87/2018

Corporate and Community Services

**Investment Portfolio Information**

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

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%	3,861
	Commonwealth Bank	At Call			0.50%	41
1243	AMP Bank	At Call			1.80%	500
1263m	Westpac Bank	TD	154	03-Apr-19	2.62%	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
1286i	IMB Bank	TD	238	07-May-19	2.70%	900
1298m	Newcastle Permanent Building Society	VRD	92	03-Jan-19	3.34%	800
1303f	IMB Bank	TD	210	29-Jan-19	2.75%	700
1304e	AMP Bank	TD	279	15-Jan-19	2.65%	800
1305g	Commonwealth Bank	TD	70	11-Dec-18	2.39%	900
1306e	Suncorp Bank	TD	182	07-Nov-18	2.65%	900
1307g	Bankwest	TD	181	04-Dec-18	2.70%	800
1311e	Bankwest	TD	273	13-Feb-19	2.65%	600
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
1330a	National Bank	TD	273	26-Jun-19	2.71%	900
1331a	IMB Bank	TD	112	14-Dec-18	2.60%	800
1332a	Suncorp Bank	TD	176	30-Nov-18	2.75%	1,000
1334a	Commonwealth Bank	TD	274	18-Jun-19	2.65%	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
1337b	Bankwest	TD	239	04-Jun-19	2.65%	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
1343a	National Bank	TD	182	16-Apr-19	2.70%	1,000
1344	Suncorp Bank	TD	192	07-Jan-19	2.85%	1,200
1345a	National Bank	TD	203	14-May-19	2.71%	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
1350	Bankwest	TD	301	18-Jun-19	2.80%	1,000
1351	Commonwealth Bank	TD	232	16-Apr-19	2.62%	1,000

Corporate and Community

Report No. CC87/2018

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
1352	Commonwealth Bank	TD	246	30-Apr-19	2.66%	1,000
1353	Suncorp Bank	TD	186	05-Mar-19	2.70%	1,500
1354	AMP Bank	TD	217	09-Apr-19	2.80%	800
TOTAL						40,302

The level of funds held and the percentage invested with financial institutions:

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank	7,602	18.85%
Bankwest	7,700	19.11%
IMB Bank	2,400	5.96%
National Bank	4,300	10.67%
Suncorp Bank	9,200	22.83%
Members Equity Bank	900	2.23%
Maitland Mutual Building Society	1,000	2.48%
Newcastle Permanent Building Society	800	1.99%
AMP Bank	4,800	11.91%
Westpac Bank	600	1.49%
Greater Bank	500	1.24%
Bendigo & Adelaide Bank	500	1.24%
TOTAL	40,302	100.00%

Investment types, risk assessment, amount and percentage invested compared to the total:

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	34,100	84.61%
Cash/At Call Deposits	Low	Low	4,402	10.92%
Floating Rate Notes	Low	Low	800	1.99%
Variable Rate Deposit	Low	Low	1,000	2.48%
TOTAL			40,302	100.00%

Corporate and Community

Report No. CC87/2018

Corporate and Community Services



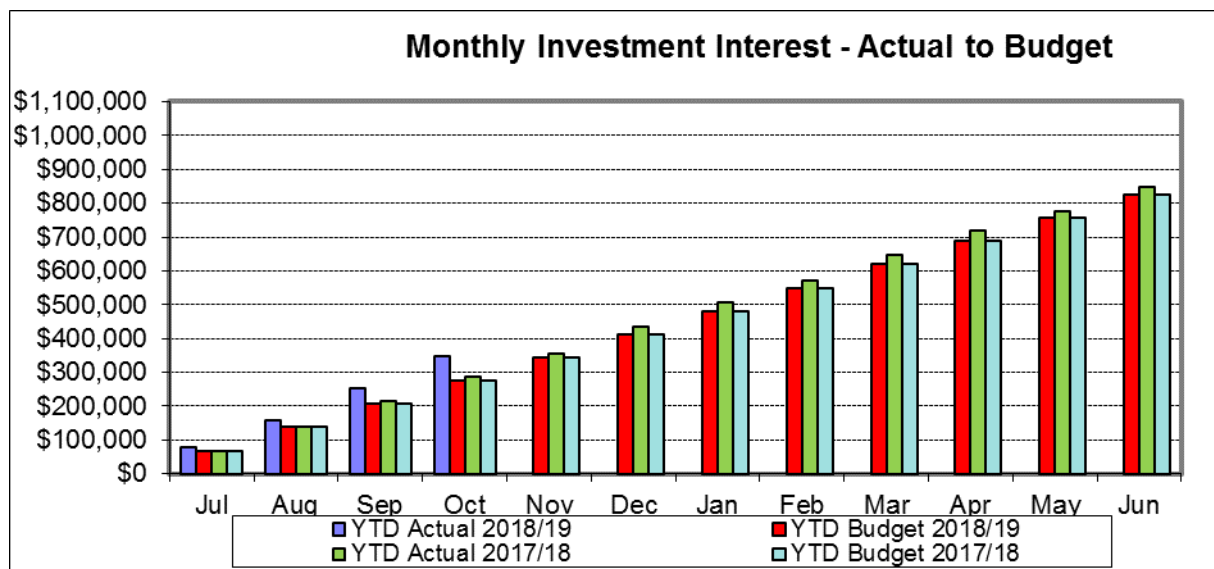
Comparison of on interest rates, earnings and balances this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.56%	2.36%
BBSW Average Interest Rate (year to date) *	1.96%	1.70%
Actual Investment Interest Earned (year to date)	\$347,189	\$285,993
Budget Investment Interest (year to date)	\$275,000	\$275,000
Original Budget Investment Interest (Annual)	\$825,000	\$825,000
Revised Budget Investment Interest (Annual)	\$825,000	\$825,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$38,760,390	\$36,277,000
Month End Current Balance	\$40,302,232	\$34,019,796

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

Actual interest earned to budget for this year and last year:



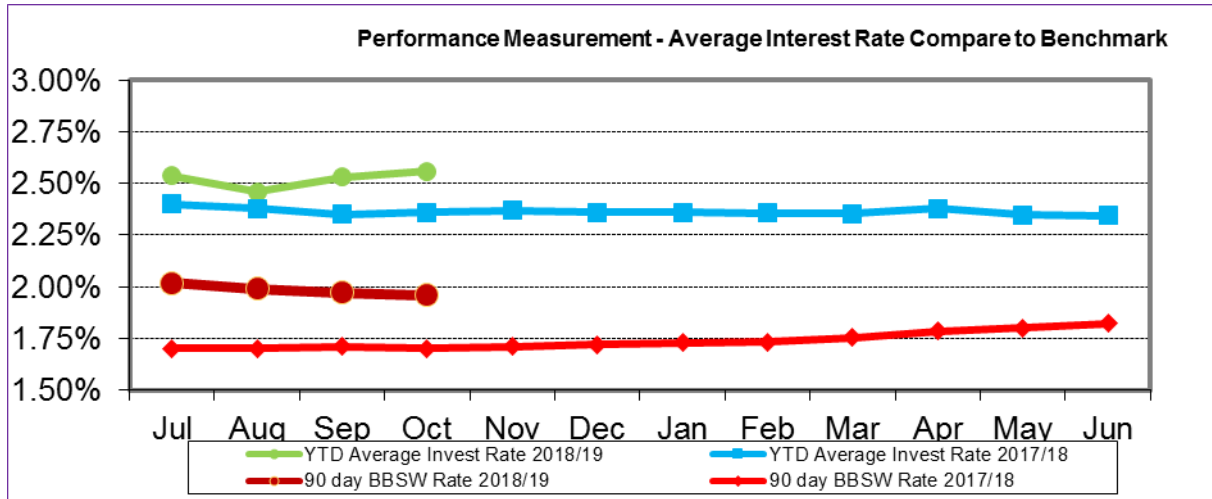
Corporate and Community

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Corporate and Community Services



Current year portfolio performance to prior year performance:



Internal and external restrictions over cash and investments held:

Restrictions over cash and investments:

Developer Contributions	11,498
RMS Contributions (Reserve)	2,303
Specific Purpose Unexpended Grants	1,500
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	1,037
Single Invitation Contracts	1,764
Waste Depot and Rehabilitation Reserve	5,588
Other Reserves and Council funds still to be spent	5,857
TOTAL	40,302

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.

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.

Corporate and Community

Report No. CC87/2018

Corporate and Community Services



CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC88/2018

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

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

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 9 October 2018 to 14 November 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 9-10-2018 to 14-11-2018

Corporate and Community

Report No. CC89/2018

Corporate and Community Services



SUBJECT: *LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2019*

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

SUMMARY

The purpose of this report is to enable Councillors to express interest in attending the 2019 Local Government NSW Tourism Conference to be held in Terrigal from 17-19 March 2019.

RECOMMENDATION

That Councillors interested in attending the LG NSW Tourism Conference 2019 make application to the General Manager by Friday 30 November 2018 so that Council can determine attendees at the Council meeting of 12 December 2018.

BACKGROUND

Over the past fourteen years, the LG NSW Tourism Conference has delved into themes pertaining to tourism infrastructure, tourism investment, tourism marketing and tourism as a business. The conference has moved regionally from Forbes to Penrith, Griffith, Lismore, Kiama, Cowra to Sutherland, Gunnedah, Port Stephens, Cessnock, Bathurst and Byron Bay, Mid Coast region and Parkes.

The 2019 Conference will once again focus on highlighting the importance of tourism to Councillors, Mayors, General Managers and tourism professional staff, Local Government NSW and its partners.

REPORT/PROPOSAL

This report provides an opportunity for interested Councillors to make application to attend the LG NSW Tourism Conference in 2019, which is scheduled to be held at the Crowne Plaza in Terrigal from 17 to 19 March 2019.

The conference theme for 2019 is ***Experience Changes Perceptions***, and whilst at this stage the conference agenda has not been released, the attached advice from LG NSW provides information on the conference content. Refer to ***Enclosure 2***. It is anticipated that cost will be similar to past years.

Councillors wishing to attend are requested to submit a "Request to Attend Conference" form to the General Manager by Friday 30 November 2018, so that a report can be prepared for Councils consideration at the meeting of 12 December 2018. Refer to ***Enclosure 1***.

CONSULTATION

General Manager

Corporate and Community

Report No. CC89/2018

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

This report is aligned with Objective 5.1 Fostering and Supporting Community Leadership and professional development for Councillors is linked to Civic Leadership and Effective Governance.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Application for attendance at the Local Government NSW Tourism Conference 2019 is in accordance with Council Policy.

b. Financial Implications

It is estimated the conference costs will be approximately \$1,500 per delegate which includes registration, accommodation and travel and funding is available in the operational budget for Councillor Conferences and Seminars.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

This report provides information on the LG NSW Tourism Conference 2019 and provides Councillors the opportunity to submit an expression of interest to attend.

ENCLOSURES

- [1](#) Councillor - Request to Attend Conference
- [2](#) LG NSW - Advice on Tourism Conference

SUBJECT: *HUNTER VALLEY AIR SHOW*

RESPONSIBLE OFFICER: *Works and Operations Manager – Geoff Bent*

SUMMARY

Paul Bennet Airshows have approached Council seeking support to hold the Hunter Valley Airshow at Cessnock airport over two days from Saturday, 6 April to Sunday, 7 April 2019 (inclusive).

The purpose of this report is to detail the extent and estimated cost of assistance required to hold this event and to determine whether Council is interested in supporting the event.

RECOMMENDATION

1. That Council supports the proposed Paul Bennet Airshows event by providing in-kind sponsorship as detailed in the body of this report and;
2. That Council reallocates \$5,400 from the Tourism Related Projects budget to fund the in-kind sponsorship.

BACKGROUND

Paul Bennet Airshows is seeking to hold a two day event at Cessnock Airport in April 2019.

The event aims to attract and entertain the local community by providing a fun and family friendly show with activities for kids and adults on the ground as well as an airshow spectacle.

Paul Bennet Airshows are an extremely experienced Airshow provider and would like to make Cessnock Airport the home for the Hunter Valley Airshow which has previously been held at Rutherford Airport.

Paul Bennet Airshows is seeking minimal support to hold the event. The extent and estimated cost of support is detailed in this report. A copy of the original Paul Bennet Airshows proposal letter is provided in Enclosure 1.

REPORT/PROPOSAL

Site Requirements

Ability to accommodate up to 4000 people per day.

Sponsorship

Paul Bennet Airshows have requested in-kind sponsorship from Council to assist on defraying the costs in providing the airshow.

Works and Infrastructure

Report No. WI90/2018

Works and Infrastructure



The estimate for Council's sponsorship has been assessed as follows;

Waste servicing	\$1500
Temporary ablution facilities	\$ 900
Temporary Fencing	\$1500
Site remediation	\$1500
Total	\$5,400

Impact on normal Airport functions

Event Parking

It is estimated that between 2,500 to 8,000 visitors are expected over the two days of the event. The airport will be able to accommodate a large parking area at the west of the Airport along De Beyers Rd. Off-site overflow parking may need to be arranged by Paul Bennet Airshows.

Liaison with other relevant Public Authorities, as required, is the responsibility of Paul Bennet Airshows.

Safety and Emergency Management

Paul Bennet Airshows will arrange all necessary approvals from CASA, prepare a risk/safety management plan and Traffic Control/Management Plans and submit to Council at least two months prior to the event.

Paul Bennet Airshows are required to submit to Council at least one month prior to the event all relevant insurance documentation.

Public Consultation/Communication Strategy

Paul Bennet Airshows will provide an event Communications Plan and conduct airport and community stakeholder meetings as part of the Plan in association with Council in the lead up to the event.

OPTIONS

1. That Council supports the event and provides in-kind sponsorship as detailed in the body of this report. This is the preferred option.
2. That Council does not support the event.

CONSULTATION

Works and Infrastructure Directorate
Planning and Environment Directorate
Corporate and Community Services Directorate

Works and Infrastructure

Report No. WI90/2018

Works and Infrastructure



STRATEGIC LINKS

a. Delivery Program

The event Supports Objective 2.3 – Increasing Tourism Opportunities and Visitation in the area, as this event has the potential to attract 2,500 to 8,000 people to the LGA over the two days.

b. Other Plans

Cessnock Airport Strategic Plan.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council would need to reallocate \$5,400 of funds from its Tourism Related Projects budget to provide the in-kind support for the airshow event.

c. Legislative Implications

Nil

d. Risk Implications

Reputational risk due to potential negative community response to the event and / or minimal community benefit.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The in-kind support being requested by Paul Bennet Airshows can be adequately addressed as discussed in the body of the report by providing a \$5,400 funding reallocation from the existing Tourism Investment budget.

The event is expected to attract a large number of tourists to the area, this will support and promote the Cessnock Airport and local businesses.

Works and Infrastructure

Report No. WI90/2018

Works and Infrastructure



ENCLOSURES

[1](#) ➡ Paul Bennet AirShow Proposal Letter

SUBJECT: *MINUTES OF LOCAL TRAFFIC COMMITTEE HELD ON 15 OCTOBER 2018*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

RECOMMENDATION

That the recommendations of the Local Traffic Committee held on 15 October 2018 be adopted as a resolution of the Ordinary Council being:

1. TC45/2018 – That angle parking, regulatory signage and line marking be installed on Broke Road, Pokolbin in accordance with the Broke Road Pokolbin _ Signage & Line Marking Diagram provided with the Traffic Committee report.
2. TC46/2018 – That Council authorise installation of an indented parking bay, and the removal of regulatory parking controls, in Pokolbin Street, Aberdare, in accordance with the Pokolbin Street Aberdare _ Signage & Parking Bay Diagram provided with the Traffic Committee report.
3. TC47/2018 – That Council note the outcome of referral of residents' concerns to the Local Traffic Committee, regarding Eleventh Avenue and Millfield Road, Millfield.
4. That the General Manager investigate and develop suitable policies and procedures regarding meeting protocols for the Local Traffic Committee meetings and in particular the moving and seconding of recommendations.

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN THE ANTE ROOM ON MONDAY 15 OCTOBER 2018 COMMENCING AT 9.30 AM

PRESENT: Councillor Gray (in the Chair)
Mr Bill Butler – RMS
Mr Jordan Fallon – NSW State Member Representative

IN ATTENDANCE: Mr Nathan Goodbun – Traffic Engineering Officer
Mrs Katrina Kerr – Design Delivery Manager
Ms Maria Nikolaidis – Strategic Traffic and Transport Engineer

APOLOGIES

RESOLVED that the apologies tendered on behalf of:

Mr Clayton Barr MP – NSW State Member
Senior Constable Amy Sweeney – NSW Police
Mr Richard Ingall – Rover Coaches

for unavoidable absence be accepted.

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Local Traffic Committee held on 17 September 2018, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

NIL

BUSINESS ARISING FROM PREVIOUS MINUTES

NIL

MOTIONS OF URGENCY

NIL

LISTED MATTERS

SUBJECT: ***PERCY STREET, WEST AVENUE & WOLLOMBI ROAD, CESSNOCK
NO STOPPING SIGNAGE AND LINE MARKING***

REPORT NO.: ***TC44/2018***

REFERENCE.: ***WI2/2018***

MATTER: At its Ordinary Council Meeting of 7 February, 2018 Council resolved that the intersection of West Avenue/Wollombi Road and Percy Street in regard to road safety be sent to the Traffic Committee.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that no comments had been received as a result of consultation with surrounding businesses.

RECOMMENDATION

1. That No Stopping restrictions be installed on Percy Street, Cessnock in accordance with Percy Street Cessnock _ Signage & Line Marking Diagram; and
2. That Council note the future treatments proposed in adopted *Cessnock LGA Traffic and Transport Strategy* for the Percy Street, West Avenue and Wollombi Road intersections.

MOTION: ***Moved:*** Councillor Gray ***Seconded:*** Bill Butler

SUPPORT: ***Unanimous***

Works and Infrastructure

Report No. WI91/2018

Works and Infrastructure



SUBJECT: ***BROKE ROAD, POKOLBIN
REGULATORY PARKING AT TOURIST INFORMATION BAY***

REPORT NO.: ***TC45/2018***

REFERENCE.:

MATTER: The imminent installation of a Visitor Information Bay as part of implementation of the Hunter Valley Wine Country Signage Strategy has resulted in the construction of a new parking facility at Broke Road, Pokolbin, necessitating the installation of regulatory parking.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- Clarification was sought regarding the shoulder width for RV parking;
- Pavement width of RV Parking area confirmed post meeting as 2.7m.

RECOMMENDATION

That angle parking, regulatory signage and line marking be installed on Broke Road, Pokolbin in accordance with enclosed Broke Road Pokolbin _ Signage & Line Marking Diagram.

MOTION: ***Moved:*** Jordan Fallon ***Seconded:*** Bill Butler

SUPPORT: ***Unanimous***

Works and Infrastructure

Report No. WI91/2018

Works and Infrastructure



SUBJECT: *POKOLBIN STREET, ABERDARE
PARKING BAY & REGULATORY PARKING CONTROLS*

REPORT NO.: *TC46/2018*

REFERENCE.: *8 2018 78 1*

MATTER: An approved development for 108 Aberdare Road, Aberdare has been conditioned by Council to install kerb and gutter with an indented parking bay, and for changes to regulatory parking associated with the upgrade.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the included pram ramp needs to be in a contrasting colour to the existing path.

RECOMMENDATION

That Council authorise installation of an indented parking bay, and the removal of regulatory parking controls, in Pokolbin Street, Aberdare, in accordance with the enclosed Pokolbin Street Aberdare _ Signage & Parking Bay Diagram.

MOTION: *Moved:* Jordan Fallon *Seconded:* Councillor Gray

SUPPORT: *Unanimous*

Works and Infrastructure

Report No. WI91/2018

Works and Infrastructure



SUBJECT: **ELEVENTH AVENUE & MILLFIELD ROAD, MILLFIELD
SAFETY CONCERNS**

REPORT NO.: **TC47/2018**

REFERENCE.:

MATTER: Concerns have been raised by local residents regarding the configuration of the intersection at Eleventh Avenue and Millfield Road, Millfield. In response to a site meeting with residents on 5 October 2018, the Mayor has requested these concerns be referred to the next meeting of the Local Traffic Committee.

DISCUSSION: The matter was described as per the report, and discussed as follows:

Driver Behaviour Issues:

- It was observed during LTC inspections that some vehicles were using the road verge when turning left from Eleventh Avenue into Millfield Road;
- Options to discourage this behaviour were discussed;
- Concrete wheel stops and enhanced delineation were discussed as a possible treatment option;
- It was noted that further investigations would be made to seek a suitable treatment.

One Way Treatment:

- It was suggested that a one way treatment on Eleventh Avenue (Southbound traffic only) would address residents safety concerns;
- It was noted that a one way treatment on Millfield Road (eastbound traffic only), between Eleventh Avenue and Bligh Street would be more appropriate from an intersection safety perspective.

Use of Bennett Street:

- It was noted that a long vehicle detour had previously been recommended by the LTC (TC27/2018) at its June meeting, directing vehicles greater than 12.5 metres in length to use Bennett Street to access Wollombi Road;
- It was noted that directional signage was proposed for the intersection of Millfield Road and Bennett Street to direct non-local traffic to use Bennett Street to access Wollombi Road;
- It was noted that whilst this would increase traffic on Bennett Street, this route offers the least impact overall to the village of Millfield, as Bennett Street has limited residential development on its eastern side, and Bennett Street is the most direct route to Wollombi Road for traffic coming from the east;
- It was also noted that the available road reserve at the intersection of Wollombi Road and Bennett Street was more amenable to the installation of an enhanced intersection treatment if/when traffic volumes warranted such a treatment.

Development Traffic:

- It was noted that the intersection improvements would likely change the predicted traffic patterns related to developments located off Eleventh Avenue, and Millfield Road;
- It was suggested that Local Area Traffic Management (LATM) treatments may be appropriate to reduce development related traffic volumes in Eleventh Avenue;

Works and Infrastructure

Report No. WI91/2018

Works and Infrastructure



- It was noted that the Traffic Impact Assessments for these developments would be reviewed in relation to identifying the suitability of any LATM treatments.

The Committee noted:

- The current intersection treatment complies with all relevant Australian Standards, and is the most appropriate road safety treatment to address the crash history at the intersection;
- There have been no reported crashes at the subject intersection since completion of the improvements;
- Rectification works have been identified to further enhance the effectiveness of the intersection, as follows:
 - Refreshing of all line marking in the intersection;
 - Pavement widening outside No. 38 Millfield Road; and
 - Continuation of the E1 edge line on the northern side of Millfield Road, outside No's 40 and 38.

RECOMMENDATION

That Council note the outcome of referral of residents' concerns to the Local Traffic Committee.

MOTION: **Moved:** Jordan Fallon **Seconded:** Bill Butler

SUPPORT: **Unanimous**

CORRESPONDENCE

NIL

GENERAL BUSINESS

VOTING PROCEDURES

The matter of voting procedures was discussed, after deferral from the September Committee meeting.

The Chair, after consultation with the General Manager, requested that the Committee recommend further investigations be made regarding the matter.

RECOMMENDATION

That the General Manager investigate the need for moving and seconding of recommendations at Local Traffic Committee meetings.

MOTION: **Moved:** Councillor Gray **Seconded:** Bill Butler

SUPPORT: **Unanimous**

CLOSURE: *The Meeting was declared closed at 11.10am*

Works and Infrastructure

Report No. WI91/2018

Works and Infrastructure



NSW POLICE TECHNICAL REVIEW

The NSW Police representative provided individual technical review of the above reports and recommendations following the meeting.

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN34/2018

General Manager's Unit



NOTICES OF MOTION No. BN34/2018

SUBJECT: *GREENFIELD HOUSING CODE CONSULTATION*

COUNCILLOR: *Di Fitzgibbon*

MOTION

That the General Manager write to the Department of Planning and Environment requesting membership of the Complying Development Expert Panel (CDEP) for Council staff to ensure the voice of Cessnock City Council and regional NSW is considered in future planning policies and directions.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 21 November 2018.

RATIONALE

At Council's most recent Development Consultation Forum in September, a presentation on the Greenfield Housing Code and Medium Density Housing Code was provided by Sydney-based representative of the Department of Planning and Environment.

It was very clear from those presentations that the Complying Development Expert Panel (CDEP) had been relied upon as part of the consultation with local government. Unfortunately, while the working groups are a great idea to consult with local government, not one representative was from a regional area. All Councils who participated were from the Sydney Metropolitan Area.

As those of us who live and work in regional areas, know, what might work in Sydney metro area does not always work in regional areas. Hence the importance of getting a seat at the table in departmental consultation.

I consider it essential to write to the Department of Planning and Environment seeking representation for Cessnock City Council staff to be involved in the CDEP which guides the development of future systems and policies which impact our local development outcomes – we might not always receive what we are asking for, however, to have our voice heard at the same table and considered directly in the process is worthwhile pursuing.

Sgd: Di Fitzgibbon

Date: 14 November 2018

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN35/2018

General Manager's Unit



NOTICES OF MOTION No. BN35/2018

SUBJECT: *DUAL OCCUPANCY DEVELOPMENT*

COUNCILLOR: *Darrin Gray*

MOTION

1. That Council note the current heightened level of community concern over the clustering of dual occupancy development in the Heddon Greta area.
2. That the General Manager arrange a briefing and provide a report to Council on the current permissibility of dual occupancy development in the R2 Low density residential zone and ways that this could be better controlled to prevent unsatisfactory clustering and poor development outcomes.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 21 November 2018.

RATIONALE

Councillors would be aware of the current level of objections raised to 18 separate development applications for dual occupancy developments, clustered all together in one street in the Heddon Greta urban release area known as Avery's Village.

It is considered that the clustering of dual occupancies all together results in poor development outcomes, including a perception of over development, and greater than intended traffic and social pressure on local streets and services. This is because the number of dwellings on the 18 lots in question will result in twice the number of dwellings than intended.

It is clear that the R2 zone is intended for low density residential and although it appears dual occupancy development is permissible, it is the clustering together of this type of development all together that creates poor planning outcomes for the community.

Council should be briefed and receive a further report on the issue to determine whether there is any options for Council to seek to better control this type of development across the local government area.

Sgd: Darrin Gray

Date: 14 November 2018

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ117/2018

Works and Infrastructure



SUBJECT: *SUBMISSION ON BRANXTON / GRETA CYCLEWAY*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q119/2018 – Submission on Branxton / Greta Cycleway

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 7 November 2018.

“referred to the Branxton/Greta Cycleway submission and asked why it was called a cycleway and not a shared pathway.

The facility proposed in the recent grant submission is for a 2.5m wide shared pathway.

The term cycleway has been used over a number of years in association with this project, as some members of the community may be less familiar with the technically correct term shared pathway.

There is a general understanding in the community that a cycleway is wider than a standard footway and is suitable for use by cyclists, scooters, joggers, walkers, prams, wheel chairs and the like.

The aim of the project is to engender community pride in the regions contribution to national security and worldwide peacekeeping while encouraging an active lifestyle.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ118/2018

Works and Infrastructure



SUBJECT: *ST PHILIPS CHRISTIAN COLLEGE TRAFFIC SOLUTIONS*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q117/2018 – St Philips Christian College

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 7 November 2018.

“Referred to the answer in relation to St Philips Christian College traffic solutions and asked why Council Officers are commissioning video recordings by drone to help the network of roadworks when it is a private school issue that they have to address not Council.

Council has previously resolved that Council officers attend meetings with representatives of St Philips Christian College and RMS to find solutions to traffic issues traffic on Wine Country Drive, Nulkaba associated with the School.

Council also resolved, at its meeting on 16 May 2018;

That the General Manager investigate any immediate measures that could improve pedestrian and vehicular safety adjacent to the College in Wine Country Drive and Lomas Lane, Nulkaba.

In response to the above, Council officers commissioned a drone at a cost of approximately \$300 to collect evidence of the traffic situation as part of the investigation.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ119/2018

Works and Infrastructure



SUBJECT: *SEALING ROAD CORNER MITCHELL AVENUE*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q116/2018 – Sealing Road Corner Mitchell Avenue

Asked by Councillor Sander at the Ordinary Meeting of Council held on 7 November 2018.

“If Council can cost and identify a possible funding source to seal the section of road from the corner of Mitchell Avenue along Government Road where it meets the HEX”.

The cost to seal Government Road, Loxford between Mitchell Avenue and Hart Road is affected by the poor condition of the road pavement. Geotechnical investigations have been undertaken for the section from Mitchell Avenue to the bridge, which indicate the need for full depth replacement of the pavement. Further testing is required from the bridge to Hart Road to fully scope the work and estimate the cost.

The most appropriate funding source is the Local Road Renewal program in Council's Capital Works Program.

Council officers have raised the condition of Mitchell Avenue in current liaisons with RMS on details of the proposed classification of roads associated with the Loxford Interchange of HEX. Officers are of the opinion that it would be timely for negotiations with RMS to be finalised ahead of committing limited Council funds for works on Mitchell Avenue.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO42/2018

Corporate and Community Services



SUBJECT: *CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD*

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

RECOMMENDATION

That the correspondence be noted.

At its Ordinary Meeting of 19 September 2018 Council considered a Notice of Motion BN27/2018 – Cessnock Correctional Centre Access Road and resolved (inter alia):

7. **That Council write to Mr Clayton Barr MP Member for Cessnock, The Hon Scot McDonald MLC, Parliamentary Secretary for the Hunter and the Hon Joel Fitzgibbon MP, Member for Hunter of our position and request their support.**

Correspondence received from the Hon Joel Fitzgibbon, Member for Hunter was reported to Council on 7 November 2018.

A response has been received from Member for Cessnock, Clayton Barr MP advising that he has forwarded Council's letter to the Commissioner of Corrective Services, Mr Peter Severin and the Minister for Corrections, the Hon David Elliott, MP for consideration and response.

A copy of the correspondence is attached for Council's information.

ENCLOSURES

- [1](#) Response from Mr Clayton Barr, MP Member for Cessnock