

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 2 MAY 2018, COMMENCING AT  
6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Development Services Manager  
Principal Development Engineer  
Finance & Administration Manager  
Operations Accountant  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGY:**

**MOTION**      **Moved:** Councillor Dunn  
**Seconded:** Councillor Fitzgibbon

452

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:****MOTION**

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

453

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 18 April 2018, as circulated, be taken as read and confirmed as a correct record, with the following amendment:-

That Councillor Olsen's leave of absence for the meeting of 18 April 2018 be noted.

**FOR**

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

**Total (10)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI7/2018**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**CO13/2018 - Cessnock Correctional Centre Access** – Councillor Suvaal declared a Non Pecuniary Interest – Less Than Significant conflict for the reason that his sister is an employee of Justice Health at the Cessnock Correctional Centre. Councillor Suvaal remained in the Chamber and participated in discussion and voting as the conflict has not influenced him in carrying out his public duty.

## PETITIONS

NIL

### ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Warren Haddock	Against Recommendation	PE24/2018 - Development Application 8/2017/718/1 proposing a twenty-four lot residential subdivision including construction of associated road and drainage works, and the creation of a drainage reserve  65 Baileys Lane, Abermain	63	3 mins

#### EXTENSION OF TIME

454

**Moved:**

Councillor Suvaal

**Seconded:**

Councillor Gray

#### RESOLVED

That an extension of one minute be given for Mr Haddock to complete his presentation.

#### FOR

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

#### AGAINST

Councillor Olsen

**Total (1)**

#### CARRIED

Darryl Punnett	For Recommendation	<p>PE24/2018 - Development Application 8/2017/718/1 proposing a twenty-four lot residential subdivision including construction of associated road and drainage works, and the creation of a drainage reserve</p> <p>65 Baileys Lane, Abermain</p>	63	3 mins
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**PLANNING AND ENVIRONMENT NO. PE24/2018**

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

**65 BAILEYS LANE, ABERMAIN**

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**MOTION**                      **Moved:**    Councillor Sander                      **Seconded:**    Councillor Gray  
455  
**RESOLVED**

1. That Council determine Development Application No 8/2017/718/1 proposing a 24 lot residential subdivision including construction of associated road and drainage works and the creation of a drainage reserve, at Lot 790, DP257363, 65 Baileys Lane Abermain pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report, and with condition 18 amended to read as follows:

**18. Road Upgrade – Baileys Lane**

The registered proprietors of the land shall construct Baileys Lane for a distance of approximately 520m (*which excludes the current unsealed sections of Baileys Lane*) in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- (a) Construct a 6m sealed pavement with gravel shoulders for the length of Baileys lane from the intersection of Frame drive to Church Street, *excluding existing unsealed sections*.
  - (b) Place two (2) coat hot bitumen seal on road shoulders.
  - (c) Construct drainage works as necessary.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.
3. That Council not apply the Existing Unsealed Roads Policy in Baileys Lane and instead:
  - (a) Construct a 6m sealed pavement with gravel shoulders on the existing unsealed sections of Baileys Lane (including any lead-up works);
  - (b) Place a two coat hot bitumen seal on road shoulders; and construct drainage works as necessary.
  - (c) That the works to seal the unsealed sections of Baileys Lane be funded by section 94 contributions specifically collected for local roadworks in Abermain.

# CONDITIONS OF CONSENT

## SCHEDULE 1

### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. General Terms of Approval

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

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

##### 2. Approved Plans and Documents

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

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

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

#### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

##### 3. Local Traffic Committee Approval

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

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

##### 4. Long Service Levy

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

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

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

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

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

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

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

## 6. Residential 7.11 (formerly S94) Contributions Plan

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

Fee Code	Type	Contribution Type	Amount Payable
525		District Open Space	\$30,933.62
523		District Community Facilities (Halls)	\$18,946.48
524		District Community Facilities (Libraries)	\$5,058.62
522		District Community Facilities (Bushfire)	\$1,410.36
526		District Roads – Rural Areas	\$23,575.69
534		Local Roads – Abermain	\$121,128.35
529		Local Drainage – Abermain	\$24,587.46
543		Studies (Plan Preparation)	\$1,778.13
542		Studies (Flood Study) – Abermain South	\$4,230.85
540		Plan Administration	\$6,744.75
		<b>Total</b>	<b>\$238,394.31</b>

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



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

## **7. Street Trees**

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

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

## **8. Road Works Required**

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

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

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

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

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

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

## **9. Road – Access Construction**

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

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

## **10. Road Bond – New Internal Road**

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

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

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

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

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

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

## **11. Road – Road Widening Requirement: Frame Drive**

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

- a) Construct a Channelised right turn treatment (CHR)(s) on Frame Drive
- b) Construct a Basic Left Turn (BAL) on Frame Drive
- c) Place two (2) coat hot bitumen seal on new works
- d) Construct drainage works as necessary.

## **12. Road Bond – Frame Drive**

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

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

- a) Road fees - engineering plan checking and supervision
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction

costs, whichever is greater (transferable).

- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

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

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

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

### **13. Road Construction Church Street and Baileys Lane**

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

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

### **14. Road Bond – Church Street**

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

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

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

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

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works

and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

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

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

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

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 16/176 prepared by PCB and dated 24/11/2017
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with *AS 3500.3.2003 Plumbing and Drainage – Stormwater Drainage*
- d) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets
- e) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system
- g) Stormwater must be discharged by gravity to the kerb and gutter of a public road or to Council's piped drainage system
- h) Stormwater must be discharged by gravity directly into Council's drainage system
- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm

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

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

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

- a) Details of sedimentation and erosion control
- b) Details of provision of truck and machinery wash down areas. Note: All trucks and machinery must be free from all foreign material where such material is likely

to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.

- c) Details of dust mitigation on building sites and access roads
- d) Location and phone number of the site office
- e) Details regarding provision of areas set aside for the storage/stockpiling of:
  - i) Construction refuse
  - ii) Construction materials
  - iii) Raw materials such as sand, soil, mulch and the like
  - v) Details regarding the provision of facilities for workers associated with the development.

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

## **17. Stormwater – Detention Requirement**

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

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

## **18. Road Upgrade – Baileys Lane**

The registered proprietors of the land shall construct Baileys Lane for a distance of approximately *520m (which excludes the current unsealed sections of Baileys Lane)* in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

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

## **19. Road Bond – Baileys Lane**

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

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

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

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

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

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

## **20. Street Lighting Design**

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

Street lighting design standards:

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

Street lighting design requirements:

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

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

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

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

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

## **21. Exterior Lighting Generally**

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

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

## **22. Telecommunications**

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

## **PRIOR TO COMMENCEMENT OF WORKS**

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

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

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

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

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

## **24. S138 Roads Act Approvals**

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

## **25. Relocation of Services**

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

## **26. Soft-felling of Hollow Bearing/Habitat Trees**

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

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

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

## **27. Care of Native Fauna Found in Felled Trees**

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

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

## **28. Toilet Facilities**

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

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

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

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



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

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

### **30. Soil and Water Management Plan**

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

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

### **31. Public Liability Insurance**

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

### **32. Soil and Water Management Plan Implemented**

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

## **DURING WORKS**

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

### **33. Construction Hours**

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

### **34. Site is Securely Fenced**

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

### **35. Trees Approved to be Cleared**

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

### **36. Location of Council Pipes**

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

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

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

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

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

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

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

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

**39. Stormwater – Impact on Adjoining Land – Surface Water**

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

**40. Road – Obstruction of Footpath Restriction**

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

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

**41. Implementation of Soil and Water Management Plan**

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

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

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

**42. Erosion and Sediment Controls**

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

**43. Stormwater Runoff**

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

**44. Dam Proposed**

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

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

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

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

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

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

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

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

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

## **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

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

### **45. Requirement for a Subdivision Certificate**

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

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

### **46. All Services Provided Within Lots**

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

### **47. Works-As-Executed Plan**

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

- a) Sufficient levels and dimensions to verify the constructed storage volumes

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

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

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

#### **48. 88B Certificate Required**

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

#### **49. Road Dedication**

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

#### **50. Inter-allotment Drainage Easement**

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

Note:

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

**51. Street Lighting Installation**

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

**52. Engineering Checking Fee**

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

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

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

**54. Provision of Utilities**

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

**55. Inspection and Payment of Fee Relating to Street Trees**

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

**56. Telecommunications**

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

## ONGOING USE

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

### 57. Approved Fencing Materials

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

### 58. Stormwater – Impact on Adjoining Land

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

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

## ADVISORY NOTES

### A. Disability Discrimination Act

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

### B. “DIAL BEFORE YOU DIG” DIAL 1100

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

### C. Salinity Levels

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



#### **D. Dividing Fences**

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

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

#### **E. Other Approvals and Permits**

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

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

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

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

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

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

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

#### **I. Discovery of Aboriginal Heritage**

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

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

***CARRIED***

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

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

**That Report No's:-**

**PE26/2018 - Minutes of Strategic Property and Community Facilities Committee Meeting**

**PE27/2018 - Development Application Performance Monitoring Report - March 2018 Quarter**

**CC29/2018 - Draft Procurement Policy**

**CC30/2018 - Adoption of Draft 2018-19 Operational Plan for Public Exhibition**

**CC31/2018 - Minutes of Dollar for Dollar Committee Meeting held 18 April 2018**

**CC32/2018 - Minutes of Cultural Facilities Committee Meeting held 18 April 2018**

**WI30/2018 - Aquisition for Road Widening**

**WI31/2018 - Branxton Greta 2018 Community Movie Night - Request for Fee Waiver**

**CO12/2018 - Hunter Expressway - Funding for Construction of Commuter Car Parks**

**CO13/2018 - Cessnock Correctional Centre Access**

**CO14/2018 - NSW Government Funding for Tourist Route 33 - Wollombi Road - Wollombi to Bellbird**

**be dealt with englobo.**

Councillor Olsen indicated that he wished to speak on all reports and the Motion was not put.

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM2/2018**

**SUBJECT: INSTITUTE OF INTERNAL AUDITORS AUSTRALIA - AUDIT AND RISK COMMITTEE FORUM**

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

456

**RESOLVED**

That Council endorse the attendance of Mayor Pynsent and Councillor Dunn to the Institute of Internal Auditors Australia (IAA) Audit and Risk Committee Forum in Melbourne on Monday 21 May 2018.

**FOR**

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

**Total (10)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

## **MOTIONS OF URGENCY**

### **MOTIONS OF URGENCY NO. MOU7/2018**

**SUBJECT: MOTIONS OF URGENCY**

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#### **RECOMMENDATION**

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

#### **Councillor Dagg**

I seek permission of the Chamber to move a motion of urgency which relates to the Hart Road/Gingers Lane intersection at Weston. My reasons for it being urgent are simple. Last week alone, there were 3 accidents at this location and we are incredibly lucky that no one has been hurt yet! In my motion, I will be seeking investigations into the redevelopment of this intersection, but additionally and importantly I am seeking the urgent and immediate implementation of traffic calming measures, to ensure we are doing all we can to prevent future accidents, injuries and the loss of life.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

The Urgency Motion was **PUT** and **CARRIED** and will be dealt with at the conclusion of the listed matters on the Business Paper.

# PLANNING AND ENVIRONMENT

## PLANNING AND ENVIRONMENT NO. PE25/2018

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

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
457  
**RESOLVED**

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

## CONDITIONS OF CONSENT/REASONS FOR REFUSAL

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### CONDITIONS OF CONSENT

#### 1. Approved Plans and Documents

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

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

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

#### 2. CC, PCA & Notice Required

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

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

### 3. Residential S94 Contributions Plan

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

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

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

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

## PRIOR TO COMMENCEMENT OF WORKS

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

### 4. PCA Signage and Contact Details

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

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

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

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

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

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

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

## **6. Road Opening Permit**

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

## **7. Toilet Facilities**

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

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

## **8. Relocation of Services**

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



## **DURING WORKS**

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

### **9. BCA Compliance**

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

### **10. Construction Hours**

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

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

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

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

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

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

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

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

### **14. Stormwater Runoff**

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

### **15. Waste Management**

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

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

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

## **17. BASIX Certificate**

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

## **18. Securing Excavations**

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

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

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

## **19. Roads – Bitumen Crossing**

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

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

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

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

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

## **20. BASIX Certification**

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

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

**PLANNING AND ENVIRONMENT NO. PE26/2018**

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

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
458  
**RESOLVED**

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE27/2018**

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

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
459  
**RESOLVED**

**That Council receives the report and notes the information.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC29/2018**

**SUBJECT: DRAFT PROCUREMENT POLICY**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford  
460

#### **RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC30/2018**

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

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dagg  
461  
**RESOLVED**

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

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

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC31/2018**

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

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Gray  
462  
**RESOLVED**

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

**Schools Environment Grant**

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

**Community and Cultural Dollar for Dollar Grant**

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

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

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



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

**FOR****AGAINST**

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

**Total (11)****Total (0)*****CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC32/2018**

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

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
463  
**RESOLVED**

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

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

**CARRIED**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI30/2018**

**SUBJECT:     AQUISITION FOR ROAD WIDENING**

---

**MOTION**

464

**Moved:**     Councillor Suvaal

**Seconded:**   Councillor Dagg

**RESOLVED**

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

**FOR****AGAINST**

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

**Total (11)****Total (0)*****CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI31/2018**

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

---

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
465  
**RESOLVED**

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN9/2018**

**SUBJECT: STRATEGIC PLANNING FOR CESSNOCK LIBRARY**

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Lyons  
466

#### **RESOLVED**

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

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

#### **CARRIED**

**BUSINESS WITH NOTICE NO. BN10/2018**

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

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Suvaal  
467

**RESOLVED**

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

- The annual income Council receives for market days held on Council land and the impact on the budget if the income is not received
- The details and value of market stall fee exemptions granted in the last two financial years
- Why there is a “Market Stall” fee included in the Fees and Charges
- Information on any other applicable fees if a group wanted to hold markets on Council land eg food inspection
- The difference between fees charged for a not for profit organisation and a registered charity
- That the information be brought back to Council at the first meeting in June

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (2)</b>

**CARRIED**



**BUSINESS WITH NOTICE NO. BN11/2018**

**SUBJECT: POST BOX IN MULBRING**

---

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Suvaal  
468

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ38/2018***

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

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ39/2018***

***SUBJECT: UNFORMED FOOTPATH NORTHCOTE STREET, KURRI KURRI***

---

The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ40/2018***

***SUBJECT: NAMING OF BRIDGES HILL PARK***

---

The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Ian Olsen*

### **EMAIL REGARDING UNIVERSITY OF TECHNOLOGY**

Councillor Olsen asked who brought the issue to the General Manager's attention and why does any enquiries that the students may have, have to be referred to the Mayor for comment and why Councillors cannot comment themselves.

*Councillor Ian Olsen*

### **FRAME DRIVE ROADWORKS**

Councillor Olsen asked what month and what year will the Frame Drive roadworks be completed.

*Councillor Melanie Dagg*

### **COMMUTER CAR PARKING**

Councillor Dagg asked if Council could consider preparing long term plans dealing with informal commuter car parks across the Local Government Area.

*Councillor Anne Sander*

### **KURRI KURRI AQUATIC CENTRE**

Councillor Sander asked if Council is going out to open tender for the management and operation of the Kurri Kurri Aquatic Centre this year.

*Councillor Anne Sander*

### **NEIGHBOUR NOTIFICATION – GRANNY FLATS**

Councillor Sander asked if Council can inform residents/neighbours of Development Applications that are lodged for Granny flats.

*Councillor Rod Doherty*

### **ACCESS TO NEARMAPS**

Councillor Doherty asked if Councillors could have access to Nearmaps

## **CORRESPONDENCE**

**CORRESPONDENCE NO. CO12/2018**

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

---

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Stapleford  
469  
**RESOLVED**

**That Council note the correspondence received.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO13/2018**

**SUBJECT: CESSNOCK CORRECTIONAL CENTRE ACCESS**

---

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Sander  
470

**RESOLVED**

**That Council note the correspondence received.**

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

**CARRIED**

**CORRESPONDENCE NO. CO14/2018**

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

---

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

471

**RESOLVED:**

**That Council note the correspondence received.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## ***COUNCILLORS REPORTS***

Mayor

### **Pledge of Homelessness**

The Mayor reported on his attendance at the Pledge of Homelessness along with five other Councils. There were 20 organisations that have signed the pledge which was well attended and shows that this Council is supporting the fight against homelessness in the Hunter.

## **MOTION OF URGENCY**

**MATTER OF URGENCY**

**Moved:**

Councillor Dagg

**Seconded:**

Councillor Gray

472

### **RESOLVED**

1. That the General Manager immediately correspond with the following persons:

- State Member for Cessnock, Clayton Barr MP
- State Minister for Roads, Maritime & Freight, the Hon. Melinda Pavey MP
- Federal Member for Paterson, Meryl Swanson MP
- Federal Minister for Infrastructure & Transport, the Hon. Michael McCormack MP
- Federal Minister for Regional Development, Territories and Local Government, the Hon. Dr John McVeigh MP
- Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot MacDonald

to seek their support and actively pursue any and all funding available through both State and Federal grant programs, including but not limited to the Black Spot Funding and Fixing Country Roads programs, together with any other potential sources of grant funding to fast-track the redevelopment of the intersection at Hart Road, Government Road and Gingers Lane, Weston.

2. That the General Manager urgently investigate the intersection and its various approaches, and prepare a report outlining interim solutions to be assessed by the Traffic Committee at its June meeting, including but not limited to speed reductions, speed humps, warning lights, speed notification signs and other traffic calming measures, for immediate implementation.

3. That the General Manager investigate the appropriateness of the continued use of that intersection as a school bus stop.

4. That the General Manager continue to liaise with RMS in a holistic approach as to the required improvements to Government Road, Gingers Lane, Frame Drive, Orange Street and where appropriate their intersections with Cessnock Road at Weston and Abermain, in an attempt to improve and future-proof safety and traffic flow, as a direct result of their increased use due to the Hunter Expressway.

5. That the General Manager write to the State Minister for Police, the Hon. Troy Grant MP and the Hunter Local Area Command requesting increased policing of the area and/or targeting by mobile speed cameras to assist in improving driver behaviour.

6. That the General Manager provide a report to Councillors by the end of July 2018 with an update on progress.



FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 7.58pm*

**CONFIRMED AND SIGNED** at the meeting held on 16 May 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**