

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD VIA ZOOM ON WEDNESDAY, 20 OCTOBER 2021, COMMENCING AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Strategic Planning Manager
Senior Strategic Planner
Chief Finance & Administration Manager
Human Resource Manager
Corporate Governance Officer

APOLOGY: **NIL**

MINUTES:

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

1837

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 22 September 2021, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Fagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI9/2021

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.

PE47/2021 – DA 8/2020/20604/1 – proposing construction of a multi-dwelling housing/manufactured home estate – 22, 26 Birkdale Boulevard, 37 Portrush Avenue, Stonebridge Drive, Cessnock - Councillor Dunn declared a Pecuniary Interest as he owns multiple properties adjoining the estate. Councillor Dunn advised that he would leave the meeting and take no part in discussion and voting.

WI75/2021 – Re-establishment of Alcohol Free Zones – Councillor Burke declared a Pecuniary Interest for the reason that he has and will apply for Alcohol Free Zones to be lifted for events in Cessnock. Councillor Burke advised that he would leave the meeting and take no part in discussion and voting.

PE52/2021 – Planning Proposal to rezone land at Gingers Lane, Sawyers Gully - Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an interest in another investigation area identified in the new UGMP. Councillor Fitzgibbon advised that she would leave the meeting and take no part in discussion and voting.

WI73/2021 – Kerlew Street, Nulkaba – Cessnock Correction Centre – Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that his sister is an employee of Justice Health at Cessnock Correctional Centre. Councillor Suvaal advised that he would remain in the meeting and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because this has no impact on her employment.

PE47/2021 – DA 8/2020/20604/1 – proposing construction of a multi-dwelling housing/manufactured home estate – 22, 26 Birkdale Boulevard, 37 Portrush Avenue, Stonebridge Drive, Cessnock - Councillor Burke declared a Pecuniary Interest as the speaker is on the Board of the Chamber of Commerce, which Councillor Burke has an interest in. Councillor Burke advised that he would leave the meeting and take no part in discussion and voting.

PE52/2021 – Planning Proposal to rezone land at Gingers Lane, Sawyers Gully - Councillor Doherty declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he has known two property owners in the Planning Proposal for many years. Councillor Doherty advised that he would remain in the meeting and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he has no financial nor related to any of the parties.

PETITIONS

NIL

Councillors Doherty and Lyons arrived in meeting, the time being 6.35pm

ADDRESS BY INVITED SPEAKERS

Councillor Dunn declared a Pecuniary Interest as he owns properties adjoining estate. Councillor Dunn left the meeting and took no part in discussion and voting.

Councillor Burke declared a Pecuniary Interest as the speaker is on the Board of the Chamber of Commerce, which Councillor Burke has an interest in. Councillor Burke left the meeting and took no part in discussion and voting.

Councillors Dunn and Burke left the meeting, the time being 06:36 PM

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Geoff Walker	Against	PE47/2021 - Development Application 8/2020/20604/1 proposing construction of a multi-dwelling housing/manufactured home estate. 22, 26 Birkdale Boulevard, 37 Portrush Avenue, Stonebridge Drive, Cessnock	57	3 mins

EXTENSION OF TIME

Moved:

Councillor Fitzgibbon

Seconded:

Councillor Suvaal

1838

RESOLVED

That an extension of 1 minute be given to Mr Walker to complete his presentation.

FOR

Councillor Doherty
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

AGAINST

Councillor Olsen

Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE47/2021

SUBJECT: DEVELOPMENT APPLICATION 8/2020/20604/1 PROPOSING CONSTRUCTION OF A MULTI-DWELLING HOUSING/MANUFACTURED HOME ESTATE.

**22, 26 BIRKDALE BOULEVARD, 37 PORTRUSH AVENUE,
STONEBRIDGE DRIVE, CESSNOCK**

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Doherty

1. That:

- (i) Development Application No. 8/2020/20604/1 proposing construction of a multi-dwelling housing/manufactured home estate comprising: 301 manufactured home sites, associated recreational and community facilities, alterations and additions to existing golf club and golf course, utility services, clearing, earthworks, internal road network, carparking and signage at the property address listed above, 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 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
 - The proposal is a permitted land use in the RE2 Private Recreation Zone and the R2 Low Density Residential Zone under *Cessnock Local Environmental Plan 2011*.
 - The proposal is consistent with objectives of the RE2 Private Recreation Zone and the R2 Low Density Residential Zone.
 - The subject development is designed in a manner that takes into account the constraints of the site and proposes measures to 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 issues and concerns raised by the community regarding traffic impacts, environmental impacts, social impacts, construction impacts and amenity impacts are matters that can be suitably managed.
 - The development has been designed to take into account the site constraints and there are no site constraints that are of such significance to warrant refusal of the development.
 - The development in the manner proposed is suitable for approval and subject to the conditions, will result in acceptable environment impact.

- (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.

AMENDMENT Moved: Councillor Stapleford **Seconded:** Councillor Fitzgibbon

1. That:

- (i) Development Application No. 8/2020/20604/1 proposing construction of a multi-dwelling housing/manufactured home estate comprising: 301 manufactured home sites, associated recreational and community facilities, alterations and additions to existing golf club and golf course, utility services, clearing, earthworks, internal road network, carparking and signage at the property address listed above, 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 and a condition requiring construction of kerb, guttering and concrete shared pathway between Links Avenue and Stonebridge Drive in the area where such infrastructure doesn't currently exist. That Council meet with residents from 61 to 71 Lindsay Street and the Golf Club to address issues raised in the public address.
- (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* and *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
 - The proposal is a permitted land use in the RE2 Private Recreation Zone and the R2 Low Density Residential Zone under *Cessnock Local Environmental Plan 2011*.
 - The proposal is consistent with objectives of the RE2 Private Recreation Zone and the R2 Low Density Residential Zone.
 - The subject development is designed in a manner that takes into account the constraints of the site and proposes measures to 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 issues and concerns raised by the community regarding traffic impacts, environmental impacts, social impacts, construction impacts and amenity impacts are matters that can be suitably managed.
 - The development has been designed to take into account the site constraints and there are no site constraints that are of such significance to warrant refusal of the development.
 - The development in the manner proposed is suitable for approval and subject to the conditions, will result in acceptable environment impact.

- (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.

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

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

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

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Fitzgibbon
1839
RESOLVED

1. That:
- (i) Development Application No. 8/2020/20604/1 proposing construction of a multi-dwelling housing/manufactured home estate comprising: 301 manufactured home sites, associated recreational and community facilities, alterations and additions to existing golf club and golf course, utility services, clearing, earthworks, internal road network, carparking and signage at the property address listed above, 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 and a condition requiring construction of kerb and gutter and concrete shared pathway between Links Avenue and Stonebridge Drive in the area where such infrastructure doesn't currently exist. Council meet with residents from 61 to 71 Lindsay Street and the Golf Club to address issues raised in their public address.
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 - The proposal is a permitted land use in the RE2 Private Recreation Zone and the R2 Low Density Residential Zone under *Cessnock Local Environmental Plan 2011*.
 - The proposal is consistent with objectives of the RE2 Private Recreation Zone and the R2 Low Density Residential Zone.

- The subject development is designed in a manner that takes into account the constraints of the site and proposes measures to 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 issues and concerns raised by the community regarding traffic impacts, environmental impacts, social impacts, construction impacts and amenity impacts are matters that can be suitably managed.
 - The development has been designed to take into account the site constraints and there are no site constraints that are of such significance to warrant refusal of the development.
 - The development in the manner proposed is suitable for approval and subject to the conditions, will result in acceptable environment impact.
- (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.

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

CARRIED UNANIMOUSLY

CONDITIONS OF CONSENT

The conditions of consent referenced within the Notice of Determination are applicable to the following stage/phase of the development:

Stage	Development Works	Condition Reference
All stages	All development works	1 – 46 and 73 - 151
Stage 1	44 manufactured home sites and associated servicing, landscaping and infrastructure works (including managers residence, signage, golf course reconfiguration and internal refurbishment of golf club)	1 – 49, and 73 - 151
Stage 2	25 manufactured home sites and associated servicing, landscaping and infrastructure works (including community centre, tennis court and bowling green)	1 – 46, 50 - 53 and 73 - 151
Stage 3	34 manufactured home sites and associated servicing, landscaping and infrastructure works (including caravan and boat storage area)	1 – 46, 54 - 58 and 73 - 151
Stage 4	16 manufactured home sites and associated servicing, landscaping and infrastructure works (including dog exercise park)	1 – 46, 59 – 60 and 73 - 151
Stage 5	30 manufactured home sites and associated servicing, landscaping and infrastructure works	1 – 46, 61 - 62 and 73 - 151
Stage 6	30 manufactured home sites and associated servicing, landscaping and infrastructure works (including nature walk)	1 – 46, 63 – 64 and 73 - 151
Stage 7	30 manufactured home sites and associated servicing, landscaping and infrastructure works	1 – 46, 65 – 66 and 73 - 151
Stage 8	30 manufactured home sites and associated servicing, landscaping and infrastructure works	1 – 46, 67 - 68 and 73 - 151
Stage 9	26 manufactured home sites and associated servicing, landscaping and infrastructure works	1 – 46, 69 – 70 and 73 - 151
Stage 10	36 manufactured home sites and associated servicing, landscaping and infrastructure works	1 – 46 and 71 - 151

SCHEDULE 1

TERMS OF CONSENT

DEFERRED COMMENCEMENT

1. The following deferred commencement conditions must be complied with to the satisfaction of Council within 12 months from the date of this determination notice in order to obtain an operational Development Consent.
 - a) The applicant must provide evidence of permission from the NSW Minister for Correctional Services for the use of land identified as East – West Squirrel Glider Connectivity (as shown in Figure 7 of the Biodiversity Development Assessment Report (Revision 3) by Anderson Environment & Planning dated 6 May 2021) for the purpose of fulfilling an approved Vegetation Management Plan over a five (5) year period.
 - b) The applicant must provide evidence of permission from the NSW Minister for Correctional Services endorsing the use of a suitable 88B instrument on land identified as East – West Squirrel Glider Connectivity (as shown in Figure 7 of the Biodiversity Development Assessment Report (Revision 3) by Anderson Environment & Planning dated 6 May 2021) to protect in perpetuity native vegetation retained and enhanced under an approved Vegetation Management Plan.
 - c) The Landscape Plan (Revision 2) by Studio 26 Urban Design dated 11 March 2021 must be updated to:
 - i. Utilise only local native species of local provenance grown by a specialist native plant nursery are used for landscaping. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest EEC.
 - ii. Provide landscape details demonstrating effective screening of the caravan and boat storage area from the adjoining residential properties on Links Avenue.
 - iii. Provide landscape details for the southern boundaries of Phase 9 and 10 demonstrating effective screening of these development phases when viewed from the existing residential properties along Portrush Avenue and Birkdale Boulevard.
 - iv. Provide landscape details for the interface of the golf course with the existing residential properties on the northern boundary of Birkdale Boulevard and Portrush Avenue. The landscaping details must incorporate plant species of low height to enable retention of views of the golf course from these properties.

The following conditions of consent, including any other conditions that may arise from resolution of matters listed in the above condition, will be included in an operational Development Consent.

The consent shall become operational once Council has notified the applicant in writing that the information submitted in response to the deferred commencement conditions, are acceptable.

SCHEDULE 2

CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITIONS IN SCHEDULE 1

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No.8/2020/20604/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Plan Reference/ Drawing No.	Drawn By	Dated
Overall Lot Plan and Residential Precincts	SGC-02	Integrated Site Design	March 2021
Northern Residential Precinct Plan	SGC-03	Integrated Site Design	May 2021
Western Residential Precinct Plan	SGC-04	Integrated Site Design	May 2021
Southern Residential Precinct Plan	SGC-05	Integrated Site Design	May 2021
Community Facility Plan Package	Drawing No. 01 to 06	Brown Commercial Building	16 September 2020
Civil DA Engineering Package	C01.00DA C02.00DA C02.50DA C03.00DA C03.01DA C03.02DA C03.03DA C03.20DA C03.10DA C04.00DA C04.10DA	Northrop	9 March 2021
Civil DA Engineering Package	C05.00DA C05.01DA C05.02DA C05.03DA C05.04DA C05.05DA C05.06DA	Northrop	29 September 2020
Civil DA Engineering Package	C06.01DA C06.01DA C06.02DA	Northrop	24 February 2021
Proposed Alts and Adds to Clubhouse Plan Package	Drawing No. S-01 to S-06	Brown Commercial Building	16 September 2020

Document Title	Prepared By	Dated
Traffic Impact Assessment	Intersect Traffic	August 2021 Revision G
Bushfire Threat Assessment	AEP	February 2021 Revision 3
Operational Management Plan	Enliven	July 2021 Revision 5
Unexpected Finds Protocol	Cardno	10 August 2021 Revision 2
Construction Sequencing Plan	Principle Living Pty Ltd	April 2021
Construction Management Plan	Principle Living Pty Ltd	March 2021
Waste Minimisation and Management Plan	Principle Living Pty Ltd	February 2021 Revision 2
Complaints and Disputes Policy and Procedures	Enliven	July 2021

Noise Impact Assessment	Reverb Acoustics	March 2021
Statement of Environmental Effects	Insite Planning Services	29 April 2021 Revision 4
Aboriginal Cultural Heritage Assessment	Extent Heritage Pty Ltd	May 2021 (final)
Contamination Status Report	Cardno	23 April 2021
Biodiversity Development Assessment Report	AEP	6 May 2021 Revision 3
Tree Retention Plan	AEP	October 2020
Concept Engineering Design	Northrop	30 September 2020 Revision C
Social Impact Assessment	AIGIS Group	September 2020
Disability Access Report	Lindsay Perry Access	14 September 2020 Revision 1
Arborist Assessment	AEP	September 2020
Major Flood Assessment Report	Northrop	18 September 2020 Revision C
Preliminary Site Investigation (Contamination)	Douglas Partners	March 2020
CPTED Assessment	James Marshall & Co	June 2020
Geotechnical Investigation	Douglas Partners	March 2020

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 shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) New South Wales Rural Fire Service
- b) Natural Resources Access Regulator

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

3. Phasing of Development

Development consent is granted for the development to be undertaken in ten (10) phases in accordance with the approved Construction Sequencing Plan (prepared by Principle Living Pty Ltd, dated April 2021).

The on-site manager's residence and reconfiguration of the golf course are to be provided at Phase 1 of the development.

4. 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, Phase 6 to follow Phase 5, Phase 7 to follow Phase 6, Phase 8 to follow Phase 7, Phase 9 to follow Phase 8, and Phase 10 to follow Phase 9. Undertaking

two or more phases at the same time is permitted but only if the phases are in sequence and all conditions that apply to all relevant phases are complied with.

5. Local Government Act 1993 Section 68 Approval Application Required

Prior to issue of a Notice of Completion and occupancy of the first dwelling in Phase 1, an approval to operate a manufactured home estate must be obtained under Chapter 7, Part 1, Section 68 of the Local Government Act 1993. The application will be subject to a fee as listed in Council's adopted Fees and Charges, inspection and assessment.

6. Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

- a) The proposed development (for each phase) shall be designed, constructed maintained and operated in accordance with the requirements of Division 3 of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
- b) All manufactured homes proposed to be located within the manufactured home estate must comply with the provisions of Division 4 of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
- c) Prior to occupation and use of any manufactured home, the holder of an approval to operate a manufactured home estate must provide Council with written "Notice of Completion". Council will then consider the issue of a Certificate of Completion as detailed in Clause 68 and 69 of *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

7. 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 an occupant of the manufactured home estate:

- (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 2021*.

8. Subdivision

This consent permits the subdivision of land for lease purposes in accordance with the provisions in Clause 8 in State *Environmental Planning Policy 36 – Manufactured Home Estates*.

9. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A *CC* has been issued by a Certifier (being Council or a registered certifier); and
- b) A *PC* has been appointed by the person having benefit of the development consent; and
- c) If Council is not the *PC*, notify Council no later than two (2) days before building work commences as to who is the appointed *PC*; 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.

10. 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*.

11. Requirements of Electricity Supply Authority

The applicant must comply with the requirements specified by the Electricity Supply Authority, Ausgrid, as detailed within their correspondence date 12/10/2020 Reference: 2017/12/22.

12. Requirements of Hunter Water Corporation

The applicant must comply with the requirements specified by Hunter Water Corporation as detailed within their Notice of Formal Requirements dated 23/12/2020. Reference: 2019-1722.

13. 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*.

14. Community Building and Noise Restrictions

The use and activities within or associated with the operation of the community building and recreational facilities must 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.

15. Design Guidelines Requirements

Design guidelines are to be developed for prospective manufactured home site purchasers for each phase which offer a visual mix of varied manufactured home designs in order to avoid sameness in adjoining manufactured homes 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 are to be provided to Council prior to the issue of the Activity Approval.

16. 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.

17. Disabled Access and Facilities

The buildings (excluding manufactured homes) 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (ALL PHASES)

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

18. 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.

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

20. Retaining Wall

Where a retaining wall is in excess of 600mm in height and/or within 900mm of a property boundary, separate detailed drawings are to be submitted in conjunction with the CC, specifying wall heights, heights of retaining walls, proposed mounding and stabilisation treatment, and landscaping for the elevations of the building.

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

21. Car Parking - Residential

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.

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

22. Parking – Delivery Vehicles

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

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

23. Road - Fees

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

Based on a road length, final fee amounts will be levied on accurate dimensions contained within the engineering plans.

a) Road fees - engineering plan checking and construction certification.

The fees 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.

24. 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 Certifier as satisfying this requirement prior to the issue of a CC.

25. Flood Risk Management Report

A Flood Risk Management Report, prepared by a qualified practising Civil Engineer and satisfying all the following requirements must be provided to the Certifier prior to the issue of a CC. The report must be prepared / amended to make provision for the following:

- a) The report must be generally in accordance with the recommendations of the Major Flood risk Assessment Report NL193270 prepared by Northrop and dated 16 September 2020.
- b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions to include, but not be limited, to the following:
 - i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris
 - ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections
 - iii) Flood warning signs / depth indicators for areas that may be inundated
 - iv) A flood evacuation strategy
 - v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The design must make provision for the structural integrity of all structures from immersion and/or impact of velocity and debris and waterproofing works where applicable.

26. Flooding – Downstream Impacts

Prior to the issue of a CC, the applicant shall provide evidence to the Certifier that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year, to the 1 in 100 year Average Recurrence Interval (ARI) storm events, by the inclusion of onsite stormwater detention controls. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include onsite storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's "Engineering Requirements for Development".

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the

development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

27. Flooding – Floor Level (500mm above 1-in-100)

The applicant shall ensure that the floor level of the proposed building is at least 500mm above the area of inundation for a 1 in 100 year flood. Evidence to support the determination of the flood level shall be supplied by a suitably qualified professional.

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

28. Dilapidation Report – Council Property

A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a CC:

- a) Mount View Road/Stonebridge Drive Intersection
- b) Stonebridge Drive
- c) Stonebridge Drive/Birkdale Boulevard Intersection.
- d) Birkdale Boulevard

The dilapidation report is to be prepared by a practising Structural / Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant.

29. Exterior Lighting Generally

Prior to the issue of a CC, submit to Council for approval a proposed exterior lighting plan. Design and position all exterior/outdoor lighting, to minimise and 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.

30. Section 50 – Hunter Water Act 1991

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

31. Water Quality

Prior to the issue of a CC, the applicant shall provide evidence to the CA that the development meets the criteria for water quality targets as outlined in the Australian Runoff Quality ARQ. Evidence such as MUSIC modelling technique such shall be submitted to Council prior to the issue of the CC.

32. Earthworks

Prior to the issue of a CC, earthwork construction drawings are to be submitted to the CA for approval. All earthworks are to be constructed in accordance with Australian Standard 3798-2007, "Guidelines on Earthworks for Commercial and Residential Developments".

Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties.

If engineered fill is to be placed on the site in accordance with Council's Development Engineering Specifications and Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'.

The finished level of any building area to be designed to ensure a minimum surface grading of 1.5% oriented in the direction of the drainage system designed to cater for its catchment.

33. Food Premises

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

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

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

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

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

34. Mechanical Exhaust System

Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the *BCA* and *AS 1668 Parts 1 and 2* (including exhaust air quantities and discharge location points) are to be provided to the Certifier prior to the issue of a CC.

35. Kitchen/food preparation area

A detailed floor plan with sectional views of the kitchen/food preparation area shall be provided prior to the issue of the CC. The plan is to give details of the location of all fittings and fixtures such as wash-up sink, cleaner's sink, greasy drainage lines, hand wash basin/s, dishwasher (if applicable), glass washer (bar area) and the cooking array.

36. Bin Storage Area

The door from the bin storage area is not to open directly into the kitchen/food preparation area to prevent the potential for contamination by dirt, dust, fumes and other contaminants.

37. Commercial Waste Storage

Commercial waste storage areas are to be constructed to the following:

- i) Floors must be graded and drained to a sewer with an approved drainage fitting.
- ii) The floors and walls must be finished to a smooth and impervious surface that enables easy cleaning.
- iii) A supply of hot and cold water mixed through a centralised mixing valve must be provided to each bin storage area
- iv) Must be constructed in a manner to prevent the entry of vermin.
- v) Be provided with adequate light and ventilation.

38. Vegetation Management Plan

Prior to the issue of any CC, the applicant must prepare, submit to Council and obtain approval for a Vegetation Management Plan (VMP) for the area to be revegetated with native shrubs and small trees. The VMP must be prepared by a suitably qualified and experienced Ecologist. The VMP must be for a minimum of (five) years. The primary objective of the plan must be weed management, regeneration of native vegetation and if necessary replanting. Implementation of the VMP must commence immediately following issue of the CC. In preparing and implementing the VMP the following criteria must be addressed:

- a. A suitably qualified and experienced professional bush regeneration contractor must be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel).
- b. A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation and extent of dominant weed infestations.
- c. A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided.
- d. A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works. All primary weed control must be undertaken in the first year following

commencement of the VMP, with secondary weed control undertaken in the second year following commencement of the VMP. Maintenance weed control must continue for the duration of the VMP. If natural regeneration has not occurred within one (1) year of implementation of the VMP then replanting must occur. Replanting density is to be 1 tree per 10 m², 1 shrub or small tree per 3 m² and 3 ground cover plants per 1m². A minimum of 90% survival rate of plantings is required, with replacement planting to occur if required to achieve this.

- e. Targets for primary, secondary and maintenance phases of the VMP for exotic cover, native canopy cover, native midstorey cover and native ground cover must be at least:

Maintenance Phase	Exotic cover	Native canopy cover	Native midstorey cover	Native ground cover
Primary	Less than 25%	At least 10% or replanting is required	At least 10% or replanting is required	At least 40%
Secondary	Less than 10%	At least 15% or replanting is required	At least 15% or replanting is required	At least 50% cover
Maintenance	Less than 5%	At least 20% or replanting is required	At least 20% or replanting is required	At least 50% cover

If targets are not met by the end of the maintenance phase, additional works are required so that targets are achieved before works can progress to the next maintenance phase.

- f. The location and type of fencing or other suitable method of restricting access of livestock into the area to which the VMP applies must be identified if livestock are to be kept on the lot.
- g. Photo monitoring points, details of plan survival, occurrence of natural regeneration and weed density must be used as part of the monitoring of the area and included in each monitoring report.

39. Nest Boxes

Nest boxes must be installed if hollow bearing trees or nest boxes are removed, at a ratio of at least 2 boxes per hollow. Nest boxes must be installed in mature retained trees in land marked Priority Retention and Flood Affected as shown in Figure 7 of the Biodiversity Development Assessment Report (Revision 3) by Anderson Environment & Planning dated 6 May 2021. Evidence that this has occurred must be provided to Council's Ecologist for approval prior issue of a CC.

40. Ecosystem credit retirement conditions

- a) Prior to issue of CC the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits in (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of (a) must be provided to the consent authority prior to CC.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
PCT 1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box Shrub - Grass open forest of the lower Hunter.	48	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. Or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion. This includes PCT's 1590, 1592, 1593, 1600 and 1602.
PCT 1800: Cumberland Swamp Oak riparian forest.	1	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. Or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Coastal Floodplain Wetlands. This includes PCT's 780, 828, 835, 1234, 1235, 1386, 1651, 1720, 1727, 1728 and 1800.
PCT 1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box Shrub - Grass open forest of the lower Hunter.	48	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. Or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion. This includes PCT's 1590, 1592, 1593, 1600 and 1602.

¹ Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

41. Species credit retirement conditions

- a) Prior to issue of CC the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.

- b) The requirement to retire credits in (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator¹.
- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to the consent authority prior to CC.

Table 2 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Petaurus norfolcensis/Squirrel Glider	50	Anywhere in NSW.

¹ Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment

42. Protection and Management of Aboriginal Cultural Heritage

All recommendations of the *Aboriginal Cultural Heritage Assessment – Stonebridge Lifestyle Village Cessnock* (prepared by Extent Heritage, dated April 2021) shall be fully implemented to the satisfaction of Council’s Heritage Advisor prior to the issue of any CC/Activity Approval.

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.

43. Civil Works to be completed

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

44. Section 68 (Part A1) Activity Approval Required

Works associated with the dwelling houses (being manufactured homes) 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.

45. Parking – Minimum Requirement

Onsite car parking shall be provided for each manufactured home site and such being set out generally in accordance with Council's Development Control Plan. The car parking spaces are to be provided as follows:

- o Two (2) vehicle spaces for manufactured homes of 3+ bedrooms
- o One (1) vehicle space for a 2 bedroom manufactured home

46. Street Numbers

The manufactured home site numbers must be prominently displayed at the front of manufactured home sites to comply with the Local Government Act or must be painted

on the street kerb outside the manufactured home site to assist emergency services and visitors to locate the manufactured home site. The number is to be a minimum height of 120mm above ground if signposted and be visible at night.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 1

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

47. Road Internal Access Construction

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) Road ID MC04, MC07, MC08 Construct a road pavement in accordance with the approved plans to serve Stage 1.
- 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 temporary turning head at the end of truncated roads adjoining future stages.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - 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.

48. Fencing Requirements

The entirety of the external boundary of the 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. This condition does not apply to areas with existing boundary fencing.

Erection of the fencing is to be in accordance with the provisions of the *Dividing Fences Act 1991*.

49. Cessnock City Wide Development Contributions Plan (44 manufactured homes – 5 lot credit)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$258,297.32
801	Cessnock – Community Facilities	\$68,596.00
802	Cessnock – Cycleway Facilities	\$54,415.58
803	Cessnock – Roads and Traffic	\$44,019.55
804	Cessnock – Plan Administration	\$6,373.67
	Total	\$431,702.12

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 2

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

50. Road Internal Access Construction

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) Road ID, MC07, MC08 Construct a road pavement in accordance with the approved plans to serve Stage 2 works.
- 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 temporary turning head at the end of truncated roads adjoining future stages

51. Disabled Car Parking Spaces

A total of four (4) 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 Certifier prior to the issue of a CC.

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

52. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of 59 vehicles and such being set out generally in accordance with Council's Development Control Plan.

The car parking spaces are to be provided as follows:

- o Car park 1- Thirty four (34) Vehicle spaces associated with the community centre
- o Car park 2- Twenty Five (25) spaces associated with the tennis courts

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier 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 - 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.

53. Cessnock City Wide Development Contributions Plan (25 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$165,575.20
801	Cessnock – Community Facilities	\$43,971.80
802	Cessnock – Cycleway Facilities	\$34,881.78
803	Cessnock – Roads and Traffic	\$28,217.66
804	Cessnock – Plan Administration	\$4,085.69
	Total	\$276,732.13

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 3

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

54. Road Internal Access Construction

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) Road ID, MC08, MC04 Construct a road pavement in accordance with the approved plans to serve Stage 3 works.
- b) Construct kerb and gutter
- c) Place two (2) coat hot bitumen seal on new works
- d) Construct drainage works as necessary.

55. Disabled Car Parking Spaces

A total of two (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 Certifier prior to the issue of a CC.

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

56. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of 121 vehicles and such being set out generally in accordance with Council's Development Control Plan.

The car parking spaces are to be provided as follows:

- o Car park 3- Seventy (70) vehicle spaces
- o Fifty One (51) caravan spaces

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier 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 - 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.

57. Caravan and Boat Storage Buffer

The caravan & boat storage area located on the southern boundary with Links Avenue is to be setback a minimum of 5m from the boundary with 34 Links Avenue. A 3m landscape strip is then to be established between the property boundary and the pathway and planted with a suitable native hedge that will grow to 2m. Details are to be provided in an amended Landscape Plan to be submitted and approved by Council prior to the issue of the Activity Approval that include the caravan & boat storage area in stage 3.

58. Cessnock City Wide Development Contributions Plan (34 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$225,182.28
801	Cessnock – Community Facilities	\$59,801.64
802	Cessnock – Cycleway Facilities	\$47,439.23
803	Cessnock – Roads and Traffic	\$38,376.01
804	Cessnock – Plan Administration	\$5,556.53
	Total	\$376,355.69

A copy of the Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 4

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

59. Road Internal Access Construction

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) Road ID, MC04, MC05, MC07 Construct a road pavement in accordance with the approved plans to serve Stage 4.
- 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 temporary turning head at the end of truncated roads adjoining future stages

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - 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.

60. Cessnock City Wide Development Contributions Plan (16 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$105,968.13
801	Cessnock – Community Facilities	\$28,141.95
802	Cessnock – Cycleway Facilities	\$22,324.34
803	Cessnock – Roads and Traffic	\$18,059.30
804	Cessnock – Plan Administration	\$2,614.84
	Total	\$177,108.56

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 5

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

61. Road Internal Access Construction

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) Road ID,MC05, MC06, MC07 Construct a road pavement in accordance with the approved plans to serve Stage 5.
- 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 temporary turning head at the end of truncated roads adjoining future stages

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - 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.

62. Cessnock City Wide Development Contributions Plan (30 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$198,690.24
801	Cessnock – Community Facilities	\$52,766.16
802	Cessnock – Cycleway Facilities	\$41,858.14
803	Cessnock – Roads and Traffic	\$33,861.19
804	Cessnock – Plan Administration	\$4,902.82
	Total	\$332,078.55

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 6

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

63. Road Internal Access Construction

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) Road ID, MC04, MC06 Construct a road pavement in accordance with the approved plans to serve Stage 6.
- 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 temporary turning head at the end of truncated roads adjoining future stages

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - 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.

64. Cessnock City Wide Development Contributions Plan (30 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$198,690.24
801	Cessnock – Community Facilities	\$52,766.16
802	Cessnock – Cycleway Facilities	\$41,858.14
803	Cessnock – Roads and Traffic	\$33,861.19
804	Cessnock – Plan Administration	\$4,902.82
	Total	\$332,078.55

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 7

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

65. Road Internal Access Construction

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) Road ID, MC04, MC06 Construct a road pavement in accordance with the approved plans to serve Stage 7.
- 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 temporary turning head at the end of truncated roads adjoining future stages

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - PHASE 7

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.

66. Cessnock City Wide Development Contributions Plan (30 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$198,690.24
801	Cessnock – Community Facilities	\$52,766.16
802	Cessnock – Cycleway Facilities	\$41,858.14
803	Cessnock – Roads and Traffic	\$33,861.19
804	Cessnock – Plan Administration	\$4,902.82
	Total	\$332,078.55

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 8

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

67. Road Internal Access Construction

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) Road ID, MC06, MC07 Construct a road pavement in accordance with the approved plans to serve Stage 8.
- b) Construct kerb and gutter
- c) Place two (2) coat hot bitumen seal on new works
- d) Construct drainage works as necessary.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - PHASE 8

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. Cessnock City Wide Development Contributions Plan (30 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$198,690.24
801	Cessnock – Community Facilities	\$52,766.16
802	Cessnock – Cycleway Facilities	\$41,858.14
803	Cessnock – Roads and Traffic	\$33,861.19
804	Cessnock – Plan Administration	\$4,902.82
	Total	\$332,078.55

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 9

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

69. Road Internal Access Construction

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) Road ID, MC01 Construct a road pavement in accordance with the approved plans to serve Stage 9.
- b) Construct kerb and gutter
- c) Place two (2) coat hot bitumen seal on new works
- d) Construct drainage works as necessary.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - PHASE 9

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.

70. Cessnock City Wide Development Contributions Plan (26 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$172,198.21
801	Cessnock – Community Facilities	\$45,730.67
802	Cessnock – Cycleway Facilities	\$36,277.06
803	Cessnock – Roads and Traffic	\$29,346.36
804	Cessnock – Plan Administration	\$4,249.11
	Total	\$287,801.41

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 10

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

71. Road Internal Access Construction

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) Road ID MC03 Construct a road pavement in accordance with the approved plans to serve Stage 10.
- 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 drainage crossing to facilitate stormwater flows up to the PMF level as identified within the Flood risk Management report.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 - PHASE 10

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.

72. Cessnock City Wide Development Contributions Plan (36 manufactured homes)

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 any CC/Activity Approval:

Fee Type Code	Contribution Type	Amount Payable
800	Cessnock – Open Space and recreation facilities	\$238,428.29
801	Cessnock – Community Facilities	\$63,319.39
802	Cessnock – Cycleway Facilities	\$50,229.77
803	Cessnock – Roads and Traffic	\$40,633.43
804	Cessnock – Plan Administration	\$5,883.39
	Total	\$398,494.27

A copy of the *Cessnock City Wide Infrastructure 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.

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

PRIOR TO COMMENCEMENT OF WORKS (ALL PHASES)

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

73. 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 *PC* as satisfying these matters prior to the commencement of works.

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

- e) All traffic control plans must be in accordance with the TfNSW 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.

74. 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 PC 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.

75. 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.

76. 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.

77. 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.

78. 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. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

79. Over mass 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.

80. Trade Waste

Prior to construction, Hunter Water is to be contacted to advise on the installation of a suitably sized grease trap and to enter into a Trade Waste Agreement for disposal of trade waste to sewer.

81. 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.

82. 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.

83. Boundaries of Priority Retention and Flood Affected Area

Prior to any clearing or construction works commencing, the boundaries of the land marked Priority Retention and Flood Affected as shown in Figure 7 of the Biodiversity Development Assessment Report by Anderson Environment & Planning (Revision 3) dated 6 May 2021 are to be clearly delineated using brightly coloured tape and temporary fencing. The boundaries are to be appropriately signposted to ensure that clearing, construction and development activities do not encroach or impact these areas. The temporary fencing used to delineate the boundary of these areas and the area to be cleared must not prevent or restrict fauna movement from the area to be cleared into the area of native vegetation to be retained. The tape, temporary fencing and signs are to remain in place until works are completed.

84. Tree Survey

Prior to any clearing or construction works commencing, a survey of any trees to be cleared must be undertaken by a qualified and experienced ecologist to determine whether any nests are present and if so, what species are occupying the nests.

85. Tree Protection Fencing and Signage

Any trees to be retained within 10m of the development footprint must be fenced prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy. Tree protection signage must be attached to the fencing surrounding the retained trees.

DURING WORKS (ALL PHASES)

The following conditions are to be complied with during works.

86. Tree Protection Fencing and Signage

All tree protection fencing and signage must remain in place until completion of construction works.

87. Clearing of Trees

Any clearing of trees with nests on the site must be done under the supervision of a qualified and experienced ecologist to minimise the risk of any fauna species being injured. Any trees with nests must be slowly and carefully lowered to the ground. Any native fauna present must be taken to a vet for treatment if required and then to an organisation such as the Native Animal Trust until they can be released.

88. Hollows

Hollows from felled trees must be placed within the land marked Priority Retention and Flood Affected as shown in Figure 7 of the Biodiversity Development Assessment Report (Revision 3) by Anderson Environment & Planning dated 6 May 2021.

89. 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.

90. Site is Securely Fenced

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

91. Approved Plans Kept On Site

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

92. Excavations and Backfilling

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

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage
- b) If necessary, underpin and support the building in a manner certified by a professional engineer.
- c) Give at least seven (7) days' notice to the adjoining owner before excavating, of the intention to excavate

The principal contractor, owner builder, or any person who needs to excavate and undertake building work, must first contact "Dial Before You Dig" and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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. 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 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 PC 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.

95. Construction Vehicles

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

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. 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.

98. 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.

99. 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.

100. 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.

101. 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.

102. Floor Level Certification

The floor level of any proposed building shall be certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval (ARI) flood level as determined by the flood assessment undertaken by Northrop.

The evidence shall be submitted to the *PC* prior to construction works proceeding beyond floor level stage.

103. Removal of Contaminated Soil

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

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

104. Stockpiles

The stockpiles, previously identified as contaminated, must be removed as part of redevelopment and as such will require assessment of the quality of individual stockpiles and suitability of re-use. Documentation concerning assessment of the quality of materials removed from these stockpiles must be submitted to Council.

105. Unexpected Finds Protocol

The recommendations and actions specified in the Unexpected Finds Protocol prepared by Cardno Pty Ltd in file reference 81021056-002.0 and dated 23 April 2021 must be enacted and a copy of any documentation in relation to unexpected finds must be forwarded to Council.

106. Clearing of Development Footprint

Vegetation must be cleared from the periphery of vegetated areas first, progressing from east to west, to enable resident fauna to relocate to adjacent areas to be retained for conservation purposes.

107. Clearing of Development Footprint

During construction works all vehicles must be washed before entering the site to prevent the spread of exotic species.

108. Priority Retention and Flood Affected Land

Stockpiling or storage or mixing of materials (including soil), vehicle parking, disposal of liquids, machinery repairs, refuelling and the siting of any new offices or sheds must not occur within land marked Priority Retention and Flood Affected as shown in Figure 7 of the Biodiversity Development Assessment Report (Revision 3) by Anderson Environment & Planning dated 6 May 2021 during any stage of the development.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (ALL PHASES)

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

109. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter within the internal roads to each property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1.

110. All Services Provided

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

111. Second Dilapidation Report

A second Dilapidation Report, including a photographic survey, must be submitted after the completion of works. A copy of this Dilapidation Report, together with the accompanying photographs, must be given to the property owners referred to in this Development Consent. A copy must be lodged with Council and the PC prior to the issue of an OC. Any remediation works required due to damage identified is to be completed prior to the issue of an OC.

112. Food Premises

Prior to the issue of an OC, an inspection of the completed premises is to be conducted by the PC certifying that the food premises has been constructed in accordance with the approved plans.

113. Completion of Landscape Works

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

114. Parking – Completion

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

115. Parking – Loading Facility Requirement

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

116. Disabled Access/Parking

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

117. Internal Road – Access Completion

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

118. 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.

119. Positive Covenant – OSD

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

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

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

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

120. 88B Certificate Required

The areas managed under the approved Vegetation Management Plan must be protected in perpetuity by entering into an 88B instrument prior to the issue of an *OC*. The 88B instrument must state that these areas are not to be grazed or cleared (as defined under Section 60C of the Local Land Services Act 2013). Evidence of this is to be submitted to and approved by Council’s Ecologist prior to issue of an *OC*.

121. Drainage Works

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

122. Flood Mitigation Works

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

123. 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 *PC* for approval prior to the issue of an *OC*.

124. Flood Risk Management Plan

Prior to the issue of an *OC*, the *PC* is to receive from a suitably qualified and practising professional engineer, a certificate of compliance certifying that all aspects of the flood risk management plan have been completed in accordance with the approved design and relevant *AS*.

125. 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 OC.

126. Flooding – Evacuation Management Plan

The applicant shall 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 use of the onsite facilities 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 all community buildings 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.

127. Connection to the Reticulated Water and Sewer System

The subject development will be serviced by an independent water and sewer utility operator. Prior to issue of an OC and use of the dwelling, the PC is to be provided with evidence from the independent water and sewer utility operator that the development has been connected to and has approval for use of the reticulated water and sewer system.

128. Certification of Fire Services

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 building or issue of an OC.

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

129. Fire Hydrants

No part of a dwelling site or a community building within the manufactured home estate shall be situated more than 90 metres from a fire hydrant. Any fire hydrant located within the estate must be a double-headed pillar type fire hydrant and be listed in the Fire Safety Schedule for the property as an essential fire safety measure. A final Fire Safety Certificate including installation certification documentation shall be submitted to Council upon installation and prior to occupation of any affected building.

130. Swimming Pools / Spa

The swimming pool shall 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.

131. 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.

ONGOING USE

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

132. Community and Recreation Facilities

The approved community and recreation facilities are to be used by residents of the manufactured home estate and their guests only, with the exception of the golf course/club and the bowling green.

133. Hours of Operation

The property is to be used for the purpose approved only within the following hours, as specified in the approved Operational Plan:

Community centre

- 9:00am to 9:00pm Monday to Saturday
- 10:00am to 5:00pm Sundays and Public Holidays
- The swimming pool and gymnasium may operate from 8:00am – 5:00pm Monday to Sunday

Tennis Court and bowling greens

- 8:00am to 5:00pm Monday to Sunday

134. 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*.

135. 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.

136. Maintenance of Landscaping

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

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

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

137. 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.

138. 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 2018*, prominently displayed and permanently fixed in the vicinity of the swimming pool.

139. Registration of Swimming Pool

Prior to use Council is to be contacted to register the installation of a public swimming pool to enable the pool to be regularly tested and checked by Council Officers.

140. Food Business Notification

Prior to opening, the operator of the food business is to provide Notification to Council of the commencement of a food business.

141. Waste Management

- All waste and recycling storage is to be wholly located within the dedicated bin storage areas.
- The bin collection points are to be level, free of obstructions and with sufficient height clearance to enable safe collection and serving of garbage bins.

- Waste collection must be carried out at sufficient intervals to ensure that the facility is kept in a safe and healthy condition.
- Waste service collection must be provided by a commercial waste service contractor.
- Problem and bulky waste is to be managed by the proprietor.

142. Operational Plan

The development must be managed and operated in accordance with the approved Operational Plan (prepared by Enliven, dated July 2021).

143. 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.

144. Complaints Register

Complaints and disputes must be managed in accordance with the approved Complaints and Disputes Policy (prepared by Enliven, dated July 2021). 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.

145. 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.

146. 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.

147. Community Bus

A community bus must be available to residents of the manufactured home estate and provide scheduled daily shopping runs and for other purposes as reasonably needed in accordance with the approved Operational Plan (prepared by Enliven, dated July 2021).

148. On-site Manager

The development must have an on-site live-in manager who will be at the property outside of business hours and available 24 hours.

149. Crime Prevention Through Design

The Crime Prevention Through Environmental Design (CPTED) principles recommended in the approved CPTED Assessment (prepared by James Marshall & Co, dated June 2020) must be incorporated into the development, including (but not limited to):

- a) installation of external boundary fencing
- b) directional signage
- c) residential house numbers clearly displayed
- d) lighting of pedestrian pathways, carparks and caravan storage area
- e) CCTV of caravan storage area and golf club house
- f) Rapid repair of graffiti and malicious damage

150. Noise Assessment Recommendations

In accordance with the recommendations of the approved Noise Impact Assessment (prepared by Reverb Acoustics, dated March 2021), the existing acoustic mound located along the north boundary of the development site is to be retained to ensure ongoing compliance with noise criteria.

151. 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*.

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.

Councillors Dunn and Burke returned to the meeting, the time being 6.52pm

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1840

RESOLVED

That having read and considered the reports in the agenda related to items

NI7/2021	Notice of Intention to Deal with matters in Confidential Session.	
	Report No. CC79/2021 - Tender T2022-02 Sale Development of Vineyard Grove Estate	
	Report No. WI80/2021 – South Cessnock - Acceptance of Grant Funding.....	42
‡ GMU16/2021	Proposal to Close Council Offices Between Christmas and New Year	44
PE50/2021	Development Application 8/2021/21668/1 - Single Storey Dwelling and Attached Garage	
	28 Eleventh Street, Millfield	252
PE56/2021	Local Environmental Plan Optional Clause 5.22 - Special Flood Considerations.....	362
PE57/2021	Amendment to the Cessnock Development Control Plan 2011 - Vegetation Management.....	386
‡ PE58/2021	Molly Worthington Netball Court Planning Proposal	396
CC73/2021	Tender T2021-11 Cessnock Airport Runway and Taxiway Renewal Works.....	400
‡ CC74/2021	December 2021 Local Government Elections - Caretaker Provisions	407
‡ CC75/2021	December 2021 Local Government Elections - Electoral Matter & Use of Council Resources	410
‡ CC76/2021	Annual Unreasonable Customer Conduct Report	423
‡ CC77/2021	Investment Report - September 2021	428
‡ CC78/2021	Resolutions Tracking Report	436
WI77/2021	Minutes of Roads Review Committee Meeting held on 13 August 2021	497
‡ WI78/2021	Former Waste Sites Update - Remediation Action Plans	500
‡ CO16/2021	Gas Fired Power Station - Report BN31/2020.....	517

Council adopt the recommendations as printed for those items.

FOR**AGAINST**

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

Total (0)

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI7/2021

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

**REPORT NO. CC79/2021 – TENDER T2022-02 SALE OF
DEVELOPMENT OF VINEYARD GROVE ESTATE**

**REPORT NO. WI80/2021 – SOUTH CESSNOCK - ACCEPTANCE OF
GRANT FUNDING**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1841
RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (c), (di) of the *Local Government Act 1993*:

Report No. CC79/2021 – Tender T2022-02 Sale of Development of Vineyard Grove Estate as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

Report No. WI80/2021 – South Cessnock – Acceptance of Grant Funding for the reasons that it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU9/2021

SUBJECT: MOTIONS OF URGENCY

RECOMMENDATION

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

Councillor Stapleford

That the General Manager write to the local member and the Premier about their decision to stand down Paxton fire station as well as some of the trucks at Bellbird, Kearsley, Abermain or Kurri Kurri. This may place some of our residents in danger this fire season with no Fire and Rescue trained staff on duty in our rural areas

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

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

Councillor Fitzgibbon

That the intended scope of works are on the western side of Colliery Street, joining the existing kerb and guttering from the Colliery Street/Greta Street intersection down to and along Cessnock Street, to join with drainage at the intersection of Cessnock St/Caledonian Street Aberdare.

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

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

Councillor Sander

That the General Manager urgently write to the NSW Electoral Commission and the Cessnock LGA Returning Officer requesting they open a pre poll location in Branxton for the local government elections as has been done in previous years on the Wednesday, Thursday and Friday prior to polling day.

That a copy of the letter be also sent to the General Manager at Singleton Council asking them to consider making a similar request as this pre poll location has been previously a joint booth between Cessnock and Singleton LGA's.

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

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

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU16/2021

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1842

RESOLVED

- 1. That Council notes its offices, including Libraries will close from 12 noon Friday, 24 December 2021 and reopen on Tuesday, 4 January 2022.**
- 2. That Council notes that the Cessnock Performing Arts Centre will close from Thursday, 23 December 2021 and re-open on Monday, 10 January 2022.**

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

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU17/2021

SUBJECT: REPORT BACK - SUPPORT SECURE LOCAL JOBS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
1843
RESOLVED

1. That Council notes the information contained within the report.
2. That Council reaffirms its commitment to supporting and creating more secure local jobs in our LGA.
3. That in all future 6 monthly Human Resource briefings to Council, information be included on the use of contractors and labour hire employees by Council and they type of work they undertake.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE48/2021

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21041/1 PROPOSING
CONSTRUCTION OF A DWELLING HOUSE**

12 QUORROBOLONG ROAD, CESSNOCK

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
1844

RESOLVED

That Report PE48/2021 be Deferred until the next available Ordinary Council Meeting, if required, to allow for further discussion between the proponent and Council regarding site position and other sewage management options. Should an option for on-site waste water disposal, to the satisfaction of Council Officers, be agreed upon, that the application be approved under delegation.

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

CARRIED UNANIMOUSLY

Sharon Watts	Against	WI73/2021 - Kerlew Street, Nulkaba - Cessnock Correctional Centre Access	458	3 mins
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EXTENSION OF TIME

Moved:
Seconded:

Councillor Stapleford
Councillor Suvaal

1845

RESOLVED

That an extension of 1 minute be granted to allow presentation to be completed.

FOR

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

AGAINST

Councillor Olsen

Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI73/2021

SUBJECT: KERLEW STREET, NULKABA - 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 Cessnock Correctional Centre. Councillor Suvaal remained in the meeting and participated in discussion and voting.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
1846

RESOLVED

1. That Council notes the outcome of the community consultation regarding the proposed final design option for the upgrade of the intersection of Kerlew and Occident Streets, Nulkaba.
2. That Council approves Option 3 as the final design for Occident/Kerlew St intersection and a report be prepared for the Cessnock Local Traffic Committee for design.
3. That Council allocates an addition \$219,000 from the Civil Works reserve for the construction of the intersection of Kerlew and Occident Streets, Nulkaba.
4. That Council engages with the Nulkaba community prior to finalising the detailed design of the intersection at Kerlew and Occident Streets Nulkaba.
5. That a report be presented to Council six months after the construction of the new entrance outlining any issues that have been raised with Council following completion of this project, and include any possible options and estimated costs to mitigate against the ongoing occurrence of these issues in the future.
6. That the General Manager investigate the renaming of part of Kerlew Street, from Occident Street to Wine Country Drive, and that a report come back to Council on the outcomes of the investigation. That the General Manager also undertake any actions that may be required to improve wayfinding technologies following the completion of the new intersection.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE49/2021

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2020/20600/1 PROPOSING CONSTRUCTION OF A TWO-STOREY DETACHED DUAL OCCUPANCY AND ANCILLARY TWO-STOREY STUDIO AND STORE ROOM

3718 GREAT NORTH ROAD, LAGUNA

MOTION
1847
RESOLVED

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

1. That:

- (i) Development Application No.8/2020/20600/1 proposing the construction of a two (2) storey detached dual occupancy and ancillary two (2) storey studio and store room at Lot 10, DP 584943 & Lot 3, DP 822122, 3718 Great North Road Laguna 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 a permitted land use in the RU2 Rural Landscape Zone under the *Cessnock Local Environmental Plan 2011*;
 - The proposal is consistent with the objectives of the RU2 Rural Landscape Zone under the *Cessnock Local Environmental Plan 2011*;
 - The proposal is consistent with the relevant State Environmental Planning Policies;
 - The proposal is compliant with the relevant provisions under the *Cessnock Development Control Plan 2010*;
 - The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;
 - The proposal will not result in any adverse social or economic impacts;
 - The site is considered suitable for the proposed development; and
 - The proposal is considered to maintain the public interest.
- (iii) In considering community views, the following is relevant:

- The development is a permitted land use in the RU2 Rural Landscape Zone.
 - The development proposed will have an acceptable impact on the amenity of the area.
 - Environmental impacts have been assessed as acceptable and suitable conditions of consent have been imposed accordingly.
- (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.

FOR	AGAINST
Councillor Olsen	Councillor Fagg
Councillor Doherty	Councillor Stapleford
Councillor Dunn	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (2)

CARRIED

CONDITIONS OF CONSENT

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/20600/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No: DA000	Spacecraft	5 August 2020

Rev- B Cover Page		
Drawing No: DA001 Rev- B BASIX Report	Spacecraft	5 August 2020
Drawing No: DA100 Rev- B Site Plan	Spacecraft	5 August 2020
Drawing No: DA101 Rev- B Floor Plans Owners Residence	Spacecraft	5 August 2020
Drawing No: DA102 Rev- B Floor Plans Manager's Dwelling	Spacecraft	5 August 2020
Drawing No: DA103 Rev- B Roof Plans Owners and Manager's Dwelling	Spacecraft	5 August 2020
Drawing No: DA104 Rev- B Floor Plans Owners Studio	Spacecraft	5 August 2020
Drawing No: DA105 Rev- B Landscape Plan	Spacecraft	5 August 2020
Drawing No: DA201a Rev- B Elevations Owner's Dwelling	Spacecraft	5 August 2020
Drawing No: DA201b Rev- B Elevations Owner's Dwelling	Spacecraft	5 August 2020
Drawing No: DA202 Rev- B Elevations Manager's Dwelling	Spacecraft	5 August 2020
Drawing No: DA203 Rev- B Elevations Office and Store	Spacecraft	5 August 2020

Drawing No: DA301 Rev- B Sections Owner's Dwelling	Spacecraft	5 August 2020
Drawing No: DA302 Rev- B Sections Manager's Dwelling and Owner's Studio	Spacecraft	5 August 2020
Drawing No: DA600 Rev- B Window and Door Schedule	Spacecraft	5 August 2020
Drawing No: DA601 - 603 Rev- B Exterior Finishes	Spacecraft	5 August 2020
Drawing No: DA604 Rev- B Exterior Finishes Schedule	Spacecraft	5 August 2020
Drawing No: DA605 Rev- B Photomontage	Spacecraft	5 August 2020

Document Title	Prepared By	Dated
Biodiversity Assessment Report	Peak Land Management	August 2021

2. General Terms of Approval

All General Terms of Approval issued by NSW Rural Fire Service in letter dated 16 September 2020 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. Storage Shed

The proposed storage shed identified on the site plan (Drawing No: DA100 Rev- B dated 5 August 2020) does not form part of this approval and will be subject to a separate development application.

4. CC, PCA & Notice Required

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

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of the CC:

5. Section 7.11 Contributions Payable

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
815	Open Space and Recreation Facilities	\$7,978.80
816	Community Facilities	\$1,064.11
817	Cycleway Facilities	\$4,046.96
818	Roads and Traffic	\$1,125.78
819	Plan Administration	\$213.27
	Total	\$14,428.92

A copy of Council's City Wide Infrastructure Contributions Plan 2020 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.

6. Section 68 Approval

Application shall be made to Council under Section 68 of the *Local Government Act 1993* to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

The grey-water produced from the showers shall be directed to a collection point and disposed of on site in a manner which will not create a nuisance or will pollute the environment. This is to be addressed within the Section 68 Application required for the composting toilet.

7. Marking of Wombat Burrow

The wombat burrow (as shown in Figure 7 of the Biodiversity Assessment Report prepared by Peak Land Management, dated August 2021) must be clearly delineated using brightly coloured tape, at a minimum distance of 5 metres in all directions surrounding the burrow. The area is to be appropriately signposted to ensure that construction and development activities do not encroach or impact the area. Evidence that this has occurred must be provided to Council's Ecologist for approval prior to the issue of a CC.

8. Landscaping

The Landscape Plan by Spacecraft dated 5 August 2020 (revision B) must be updated so that only local native species of local provenance grown by a specialist native plant nursery are used for landscaping. Native species are to be characteristic of Hunter Ranges Grey Gum. Evidence of this must be submitted to and approved by Council's Ecologist prior to issue of a CC.

9. Temporary Marking of Asset Protection Zone

Evidence that boundaries of the Asset Protection Zone have been marked using temporary protective fencing or brightly coloured tape must be provided to Council's Ecologist prior to issue of a CC.

10. Heritage Interpretation Strategy

Prior to the issue of any CC, a Heritage Interpretation Strategy shall be submitted to Council and approved by Council's Heritage Advisor.

The Heritage Interpretation Strategy is to be prepared by a suitably qualified heritage specialist and is to be developed in consultation with Council's Heritage Advisor and the Convict Trail Project (CTP) and provide a suitable strategy for the interpretation of the significance of the Great North Road Trading Post site, the abandoned loop of the Great North Road and the Convict Trail Project.

11. Conservation Management Plan

Prior to the issue of a CC, a Conservation Management Plan shall be prepared for the site in accordance with the Heritage Council of NSW guidelines and following the methodology as specified in J.Semple Kerr's '*A Conservation Management Plan*', and submitted to Council.

The Conservation Management Plan shall be prepared by a suitably qualified heritage specialist and include a strategy for the implementation of the conservation policies and recommendations of the plan, together with a schedule of conservation/cyclical maintenance works. This plan is to be submitted to Council and approved by Council's Heritage Advisor.

12. Parking

Three (3) parking spaces are to be provided on site for the dual occupancy, totalling fifty-one (51) spaces for the site. The design and layout of the parking area is to be in accordance with the approved development plans and Council's Development Control Plan 2010 (Chapter C.1 – Parking and Access).

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

13. Stormwater Design

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 Certifier as satisfying this requirement prior to the issue of a CC.

14. Internal Access Road

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed dwellings in accordance with the approved development plans. The access road will need to be constructed to a width of 4m, 100mm thick pavement with 1m wide clear verges either side. All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed 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 Certifier as satisfying this requirement prior to the issue of a CC.

PRIOR TO THE COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to any works commencing:

15. Prior to Tree Removal

Trees to be removed within the effluent management area located east of the Asset Protection Zone (as shown in Figure 2 of the Biodiversity Assessment Report by Peak Land Management dated August 2021) must be clearly marked prior to any tree removal to avoid additional trees being mistakenly removed or damaged.

16. 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.

17. 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.

DURING WORKS

The following conditions are to be complied with during works.

18. 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.

19. BCA Compliance

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

20. Approved Plans Kept On Site

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

21. 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*.

22. 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.

23. 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.

24. 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.

25. Clearing of Vegetation

Clearing of native vegetation and all development activities must only occur within the approved Asset Protection Zone and effluent management area (as shown in Figure 2 of the Biodiversity Assessment Report by Peak Land Management dated August 2021). All native vegetation (including understorey) outside of the nominated development envelope must be retained.

26. Tree Clearing – Effluent Management Area

The clearing of trees within the effluent management area located east of the Asset Protection Zone (as shown in Figure 2 of the Biodiversity Assessment Report by Peak Land Management dated August 2021) must be undertaken in a manner that avoids damaging adjacent vegetation to be retained.

27. Protection of Wombat Burrow

The tape and sign required to identify the wombat burrow must remain in place until works are completed.

28. Temporary Marking of Asset Protection Zone

The fencing or tape marking the boundaries of the Asset Protection Zone must remain in place until completion of construction works.

29. Clearing of Development Footprint

During construction works all vehicles must be washed before entering the site to prevent the spread of exotic species.

30. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation on Great North Road 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 (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.

31. Parking – Completion

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

32. Road – Access Completion

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas

and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an OC.

33. Drainage Works

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

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):

34. Inspection for On-Site Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PCA, verifying the associated on-site wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

35. 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.

36. Marking of Asset Protection Zone

The boundaries of the Asset Protection Zone must be permanently delineated using fencing, posts, bollards or similar. Evidence that this has occurred must be provided to Council's Ecologist prior to issue of the OC.

37. Landscaping

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

38. Lots To Be Consolidated

All allotments involved in this proposal must be consolidated into one allotment. Evidence of registration shall be submitted to Council or the PC prior to the issue of an OC.

ON-GOING USE

39. Use of On-site Bore

The onsite bore shall not be used for potable or domestic purposes.

40. Retention of Native Vegetation

All native vegetation on the site outside of the approved Asset Protection Zone and effluent management area (as shown in Figure 2 of the Biodiversity Assessment Report by Peak Land Management dated August 2021) must be retained in a natural state, not cleared, picked (as defined in the Biodiversity Conservation Act 2016) or disturbed in any way and allowed to regenerate in perpetuity.

41. Fencing

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

42. Restraint of Cats and Dogs

Any cats on the property must be kept indoors at all times to protect the native fauna on the site. Any dogs must be kept within a securely fenced area. Fences must be able to prevent the dogs from entering areas of native vegetation on the site.

43. Weeds Listed in Biosecurity Regulation

The weeds *Cestrum parqui* (Green Cestrum), *Rubus anglocandicans* (Blackberry) and *Gleditsia triacanthos* (Honey Locust) on the site must be removed on an on-going basis for the life of the development.

44. 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*.

PLANNING AND ENVIRONMENT NO. PE50/2021

SUBJECT: DEVELOPMENT APPLICATION 8/2021/21668/1 - SINGLE STOREY DWELLING AND ATTACHED GARAGE

28 ELEVENTH STREET, MILLFIELD

MOTION
1848
RESOLVED

Moved: Councillor Doherty **Seconded:** Councillor Suvaal

1. That:

- (i) Development Application No. 8/2021/21668/1 proposing construction of a single storey dwelling at Lot 91, DP1272564, 28 Eleventh Avenue, Millfield be approved pursuant to Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979 subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - a) The proposal is a permitted land use in the R5 Large Lot Residential zone under Cessnock Local Environmental Plan 2011;
 - b) The proposal is consistent with the objectives of the R5 Large Lot Residential zone under Cessnock Local Environmental Plan 2011;
 - c) The proposal is consistent with the relevant State Environmental Planning Policies;
 - d) The proposal is generally compliant with the relevant provisions under Cessnock Development Control Plan 2010, with the variations considered to be minor in nature;
 - e) The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environment;
 - f) The proposal will not result in any adverse social or economic impacts;
 - g) The site is considered suitable for the proposed development; and
 - h) The proposal is considered to maintain the public interest.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979.

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

CARRIED UNANIMOUSLY

CONDITIONS OF CONSENT

STATEMENT OF REASONS:

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

- The proposal is permitted in the R5 Large Lot Residential zone pursuant to Clause 2.3 of the Cessnock Local Environmental Plan 2011.
- The proposal is consistent with the objectives of the R5 Large Lot Residential zone under the Cessnock Local Environmental Plan 2011.
- The proposal is generally consistent with the objectives and controls of Part E9: Millfield Large Lot Residential Area of Cessnock Development Control Plan 2010, with the variations to the building form considered to be minor in nature.
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of natural hazards.

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/21668/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site setout Plan WD02	Hunter Homes	01.06.2021
Floor Plan WD04	Hunter Homes	01.06.2021
Elevations WD05	Hunter Homes	01.06.2021
Elevations WD06	Hunter Homes	01.06.2021
Section A-A WD07	Hunter Homes	01.06.2021
Stormwater Plan WD08	Hunter Homes	01.06.2021

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

2. BCA Compliance

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

PRIOR TO COMMENCEMENT OF WORKS

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

3. PC Signage and contact Details

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

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

4. Home Building Act

Pursuant to Section 4.17(11) of the EP&A Act 1979, where the development involves residential building work for which the Home Building Act 1989 requires a contract of insurance to be in force in accordance with Part 6 of that Act, building work authorised by this consent must not commence until such a contract of insurance has been obtained and is in force.

Residential building work must not be carried out unless the PC for the development to which the work relates (not being the council) 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 Certifier for the development to which the work relates has given the council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

5. 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.

6. 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.

7. 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. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

DURING WORKS

The following conditions are to be complied with during works.

8. 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.

9. Approved Plans Kept on Site

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

10. 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*.

11. BASIX Certificate

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

12. Erosion and Sedimentation 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.

13. 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.

14. 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.

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

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.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

16. Roof Stormwater – Street Gutter

Roof water from the dwelling shall be conducted to the water storage tank in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank, shall be conducted to the street table drain by means of a sealed pipeline having a minimum diameter of 90mm, prior to issue of an OC. The stormwater outlet point within the road reserve is to be adequately protected from damage by vehicles and not located so as to present a trip hazard for pedestrians.

17. BASIX Requirements & Certification

In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Principal Certifying Authority and Council upon issuing an Occupation Certificate.

18. Roads Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Eleventh Avenue 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 (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.

19. Section 50 – Hunter Water Act 1991

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Act 1991. Such evidence shall be submitted to Council prior to issue of an OC in respect of the building.

20. Retaining Walls and Drainage

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

ONGOING USE

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

21. Driveways to be Maintained

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

ADVISORY NOTES

A. “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

B. 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*.

PLANNING AND ENVIRONMENT NO. PE51/2021

SUBJECT: PUBLIC EXHIBITION OF DRAFT CESSNOCK PLANNING PROPOSAL POLICY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dunn
1849

RESOLVED

1. That Council places the draft Cessnock Council Planning Proposal Policy 2021 on public exhibition for a period of 28 days.
2. That a further report be presented to Council following the public exhibition period for consideration of submissions and adoption of the Policy.
3. That a new point 5.5. be added and other points reordered accordingly:

5.5. If a planning proposal is going to be rejected under clause 4.2, Councillors and the proponents will be notified one week prior to the rejection being finalised, with the reasons for refusal to be included in this notification.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE52/2021

**SUBJECT: PLANNING PROPOSAL TO REZONE LAND AT GINGERS LANE,
SAWYERS GULLY**

Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an interest in another investigation area identified in the new UGMP. Councillor Fitzgibbon left the meeting and took no part in discussion and voting.

Councillor Doherty declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he has known two property owners in the Planning Proposal for many years. Councillor Doherty remained in the meeting and participated in discussion and voting.

Councillor Fitzgibbon left the meeting, the time being 7.23pm.

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

- 1. That Council adopts the planning proposal as submitted to rezone land at Gingers Lane, Sawyers Gully with the amendment that the minimum lot size map is 1500 square metres for all new lots.**
- 2. The planning proposal documentation to be updated and submitted to Council to reflect the minimum lot size map of 1500 square metres of all new lots.**
- 3. That Council requests a Gateway determination for the Gingers Lane Planning Proposal – from the Department of Planning, Industry and Environment pursuant to the Environmental Planning and Assessment Act 1979.**
- 4. That Council notifies in writing the persons who made a submission with regard to the planning proposal and draft structure plan.**
- 5. That Council requests authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority to make the Local Environmental Plan.**
- 6. That Council undertakes consultation with public authorities and the community as determined by the future Gateway determination.**
- 7. Council note the general consistency of the Gingers Lane Planning Proposal with the UGMP Principles and the high level and subjective nature of the UGMP which enables specific planning proposals to be assessed on their merits.**
- 8. The Sawyers Gully Structure Plan be progressed in consultation with Council and the Gingers Lane Planning proposal, not be gazetted/published until the wider structure plan is endorsed by Council.**

The Mayor ruled that the report be moved to a later point in the meeting to allow additional information to be received.

8.12PM

The additional information was received and the following Motion was **PUT** and **CARRIED**.

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Gray
1850
RESOLVED

1. **That Council supports the planning proposal as submitted to rezone land at Gingers Lane, Sawyers Gully.**
2. **That Council requests a Gateway determination for the Gingers Lane Planning Proposal –from the Department of Planning, Industry and Environment pursuant to the Environmental Planning and Assessment Act 1979.**
3. **That Council requests authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority to make the Local Environmental Plan.**
4. **Council note the general consistency of the Gingers Lane Planning Proposal with the UGMP Principles and the high level and subjective nature of the UGMP which enables specific planning proposals to be assessed on their merits.**
5. **That an investigation area wide structure plan be developed and approved by Council prior the rezoning of the Gingers Lane Planning Proposal site.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE53/2021

**SUBJECT: ENVIRONMENTAL ZONING FRAMEWORK - PUBLIC EXHIBITION
OUTCOMES AND
PLANNING PROPOSAL 18/2021/6/1 - ENVIRONMENTAL ZONE LAND
USES AND OBJECTIVES**

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Doherty
1851
RESOLVED

That the report be deferred for a Councillor Workshop.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Fitzgibbon returned to the meeting, the time being 7.37pm

PLANNING AND ENVIRONMENT NO. PE54/2021

SUBJECT: PLANNING PROPOSAL 18/2019/1/1 - RECLASSIFICATION AND REZONING OF COUNCIL LAND

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dunn
1852
RESOLVED

1. That Council notes the outcome of community consultation for Planning Proposal 18/2019/1/1 – Reclassification and Rezoning of Council Land.
2. That Council forwards the amended Planning Proposal for Reclassification and Rezoning of Council Land to the Minister for Planning and Public Spaces with a recommendation that the plan be made pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
3. That Council notifies submission makers of the Minister’s decision.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE55/2021

SUBJECT: PLANNING PROPOSAL 18/2020/3/1 - COMPREHENSIVE LEP REVIEW - RECREATION ZONES

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Burke
1853

RESOLVED

1. That Council requests a Gateway determination for the Recreation Planning Proposal from the NSW Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal with the outcomes of the consultation with public authorities and the community.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE56/2021

**SUBJECT: LOCAL ENVIRONMENTAL PLAN OPTIONAL CLAUSE 5.22 -
SPECIAL FLOOD CONSIDERATIONS**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1854

RESOLVED

1. That Council advises the Department of Planning, Industry and Environment that it would like to 'opt in' to optional clause 5.22 of the Standard Instrument (Local Environmental Plans) Order 2006.
2. That Council pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000, exhibits the proposed amendments to the Flood Prone Land Development Control Plan Chapter for a period of 28 days.
3. That Council receives a further report following public exhibition of the Flood Prone Land Development Control Plan Chapter.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE57/2021

**SUBJECT: AMENDMENT TO THE CESSNOCK DEVELOPMENT CONTROL PLAN
2011 - VEGETATION MANAGEMENT**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1855
RESOLVED

That Council pursuant to clause 21 of the Environmental Planning and Assessment Regulation 2000, adopts the amended Vegetation Management Chapter of the Cessnock Development Control Plan 2010.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE58/2021

SUBJECT: MOLLY WORTHINGTON NETBALL COURT PLANNING PROPOSAL

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1856

RESOLVED

That Council notes the content of this report and the status of the planning proposal to reclassify the Molly Worthington Netball Courts Site from Community Land to Operational Land.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC73/2021

SUBJECT: TENDER T2021-11 CESSNOCK AIRPORT RUNWAY AND TAXIWAY RENEWAL WORKS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1857
RESOLVED

1. That Council accepts Fulton Hogan Industries Pty Ltd's tender for T2021-11 Cessnock Airport Runway and Taxiway Renewals for the lump sum amount of \$7,953,403 (including GST).
2. That Council delegates the General Manager to negotiate the contractual terms of the contract with Fulton Hogan Industries Pty Ltd.
3. That Council delegates the General Manager to enter into the agreed contract with Fulton Hogan Industries Pty Ltd once negotiations have concluded.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC74/2021

**SUBJECT: DECEMBER 2021 LOCAL GOVERNMENT ELECTIONS -
CARETAKER PROVISIONS**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1858
RESOLVED

That Council notes that the caretaker period prior to the 2021 Local Government elections commences Friday 5 November 2021 and ends Saturday 4 December 2021.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC75/2021

SUBJECT: DECEMBER 2021 LOCAL GOVERNMENT ELECTIONS - ELECTORAL MATTER & USE OF COUNCIL RESOURCES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1859
RESOLVED

That Council notes the obligations of Councillors, staff and candidates in relation to the use of Council resources and electoral material in the lead up to the December 2021 Local Government Elections.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC76/2021

SUBJECT: ANNUAL UNREASONABLE CUSTOMER CONDUCT REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1860

RESOLVED

That Council notes the Annual Unreasonable Customer Conduct report for the period 1 October 2020 to 30 September 2021, and that five individuals were deemed to have displayed unreasonable behaviour as defined in the Policy.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC77/2021

SUBJECT: INVESTMENT REPORT - SEPTEMBER 2021

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1861

RESOLVED

That Council receives the Investment Report for September 2021 and notes that:

- **Investments are held in accordance with Council's Investment Policy, which accords with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$61,651,441.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC78/2021

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1862
RESOLVED

That Council receives the report and notes the information in the Resolutions Tracking Report.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI74/2021

SUBJECT: ADOPTION OF BUS SHELTERS POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Suvaal
1863
RESOLVED

1. That Council adopts the Bus Shelters Policy.
2. That the General Manager bring a report back to council within 6 months with a review of point 6 - Bus Shelter advertising, with a view that bus shelter advertising may be, holistically, a new form of revenue to council

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI75/2021

SUBJECT: RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN CESSNOCK, KURRI KURRI AND WESTON CBDS

Councillor Burke declared a Pecuniary Interest for the reason that he has and will apply for Alcohol Free Zones to be lifted for events in Cessnock. Councillor Burke left the meeting and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.41pm

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Dunn
1864

RESOLVED

1. **That Council re-establishes the Alcohol Free Zones within specific locations as advertised in the Cessnock, Kurri Kurri and Weston, Central Business Districts for a period of four years, commencing 1 November 2021 and expiring 31 October 2025;**
2. **That Council reviews and updates the signage in accordance with the Ministerial Guidelines on Alcohol-Free Zones, February 2009;**
3. **That Council advertises the renewal of the Alcohol Free Zones in accordance with the Local Government Act, 1993.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 7.41pm

WORKS AND INFRASTRUCTURE NO. WI76/2021

**SUBJECT: MINUTES OF THE CESSNOCK LOCAL TRAFFIC COMMITTEE
MEETING HELD 20 SEPTEMBER 2021**

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander
1865
RESOLVED

That the report be deferred and the General Manager organise a briefing on the 2 reports TC40/2021 and TC41/2021 listed in the Minutes of the Cessnock Local Traffic Committee and consultation with the Ferguson Street residents be undertaken prior to the briefing.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI77/2021

SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE MEETING HELD ON 13 AUGUST 2021

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1866
RESOLVED

That the Minutes of the Roads Review Committee Meeting held on 13 August 2021 be adopted as a resolution of the Ordinary Council.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI78/2021

SUBJECT: FORMER WASTE SITES UPDATE - REMEDIATION ACTION PLANS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1867
RESOLVED

That Council notes the information contained in this report regarding the progress of the investigation and development of remediation action plans for orphan waste sites, and notes the associated financial estimates longer term.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI79/2021

SUBJECT: CESSNOCK NETBALL COMPLEX

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Suvaal
1868

RESOLVED

1. That Council notes the information provided in regards to the condition of Cessnock Netball Courts including upgrades and repairs, costs associated with these works and potential funding options.
2. That a further report come back to Council on the condition of the Cessnock Netball carpark, BBQ area, clubhouse, amenity block, seating and canteen, including identified upgrades and repairs.
3. The cost of the identified upgrades and repairs.
4. Potential funding options including grant opportunities to complete the works.

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

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN27/2021

SUBJECT: CESSNOCK HOSPITAL UPGRADE AND RESOURCES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
1869

RESOLVED

1. That Council acknowledges the local GPs, Nurses and Health staff who work tirelessly at Cessnock Hospital to care for our community.
2. That Council acknowledges the current and expected population growth within the Cessnock LGA that is and will have an impact on community services.
3. That Council acknowledges the briefing held with Council with Hunter New England Health relating to Maitland Hospital, Kurri Kurri Hospital and an upgrade to Cessnock Hospital.
4. That the General Manager writes to the Premier of NSW The Hon Dominic Perrottet, Minister for Health The Hon Brad Hazzard and the Chief Executive of Hunter New England Health Mr Michael DiRienzo, requesting that:
 - a. The NSW State Government review and priorities an upgrade to Cessnock Hospital.
 - b. That a timeline and outline of an upgrade to Cessnock Hospital be provided.
 - c. That more staffing and resources be urgently provided to Cessnock Hospital to support current staff and the Cessnock Community.
 - d. Recognises the growth of Cessnock Correctional Centre and the impacts and challenges it is having on Cessnock Hospital.
 - e. That the services offered at Cessnock Hospital be reviewed.
 - f. Consideration be given for services that the Cessnock Community have to leave our area for.
5. That correspondence be copied into State Member for Cessnock Clayton Barr and The Hon Joel Fitzgibbon member for Hunter for their support.

FOR**AGAINST**

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

Total (0)

CARRIED UNANIMOUSLY

**ANSWERS TO QUESTIONS OF WHICH WRITTEN NOTICE HAS
BEEN GIVEN**

ANSWERS TO QUESTIONS OF WHICH WRITTEN NOTICE NO. AQWN2/2021

SUBJECT: DISABILITY ACCESS TO CESSNOCK POOL

FOR COUNCIL'S INFORMATION

CORRESPONDENCE

CORRESPONDENCE NO. CO16/2021

SUBJECT: GAS FIRED POWER STATION - REPORT BN31/2020

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1870
RESOLVED

That Council notes the correspondence forwarded by the member for Cessnock Clayton Barr MP, regarding the gas-fired power station project near Kurri Kurri.

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

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

URGENT BUSINESS

Councillor Stapleford

STANDING DOWN OF PAXTON FIRE STATION

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal
1871

RESOLVED

That the General Manager write to the local member and the Premier about their decision to stand down Paxton fire station as well as some of the trucks at Bellbird, Kearsley, Abermain or Kurri Kurri. This may place some of our residents in danger this fire season with no Fire and Rescue trained staff on duty in our rural areas.

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

CARRIED UNANIMOUSLY

Councillor Di Fitzgibbon

**REPORT NO. CC10/2021 AND CC24/2021 - 8 LOTS AT CESSNOCK STREET,
ABERDARE**

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Suvaal
1872

RESOLVED

That the intended scope of works are on the western side of Colliery Street, joining the existing kerb and guttering from the Colliery Street/Greta Street intersection down to and along Cessnock Street, to join with drainage at the intersection of Cessnock St/Caledonian Street Aberdare.

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

CARRIED UNANIMOUSLY

Councillor Anne Sander

PRE POLL LOCATION IN BRANXTON

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Suvaal
1873

RESOLVED

That the General Manager urgently write to the NSW Electoral Commission and the Cessnock LGA Returning Officer requesting they open a pre poll location in Branxton for the Local Government elections as has been done in previous years on the Wednesday, Thursday and Friday prior to polling day.

That a copy of the letter be also sent to the General Manager at Singleton Council asking them to consider making a similar request as this pre poll location has been previously a joint booth between Cessnock and Singleton LGA's.

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

CARRIED UNANIMOUSLY

8.15pm

MOTION

Moved: Councillor Burke

Seconded: Councillor Dunn

1874

RESOLVED

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

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

CARRIED UNANIMOUSLY

8.34PM

Open Session

The meeting moved back into open session and the General Manager reported on the outcomes.

CORPORATE AND COMMUNITY NO. CC79/2021

SUBJECT: TENDER T2022-02 SALE DEVELOPMENT OF VINEYARD GROVE ESTATE

This matter is considered to be confidential under Section 10A(2) (c) (di) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

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

That Council accepts the tender from Kalimma Glen Pty Limited ATF Kalimna Vineyard Grove Unit Trust for a value of \$4.6m GST inclusive.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Suvaal	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Burke	Councillor Stapleford
Councillor Sander	Councillor Fitzgibbon
Councillor Lyons	
Councillor Pynsent	
Total (7)	Total (5)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI80/2021

SUBJECT: SOUTH CESSNOCK ACCEPTANCE OF GRANT FUNDING

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
1875

RESOLVED

1. That Council notes the progress of the project design for the South Cessnock Flood Mitigation Scheme;
2. That Council endorses the adjustments of the South Cessnock Flood Mitigation Scheme to the earth bund wall; raising of part of Quarrybylong St; realignment and extension of the Kearsley Creek channel, and voluntary raising of up to nine houses;
3. That Council notes the revised estimate of \$6.795M to implement the South Cessnock Flood Mitigation Scheme.
4. That Council resolves to increase the co-contribution to \$1.7M over 5 years:
5. That Council approve the borrowing of an additional \$824,000 to fund the shortfall in Councils co-contribution;
6. That Council notes the annual estimate of \$50,000 to operate and maintain the South Cessnock Flood Mitigation Scheme.

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

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 8.36pm

CONFIRMED AND SIGNED at the meeting held on 17 November 2021

.....**CHAIRPERSON**

.....**GENERAL MANAGER**