



29 January 2016

To All Councillors

*Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 3 February 2016 at 6.30 pm, for the purposes of transacting the undermentioned business.*

**AGENDA:**

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### ***Council's Charter***

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- To exercise community leadership.
- To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism.
- To promote and to provide and plan for the needs of children.
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- To have regard to the long term and cumulative effects of its decisions.
- To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- To engage in long-term strategic planning on behalf of the local community.
- To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government.
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- To keep the local community and State Government (and through it, the wider community) informed about its activities.
- To ensure that, in the exercise of its regulatory functions, its acts consistently and without bias, particularly where an activity of the Council is affected.
- To be a responsible employer.

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

- |             |              |              |
|-------------|--------------|--------------|
| • Respect   | • Innovation | • Teamwork   |
| • Integrity | • Fairness   | • Commitment |

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

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

*Cessnock – thriving, attractive and welcoming.*

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

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



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

Council adopted its current Code of Conduct on 20 February 2013. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 9 DECEMBER 2015, COMMENCING  
AT 6.30PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Gibson, Doherty, Olsen, Ryan, Stapleford, Hawkins, Smith, Campbell and Parsons.

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Acting Manager Governance and Business Services (Customer Service Co-ordinator)  
Development Services Manager  
Consultant Development Engineer  
Economic Development Manager  
Strategic Land Use Planning Manager  
Human Resource Manager  
Integrated Planning & Strategic Property Manager  
Principal Strategic Land Use Planner  
Media & Communication Officer  
Administration Support Officer – Corporate & Community Services  
Corporate Administration Officer

**APOLOGIES:**

**MOTION**

**Moved:** Councillor Campbell

**Seconded:** Councillor Hawkins

1495

**RESOLVED** that the apologies tendered on behalf of Councillors Troy and Wrightson, for unavoidable absence, be accepted and leave of absence granted.

**FOR**

**AGAINST**

Councillor Gibson  
Councillor Doherty  
Councillor Olsen  
Councillor Ryan  
Councillor Stapleford  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Pynsent

**Total (10)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

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

1496

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 18 November 2015, as circulated, be taken as read and confirmed as a correct record with the correction to Page 38 to reflect that the question from Councillor Olsen on the Rangers, was in relation to how long the response from the General Manager took.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI22/2015**

**SUBJECT: DISCLOSURES OF INTEREST**

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**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Stapleford  
1497  
**RESOLVED**

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

**PE95/2015 – Section 96 (1A) Application proposing to modify Development Consent 2013/755, seeking to amend Condition 43(d) that relates to on-site detention 83 Wollombi Road, Cessnock** – Councillor Stapleford declared a Non Pecuniary Less Than Significant Interest for the reason that his wife is a patient at this surgery. Councillor Stapleford chose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he does not have a personal friendship with anyone there.

**CC103/2015 – Evaluation of Tender for Hire of Plant and Equipment (T1415/04)** – Councillor Stapleford declared a Non Pecuniary Less Than Significant Conflict for the reason that he knows several of the local tenderers and he may have used their services in the past. Councillor Stapleford chose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he does not have a personal friendship with any of them.

**PE95/2015 – Section 96 (1A) Application proposing to modify Development Consent 2013/755, seeking to amend Condition 43(d) that relates to on-site detention 83 Wollombi Road, Cessnock** – Councillor Gibson declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he has in the past used the planner who is acting for the proponent. Councillor Gibson chose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because his decision to act in the communities best interest isn't effected.

**PE99/2015 – 18/2015/1: Joint Planning Proposal – Cessnock and Singleton Councils – Vineyards District** – Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property in the RU4 Zoning. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

**PE96/2015 – Section 96(1A) Application proposing to modify Development Consent 2014/345 seeking to delete Condition 10 which requires the construction of kerb and gutter – 51 Barton Street, Kurri Kurri** – Councillor Hawkins declared a Non Pecuniary Interest – Significant Conflict for the reason that the planners/applicant is currently doing work for a family member. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

***Late Disclosure of Interest:***

**WI57/2015 – Mulbring Country Fair** – Councillor Doherty declared a Non Pecuniary Interest – Significant Conflict for the reason that he is the President of Kurri Kurri District Business Chamber. Councillor Doherty advised that he would leave the Chamber and take no part in discussion and voting.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***



## **PETITIONS**

### **Councillor Smith**

**Councillor Smith tabled a petition on behalf of the Pelaw Main Public School P & C Association in regard to Road and parking changes at Pelaw Main Public School.**

## **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

Councillor Hawkins declared a Non Pecuniary Interest – Significant Conflict for the reason that the planners/applicant is currently doing work for a family member. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

*Councillor James Hawkins left the meeting, the time being 6.36 pm*

<b>Speakers</b>	<b>Company</b>	<b>For / Against</b>	<b>Report</b>	<b>Page No.</b>	<b>Duration</b>
Mr Alan Muhieddine		Against	PE96/2015 - Section 96(1A) Application proposing to modify Development Consent 2014/345 seeking to delete Condition 10 which requires the construction of kerb and gutter  51 Barton Street, Kurri Kurri	<b>Error! Bookmark not defined.</b>	3 mins

**PLANNING AND ENVIRONMENT NO. PE96/2015**

**SUBJECT: SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 2014/345 SEEKING TO DELETE CONDITION 10 WHICH REQUIRES THE CONSTRUCTION OF KERB AND GUTTER**

**51 BARTON STREET, KURRI KURRI**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Smith  
1498  
**RESOLVED**

That Council determine the Section 96(1A) Application (8/2014/345/2) proposing to modify Development Consent 2014/345 at Lot 2, DP 310859, 51 Barton Street Kurri Kurri, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.

## **REASONS FOR REFUSAL**

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1. The Section 96(1A) Application relating to Development Consent 8/2014/345/2 is inconsistent with Council's interim policy and Council's resolution from the 1 October 2014 meeting.
2. The Section 96(1A) Application proposing to remove the requirement for kerb and guttering along with associated road and reserve works, is considered to generate environmental impacts on Barton Street and Stanford Street. In this regard, if no kerb and guttering is required to be provided, inappropriate drainage will be provided to the existing street system (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (2)</b>

**CARRIED**

*Councillor James Hawkins returned to the meeting, the time being 6.41pm*

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

## **NOTICE OF INTENTION NO. NI10/2015**

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

**MM8/2015 – REPORT OF THE REVIEW OF GENERAL MANAGER’S  
EMPLOYMENT ARRANGEMENTS COMMITTEE MEETING HELD ON 20  
OCTOBER 2015**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1499

### **RESOLVED**

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

Deferred Report No. MM8/2015 – Report of the Review of General Manager’s Employment Arrangements Committee Meeting held on 20 October 2015 as it deals with personnel matters concerning particular individuals.

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU21/2015***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

Councillor Stapleford  
Councillor Campbell

**RESOLVED**

**PE104/2015 – Development Application Performance Monitoring September Quarter 2015,**  
**CC104/2015 – Minutes of Access Advisory Committee Meeting held on 4 November 2015,**  
**CC106/2015 – Resolutions Tracking Report**  
**CC108/2015 – Cessnock City Youth Council Committee Meetings held 13 October 2015 and 24 November 2015,**  
**CC110/2015 – Investment Report – November 2015 and,**  
**WI63/2015 – Notes of the Inquorate Floodplain Management Committee Meeting held 20 November 2015**

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	Councillor Smith
Councillor Hawkins	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (3)</b>

***CARRIED***

**AMENDMENT Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

**That the reports not be dealt with Englobo.**

FOR	AGAINST
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (8)</b>

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

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

**MOTION**                      **Moved:**    Councillor Doherty  
   **Seconded:** Councillor Stapleford  
1501

**RESOLVED**

That the following Reports be adopted as per their recommendations.

- PE104/2015 – Development Application Performance Monitoring September Quarter 2015  
CC104/2015 – Minutes of Access Advisory Committee Meeting held on 4 November 2015  
CC106/2015 – Resolutions Tracking Report  
CC108/2015 – Cessnock City Youth Council Committee Meetings held 13 October 2015 and 24 November 2015  
CC110/2015 – Investment Report – November 2015  
WI63/2015 – Notes of the Inquorate Floodplain Management Committee Meeting held 20 November 2015

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

## **DEFERRED BUSINESS**

### **DEFERRED BUSINESS NO. CC102/2015**

**SUBJECT:      SUPPORT FOR THE CONTINUING OPERATION OF FOOD WAR INC.  
AND OTHER SIMILAR ORGANISATIONS**

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**PROCEDURAL MOTION**

**Moved:**

Councillor Smith

**Seconded:**

Councillor Hawkins

1502

**RESOLVED**

That the report be **DEFERRED** to the 3 February 2016 meeting as Food War Inc. representatives were unable to attend meeting.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
Councillor Stapleford	Councillor Parsons
Councillor Hawkins	Councillor Pynsent
Councillor Smith	
Councillor Campbell	
<b>Total (6)</b>	<b>Total (4)</b>

**CARRIED**

**DEFERRED BUSINESS NO. CC103/2015**

**SUBJECT: EVALUATION OF TENDER FOR HIRE OF PLANT AND EQUIPMENT  
(T1415/04)**

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*Councillor Stapleford declared a Non Pecuniary Less Than Significant Conflict for the reason that he knows several of the local tenderers and he may have used their services in the past. Councillor Stapleford remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Smith  
1503

**RESOLVED**

That Council accept the tenders from the preferred Tenderers to a panel source contract for the Hire of Plant and Equipment T1415/04 from 1 July 2015 to 30 June 2017, with an option for a twelve (12) month extension of the contract at Council's discretion, subject to satisfactory performance of the suppliers:

Advance Sweepers Pty Ltd  
Allcott Hire Pty Ltd  
Cessnock Water Cartage and Plant Hire Pty Ltd  
Coates Hire Operations Pty Ltd  
Conplant Pty Ltd  
D&D Lumsden Earthmoving Pty Ltd  
Hartchers Water Haulage  
J&L Plant Hire Pty Ltd  
Johnno's Haulage Pty Ltd  
Julcat Earthmoving Pty Ltd  
Kennards Hire  
Lantry Earthmoving Pty Ltd  
Lovetts Cessnock Earthmoving  
Mining Logistics Pty Ltd T/A Fleetmaster Hire  
Mitchell Bros Earthmoving Pty Ltd  
Onsite Rental Group Operations Pty Ltd  
Paragon Civil Construction and Design Pty Ltd  
Perway Rail Pty Ltd  
Premitay Pty Ltd  
Pryor Plant Hire Pty Ltd  
Rollers Australia Pty Ltd  
Sharpe Bros (Aust) Pty Ltd  
Shearer Contracting Pty Ltd  
Sherrin Rentals Pty Ltd  
Solution Plant Hire Pty Limited  
Stabilised Pavements of Australia Pty Ltd  
Subzero Group Limited  
T & D Earthworks Pty Ltd  
Tomago Transport Earthmoving Pty Ltd  
Tutt Bryant Hire



**FOR****AGAINST**

Councillor Gibson  
Councillor Doherty  
Councillor Olsen  
Councillor Ryan  
Councillor Stapleford  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Pynsent  
**Total (10)**

**Total (0)**

***CARRIED UNANIMOUSLY***

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU21/2015**

**SUBJECT: MINUTES OF THE ECONOMIC DEVELOPMENT STRATEGY  
COMMITTEE MEETING HELD ON 10 NOVEMBER 2015**

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**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen  
1504  
**RESOLVED**

**That Council adopt the Minutes of the Economic Development Strategy Committee meeting held on 10 November 2015 with the following amendment:-**

\*      **Present should be Janet Murray instead of Jenny Lewis.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU22/2015**

**SUBJECT: MINUTES OF THE AUDIT COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ON 10 NOVEMBER 2015**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Campbell  
1505  
**RESOLVED**

1. That the Minutes of the Audit Committee Meeting of 10 November 2015 be adopted as a resolution of the Ordinary Council.
2. That the Audit Committee recommends that Council make a submission to the Office of Local Government seeking greater clarity on the frame-work to be used in the assessment of Special Schedule 7.
3. That the General Manager raise the issue at Hunter Councils of the lack of guidance in the future assessment of Special Schedule 7.
4. That a record of the mover and seconder should be included in the minutes of the Audit Committee.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU23/2015**

**SUBJECT: HUNTER COUNCILS - MINUTES**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Smith  
1506  
**RESOLVED**

**That Council receive and note the Hunter Council Minutes up to October 2015.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE94/2015**

**SUBJECT: SECTION 96(2) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 2014/320, SEEKING TO REDUCE THE NUMBER OF SEALED CAR PARKING SPACES AND ALTER THE STANDARD OF CONSTRUCTION FOR VEHICULAR ACCESS**

**3718 GREAT NORTH ROAD, LAGUNA**

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**MOTION      Moved:** Councillor Smith      **Seconded:** Councillor Campbell

1. That Council determine the Section 96(2) Application to modify Development Consent 2014/320, seeking to reduce the number of sealed car parking spaces, and alter the standard of construction for vehicular access at 718 Great North Road, Laguna, pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the Section 96(2) Application, of Council's decision.

**AMENDMENT      Moved:** Councillor Stapleford      **Seconded:** Councillor Olsen

That Council determine the Section 96(2) Application to modify Development Consent 2014/320, seeking to reduce the number of sealed car parking spaces, and alter the standard of construction for vehicular access at 718 Great North Road, Laguna, pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, by the refusing to granting of consent for the following reasons that the major issue is car parking and that the car parking stays as it is.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Stapleford	Councillor Doherty
	Councillor Ryan
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (8)</b>

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

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

**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Campbell  
1507

**RESOLVED**

1.     That Council determine the Section 96(2) Application to modify Development Consent 2014/320, seeking to reduce the number of sealed car parking spaces, and alter the standard of construction for vehicular access at 718 Great North Road, Laguna, pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.
  
2.     That Council notify in writing the persons who made a submission with regard to the Section 96(2) Application, of Council's decision.

FOR	AGAINST
Councillor Gibson	Councillor Stapleford
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE95/2015**

**SUBJECT: SECTION 96 (1A) APPLICATION PROPOSING TO MODIFY  
DEVELOPMENT CONSENT 2013/755, SEEKING TO AMEND  
CONDITION 43(D) THAT RELATES TO ON-SITE DETENTION**

**83 WOLLOMBI ROAD, CESSNOCK**

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*Councillor Stapleford declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that his wife is a patient at this surgery. Councillor Stapleford remained in the Chamber and participated in discussion and voting.*

*Councillor Gibson declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he has in the past used the planner who is acting for the proponent. Councillor Gibson remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Doherty  
1508  
**RESOLVED**

**That Council determine the Section 96(1A) Application proposing to modify Development Consent 2013/755 at Lot 110 DP 1182780, 83 Wollombi Road Cessnock, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, by granting consent as follows:-**

**Condition 43(d) be amended to read as follows:-**

**43(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.”**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE97/2015**

**SUBJECT: DEVELOPMENT APPLICATION 8/2015/394/1 - ERECTION OF A DUAL OCCUPANCY AND STRATA SUBDIVISION INTO TWO (2) LOTS**

**35 CONNEL DRIVE, HEDDON GRETA**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Campbell

1. That Council determine Development Application No. 8/2015/394/1 proposing the erection of a dual occupancy and strata subdivision into two (2) lots at Lot 204, DP1206237, 35 Connel Drive, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.
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 Ryan      **Seconded:** Councillor Olsen

That Council determine Development Application No. 8/2015/394/1 proposing the erection of a dual occupancy and strata subdivision into two (2) lots at Lot 204, DP1206237, 35 Connel Drive, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing the development application as it is not in the public interest and is out of character with the local area and will have a negative impact on the residents amenity.

**FOR**

Councillor Olsen  
Councillor Ryan

**Total (2)**

**AGAINST**

Councillor Gibson  
Councillor Doherty  
Councillor Stapleford  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Pynsent

**Total (8)**

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

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



**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Campbell  
1509  
**RESOLVED**

1. That Council determine Development Application No. 8/2015/394/1 proposing the erection of a dual occupancy and strata subdivision into two (2) lots at Lot 204, DP1206237, 35 Connel Drive, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.
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 Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

## CONDITIONS OF CONSENT

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### CONDITIONS OF CONSENT

#### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2015/394/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan Job No. 300555 Sheet 2 Revision B	Hudson Homes	7 September 2015
Ground Floor Plan Job No. 300555 Sheet 3 Revision B	Hudson Homes	7 September 2015
Elevations Job No. 300555 Sheet 4 Revision B	Hudson Homes	7 September 2015

Section A-A Job No. 300555 Sheet 5 Revision B	Hudson Homes	7 September 2015
Stormwater Plan Job No. 300555 Sheet 2.3 Revision B	Hudson Homes	7 September 2015
Landscape Concept Plan Job No. 300555 Sheet 2.5 Revision B	Hudson Homes	7 September 2015
Draft Subdivision Plan Job Ref: 41554 Revision A3	Palmer Bruyn	14 September 2015

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

## 2. CC, PCA & Notice Required

In accordance with the provisions of Section 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 a Construction Certificate.

## 3. Residential S94 Contributions Plan

A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC:

Contribution Type	Amount Payable
District Open Space	\$1,374.77
District Community Facilities (Halls)	\$ 840.92
District Community Facilities (Libraries)	\$ 225.52
District Community Facilities (Bushfire)	\$ 63.71
District Roads – Urban Areas	\$1,047.32
Studies (Plan Preparation)	\$ 79.00
Plan Administration	\$ 300.69
<b>Total</b>	<b>\$3,931.93</b>

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

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

#### **4. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

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

#### **5. Parking – Minimum Requirement**

On-site car parking shall be provided for a minimum of two (2) vehicles for dwelling A and one (1) vehicle for dwelling B and such being set out generally in accordance with Council's Car Parking Code. A stacked parking space for dwelling A is considered acceptable.

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

### **PRIOR TO COMMENCEMENT OF WORKS**

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

#### **6. Site To Be Secured**

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

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

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

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

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

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

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

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

## **8. S138 Roads Act Approvals**

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

## **9. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Liability 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.

## **10. 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.

## **11. Relocation of Services**

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

## **DURING WORKS**

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

### **12. 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.

### **13. 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*.

### **14. Site is Securely Fenced**

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

### **15. 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.

### **16. 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*.

### **17. Location of Council Pipes**

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

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

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

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

## **18. 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.

## **19. 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.

## **20. 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.

## **21. BASIX Certificate**

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

## **22. Bushfire Protection**

New construction is to comply with AS 3959-2009 'Construction of buildings in bushfire prone areas' – Bushfire Attack Level (BAL) 12.5 and the additional requirements of Addendum Appendix 3 to Planning for Bushfire Protection 2006.

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

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

## **23. Roads – Concrete Crossing**

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

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

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

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

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

#### **24. 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.

#### **25. Parking – Completion**

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

#### **26. Reinstate Road Reserve Verge**

The applicant shall construct/reconstruct the unpaved road reserve verge with grass - species and installation shall be approved by Council prior to issue of an OC.

#### **27. New Stormwater System Proposed**

Prior to the issue of an OC, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant AS.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a licensed plumber or qualified practising civil engineer, that the drainage system has been constructed in accordance with the approved design and relevant AS, must be provided to the PCA prior to the issue of an OC.

#### **28. 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.

#### **29. Roof Stormwater – Drainage Easement**

Roof water from the dual occupancy 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 drainage easement by means of a sealed pipeline having a minimum diameter of 90mm, prior to issue of an OC.

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

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

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

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

All parking spaces and common property, including visitor car parking spaces and on-site detention facilities must be included on the final plans of subdivision.

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

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

## **ONGOING USE**

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

### **32. Stormwater – Impact on Adjoining Land**

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

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

### **33. Driveways to be Maintained**

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



**PLANNING AND ENVIRONMENT NO. PE98/2015**

**SUBJECT: DEVELOPMENT APPLICATION 8/2015/381/1 PROPOSING A PHASED DEVELOPMENT COMPRISING OF THE TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO LOTS AND ASSOCIATED DEVELOPMENT ON BOTH PROPOSED LOTS**

**27 RAILWAY STREET, KURRI KURRI**

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**MOTION      Moved:** Councillor Smith      **Seconded:** Councillor Stapleford

That Council determine Development Application No. 8/2015/381/1 proposing a phased development comprising of the torrens title subdivision of one lot into two lots and associated development on both proposed lots, at Lot 17, Section 51, DP 758590, 27 Railway Street, Kurri Kurri, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

**AMENDMENT      Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

Council refuse application for a subdivision made in 8/2015/381/1 on the basis that:

1. This is an unacceptable deviation from our Local Environment Plan.
2. Minimum lot size, both lots proposed are less than the lot size and there is no public interest reason why Council should proceed with this.
3. Council has a planning proposal sent to gateway that hasn't been publicly exhibited.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (8)</b>

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

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

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1510  
**RESOLVED**

That Council determine Development Application No. 8/2015/381/1 proposing a phased development comprising of the torrens title subdivision of one lot into two lots and associated development on both proposed lots, at Lot 17, Section 51, DP 758590, 27 Railway Street, Kurri Kurri, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

**FOR**

Councillor Gibson  
Councillor Doherty  
Councillor Stapleford  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Pynsent

**Total (8)**

**AGAINST**

Councillor Olsen  
Councillor Ryan

**Total (2)**

**CARRIED**

## **CONDITIONS OF CONSENT**

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### **SCHEDULE 1**

#### **TERMS OF CONSENT**

##### **CONDITIONS APPLYING TO ALL PHASES OF DEVELOPMENT**

1. Development must be carried out strictly in accordance with DA No. 8/2015/381/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Proposed Torrens Subdivision Job No. 092/14 Rev B Sheet 3 of 19	Macquarie Knight Constructions	29 January 2015
Proposed Landscaping Plan Job No. 092/14 Rev B Sheet 5 of 19	Macquarie Knight Constructions	29 January 2015
Proposed Ground Floor Plan Job No. 092/14 Rev A Sheet 7 of 19	Macquarie Knight Constructions	16 December 2014

Proposed Upper Floor Plan Job No. 092/14 Rev A Sheet 8 of 19	Macquarie Knight Constructions	16 December 2014
Southern and Eastern Elevations Job No. 092/14 Rev A Sheet 9 of 19	Macquarie Knight Constructions	16 December 2014
Northern and Western Elevations Job No. 092/14 Rev A Sheet 10 of 19	Macquarie Knight Constructions	16 December 2014

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

## 2. Phased Approval

The approved development is to be completed in three phases, the development to proceed in sequence of phase 1, phase 2, to follow once all the conditions of phase one have been satisfied and phase 3 to follow once all the conditions of phase one and two have been satisfied.

## 3. 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.

## 4. 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*.

## 5. BASIX Certificate

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

## **PHASE 1 CONDITIONS FOR THE TWO (2) LOT TORRENS TITLE SUBDIVISION**

### **PRIOR TO THE ISSUE OF A PHASE 1 CONSTRUCTION CERTIFICATE**

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

#### **6. Road - Bond**

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

Based on a road length of approximately 10 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$568.00.
- b) A performance bond of a minimum of \$1000 or 5 percent of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5 percent of the contract construction costs, whichever is greater (refundable).

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

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

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

#### **7. Roadworks**

The registered proprietors 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 the release of the S138 Roads Act Approval.

- a) Construct a stormwater pipe from the rear of Lot 17 SEC: 51 DP: 758590 across the rear lane and discharge into the Council drainage reserve in Lot 4 SEC:51 DP: 758590.
- b) Remediate gravel lane with suitable road base material to the satisfaction of Council.
- c) Provision of appropriate scour protection at stormwater outlet.

## **8. Access Road – Requirement**

The registered proprietor of the land shall construct a minimum 3m wide concrete access driveway with integrated kerb and gutter and drainage within the access handle contained within proposed Lot 172 in accordance with Council's 'Engineering Requirements for Development' to serve the subdivision.

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

## **PRIOR TO COMMENCEMENT OF PHASE 1 WORKS**

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

## **9. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Liability 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.

## **10. 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.

## **11. Relocation of Services**

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

## **DURING PHASE 1 WORKS**

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

## **12. Location of Council Pipes**

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

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

- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

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

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

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

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

### **14. Stormwater Runoff**

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

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE FOR PHASE 1**

**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):**

### **15. 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.

### **16. Road – Construct**

The registered proprietors of the land shall construct the following prior to the issue of an SC.

- a) Construct a stormwater pipe crossing from the rear of Lot 17 SEC: 51 DP: 758590 across the rear lane and discharge into the Council drainage reserve in Lot 4 SEC:51 DP: 758590.
- b) Remediate gravel lane with suitable road base material to the satisfaction of Council.
- c) Provision of appropriate scour protection at stormwater outlet.

## **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR PHASE 1**

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

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

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the *PCA*, prior to the issue of the *SC* for Phase 1.

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

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lot 171. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to, and approved by, Council prior to release of the *SC* for Phase 1.

Note:

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

### **19. Bitumen Crossing**

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Railway Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of *SC* for Phase 1.

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 (\$200.00 per inspection).

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

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

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the release of the final plan of survey for the subdivision and the SC for Phase 1.

21. A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services detailed, and for the amount detailed, must be made to Council prior to the issue of a SC for phase 1:

<b>Contribution Type</b>	<b>Amount Payable</b>
District Open Space	\$1,285.58
District Community Facilities (Halls)	\$787.40
District Community Facilities (Libraries)	\$210.23
District Community Facilities (Bushfire)	\$58.61
District Roads – Urban Areas	\$979.80
Studies (Plan Preparation)	\$73.90
Plan Administration	\$280.31
<b>Total S94 Contribution - Residential</b>	<b>\$3,675.83</b>

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

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

## **22. Access Road – Completion**

The construction of the concrete access handle for Lot 172 shall be completed prior to issue of a SC for phase 1.

## **23. Road Reciprocal Easement – Serving + in favour of lots**

A rights of carriageway easements for access shall be created over the entry to the access corridors serving Lot 171 and 172 in favour of Lot 171 and 172. The appropriate notation shall be placed on the phase 1, plan of subdivision, and an 88B instrument, setting out the terms of easements as required by this consent shall be submitted to Council. In addition to the owner of the land benefited by the easement, Council is to be a party whose consent is needed to release or vary easements.

## **PHASE 2 CONDITIONS FOR THE DUAL OCCUPANCY ON PROPOSED LOT 2**

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

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Phase 2 Construction Certificate.**

## **24. Residential S94 Contributions Plan**

A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC for phase 2:



<b>Contribution Type</b>	<b>Amount Payable</b>
District Open Space	\$1,862.76
District Community Facilities (Halls)	\$1,139.06
District Community Facilities (Libraries)	\$305.79
District Community Facilities (Bushfire)	\$86.64
District Roads – Urban Areas	\$1,419.37
Studies (Plan Preparation)	\$107.03
Plan Administration	\$407.72
<b>Total S94 Contribution - Subdivision</b>	<b>\$5,328.36</b>

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

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

## **25. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

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

## **PRIOR TO COMMENCEMENT OF WORKS**

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

## **26. Relocation of Services**

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

## **DURING WORKS**

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

## **27. 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.

## **28. 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*.

## **29. Site is Securely Fenced**

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

## **30. 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.

## **31. 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.

## **32. 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*.

## **33. 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.

## **34. 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.

### **35. BASIX Certificate**

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

### **36. 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.

### **37. Location of Council Pipes**

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

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

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

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

### **38. 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.

### **39. Stormwater Runoff**

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

## **PRIOR TO THE ISSUE OF 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):**

### **40. 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 dual occupancy approved as phase 2.

## **ONGOING USE**

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

### **41. Stormwater – Impact on Adjoining Land**

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

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

### **42. Driveways to be Maintained**

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

## **PHASE 3 CONDITIONS FOR THE STRATA TITLE SUBDIVISION OF THE DUAL OCCUPANCY ON PROPOSED LOT 172**

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

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

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

Prior to the issue of a SC for phase 3, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) All surveyor's or engineer's certification required by the Development Consent
- d) A copy of the final OC issued for the dual occupancy approved as phase 2.

All parking spaces and common property, including visitor car parking spaces and onsite detention facilities must be included on the final plans of subdivision.

## ONGOING USE

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

### 44. Maintenance of Landscaping

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

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

## ADVISORY NOTES

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

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

### 46. 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.

### 47. 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.

**PLANNING AND ENVIRONMENT NO. PE99/2015**

**SUBJECT: 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK AND SINGLETON COUNCILS - VINEYARDS DISTRICT**

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Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property in the RU4 Zoning. Councillor Hawkins left the Chamber and took no part in discussion and voting.

*Councillor James Hawkins left the meeting, the time being 7.01 pm*

**MOTION      Moved:** Councillor Smith      **Seconded:** Councillor Parsons

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council , in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**AMENDMENT   Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. The planning proposal come back to Council for further discussion.

**FOR**

Councillor Olsen  
Councillor Ryan

**Total (2)**

**AGAINST**

Councillor Gibson  
Councillor Doherty  
Councillor Stapleford  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Pynsent

**Total (7)**

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

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

**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Parsons  
1511

**RESOLVED**

1.     That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2.     That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3.     That Cessnock City Council , in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4.     That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5.     That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (2)</b>

**CARRIED**

*Councillor James Hawkins returned to the meeting, the time being 7.06 pm*

**PLANNING AND ENVIRONMENT NO. PE100/2015**

**SUBJECT: 18/2015/6: PLANNING PROPOSAL - HUNTLEE**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Campbell  
1512

**RESOLVED**

1. That Council prepares a Planning Proposal to amend Clause 3(2) of Schedule 1 of the *Cessnock Local Environmental Plan 2011* to include *dual occupancies, secondary dwellings, recreation facilities (outdoor), and light industries* as additional permitted uses in the B4 Mixed Use Zone at Huntlee.
2. That Council requests a Gateway determination from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions and outcomes of the consultation.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**



**PLANNING AND ENVIRONMENT NO. PE101/2015**

**SUBJECT: DRAFT BRANXTON SUBREGIONAL LAND USE STRATEGY**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Hawkins  
1513

**RESOLVED**

1. That Council place the Draft Branxton Subregional Land Use Strategy on public exhibition for a minimum period of six weeks.
2. That Council Receive a further report following public exhibition of the Draft Branxton Subregional Land Use Strategy.

*Councillor Graham Smith left the meeting, the time being 7.17 pm*

*Councillor Graham Smith returned to the meeting, the time being 7.19 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Doherty
Councillor Stapleford	Councillor Olsen
Councillor Hawkins	Councillor Ryan
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (3)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE102/2015**

**SUBJECT: EVALUATION OF TENDER FOR CESSNOCK CITY PLANNING STRATEGY PROJECT (T1516/01)**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1514  
**RESOLVED**

1. That Council decline to accept all tenders, for Tender No T1516/01 – Cessnock City Planning Strategy Project;
2. That Council not call for fresh tenders as calling for new tenders would significantly delay the delivery of the consultancy and would be unlikely to provide an improved result;
3. That Council enter into negotiations with a suitable specialist consultant with a view to entering into a contract and this is most likely to achieve a satisfactory outcome that fulfills all project requirements;
4. That Council delegate to the General Manager responsibility to accept a negotiated offer that is within the approved budget.

FOR	AGAINST
Councillor Stapleford	Councillor Gibson
Councillor Hawkins	Councillor Doherty
Councillor Smith	Councillor Olsen
Councillor Campbell	Councillor Ryan
Councillor Parsons	
Councillor Pynsent	
<b>Total (6)</b>	<b>Total (4)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE103/2015**

**SUBJECT: FIT FOR THE FUTURE COUNCIL IMPROVEMENT PROPOSAL -  
PROGRESS REPORT**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1515  
**RESOLVED**

**That Council note the progress in the implementation of Council's Improvement Proposal and the updated forecasts against the *Fit for the Future* benchmarks.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE104/2015**

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING  
SEPTEMBER QUARTER 2015**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Stapleford  
1516  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE105/2015**

**SUBJECT: MINUTES OF THE ENVIRONMENTAL STRATEGY & MANAGEMENT COMMITTEE HELD 21 OCTOBER 2015**

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**MOTION**      **Moved:** Councillor Campbell      **Seconded:** Councillor Hawkins  
1517  
**RESOLVED**

1. That the Council identify the primary biosecurity threats to the LGA and report to the next Committee meeting.
2. That the Council investigate potential opportunities for the dissemination of HCCREMS information to the Committee for the next meeting.
3. That Council endorse the revised Terms of Reference for the Committee.
4. That the Minutes of the Environmental Strategy and Management Committee of 21 October 2015, excluding item ENVCLM5/2015, be adopted as a resolution of the Ordinary Council.
5. Councillor Ryan's apologies be included in Committee meeting minutes as he is unable to attend during business hours.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	

**Total (0)**

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC104/2015**

**SUBJECT: MINUTES OF ACCESS ADVISORY COMMITTEE MEETING HELD ON 4 NOVEMBER 2015**

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**MOTION**      **Moved:**    Councillor Doherty      **Seconded:**    Councillor Stapleford  
1518  
**RESOLVED**

**That Council adopt the minutes of the meeting of the Access Advisory Committee Meeting held on 4 November 2015.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC105/2015**

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER  
ADVISORY COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 6  
NOVEMBER 2015**

---

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Doherty  
1519

**RESOLVED**

1. That Council adopt the minutes of the meeting of the Aboriginal and Torres Strait Islander Advisory Committee held on 6 November 2015.
2. That Mr Michael Chenery be appointed as a Community Representative of the Aboriginal and Torres Strait Islander Advisory Committee.
3. That no change be made to the scheduled meeting day of the Aboriginal and Torres Strait Islander Advisory Committee.
4. Councillor Ryan's apologies be included in Committee meeting minutes as he is unable to attend during business hours.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC106/2015**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Stapleford  
1520  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**



**CORPORATE AND COMMUNITY NO. CC107/2015**

**SUBJECT: CESSNOCK CITY COUNCIL RECONCILIATION ACTION PLAN**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Campbell  
1521  
**RESOLVED**

1. That Council adopt the Cessnock City Council Reconciliation Action Plan.
2. That the Cessnock City Council Reconciliation Action Plan be submitted to Reconciliation Australia for endorsement.
3. That if the Reconciliation Action Plan is forwarded to Reconciliation Australia for endorsement, and if minor changes are required by Reconciliation Australia but the intent of the strategy remains, the General Manager be provided with the delegation to allow these minor changes and Councillors be informed of this via a memo.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC108/2015**

**SUBJECT: CESSNOCK CITY YOUTH COUNCIL COMMITTEE MEETINGS HELD 13 OCTOBER 2015 AND 24 NOVEMBER 2015**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Stapleford  
1522  
**RESOLVED**

**That Council notes the summaries of the topics discussed at the inquorate Cessnock City Youth Council Committee meetings held on 13 October and 24 November 2015.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC109/2015**

**SUBJECT: EVALUATION OF TENDER FOR AIR CONDITIONING MAINTENANCE  
(T1415/06)**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Campbell  
1523  
**RESOLVED**

That Council accepts the tender from Winefridge Pty Ltd T/A Ritchie's Refrigeration and Air Conditioning for Tender T1415/06 - Maintenance of Air Conditioning Systems from the date of the letter of acceptance to 30 June 2017, with an option for three additional twelve month extensions of the contract, subject to satisfactory performance of the contractor.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC110/2015**

**SUBJECT: INVESTMENT REPORT – NOVEMBER 2015**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Stapleford  
1524  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

## WORKS AND INFRASTRUCTURE

### WORKS AND INFRASTRUCTURE NO. WI57/2015

**SUBJECT: MULBRING COUNTRY FAIR**

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*Councillor Doherty declared a Non Pecuniary Interest – Significant Conflict for the reason that he is the President of Kurri Kurri District Business Chamber. Councillor Doherty left the Chamber and took no part in discussion and voting.*

*Councillor Rod Doherty left the meeting, the time being 7.44 pm*

**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Smith  
1525

#### **RESOLVED**

**That Council supports the ‘Mulbring Country Fair’ on 3 April 2016 by providing the following in-kind support:**

- **Waiving of fees for the use of Mulbring Park;**
- **Provision of additional general waste bins throughout the main area of the event and removal of the collected waste on the following day;**
- **Provision of traffic control and VMS signage if required.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (0)</b>

#### **CARRIED UNANIMOUSLY**

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

**WORKS AND INFRASTRUCTURE NO. WI58/2015**

**SUBJECT: RESULTS OF THE ORGANICS PROCESSING TENDER**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1526  
**RESOLVED**

That, subject to Maitland and Singleton Councils adopting the same recommendation, Council accept the tender from Australian Native Landscapes for a period of fourteen years with a one year extension option for Regional Contract 137/1345, being for Processing of Organics for Cessnock, Maitland and Singleton Councils.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI59/2015**

**SUBJECT: COMPLETION OF THE VINEYARD ROADS PROJECT FUNDED BY THE \$20M HUNTER INFRASTRUCTURE INVESTMENT FUND GRANT**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Campbell  
1527  
**RESOLVED**

**That Council receive and note the completion report relating to the Vineyard Roads Project, which was funded by a \$20M Hunter Infrastructure Investment Fund Grant.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI60/2015**

**SUBJECT: EVALUATION OF TENDER FOR WILLIAMS BRIDGE RECTIFICATION  
(T1516/02)**

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**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Hawkins  
1528  
**RESOLVED**

**That Council accept the tender from Waeger Constructions Pty Ltd in the lump sum amount of \$560,500 (excluding GST) to design and construct Williams Bridge, Paynes Crossing Road, Wollombi.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI61/2015**

**SUBJECT: ACQUISITION OF PART OF LOT 123 DP 1121335 FOR ROAD  
WIDENING OF BROKE ROAD, POKOLBIN**

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**MOTION**                      **Moved:**    Councillor Smith                      **Seconded:**    Councillor Hawkins  
1529  
**RESOLVED**

1. That Council acquire part of Lot 123 DP 1121335 being proposed Lot 2 DP 1215471 with an area of 398.1m<sup>2</sup>.
2. That Council authorise the General Manager to negotiate compensation with the property owner for the acquisition by private agreement of the land for road widening in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. That in the event that negotiations with the property owner cannot be satisfactorily finalised, Council make application to the Office of Local Government for the approval of the Minister and the Governor to proceed to compulsory acquisition.
4. That Council authorise for the Common Seal of Cessnock City Council to be affixed to the plan or sale documents between Cessnock City Council and M & N Braund Pty Ltd owners of proposed Lot 2 DP 1215471, and to any application to the Office of Local Government for the approval of the Minister and the Governor that may be required for compulsory acquisition if needed.
5. That Council authorise the Mayor and the General Manager to execute all documents relating to the sale between Cessnock City Council and M & N Braund Pty Ltd, owners of proposed Lot 2 DP 1215471, or documents relating to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if needed.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI62/2015**

**SUBJECT: ACQUISITION OF PART OF LOT 101 DP 802952 FOR ROAD WIDENING OF BROKE ROAD, POKOLBIN**

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**MOTION**      **Moved:** Councillor Campbell      **Seconded:** Councillor Hawkins  
1530  
**RESOLVED**

1. That Council acquire part of Lot 101 DP 802952 being proposed Lot 1 DP 1215471 with an area of 135.7m<sup>2</sup>;
2. That Council authorise the General Manager to negotiate compensation with the property owner for the acquisition by private agreement of the land for road widening in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
3. That in the event that negotiations with the property owner cannot be satisfactorily finalised, Council make application to the Office of Local Government for the approval of the Minister and the Governor to proceed to compulsory acquisition;
4. That Council authorise for the Common Seal of Cessnock City Council to be affixed to the plan or sale documents between Cessnock City Council and Glandore Estate Pty Ltd owners of proposed Lot 1 DP 1215471, and to any application to the Office of Local Government for the approval of the Minister and the Governor that may be required for compulsory acquisition if needed;
5. That Council authorise the Mayor and the General Manager to execute all documents relating to the sale between Cessnock City Council and Glandore Estate Pty Ltd, owners of proposed Lot 1 DP 1215471, or documents relating to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if needed.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI63/2015**

**SUBJECT:       NOTES OF THE INQUORATE FLOODPLAIN MANAGEMENT  
COMMITTEE MEETING HELD ON 20 NOVEMBER 2015**

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**MOTION           Moved:**   Councillor Doherty       **Seconded:**   Councillor Stapleford  
1531  
**RESOLVED**

**That Council notes the summary of topics discussed at the Floodplain Management Committee held on 20 November 2015.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

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

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ87/2015***

***SUBJECT: CONFLICT OF INTEREST FROM AUDIT COMMITTEE  
REPRESENTATIVE***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ88/2015***

***SUBJECT: OIL LEAK FROM WASTE COLLECTION VEHICLE***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ89/2015***

***SUBJECT: BOUNDARY STREET, KURRI KURRI ROUGH SURFACE SIGN***

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Catherine Parsons*

### **WIRE FENCING ON THE CORNER OF MITCHELL AVENUE AND ABERDARE STREET, KURRI KURRI**

Councillor Parsons requested Council investigate and advise the reason the barrier and wire fencing, which has been on the corner of Mitchell Avenue and Aberdare Street for several months, is still there.

*Councillor Catherine Parsons*

### **ROAD CONDITION AT THE WESTON END OF HARLE STREET**

Councillor Parsons asked if the road at the Weston end of Harle Street near the dip, which is in a deplorable condition, is programmed for repair in the near future.

*Councillor Morgan Campbell*

### **SOUTH CESSNOCK FLOODING ISSUE**

Councillor Campbell requested an update on the timeline on the final report and some options on what can be done.

*Response provided by the Director Works & Infrastructure – A report will be provided back to the next Floodplain Management Committee to get that study out on exhibition.*

*Councillor James Ryan*

### **COST OF DVD/VIDEO OF BROKE ROAD WORKS**

Councillor Ryan asked to be provided with the cost of compiling the DVD/Video and how much would it cost to have a more appropriate cover sleeve that would recognise the work of staff.

*Councillor James Ryan*

### **CONFLICT OF INTEREST FROM AUDIT COMMITTEE REPRESENTATIVE**

Councillor Ryan requested further clarification from the General Manager regarding the declaration of interest by the Audit Committee representative and his interest in HEZ, being a member of an investment board, if the response given previously is an appropriate way to deal with a serious question and when is it that he would put this issue to the Chairperson of the Audit Committee.

*Councillor Ian Olsen*

#### **OIL LEAKING FROM GARBAGE TRUCK IN STONEBRIDGE DRIVE**

Councillor Olsen advised that he has received misleading information and requested accurate advice on what actually happened.

*Councillor Ian Olsen*

#### **TWO RANGERS PATROLLING TOGETHER**

Councillor Olsen asked why a report regarding rangers patrolling the main street of Cessnock and why parking patrol officers are patrolling together (two at a time).

*The Director of Planning and Environment answered that when appropriate and identified as part of a safe work method statement, two officers would undertake certain duties.*

*Councillor Bryce Gibson*

#### **UPDATE ON DESIGN FOR FRAME DRIVE**

Councillor Gibson asked if Council had an update on the design for Frame Drive, Abermain.

Councillor Gibson wished the General Manager and Staff a Merry Christmas and thank you for hard work.

*Councillor Rod Doherty*

#### **OLD BUS STOP IN MITCHELL AVENUE, BEHIND BEYOND BANK**

Councillor Doherty asked whether the old bus stop in Mitchell Avenue, behind Beyond Bank, could be included in the maintenance program in the CBD of Kurri Kurri as it has not been mowed.

### ***COUNCILLOR'S REPORTS***

#### **Councillor Smith**

Councillor Smith attended the NSW Public Libraries State Conference Sydney and AGM as President of the Association.

Discussions were held on the changes to Local Government structure and the way it would affect library services across the State and the current infrastructure grant program which the NSW Government is operating. The meeting resolved to seek an increased rank structure for that infrastructure grant program. The Conference program was well received and a number of international speakers were there and took the time to give them some very strong and positive feedback.

### **Councillor Gibson**

Councillor Gibson attended the Carols in the Park event, held on Friday, 4 December and said that it was a fantastic display of Council investing in a spectacular display of light, which was a great event and thanked Council and Staff for delivering such a great event and the use of civic infrastructure to a higher and better use.

Councillor Gibson has completed the last two days of Elected Members Executive Certificate with the Local Government NSW University of Technology in Sydney. After completion of assessments, Councillor Gibson will share them with all the Councillors and recommended any Councillor complete the course and also suggested it become mandatory for any new Councillor in the first couple of years of their election or even if they have been here for many years.

### **Councillor Doherty**

Councillor Doherty attended his first Bloomfield Community Consultative Committee meeting last week and was taken on a complete tour of whole site which was very interesting. Council will receive proposals within the next year in regard to that mine site. Bloomfield had previously contributed money toward the Stanford Merthyr Crown Reserve, which is dear to the Kurri Kurri people's hearts, and have received no presentation on the Crown Reserve, which Councillor Doherty will provide at the next meeting with Bloomfield.

**8.07 pm**

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Smith            **Seconded:**    Councillor Hawkins  
1532

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*The following staff left the meeting, the time being 8.07 pm*

*General Manager*

*Director Planning and Environment*

*Director Corporate and Community Services*

*Director Works and Infrastructure*

*Acting Manager Governance and Business Services*

*Corporate Administration Officer*

*Administration Support Officer – Corporate & Community Services*

*The following staff returned to the meeting, the time being 8.43 pm*

*General Manager*

*Corporate Administration Officer*

*Administration Support Officer – Corporate & Community Services*

**8.43 pm**

**Open Session**

**The meeting moved back into open session and the Mayor reported on the outcome.**



**DEFERRED BUSINESS NO. MM8/2015**

**SUBJECT:      REPORT OF REVIEW OF THE GENERAL MANAGER'S EMPLOYMENT  
ARRANGEMENTS COMMITTEE MEETING HELD ON 20 OCTOBER  
2015**

*This matter is considered to be confidential under Section 10A(2) (a) of the  
Local Government Act, as it deals with personnel matters concerning  
particular individuals.*

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**MOTION            Moved:**    Councillor Pynsent

**RESOLVED**

1.      That the General Manager's Mid Term Performance Review for the period of November 2014 to September 2015 contained in the Confidential Attachment be received and noted.
2.      That the General Manager's Employment Arrangements Committee reconvene in the new year to discuss other strategies to review and assess the General Manager's Performance.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED.**

*The Meeting Was Declared Closed at 8.44 pm*

**CONFIRMED AND SIGNED** at the meeting held on 3 February 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI1/2016**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Manager Governance and Business Services - Kim Appleby*

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

Mayoral Minute

Report No. MM1/2016

General Manager's Unit



***MAYORAL MINUTE No. MM1/2016***

***SUBJECT: COUNCIL'S ROLE IN CHRISTMAS - CBD DECORATIONS AND  
MAYORAL CHRISTMAS APPEAL***

***RECOMMENDATION***

That a report come back to Council by the end of April 2016 to determine an appropriate level of Council participation in Christmas activities within the local government area, specifically through:

1. Christmas decorations;
2. Support for festive shop front window dressings; and
3. Establishment of an annual Mayoral Christmas Appeal.

***REPORT/PROPOSAL***

Feedback from business and community stakeholders suggests there is a desire for Council to take a more active leadership role in supporting Christmas festivities in the local government area. Council's current role extends to the display of Christmas-themed banners in Cessnock's main street.

It is recommended that a report be prepared for Council to consider options to foster a more vibrant and festive environment across the LGA over the Christmas period.

***ENCLOSURES***

There are no enclosures for this report.

**Motions of Urgency**

**Report No. MOU1/2016**

**Corporate and Community Services**



**SUBJECT: MOTIONS OF URGENCY**

**RESPONSIBLE OFFICER: Manager Governance and Business Services - Kim Appleby**

**RECOMMENDATION**

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

**SUMMARY**

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

**ENCLOSURES**

There are no enclosures for this report.

**SUBJECT:** ***SUPPORT FOR THE CONTINUING OPERATION OF FOOD WAR INC. AND OTHER SIMILAR ORGANISATIONS***

**RESPONSIBLE OFFICER:** ***Community & Cultural Engagement Manager - Simon Eade***

Council at its Ordinary Meeting of 9 December 2015 resolved to defer the report as Food War Inc representatives were unable to attend meeting.

### **SUMMARY**

This report considers possible funding opportunities or other forms of assistance that may arise to support the continuing operation of Food War Inc. and other similar organisations that provide discounted grocery items to eligible Cessnock LGA residents.

### **RECOMMENDATION**

1. That Council note the information contained within this Report.
2. That Council support the hosting of a forum for services and organisations involved in the provision of community food supply.

### **BACKGROUND**

At its meeting held on 7 October 2015, Council considered a Notice of Motion BN13/2015 and resolved that *"Cessnock City Council provide a report on possible funding opportunities or other forms of assistance that may arise to support the continuing operation of The Food Wars Inc. and other similar organisations that provide discounted grocery items to eligible Cessnock LGA residents"*.

This report summarises the results of investigations into ways in which Food War Inc and other similar organisations that provide discounted grocery items to eligible Cessnock LGA residents could be supported.

### **REPORT/PROPOSAL**

Food War Inc has been providing discounted grocery items to people holding any type of concession card since July 2015. It is staffed by volunteers at a Vincent Street premises, Cessnock, where it has a six month lease. It also has similar stores in Beresfield and Raymond Terrace. Cessnock residents have registered to use the service at a rapid rate and membership has exceeded 900 to date. The organisation has Deductible Gift Recipient status. The service is hoping to secure a longer term lease for premises somewhere in or near to the Cessnock CBD.

The Salvation Army and the Samaritans Information & Neighbourhood Centre are two other local non-for-profit organisations that also provide assistance with the supply of food, in particular on an emergency needs basis. There may be other organisations in the Local Government Area that also provide similar food supply services.

**Corporate and Community**

**Report No. CC102/2015**

**Corporate and Community Services**



OzHarvest also operates in the Cessnock Local Government Area. OzHarvest is an Australia-wide organisation that collects quality excess food from commercial outlets such as fruit and vegetable markets, supermarkets, hotels, catering companies, cafes and restaurants, and delivers it free of charge to 600 charities that provide support to people in need.

Council is not in a position to provide direct support to Food War Inc or other not-for-profit organisations. It does not have any readily available premises for lease, and does not have a funding program for which any of these organisations would be eligible. For example, none of Council's \$ for \$ grant programs are designed to support community service organisations that provide welfare or food supply services.

The ClubGrants program, which is administered by Council staff on behalf of participating local clubs, is, however, a program to which community food supply organisations could apply. The next available round of ClubGrants will open in May 2016.

Council is in a position to provide assistance to community food service organisations in other ways, primarily through the provision of staff assistance and access to a range of Council services, as detailed below:-

- Staff assistance in identifying grant programs that could be potential sources of funding
- Staff assistance in drafting applications to grant programs, including the ClubGrants program
- Promotion of their service through Council's social media channels
- Promotion of their service through distribution of flyers at Council's Customer Service Centre and Libraries
- Promotion of their service at community services interagency meetings
- Listing of their service in online and print versions of Council's Community Directory
- Inclusion of one-off activities organised by the service in Council's What's On Calendar

It is suggested that Council staff schedule a forum for those organisations that provide food supply services and invite representatives and any other interested stakeholders. The forum would seek to facilitate the exchange of information on services, highlight potential funding opportunities, introduce Council staff and provide an overview of how Council can provide assistance and encourage the participant organisations to investigate the co-ordination of food supply services.

**OPTIONS**

1. To note the information contained within the Report and support the scheduling of an information forum for food supply service providers. This is the preferred option.
2. To note the information.

**Corporate and Community**

**Report No. CC102/2015**

**Corporate and Community Services**



**CONSULTATION**

The following have been consulted in the preparation of this Report:-

Principal Social Planner  
Community and Cultural Engagement Officer

**STRATEGIC LINKS**

**a. Delivery Program**

The matters considered in this Report have links to Council's Cessnock Community Strategic Plan 2023:

- Objective 1.1 Promoting social connections
- Our community is aware of and has access to community services
- Objective 1.2 Strengthening community culture
- Our community organisations have opportunities to work together to develop and deliver services
- Objective 5.3 Making Council more responsive to the community

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The provision of the identified support services is undertaken as part of existing community services staff functions. The costs associated with the proposed forum would be able to funded from existing operational funding.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

Corporate and Community

Report No. CC102/2015

Corporate and Community Services

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***CONCLUSION***

Food War Inc and other community food supply service organisations are meeting a need of some sectors of the community in the Cessnock Local Government Area. Council has limited ability to provide assistance to support these services in terms of infrastructure and funding, but can offer other forms of support which could help to provide sustainability and improved service co-ordination in the longer term.

***ENCLOSURES***

There are no enclosures for this report



General Manager's Unit  
Report No. GMU1/2016  
General Manager's Unit



**SUBJECT:** ***DECISIONS MADE UNDER DELEGATED AUTHORITY  
DURING COUNCIL'S RECESS PERIOD***

**RESPONSIBLE OFFICER:** ***General Manager - Stephen Glen***

## **SUMMARY**

This report is provided for information regarding any decisions made under delegated authority during Council's recess period.

## **RECOMMENDATION**

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

## **BACKGROUND**

At its meeting of 16 September 2015, Council resolved:

- 1. That Council be in recess from 10 December 2015 to 3 February 2016.**
- 2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period with the exception of:**
  - Determination of applications for all dwelling types and ancillary structures where significant objections have been received;**
  - Rezoning matters;**
  - Subdivision applications; and**
  - Entering into leases/licences.**
- 3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2016 Ordinary Meeting of Council scheduled to be held on 3 February 2016.**

## **REPORT/PROPOSAL**

In accordance with Council's resolution of 16 September 2015, Councillors are advised that there was one (1) development application determined under delegated authority during Council's recess period. Details of the application are as follows:

Development Application No. 8/2015/125/1 (**Enclosure 1**) for the construction of a dwelling house and associated shed on Lots 64 and 65, DP 755231, Old Maitland Road, Sawyers Gully, was referred to the General Manager and Mayor on the 22 December 2015 for joint determination in accordance with Planning Circular PS 08-003 which requires all development applications where a variation greater than 10 percent to a development standard is proposed, to be referred to Council.

General Manager's Unit

Report No. GMU1/2016

General Manager's Unit



In this case, the application proposed to vary the development standard for construction of a dwelling, and the variation equates to 19 percent. There were no objections to the development and the concurrence of the Director-General had been granted prior to the report being prepared. The General Manager and Mayor determined to support the officer's recommendation which was to approve the development subject to conditions.

### **STRATEGIC LINKS**

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

This report is linked to the Community Strategic Plan Cessnock 2020, specifically, the key objective of *Civic Leadership and Effective Governance*.

#### **b. Other Plans**

NA

### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

NA

#### **b. Financial Implications**

NA

#### **c. Legislative Implications**

Section 377 of the Local Government Act provides for the granting of delegated authority.

#### **d. Risk Implications**

There would be corporate risk implications if the General Manager and/or Mayor acted outside their delegated authority during the recess period.

#### **e. Other Implications**

NA

### **CONCLUSION**

One development application was determined under delegated authority during Council's recess period. This report is provided for information purposes only.

### **ENCLOSURES**

- [1](#) DA 8/2015/125/1 - Old Maitland Road Sawyers Gully

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Planning and Environment

**SUBJECT:** 18/2014/4: REVISED PLANNING PROPOSAL - ORICA**RESPONSIBLE OFFICER:** Strategic Landuse Planning Manager - Martin Johnson

<b>APPLICATION NUMBER:</b>	18/2014/4
<b>PROPOSAL:</b>	Revised Planning Proposal – Orica
<b>PROPERTY DESCRIPTION:</b>	Lot 2 DP 809377
<b>PROPERTY ADDRESS:</b>	1151 George Booth Drive Richmond Vale
<b>ZONE: (CURRENT)</b>	1(a) Rural “A” (deferred matter) under LEP 1989; and RU2 Rural Landscape under LEP 2011.
<b>ZONE (PROPOSED)</b>	Not applicable – an Additional Permitted Use is proposed
<b>OWNER:</b>	Orica (Australia) Pty Ltd
<b>PROPONENT:</b>	Urbis Pty Ltd

**SUMMARY**

The purpose of this Report is to obtain Council’s endorsement to submit a revised Planning Proposal to the Department of Planning and Environment in respect of Orica’s land at Lot 2 DP 809377, known as 1151 George Booth Drive, Richmond Vale (‘the site’).

The Proposal, as originally endorsed by Council in December 2014, sought to rezone the site a combination of SP1 Special Activities Zone and E2 Environmental Conservation Zone to accommodate Orica’s existing use of the site as a ‘Technology Centre and Explosives Research and Production Facility’. The rezoning also sought to enable future expansion of Orica’s activities within the site.

The revised Planning Proposal no longer involves rezoning the land, but seeks to include an Additional Permitted Use (APU) over part of the site to accommodate the existing facility and enable limited expansion with development consent. The revised Proposal reintroduces a provision that formally applied to the entire site under the *Cessnock Local Environmental Plan (LEP) 1989* that enabled the land use with development consent. The Proposal will continue to facilitate environmental conservation outcomes over the majority of the site through a Bio-banking Agreement with the NSW Office of Environment and Heritage.

The revised Planning Proposal will ensure that Orica’s facility at Richmond Vale will be permissible under the provisions of the *Cessnock Local Environmental Plan (LEP) 2011* and not operate under existing use rights provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*.

**RECOMMENDATION**

1. That Council request an amended Gateway determination for the revised Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council support in principle the proponent's 'Heads of Agreement' relating to environmental conservation, attached as Enclosure 2, and prepare and exhibit a draft Planning Agreement with the Planning Proposal.
5. That the Planning Proposal and draft Planning Agreement be reported back to Council following community consultation.

**Chronology**

Date	Brief Description
Early 1990s	Use of the site for the purpose of 'explosive research and development' commences under building and development approvals issued by Council.
Jul 2010	Minister for Planning grants approval to the Orica Ammonium Nitrate Emulsion Project at the site under the now repealed Part 3A, major infrastructure and other projects provisions of the EP&A Act 1979.
Dec 2011	The developed footprint of the site is zoned RU2 Rural Landscape as a component of the LEP 2011. As a result, Orica's ongoing use of the existing facilities becomes dependent on existing use rights provisions of the EP&A Act 1979. The remainder of the site is identified as deferred matter under the new Plan.
Aug 2014	Planning Proposal lodged with Council to seek a zoning over the entire site with a view of removing the need for future operations to rely on existing use rights provisions.
Dec 2014	The Planning Proposal is supported by Council.
Feb 2015	Gateway determination issued by the Department of Planning and Environment in respect of the Planning Proposal.
March 2015 - November 2015	Extensive discussions between Orica, Council, and the NSW Office of Environment and Heritage to develop a preferred planning approach to ensure environmental conservation and allow for the ongoing viability of Orica's facility at Richmond Vale.
Dec 2015	Orica lodge a revised Planning Proposal seeking inclusion of an Additional Permitted Use over part of the site.

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**BACKGROUND**

Orica has operated an explosive research and development facility at the site since the early 1990s. The site is considered a suitable location for Orica's facility due to the separation distance between activities occurring on site and nearby development. The site also has good access to the local and classified road network, including George Booth Drive and the newly constructed Hunter Expressway.

Until 2010, the facility operated under several building and development consents issued by Council. At the time the consents were issued, the site was zoned 1(a) Rural "A" and the use permissible pursuant to Schedule 5 of the LEP 1989, being development for certain additional purposes, as follows:

*explosives research and production facility involving:*

- (a) the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) the production, storage and testing of explosives.*

In July 2010, the then Minister for Planning granted approval to the Orica Ammonium Nitrate Emulsion Project under the now repealed Part 3A, major infrastructure and other projects provisions of the EP&A Act 1979. The Minister's Major Project Approval No. 09\_0090 enabled the continuation of Orica's existing facility and the manufacture of up to 250,000 tonnes per annum of ammonium nitrate emulsion to be sold primarily to the mining industry for use as an explosives precursor.

Since the Major Project Approval was granted, Council prepared the *Cessnock Local Environmental Plan (LEP) 2011* and this was gazetted in December 2011. Under the LEP 2011, the site was zoned in part RU2 Rural Landscape Zone, which applies over the developed footprint of the site. The remainder of the site, including an expansion of the facility under the Major Project Approval, is identified as 'deferred matter' and is zoned 1(a) Rural "A" under the LEP 1989.

The Additional Permitted Use (APU) specified in Schedule 5 of the LEP 1989 for the site, being 'explosives research and production facility', was not carried to the LEP 2011 during its preparation, principally due to Departmental policy at the time. This has resulted in reliance on existing use rights provisions for Orica's continuing operation of the facility at Richmond Vale.

In August 2014, Orica Limited lodged a Planning Proposal with Council to seek a zoning over the central portion of the site to SP1 Special Activities Zone to remove the need for future operations to rely on existing use rights provisions. The balance of the land was to be zoned E2 Environmental Conservation. The Planning Proposal was reported to Council in December 2014 and Council resolved to proceed with the amendment by forwarding the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway determination.

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The Gateway determination was issued on 16 February 2015 and required the agreement of the NSW Office of Environment and Heritage regarding environmental conservation outcomes.

In the months that have elapsed since the Gateway determination was issued by DPE, there have been several meetings between Orica, Council, and the NSW Office of Environment and Heritage to develop a preferred planning approach to ensure environmental conservation and allow for the ongoing viability of Orica's facility at Richmond Vale. As a result of these discussions, it is now proposed to revise the Planning Proposal to achieve an outcome suitable to all stakeholders. The alternative Proposal seeks to apply an Additional Permitted Use to part of the site to accommodate Orica's existing facility and allow for limited expansion. The revised Proposal reintroduces a provision that formally applied to the entire site under the LEP 1989 that enabled the land use with development consent.



# Aerial Location Plan : Lot 2 DP 809377

**OVERVIEW MAP**

**BUCHANAN**  
**RICHMOND VALE**  
**MULBRING**

**Subject Land**

**HUNTER EXPRESSWAY**

**GEORGE BOOTH DRIVE**

**Lake Macquarie LGA**

**Lot 2 DP 809377**

**Lot 1 DP 1061633**

**Lot 2 DP 1061633**

**Lot 3 DP 1061633**

**Lot 5 DP 1061633**

**Lot 1 DP 551918**

**Lot 31 DP 1085798**

**Lot 32 DP 1085798**

**Lot 75 DP 755260**

**Lot 126 DP 728961**

**Lot 33 DP 1085798**

**Lot 1 DP 1039968**

**Lot 101 DP 1164569**

**Lot 102 DP 1164569**

**Date Produced :** 30 Oct 2014  
**Designed By :** Cessnock City Council  
**Scale :** 1 : 16,500  
**Reference :** 10 Dec 2014 18 20144 Aerial B Moshage

**Coordinate System :** Map Grid of Australia (MGA)  
Datum 94  
Zone 56

**Imagery :** **nearmap**  
2014 8cm Imagery  
Copyright : Neamaps (2014)

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**DISCLAIMER**  
This map has been produced to assist individuals in determining land details within the City of Cessnock and the information contained herein is made good without on the basis that Council or its staff accept no liability for any damage or loss that may occur as a result of any person or persons acting on the basis of the information contained herein. This map has been produced by the GIS section of Cessnock City Council.

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Aerial Imagery (2014)  
Neamaps (2014)

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**PROPOSAL**

The revised Planning Proposal seeks to incorporate an Additional Permitted Use (APU) in Schedule 1 of the LEP 2011 to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'. The APU will apply to the central portion of the site, as hatched in green in Figure 2.

The APU will identify that development for the purpose of a *Technology Centre and Explosive Research and Production Facility*, involving:

- (a) *the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives, precursors and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) *the production, storage and testing of explosives and their precursors*

is permitted with development consent in that part of the site identified in Figure 2.

The revised Proposal reflects provisions that formally applied to the entire site under the LEP 1989. The revised Proposal will allow for limited expansion of Orica's existing development, while facilitating environmental conservation outcomes over the majority of the site. The alternative proposal does not seek to rezone the site, as was originally proposed. Council is progressing a separate amendment to the LEP 2011 to retain the rural zoning of the 'deferred matter' area of the land from 1(a) Rural "A" Zone to RU2 Rural Landscape Zone. It is anticipated that the LEP amendment will be made shortly.

The Proponent has offered to enter into a Planning Agreement to bring about the environmental conservation outcomes required by the NSW Office of Environment and Heritage in relation to the Proposal. The Planning Agreement will specify that the proponent is to enter into a bio-banking agreement within 12 months of gazettal of the LEP amendment, and that required offsets will be calculated in accordance with the bio-banking methodology and credit retired under the *Threatened Species Conservation Act 1995* as part of each future development application or major project relating to the site. A copy of the proponent's Heads of Agreement is provided as an enclosure to this Report.

The revised Planning Proposal is supported in principle by the NSW Department of Planning and Environment and NSW Office of Environment and Heritage. It is considered that the revised Planning Proposal will provide greater certainty regarding the extent of future development within the site and of site clearing, which will be limited to approximately 12 hectares, as opposed to a potential 100 hectares under the original Planning Proposal.

This Report recommends that Council request an amended Gateway determination in respect of the revised Planning Proposal and that Council support in principle the proponent's Heads of Agreement and prepare and exhibit a draft Planning Agreement with the revised Planning Proposal.



Figure 2 – Area Subject to Proposed Additional Permitted Use Provision (Hatched Green)



### OPTIONS

1. Council resolve to support the recommendations of this Report and request an amended Gateway determination in respect of the revised Planning Proposal. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

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*(To be provided by Council).*

**Planning and Environment**

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**CONSULTATION**

Formal consultation with selected statutory agencies and the wider community will be undertaken following and as directed by, the Gateway determination. Should the revised Planning Proposal be supported by the Department of Planning and Environment, it is recommended that consultation occur with the following statutory authorities and agencies:

- Roads and Maritime Service;
- Office of Environment and Heritage; and
- NSW Rural Fire Services.

It is noted that extensive discussions have already been held with the NSW Department of Planning and Environment and the NSW Office of Environment and Heritage in relation to the proposal.

**STRATEGIC LINKS**

**a. Delivery Program**

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

**b. Other Plans**

The Planning Proposal is consistent with the Lower Hunter Regional Strategy, draft Hunter Regional Plan, Lower Hunter Regional Conservation Plan, Cessnock Community Strategic Plan, Cessnock City Wide Settlement Strategy, relevant State Environmental Planning Policies, and Section 117 Ministerial Directions. An assessment of the Planning Proposal against these Plans is provided in the attached Planning Proposal.

**IMPLICATIONS**

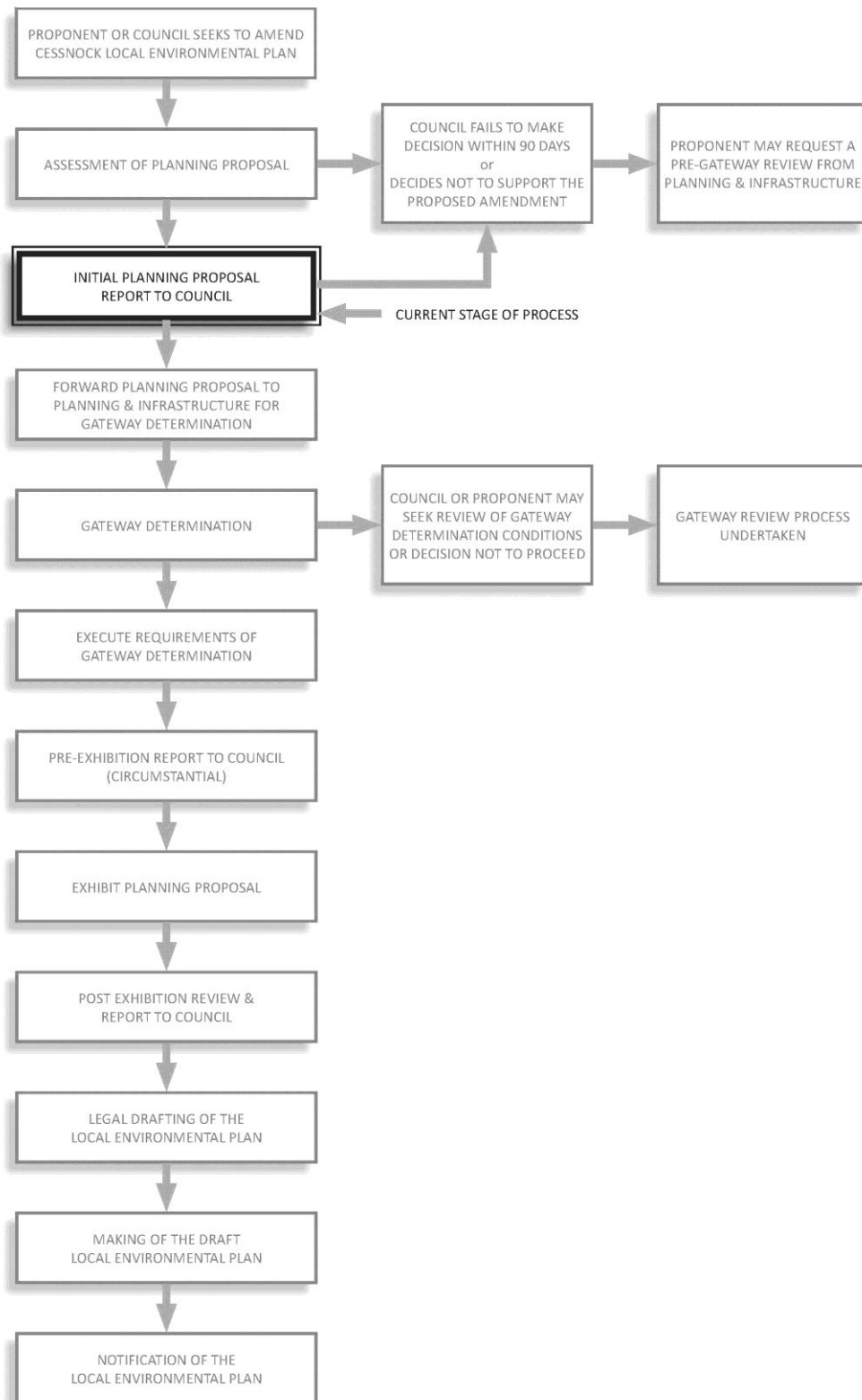
**a. Policy and Procedural Implications**

The current status of the Planning Proposal is identified in the following process.

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**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**b. Financial Implications**

The finalisation of the Planning Proposal will be met through rezoning fees.

**c. Legislative Implications**

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

**d. Risk Implications**

It is considered that there are minimal risk implications arising from the recommendation of this Report.

**e. Other Implications**

Nil

**CONCLUSION**

The revised Planning Proposal seeks to incorporate an Additional Permitted Use (APU) in Schedule 1 of the LEP 2011 to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'. The revised Proposal reintroduces a provision that applied to the entire site under the LEP 1989 that enabled the land use with development consent.

The revised Proposal will ensure that the Orica operation will be permissible under the provisions of the LEP 2011 and not operate under existing use rights provisions of the *Environmental Planning and Assessment Act 1979*. The Proposal will continue to facilitate environmental conservation outcomes over the majority of the site through a bio-banking agreement with the NSW Office of Environment and Heritage.

It is recommended that Council request an amended Gateway determination in respect of the revised Planning Proposal and that Council support in principal the proponent's Heads of Agreement and place the draft Planning Agreement on public exhibition with the revised Planning Proposal.

**ENCLOSURES**

- 1** Revised Planning Proposal
- 2** Heads of Agreement

**SUBJECT:** *MINUTES OF THE HERITAGE COMMITTEE MEETING HELD ON 3 DECEMBER 2015*

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

#### **RECOMMENDATION**

1. That Council adopt the Minutes of the Heritage Committee Meeting held on 3 December 2015, excluding General Business Item 2.
2. That Council does not undertake further investigation on the Kilcoy Presbyterian Church (which has been located in Armidale Dumaresq Shire) and continues to investigate the Burnetts Slaughter Yard and Imperial Hotel in Kurri Kurri to determine their precise locations and heritage significance.
3. That Council participate in the consultation with the Office of Environment and Heritage for the Heritage Near Me Initiative and report any future opportunities to participate in the program to the Heritage Committee.
4. That Council investigate applying for the following Heritage Grants offered by the Office of Environment and Heritage, Local Government Heritage Advisor, Local Government Heritage Places, and either the Local Government Heritage Studies or Aboriginal Heritage Places Program.
5. That Council investigate the Development Consent for 141 Main Road 195, Heddon Greta, Lot 112 DP 1205440 (raised in General Business item 1) to determine the details of the Heritage Assessment that was undertaken and any heritage related conditions on the consent.
6. That the Committee receive a report to the next meeting on opportunities for Council to participate in Heritage Week.

The purpose of this report is to provide the Minutes of the Heritage Committee Meeting held on 3 December 2015 for Council to consider.

#### **Background**

To assist Council the following information is provided in addition to the minutes to help outline the basis for the recommendations:

#### **Recommendation 3**

The Office of Environment and Heritage (OEH) has announced a new 'Heritage Near Me Initiatives' program to implement transformational change to the way heritage is protected, shared and celebrated at the local level in NSW. OEH has expressed an interest in consulting with Council staff while developing the 'Heritage Near Me Initiatives' program to obtain feedback on Councils needs for heritage management.

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**Recommendation 4**

The Office of Environment and Heritage offers annual grants to Local Government and the Community. It has been recommended by the Heritage Committee that Council apply for the following grants:

- Local Government Heritage Advisor: This grant provides funding to Local Councils for a Heritage Advisor. Council currently has a Heritage Advisor one day a month. The current funding for this position finishes at the end of the 2015/2016 financial year; and,
- Local Government Heritage Places: This grant provides funding for Council to develop and implement a small grants program aimed at the maintenance of heritage items in the Local Government Area; and,
- Local Government Heritage Studies: This program provides funding for Local Government studies including heritage main street studies and archaeological Management plans; or,
- Aboriginal Heritage Places Program: This grant provides funding to projects that conserve, promote or benefit a NSW Aboriginal Heritage item listed on the State Heritage Register or Aboriginal Place under the *National Parks and Wildlife Act 1974*.

**General Business Item 2 – Expression of interest for new Committee Members**

The Heritage Committee recommended that Council seek expressions of interest for additional community representatives to be members of the Heritage Committee. On further review by staff, the Terms of Reference for the Heritage Committee limit the number of community representatives to two. The Committee currently has two community representatives. It is recommended that Council does not seek additional community representatives for the Heritage Committee as this is against the Terms of Reference.

***MINUTES OF HERITAGE COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COMMUNITY MEETING ROOM ON THURSDAY, 3 DECEMBER 2015,  
COMMENCING AT 9.30 AM***

**PRESENT:** Mayor Bob Pynsent (Ex Officio Chair)  
Councillor Graham Smith  
Lynette Hamer  
Gillian James

**IN ATTENDANCE:** Martin Johnson - Strategic Land Use Planning Manager  
Keren Brown - Senior Strategic Land Use Planner  
Theresa Brooks - Minute Taker

**CONFIRMATION OF MINUTES**

**MINUTES:** **RECOMMENDATION** that the Minutes of the Heritage Committee held on 17 September 2015, as circulated, be taken as read and confirmed as a correct record.

## ***DISCLOSURE OF INTEREST***

Nil

## ***BUSINESS ARISING FROM THE MINUTES***

Nil

## ***LISTED MATTERS***

### ***LISTED MATTERS - COMMITTEE NO. HERCLM1/2015***

***SUBJECT: ITEMS IN THE HUNTER REGIONAL ENVIRONMENTAL PLAN 1989  
(HERITAGE) WHICH CANNOT BE LOCATED IN THE CESSNOCK  
LOCAL GOVERNMENT AREA***

#### ***RECOMMENDATION***

That Council does not undertake further investigation on the Kilcoy Presbyterian Church and continues to investigate the Burnetts Slaughter Yard and Imperial Hotel.

### ***LISTED MATTERS - COMMITTEE NO. HERCLM2/2015***

***SUBJECT: COUNCIL PARTICIPATION IN THE HERITAGE NEAR ME INITIATIVE***

.

Staff spoke to the report and advised that the Office of Environment and Heritage had contacted Council and would like to consult with Council staff in mid December

#### ***RECOMMENDATION***

That Council participate in consultation with the Office of Environment and Heritage for the Heritage Near Me initiative and report any future opportunities to participate in the program to the Heritage Committee.

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***LISTED MATTERS - COMMITTEE NO. HERCLM3/2015***

***SUBJECT: NSW HERITAGE GRANTS***

Staff spoke to the report and outlined the categories of grants which are available and the options for Council. The available grants are: Local Government Heritage Advisor; Local Government Heritage Places; Local Government Heritage Planning Studies; Hunter Regional Heritage Grants Program; Community Youth and Seniors Heritage Grants and Aboriginal Heritage Places.

***RECOMMENDATION***

That Council investigate applying for the following Heritage Grants offered by The Office of Environment and Heritage; Local Government Heritage Advisor, Local Government Heritage Places, and either the Local Government Heritage Studies or Aboriginal Heritage Places Program.

***CORRESPONDENCE***

*Nil*

***GENERAL BUSINESS***

***GENERAL BUSINESS ITEM 1***

***SUBJECT: RAILWAYS FORMATIONS HERITAGE LISTING***

The Committee raised concerns regarding work which has been undertaken in Kurri Kurri near the South Maitland Railway, which is a local Heritage Item.

***RECOMMENDATION***

That Council investigate the Development Consent for 141 Main Road 195, Heddon Greta, Lot 112 DP 1205440 to determine the details of the Heritage Assessment that was undertaken and any heritage related conditions on the consent.



Planning and Environment

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Planning and Environment



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**GENERAL BUSINESS ITEM 2**

**SUBJECT:     EXPRESSIONS OF INTEREST FOR NEW COMMITTEE MEMBERS**

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The committee expressed an interest in getting new Committee members.

**RECOMMENDATION**

That Council seek expressions of interest for community members to be part of the Heritage Committee.

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**GENERAL BUSINESS ITEM 3**

**SUBJECT:     HERITAGE WEEK AGENDA**

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Council staff advised that a report would be presented at the next Committee meeting on the opportunities to participate in Heritage Week.

**RECOMMENDATION**

That the committee receive a report to the next meeting on opportunities for Council to participate in Heritage Week

*The Meeting Was Declared Closed at 9.49 am*

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** ***TENDER NEGOTIATION OUTCOMES FOR CESSNOCK CITY PLANNING STRATEGY PROJECT - T1516/01***

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

## **SUMMARY**

This report provides an evaluation of the revised Tender Submission proposal following discussions with the preferred consultant to ensure that all objectives and deliverables in the Project Brief can be achieved.

## **RECOMMENDATION**

1. That Council note that contractual arrangements have been negotiated with SGS Economics and Planning Pty Limited for the provision of the Cessnock City Planning Strategy Project (T1516/01)
2. That Council authorise the funding strategy provided in Enclosure 1, noting that \$150,000 is provided in the current budget with the remainder of funding provided through apportioned section 94 funds.

## **BACKGROUND**

Cessnock City Council has previously identified the need to update and replace the existing Cessnock City Wide Settlement Strategy 2003 and 2010.

The aim of this consultancy is to provide a solid foundation of evidence to inform the future sustainable strategic land use development of the Cessnock Local Government Area and to develop a comprehensive set of strategic recommendations based on that evidence which will guide the preparation of future major amendment(s) of Cessnock Local Environmental Plan (LEP) 2011 and Cessnock Development Control Plan (DCP) 2010.

Due to the extensive breadth of works required to be undertaken, the process has been split into two phases, however, this revised proposal only relates to Phase 1 which is an information review and preparation of four specialist background studies. The four studies are Employment Lands, Urban Housing, Rural Lands and Rural Living and Vineyards District. The approach to Phase 2 will be dealt with as a separate matter.

Tenders were initially invited on Thursday 1 October 2015 and were made available on Council's e-tender portal, Tenderlink and closed 2pm Tuesday 3 November 2015. At the end of the weighted evaluation, the Tender Evaluation Team (TET) determined that none of the tenders provided a satisfactory response to the entire Project Brief. While the weighted evaluation established a ranking of tenders, the TET was not satisfied that sufficient experience and expertise of all the sub consultants was demonstrated in any of the offers.

At its meeting of 9 December 2015, Council then resolved that better value could be achieved by declining to accept any of the tenders and negotiating with a suitable consultant to achieve a satisfactory outcome that fulfills all Project requirements.

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**REPORT/PROPOSAL**

Negotiations have now occurred with the highest ranked consultant from the Tenders received during the original call for tenders. Specific parameters were established prior to commencement of negotiations including whether the issues raised in the original Tender Analysis and Matrix, included in the 9 December 2015 Council Report, had been fully addressed.

The Tender Evaluation Team are now of the opinion that the revised proposal has satisfactorily addressed all issues raised in the original Tender Evaluation. A Revised Tender Evaluation, containing full details of the pricing and evaluation is provided as a confidential document at **Enclosure 2**.

Council has already provided \$150,000 towards the project in the current budget. In order to complete the contract negotiations and enter into a contract with SGS Economics and Planning Pty Limited, the apportionment of section 94 funds is recommended in accordance with the funding strategy outlined in **Enclosure 1**. This will ensure the funding is secured and the project may commence as soon as possible without further delay.

**OPTIONS**

1. Council resolve to accept the revised tender proposal and proceed immediately with Phase 1 of the Cessnock City Planning Strategy Project. This is the recommended option.
2. Request changes to the revised tender proposal. This option will delay commencement of the Project.
3. Not support the recommendation of this Report for the following reasons:

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*(To be provided by Council).*

**CONSULTATION**

The original Brief and tender process involved consultation with various officers across the organisation. The revised tender proposal was reviewed by the Tender Evaluation Team which includes:

- Manager Strategic Land Use Planning
- Principal Strategic Land Use Planner
- Planning Officer – Department of Planning and Environment

The NSW Department of Planning and Environment Planning Officer will continue to be involved throughout the development of the Project and as a member of the Project Control Group.

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**STRATEGIC LINKS**

**a. Delivery Program**

The tender is consistent with the following desired outcomes and objectives of the Delivery Plan 2013-2017.

Objective 3: Protecting and Enhancing the Natural Environment and the Rural Character of the Area - Delivery Program 3.1.1 and the Operational Plan 2015-2016, reference 3.1.1.a.

**b. Other Plans**

- Cessnock City Wide Settlement Strategy 2010;
- Cessnock Local Environmental Plan 2011;
- Cessnock Local Environmental Plan 1989;
- Cessnock Development Control Plan 2010;
- Cessnock City Recreation and Open Space Strategic Plan.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The tender process has been carried out in accordance with Council's Procurement Policy, Procurement Procedure, and in accordance with the Local Government Regulations. This Report has been prepared in accordance with the Tendering Guidelines for Local Government.

**b. Financial Implications**

The Project is fully funded through a combination of existing funding streams and is outlined in the Funding Strategy for the consultancy in **Enclosure 1**.

**c. Legislative Implications**

The tender process has followed the legislative provisions referenced in Council's Procurement Policy and Procedure which are as follows:

- Local Government Act 1993
- Local Government (General) Regulations 2013
- NSW Government – Code of Practice for Procurement 2005
- Office of Local Government – Tendering Guidelines for NSW Local Government 2009.

**d. Risk Implications**

By following the legislative requirements listed above, the risk implications for the organisation are low.

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e. Other Implications

Nil.

**CONCLUSION**

The tender process has been undertaken in accordance with all relevant procedures, policies and legislation. Following negotiations with the highest ranked tenderer from the list of those received in the initial call for tenders, it is considered that the revised tender proposal now meets all requirements of the Brief for the Cessnock City Planning Strategy Project Phase 1 to the satisfaction of the Tender Evaluation Team. It is now recommended that the Council support entering into a contract to allow immediate commencement of the Project and authorise the funding strategy provided in **Enclosure 1**.

**ENCLOSURES**

- 1** Funding Strategy - Cessnock City Planning Strategy Project
- 2** Revised Tender Evaluation - Cessnock City Planning Strategy Project - *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.*

Corporate and Community

Report No. CC1/2016

Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - DECEMBER 2015*

**RESPONSIBLE OFFICER:** *Chief Financial Officer - John Oliver*

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### **SUMMARY**

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

### **RECOMMENDATION**

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

### **BACKGROUND**

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

### **REPORT**

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

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

#### **General Investment Commentary**

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

The Reserve Bank of Australia (RBA) official cash rate as at 31 December 2015 was 2.00 percent. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered.

Actual investment revenues to the end of December 2015 exceeded budget with Council's investment return consistently higher than the adopted benchmark in the Investment Policy (90 days Bank Bill Swap Interest Rate ) with an actual level of return of 14.1 percent more than budget.

Councils' investment balances include \$3.6m received from the Roads and Maritime Services in June 2015 relating to the reclassification of roads following the opening of the Hunter Expressway as well as higher than anticipated Section 94 funds and Voluntary Planning Agreement funds being received and the deferral of landfill extension capital works expenditure.

**Corporate and Community**

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**Corporate and Community Services**



These have contributed to a higher current investment balance, which in turn leads to a higher than anticipated interest return, with an adjustment to be recommended at the December 2015 Quarterly Budget Review.

**Investment Portfolio Information**

Total cash and investments held by Council as at 31 December 2015 are:

<b>Invest No</b>	<b>Financial Institution Investment Held With</b>	<b>Invest Type</b>	<b>Interest Coupon Term</b>	<b>Maturity / Next Coupon Date</b>	<b>Current Coupon Rate</b>	<b>Par Value \$'000</b>
	Commonwealth Bank	Cash			1.65%	1,076
	Commonwealth Bank	At Call			1.60%	691
1243	AMP Bank	At Call			2.55%	500
1215s	IMB Bank	TD	182	3-Feb-16	2.80%	800
1225n	Maitland Mutual BS	TD	189	20-Jan-16	3.00%	800
1233l	Suncorp Bank	TD	182	10-Mar-16	2.91%	700
1236l	Maitland Mutual BS	TD	183	2-Jun-16	2.75%	600
1241n	IMB Bank	TD	211	13-Apr-16	2.80%	600
1254i	Westpac Bank	TD	187	19-Jan-16	2.70%	700
1255k	ANZ Bank	TD	91	19-Feb-16	2.60%	800
1256h	National Australia Bank	TD	182	05-May-16	2.85%	900
1258j	ANZ Bank	TD	184	11-Feb-16	2.75%	700
1260f	National Australia Bank	TD	183	8-Apr-16	2.97%	1,000
1262j	Newcastle Permanent BS	TD	91	3-Mar-16	2.70%	600
1263f	Westpac Bank	TD	182	24-May-16	2.76%	600
1264g	IMB Bank	TD	210	17-Feb-16	2.80%	600
1266f	Westpac Bank	TD	205	10-Feb-16	2.67%	700
1269d	Maitland Mutual BS	TD	238	22-Mar-16	2.90%	900
1270h	Bendigo & Adelaide Bank	FRN	91	15-Feb-16	3.49%	500
1272f	ANZ Bank	TD	183	7-Jun-16	3.00%	900
1273d	Members Equity Bank	TD	139	27-Jan-16	2.75%	600
1276h	Newcastle Permanent BS	TD	91	10-Mar-16	2.70%	800
1277g	Greater Building Society	FRN	92	24-Feb-16	3.56%	500
1281c	National Australia Bank	TD	184	18-Feb-16	2.97%	700
1282b	Maitland Mutual BS	TD	266	6-Apr-16	3.00%	700
1284c	National Australia Bank	TD	152	22-Mar-16	2.91%	800
1285c	National Australia Bank	TD	189	15-Jun-16	2.97%	600
1286c	IMB Bank	TD	188	2-Jun-16	2.80%	900
1287d	IMB Bank	VRD	94	15-Feb-16	2.99%	700
1288b	Members Equity Bank	TD	112	17-Feb-16	2.85%	800
1289b	Suncorp Bank	TD	182	27-May-16	3.00%	800
1290d	Newcastle Permanent BS	VRD	91	7-Mar-16	3.11%	700
1291a	Maitland Mutual BS	TD	161	13-Jan-16	2.60%	900
1292a	Suncorp Bank	TD	183	11-Feb-16	2.87%	700
1293b	Maitland Mutual BS	TD	211	13-Jul-16	2.95%	800
1294a	Commonwealth Bank	TD	149	3-Mar-16	2.83%	800
1295c	Newcastle Permanent BS	TD	91	22-Mar-16	2.80%	900
1297a	Members Equity Bank	TD	120	3-Mar-16	2.85%	900

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Corporate and Community Services



Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1298a	Newcastle Permanent BS	VRD	90	4-Jan-16	2.97%	800
1300a	Members Equity Bank	TD	113	9-Mar-16	2.85%	800
1301	Maitland Mutual BS	TD	237	16-Mar-16	2.95%	800
1302	Suncorp Bank	TD	195	24-Feb-16	2.86%	900
1303	IMB Bank	TD	183	26-Feb-16	2.80%	700
1304	AMP Bank	TD	180	23-Feb-16	2.90%	800
1305	Commonwealth Bank	TD	154	1-Feb-16	2.83%	900
1306	Suncorp Bank	TD	182	16-Mar-16	2.90%	900
1307	Bankwest	TD	121	27-Jan-16	2.90%	800
1308	Bankwest	TD	121	29-Jan-16	2.90%	900
1309	Bankwest	TD	150	21-Apr-16	3.00%	900
1310	Bankwest	TD	151	3-May-16	3.00%	700
1311	Bankwest	TD	183	21-Jun-16	3.00%	600
<b>TOTAL</b>						<b>38,767</b>

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

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank of Australia	3,467	8.94%
Maitland Mutual Building Society	5,500	14.19%
IMB Bank	4,300	11.09%
Members Equity Bank	3,100	8.00%
National Australia Bank	4,000	10.32%
Newcastle Permanent Building Society	3,800	9.80%
Suncorp Bank	4,000	10.32%
ANZ Bank	2,400	6.19%
Westpac Bank	2,000	5.16%
AMP Bank	1,300	3.35%
Bendigo & Adelaide Bank	500	1.29%
Greater Building Society	500	1.29%
Bankwest	3,900	10.06%
<b>TOTAL</b>	<b>38,767</b>	<b>100.00%</b>



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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	33,300	85.90%
Cash/At Call Deposits	Low	Low	2,267	5.85%
Variable Rate Deposit	Low	Low	2,200	5.67%
Floating Rate Notes	Low	Low	1,000	2.58%
<b>TOTAL</b>			<b>38,767</b>	<b>100.00%</b>

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

<b>Performance Measures</b>	<b>This Year</b>	<b>Last Year</b>
Portfolio Average Interest Rate (year to date)	2.74%	3.34%
BBSW Average Interest Rate (year to date) *	2.16%	2.68%
Actual Investment Interest Earned (year to date)	\$542,128	\$474,039
Budget Investment Interest (year to date)	\$474,996	\$445,000
Original Budget Investment Interest (Annual)	\$650,000	\$810,000
Revised Budget Investment Interest (Annual)	\$850,000	\$850,000

<b>Investment Balances (Par Value)</b>	<b>This Year</b>	<b>Last Year</b>
Opening Balance as at 1 July	\$37,253,000	\$30,576,000
Month End Current Balance	\$38,767,000	\$30,573,000

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

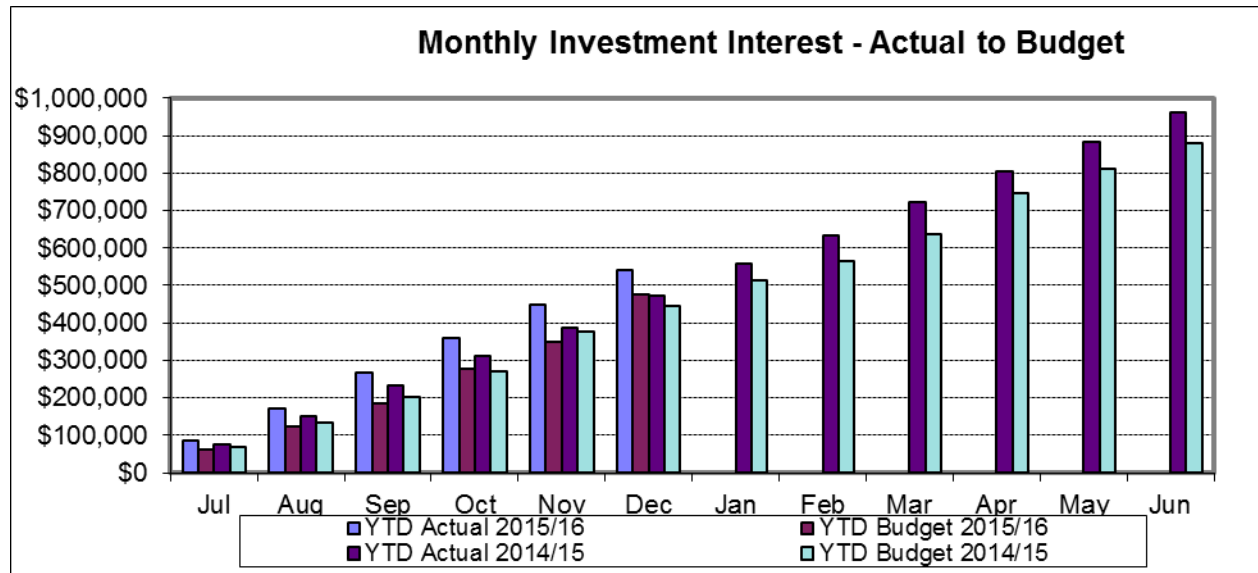
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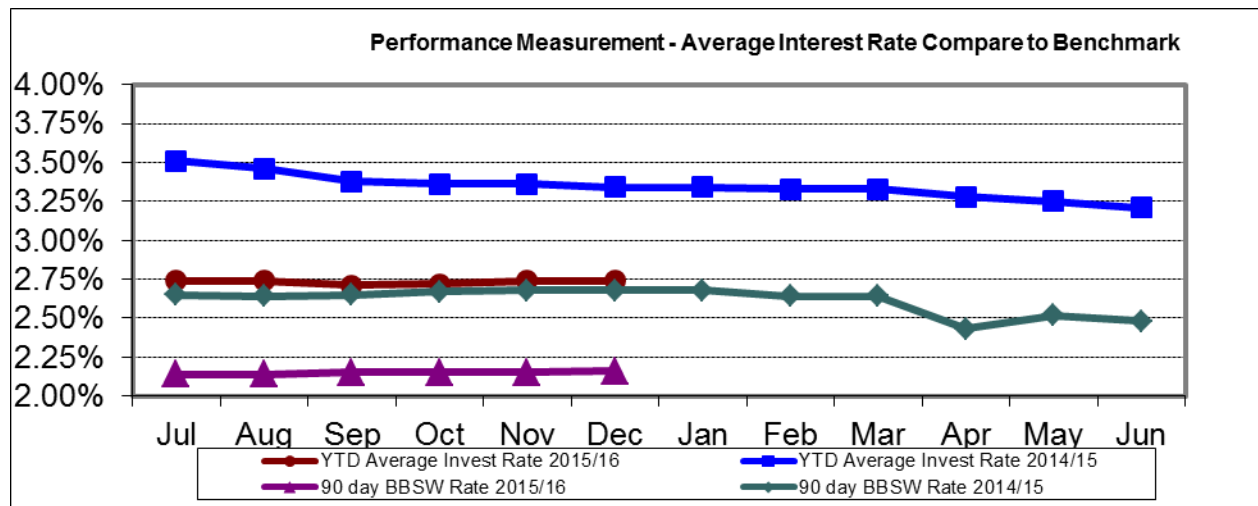
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The following graph compares actual interest earned to budget for this year and last year.



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



**OPTIONS**

N/A

**CONSULTATION**

Financial Accountant

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***STRATEGIC LINKS***

**a. Delivery Program**

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

**b. Other Plans**

N/A

***IMPLICATIONS***

**a. Policy and Procedural Implications**

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

**b. Financial Implications**

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

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

**c. Legislative Implications**

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

**d. Risk Implications**

Investment risks are detailed within this report.

**e. Other Implications**

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

***CONCLUSION***

The report provides details on investments held at month end and meets Council's statutory and policy reporting obligations.

***ENCLOSURES***

There are no enclosures for this report.

Corporate and Community

Report No. CC2/2016

Corporate and Community Services



**SUBJECT:** *MODEL CODE OF CONDUCT AMENDMENTS*

**RESPONSIBLE OFFICER:** *Manager Governance and Business Services - Kim Appleby*

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## **SUMMARY**

The purpose of the report is to provide Councillors with information regarding recent amendments to the Model Code of Conduct by the Office of Local Government and for Council to amend its Code of Conduct to reflect these changes.

## **RECOMMENDATION**

**That Council amend its Code of Conduct to reflect the recent amendments made to the Model Code of Conduct.**

## **BACKGROUND**

The Model Code of Conduct sets the minimum requirements of conduct for Council officials in carrying out their functions and is prescribed by regulation. Council was required to comply with section 440 of the Local Government Act 1993 by adopting the provisions of the Model Code of Conduct on or before 1 March 2013.

Following the release of a revised Code of Conduct for Councils in 2013, Cessnock City Council adopted the Model Code at its Ordinary Meeting of 20 February 2013.

All staff and Councillors were required to participate in mandatory in-house training sessions to ensure that the new provisions were communicated and understood across the organisation. Further to this, all new staff have Code of Conduct training as part of their initial induction.

## **REPORT/PROPOSAL**

### ***Councillor Misconduct and Poor Performance Act 2015***

Council is in receipt of advice from the Office of Local Government regarding recent amendments to the Model Code of Conduct. These amendments complement amendments made to the Local Government Act 1993 arising from the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 which became effective from 13 November 2015.

Highlights from the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 include, inter alia:

- A Councillor will be disqualified from holding civic office for a period of 5 years where they have been suspended for misconduct three times.
- Expanding the definition of 'misconduct' to include conduct that is intended to prevent the proper or effective functioning of a Council.
- Streamlining the process for dealing with Councillor misconduct to ensure faster but fair outcomes.

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- Requiring a Councillor to comply with any Performance Improvement Order issued to their Council or face suspension.

***Model Code of Conduct***

The amended Code of Conduct (**Enclosure 1**) is provided with changes highlighted. In addition, the special declaration of interest form (**Enclosure 2**), as previously provided in 2013, remains relevant.

The amendments relate to declarations of pecuniary interest relating to local environmental planning instruments.

Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their Local Government Area that they have pecuniary interests in unless:

- The only interests affected by the changes are the interests they or their relatives have in their principal place of residence; and
- They have made a special disclosure of the affected interests.

Councillors have been made aware of these changes via a memo circulated by the Director Planning and Environment on 7 January 2016. Information regarding the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 (**Enclosure 3**) was previously provided to Councillors in the 4 September 2015 Weekly Circular.

***OPTIONS***

All Councils must amend their adopted Codes of Conduct in accordance with changes made to the Model Code of Conduct.

There are no options available to Council in relation to the amendments that are prescribed.

***CONSULTATION***

The Office of Local Government has been consulted regarding the timeframe for future amendments and the reporting requirements for these changes. These will be reported separately to Council as they arise.

***STRATEGIC LINKS***

**a. Delivery Program**

This report is linked to the Community Strategic Plan Cessnock 2020, specifically, the key objective of *Civic Leadership and Effective Governance*.

**b. Other Plans**

NA

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***IMPLICATIONS***

**a. Policy and Procedural Implications**

Council's Code of Conduct requires amendment in accordance with changes to the Model Code of Conduct 2015.

**b. Financial Implications**

NA

**c. Legislative Implications**

Amendments to the Local Government Act 1993 are necessitating changes to related enabling regulations, policies and codes.

**d. Risk Implications**

If Council does not incorporate the amendments of the Model Code of Conduct into its adopted Code, this would result in a statutory non-compliance.

**e. Other Implications**

NA

***CONCLUSION***

Amendments to the Model Code of Conduct are required to be reflected in Council's Code and adopted accordingly.

***ENCLOSURES***

- 1** Cessnock City Council Code of Conduct 2015
- 2** Special Declaration of Pecuniary Interest Form
- 3** Local Government Amendment (Councillor Misconduct and Poor Performance ) Bill 2015

Works and Infrastructure

Report No. WI1/2016

Works and Infrastructure



**SUBJECT:** ***NAMING OF THE OUTDOOR FITNESS EQUIPMENT AT MILLER PARK BRANXTON***

**RESPONSIBLE OFFICER:** ***Acting Recreation Services Manager – Paul Burton***

## **SUMMARY**

The purpose of this report is to seek Council approval to name and signpost the proposed outdoor gym at Miller Park, Branxton as the 'Newcastle Permanent Charitable Foundation Outdoor Gym – Miller Park Branxton'.

## **RECOMMENDATION**

**That Council approves the naming and signposting of the outdoor gym at Miller Park, Branxton as the 'Newcastle Permanent Charitable Foundation Outdoor Gym – Miller Park Branxton'.**

## **BACKGROUND**

In October 2014, the Samaritans Foundation wrote to Council seeking its support to apply for grant funding to purchase and install an outdoor gym at Miller Park, Branxton.

With Council's support, the Samaritans Foundation, in partnership with the Cessnock Healthy Lifestyle Network, were successful in receiving a grant for \$52,000 (including GST) from the Newcastle Permanent Charitable Foundation. A condition of the funding agreement requires the outdoor gym to be named after the Newcastle Permanent Charitable Foundation in recognition of their contribution to the project and for suitable signage to be installed.

## **REPORT/PROPOSAL**

Through the Coalfields Healthy Heartbeat Program, the Samaritans Foundation collaboratively works on primary health projects seeking to reduce concerning incidence of dietary and lifestyle related disease.

The Newcastle Permanent created the 'Newcastle Permanent Charitable Foundation' in 2003 in celebration of 100 years of operation. Each year the foundation provides more than \$1.5 million in grants to eligible not-for-profit community organisations.

To meet the requirements of the funding agreement between the Samaritans Foundation and the Newcastle Permanent Charitable Foundation, this report is seeking Council's approval to name and signpost the outdoor gym as the 'Newcastle Permanent Charitable Foundation Outdoor Gym – Miller Park Branxton'. A concept design of the proposed sign and a site map showing the proposed location of the outdoor gym and sign at Miller Park is included in the enclosure documents.

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**OPTIONS**

1. Council supports the recommendation to name and signpost the outdoor gym at Miller Park, Branxton as the 'Newcastle Permanent Charitable Foundation Outdoor Gym – Miller Park Branxton'. This is the preferred option.
2. Council does not support the proposed naming of the outdoor gym at Miller Park, Branxton. This is not the preferred option as a condition of the funding agreement requires the outdoor gym to be named after the Newcastle Permanent Charitable Foundation in recognition of their contribution to the project. To not support the proposed naming would jeopardise the grant funds and delivery of the project.

**CONSULTATION**

- Acting Recreation Services Manager
- Strategic Recreation and Community Facilities Planner
- Parks Operations Coordinator
- Project Coordinator Coalfields Healthy Heartbeat
- Samaritans Foundation
- Cessnock Healthy Lifestyle Network
- Miller Park User Group

**STRATEGIC LINKS**

**a. Delivery Program**

The proposal is in line with Objective 1.2.3 of Council's Operational Program, which is to support groups to manage and improve community and sporting facilities.

**b. Other Plans**

This proposal is consistent with Council's adopted Miller Park Plan of Management.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Due to the nature of the proposal, an application to the Geographical Names Board is not required. The proposed naming of the outdoor gym is covered by Council's Naming of Council Assets Policy. It is therefore appropriate for Council to consider the request for naming the outdoor gym.

**b. Financial Implications**

Nil. The cost for the supply and installation of the sign has been included within the allocated grant funds received by the Samaritans Foundation.



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**c. Legislative Implications**

The proposed sign will be designed and installed in accordance with the requirements of the Cessnock Local Environmental Plan 2011 and Cessnock Development Control Plan 2010.

**d. Risk Implications**

The naming and signposting of the outdoor gym is a requirement of the funding agreement between the Newcastle Permanent Charitable Foundation and Samaritans Foundation.

Should Council not approve the naming and signposting of the outdoor gym, the Samaritans Foundation would be in breach of their contract, which may result in the withdrawal of the \$52,000.

**e. Other Implications**

Participation in physical activity creates a wide range of benefits for individuals and the communities they live in. When people are physically active they are healthier, happier and more socially inclusive. By providing opportunities for social interaction, sport and recreation can help enhance community identity and promote community integration. Individuals learn and share community values and attitudes and can gain a better understanding of other groups in society. Participation can also have a deterrent effect on anti-social behaviour including vandalism and petty crime.

There is an increasing demand for recreational pursuits in parks, open spaces and natural environments in both urban and non-urban areas. The delivery of the project will provide a unique recreation experience to the Branxton and surrounding communities.

**CONCLUSION**

The naming of the outdoor gym at Miller Park, Branxton after the Newcastle Permanent Charitable Foundation is a fitting way to recognise the Foundation's contribution to the project.

**ENCLOSURES**

- 1** Miller Park Outdoor Gym Sign Concept
- 2** Miller Park, Branxton Outdoor Gym & Sign Map

Works and Infrastructure

Report No. WI2/2016

Works and Infrastructure



**SUBJECT:** *MINUTES OF THE CESSNOCK CITY COUNCIL TRAFFIC COMMITTEE MEETING HELD 21 DECEMBER 2015*

**RESPONSIBLE OFFICER:** *Design Delivery Manager - Katrina Kerr*

#### **RECOMMENDATION**

That Council endorse the report recommendations for the items *TC17/2015 TC18/2015 TC19/2015 TC20/2015 TC21/2015* of the Cessnock City Traffic Committee meeting held on 21 December 2015.

1. That a median island be installed on Marlton Street, Cessnock with E1 edge line and associated BB centerline marking on Marlton, Shalimah and Quarrybylong Streets, Cessnock.
2. That four existing TAXI ZONE signs on Station Street, Weston be removed with two TAXI ZONE and associated NO STOPPING signs relocated to a single taxi zone on the western side of Station Street, Weston.
3. That Parking Bays be marked adjacent to 175 Vincent Street, Cessnock.
4. That 20 Parking Bays be marked to the northern side of Vernon Street, between Quarrybylong and Allan Streets, Cessnock.
5. That the existing No Stopping area on Melbourne Street, Abermain, be extended westward 3m with relocated signage and additional chevron road marking;  
  
That the existing 90° Angle Parking Rear to Kerb under 6m area, on Melbourne Street, Abermain, be extended westward 2.5m with relocated signage and associated line marking.

A meeting of the Cessnock City Council Traffic Committee was held on 21 December 2015 and reports as follows.

#### **MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ON 21 DECEMBER 2015, COMMENCING AT 9:40AM**

**PRESENT:** The Honourable Clayton Barr, MP (Acting Chair)

**IN ATTENDANCE:** Warren Jeffery, Road Safety Officer  
Katrina Kerr, Design Delivery Manager  
Michael Kolos, Acting Traffic Engineer  
Maria Nikolaidis, Strategic Traffic and Transport Planning Engineer

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**APOLOGIES:**

Senior Constable Margaret Bernard - NSW Police  
Councillor James Hawkins  
Michael Kerr - Rover Coaches  
Nicholas Trajcevski - Roads and Maritime Services

As the Chair and his alternate delegate were not present, the Committee's only voting member, Clayton Barr acted as Chair for the Meeting.

In accordance with RMS Guidelines – *"A guide to the delegation to councils for the regulation of traffic"* concurrence on the Listed Matters was sought from NSW Police and RMS representative subsequent to the meeting.

**CONFIRMATION  
OF MINUTES:**

Minutes of the Traffic Committee Meeting held on 19 October 2015, as circulated, were previously confirmed as a correct record by the Committee.

**DISCLOSURES OF INTEREST**

Nil

**BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

**LISTED MATTERS**

**SUBJECT:**

**MARLTON STREET, CESSNOCK  
INSTALLATION OF MEDIAN ISLAND**

**REPORT NO:**

**TC17/2015**

**REFERENCE:**

**D0000 596849; PROJECT No. CRL-2016-002**

**MATTER:**

Reports that drivers turning from Shalimah right into Marlton Street have a tendency to cross into the opposite traffic lane and a previous recommendation of the Local Traffic Committee to consider the installation of a pedestrian refuge at the intersection.

**DISCUSSION:**

Comment provided by the RMS representative, Nick Trajcevski, consulted prior to the meeting, supported retention of the existing STOP sign control given the RMS warrant for sight distance. The meeting agreed to retain the STOP sign control.

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The Meeting noted two replies to consultation were received. Based on feedback relating to the adjacent intersection of Shalimar and Quarrybylong Streets, the Meeting agreed to monitor the performance of the intersections before considering any additional islands.

**RECOMMENDATION FOR COUNCIL'S CONSIDERATION:**

That a median island be installed on Marlton Street, Cessnock with E1 edge line and associated BB centreline marking on Marlton, Shalimah and Quarrybylong Streets, Cessnock.

**MOVED:** Clayton Barr **SECONDED:** Nick Trajceovski (out of session)

**SUPPORT: Unanimous**

**SUBJECT:** STATION STREET, WESTON  
REPLACEMENT OF TAXI ZONE  
**REPORT NO:** TC18/2015  
**REFERENCE:** CRM 11486/2015  
**MATTER:**

A request to review use of existing taxi zones on Station Street with the view to increasing on-street car parking.

**DISCUSSION:**

The Meeting noted that the relocation to be immediately adjacent to licensed premises is in line with the current State wide Plan B initiative relating to drink driving.

**RECOMMENDATION FOR COUNCIL'S CONSIDERATION:**

That four existing TAXI ZONE signs on Station Street, Weston be removed with two TAXI ZONE and associated NO STOPPING signs relocated to a single taxi zone on the western side of Station Street, Weston.

**MOVED:** Clayton Barr **SECONDED:** Nick Trajceovski (out of session)

**SUPPORT: Unanimous**

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Works and Infrastructure



**SUBJECT:** *VINCENT STREET, CESSNOCK  
MARKING OF PARKING BAYS*

**REPORT NO:** *TC19/2015*

**REFERENCE:** *CRM 14843/2015*

**MATTER:**

Requests to prevent parked vehicles obstructing the vehicle access crossing for 175 Vincent Street, Cessnock.

**DISCUSSION:**

Comment provided by the RMS representative, Nick Trajcevski, consulted prior to the meeting suggested adding “NO PARKING” signs to aid the delineation. Meeting noted that the parking bay markings are a sufficient regulatory control and was concerned that the addition of signs may lead to sign clutter.

The Meeting agreed to consult the affected business and monitor compliance prior to considering the addition of “NO PARKING” signs.

**RECOMMENDATION FOR COUNCIL’S CONSIDERATION:**

That Parking Bays be marked adjacent to 175 Vincent Street, Cessnock.

**MOVED:** Clayton Barr    **SECONDED:** Nick Trajcevski (out of session)

**SUPPORT:** *Unanimous*

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**SUBJECT:** *VERNON STREET, CESSNOCK  
MARKING OF PARKING BAYS*

**REPORT NO:** *TC20/2015*

**REFERENCE:** *CRM 12567/2015*

**MATTER:**

A request to prevent vehicles obstructing vehicle access crossings to residences during sporting events.

***DISCUSSION:***

Comment provided by the RMS representative, Nick Trajcevski, prior to the meeting, suggested marking the entire bays instead of the “L” and “T” markings for the boundary of each parking bay. As the condition of the shoulder seal and its variable width precludes consistent marking of entire bays, the proposed “L’ and “T” markings were supported.

***RECOMMENDATION FOR COUNCIL’S CONSIDERATION:***

That 20 Parking Bays be marked to the northern side of Vernon Street, between Quarrybylong and Allan Streets, Cessnock.

***MOVED:*** Clayton Barr    ***SECONDED:*** Nick Trajcevski (out of session)

***SUPPORT: Unanimous***

**SUBJECT:** *MELBOURNE STREET, ABERMAIN  
EXTENSION OF NO STOPPING AREA IN SCHOOL ZONE*

**REPORT NO:** *TC21/2015*

**REFERENCE:** *CRM 1437/2015*

**MATTER:**

A request to review parking arrangements in the school zone at Abermain Public School.

***DISCUSSION:***

There was general agreement that the removal of one parking space, adjacent the pedestrian marshalling area would enhance pedestrian safety within the school zone.

***RECOMMENDATION FOR COUNCIL'S CONSIDERATION:***

1. That the existing No Stopping area on Melbourne Street, Abermain, be extended westward 3m with relocated signage and additional chevron road marking;
2. That the existing 90° Angle Parking Rear to Kerb under 6m area, on Melbourne Street, Abermain, be extended westward 2.5m with relocated signage and associated line marking.

***MOVED:*** Clayton Barr    ***SECONDED:*** Nick Trajcevski (out of session)  
***SUPPORT:*** *Unanimous*

## GENERAL BUSINESS

### 1. PROPOSED 2016 LOCAL TRAFFIC COMMITTEE MEETING DATES

The following 2016 meeting dates were accepted.

Month	Site Visit	Meeting	Public Holidays	School Holidays
January	-	-	1,26	1 - 26
February	2 Feb	15 Feb	-	-
March	8 Mar	21 Mar	25 - 28	-
April	5 Apr	18 Apr	25	11 - 25
May	3 May	16 May	-	-
June	7 Jun	20 Jun	13	-
July	5 Jul	18 Jul	-	4 - 15
August	2 Aug	15 Aug	-	-
September	6 Sep	19 Sep	-	26 - 30
October	4 Oct	17 Oct	3	3 - 7
November	8 Nov	21 Nov	-	-
December	6 Dec	19 Dec	25 - 27	21 - 31

*The Meeting was declared closed at 10:05am*

**CONFIRMED AND SIGNED** at the meeting held on

.....CHAIRPERSON

.....GENERAL MANAGER



**SUBJECT:** *KURRI KURRI NOSTALGIA FESTIVAL - 18, 19 & 20 MARCH 2016*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

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### **SUMMARY**

Council has been approached by Towns With Heart (TWH) seeking in-kind support the upcoming Kurri Kurri Nostalgia Festival, which is to be held on the weekend of 18, 19 and 20 March 2016.

The purpose of this report is to detail the extent and estimated cost of the assistance being requested by TWH and to seek Council's approval to provide in-kind support to the event.

### **RECOMMENDATION**

**That Council supports the Kurri Kurri Nostalgia Festival on 18, 19 and 20 March 2016 by providing in-kind support as detailed in the report for the following services; waste management, road closure equipment, park management and amenity management.**

### **BACKGROUND**

The 2016 Kurri Kurri Nostalgia Festival is being held over the weekend of 18, 19 and 20 March. Council has in past years provided in-kind support for the Festival and TWH openly acknowledges that this support has been critical to the event's success.

TWH has approached Council seeking various forms of in-kind support for the 2016 Festival.

This report details the extent of the sponsorship being requested by TWH and seeks Council's endorsement to provide the in-kind support.

### **REPORT/PROPOSAL**

The following in-kind support for the 2016 Kurri Kurri Nostalgia Festival is being requested by TWH:

#### Waste Management

- Emptying of street bins in the Rotary Park / Lang Street / Barton Street area prior to the weekend;
- Provision of bins for the weekend (up to 50);
- Provision of bin liners;
- Delivery (Friday am) and pick up of bins;
- Emptying of bins on Saturday and Sunday night;
- 3 sets of keys for CBD bins to be supplied to TWH for the weekend;
- Contact numbers for garbage truck drivers to be supplied to TWH.

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Road Closure Equipment

Delivery to Kurri Kurri Visitor Centre carpark on Friday morning:

- 40 waterfilled barriers;
- 20 bollards;
- 20 star pickets;
- 20 traffic cones;
- Bunting / safety line;
- 20 Barrier boards and 40 stands.

Park Management

- Mowing of Rotary Park to be scheduled prior to the Festival weekend;
- Access to and use of Booth Park for car parking over the weekend (a separate application has been submitted);
- Access and use of Kurri Kurri Central for caravan / camper temporary parking over the weekend (a separate application has been submitted).

Amenity Management

- Provision and delivery of supplies to public amenities in Rotary Park, Kurri Kurri Central and Booth Park (paper towels and toilet paper);
- Servicing and cleaning of the public toilet block in Rotary Park on a regular basis during the Saturday and Sunday of the Festival;
- Cyber key access to power and water in Rotary Park;
- Access to amenities block at Booth Park;
- Access to the amenities block adjacent to the Kurri Kurri Cricket Ground for the use by registered visitors requiring caravan parking;
- Access to power at the front of the Kurri Kurri Library on Sunday.

The estimated cost to waive all applicable fees and supply the above is as follows:

- |                          |                    |
|--------------------------|--------------------|
| • Waste Management       | \$2,300            |
| • Road Closure Equipment | \$1,500            |
| • Park Management        | \$3,900 (ex. BOND) |
| • Amenity Management     | \$2,200            |

In reviewing the requests, Council officers have determined that in-kind support for the above can be provided within existing recurrent operating budgets.

**OPTIONS**

1. Council provides in-kind support for all of the requests at a total estimate cost of \$9,900. This is the preferred option;
2. Council provides partial support for the requests;
3. Council provided no support.

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**CONSULTATION**

In writing this report the following have been consulted:

1. Acting Works Delivery Manager
2. Environmental & Waste Services Manager
3. Acting Recreation Services Manager
4. Procurement & Contracts Manager

**STRATEGIC LINKS**

**a. Delivery Program**

The proposed in-kind sponsorship for this event supports:

*Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area, as the event has the potential of attracting in excess of 10,000 people to the LGA over the weekend of 19, 19 and 20 March 2016.*

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The cost of providing the assistance for each of the requests being made by TWH is estimated to be \$9,900. The in-kind support for the above can be provided within existing recurrent operating budgets.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

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***CONCLUSION***

On the basis of supporting events that promote visitation across the Cessnock LGA, it is recommended that Council provides in-kind sponsorship to the Kurri Kurri Nostalgia Festival as detailed in the report.

***ENCLOSURES***

There are no enclosures for this report

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Report No. WI4/2016

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**SUBJECT:** *PETITION - ROAD AND PLANNING CHANGES AT PELAW MAIN PUBLIC SCHOOL*

**RESPONSIBLE OFFICER:** *Design Delivery Manager - Katrina Kerr*

**SUMMARY**

The purpose of this report is to address a petition tabled at the Council meeting of 9 December 2015 from the Pelaw Main Public School P&C Association. The report details the content of the petition and provides Council with background information and options to consider with respect to the issues raised.

**RECOMMENDATION**

1. That Council investigates the traffic management and parking availability in the Pelaw Main School Zone, with a view to the future formalisation and extension of the existing 90° angle parking on the northern side of Abermain Street, east towards the cul-de-sac.
2. That Council provides funding for this project as part of its next four year Delivery Plan - Local Roads Construction program
3. That Council writes to Pelaw Main Public School P&C Association advising them of its decision.

**BACKGROUND**

The Pelaw Main Public School P&C Association (PMPS P&C) has lodged a petition requesting that Council:

- *Establish a gravel parking area for up to 30 cars in the Jacob's Park area, opposite the school;*
- *Resurface current rear to kerb parking opposite the school and have lines installed for better parking discipline; and*
- *Resurface current parallel parking area in the eastern section of the current car park and re-zoning as rear to kerb to provide more parking spaces.*

This report provides background information and options for Council to consider with respect to the petition. It also provides a recommendation on the suitable course of action to resolve the issues raised in the petition.

**REPORT/PROPOSAL**

Council Officers have investigated the matter and ascertained that the school zone at Pelaw Main Public School has benefited from previous undertakings by Council. These are listed below:

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- A plan was prepared for an upgrade of the school zone in 2009 including widening of existing shoulders, installation of kerb and gutter and a larger diameter cul-de-sac, as well as improved parking arrangements,
- The plan was considered and supported by the Local Traffic Committee in 2009 (item 09/146),
- Recommended treatments were implemented, and
- The Department of Education has provided an on-site accessible car parking space, specifically for use by people with disabilities.

Officers have determined that Pelaw Main Public School is fortunate to have parking available around the entire block (property boundary) of the school.

With respect to the specific treatments requested in the petition, Council Officers advise the following;

- the proposed establishment of a gravel parking area for up to 30 cars in the Jacob's Park area, which is categorised as a sportsground under section 36 (4) of the *Local Government Act 1993*, is not consistent with the core objectives for the management of community land classified as a sportsground, as prescribed by section 36F of the Act.
- the request that the existing 90° angle parking on the northern side of Abermain Street be formalised and extended east towards the cul-de-sac, to encompass the area that is currently a parallel parking area, is a workable solution and has been listed for further investigation and potential future inclusion on Council's Capital Works Program, subject to competing priorities and funding considerations.

Council will work with the school community and other stakeholders in order to make the best use of available space.

Preliminary estimates indicate an approximate cost of \$100,000 to refurbish and formalise the existing angle parking spaces and to provide an additional 50 x 90° angle parking spaces on the northern side of Abermain Street.

In reviewing the petition from the PMPS P&C Council Officers provide the following options for Council to consider.

**OPTIONS**

1. That Council investigates the traffic management and parking availability in the Pelaw Main School Zone, with a view to the future formalisation and extension of the existing 90° angle parking on the northern side of Abermain Street, east towards the cul-de-sac. The required funding for this project would be considered as part of a future Local Roads Construction program. This is the preferred option;
2. That Council defers or deletes other projects that are currently listed in the *Delivery Program 2013 – 2017 (Revised)* in order to expedite the formalisation and extension of the existing 90° angle parking on the northern side of Abermain Street, east towards the cul-de-sac. This option is not preferred as it would be detrimental to other planned road safety projects, which have been assessed, prioritised and programmed;

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3. Reclassification of community land comprising Jacobs Park as operational land, under Chapter 6, Part 2 of the *Local Government Act 1993*, to enable the construction of the requested car park. This option is not supported as it is contrary to generally accepted land use planning practices and would set a poor precedent.

**CONSULTATION**

The following Council officers were consulted in the preparation of this report:

- Strategic Recreation and Community Facilities Planner, Recreation Services;
- Acting Traffic Engineer;
- Design Engineer, Design Delivery;
- Strategic Infrastructure Project Officer, Strategic Asset Planning;
- Team Leader Development Services;
- Senior Property Officer; and
- Ranger Team Leader

**STRATEGIC LINKS**

**a. Delivery Program**

This matter links to numerous objectives in Council's *Delivery Program 2013–2017 (Revised)* as follows;

- Objective 1.3 – Promoting Safe Communities – Our roads are safe for motorists and pedestrians;
- Objective 3.2 – Better Utilisation of Existing Open Space
- Objective 4.1 - We have access to a range of public and community transport within the LGA
- Object 4.2 – We have a quality road network.

**b. CCC Road Safety Strategic Plan**

This matter links to numerous objectives in the *CCC Road Safety Strategic Plan 2014 – 2018* as follows:

- Objective 1.5.5 – Safer People - Work with local school communities to ensure that pedestrian safety around schools is afforded the highest priority, unsafe vehicle parking is addressed and TfNSW safety around schools campaign material is well distributed.
- Objective 2.1 – Safer Roads - Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.
- Objective 5.6 – Community Involvement – Keep school communities apprised of matters relating to speed, parking, crossings and general road safety around schools.
- Objective 6.1 – Transport and Land Use Planning – Work with other stakeholders to plan for and create the infrastructure essential to enable the community to choose viable alternative methods of travel, thus reducing the overreliance on the use of private cars that currently exists in the Cessnock LGA

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

Given the widespread efforts and strategies designed to encourage use of active transport and reduce reliance on private motor vehicles, Council Officers consider that the usurpation of public recreational land for car parking space is contrary to contemporary tenets of land use planning and would set a negative precedent for dealing with such matters in the future.

Whereas, rationalising and upgrading the existing parking scheme on the road reserve would provide a substantial increase in the number of dedicated parking spaces whilst leaving the adjacent public reserve intact, for use by current and future generations.

**b. Financial Implications**

It is estimated that the approximate cost to refurbish and formalise the existing angle parking spaces and to provide an additional 50 x 90° angle parking spaces on the northern side of Abermain Street would be \$100,000. This funding is currently not costed to any program, however Council may consider funding the project as part of a future Local Roads Construction program.

**c. Legislative Implications**

Council's status as the roads authority for the relevant public road is prescribed by section 7 of the *Roads Act 1993*.

Council's functions relating to the classification and reclassification of public land are prescribed in Chapter 6, Part 2 of the *Local Government Act 1993* and Part 4 of the *Local Government (General) Regulation 2005*.

In relation to Council's management of community land; Section 36(F) of the Act states that the core objectives for community land categorised as 'Sportsground' are:

- a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Section 46(2) of the *Local Government Act* requires that Council can only grant a lease, licence or another estate (other than in respect of public utilities) for a purpose that is consistent with the core objectives applying to each category of community land.

**d. Risk Implications**

Provision of adequate parking around schools is important, as a lack of parking spaces increases the potential for non-compliance with the Road Rules, such as double parking and parking in No Stopping areas and may compromise road safety in the school zone. This risk is generally mitigated through adequate pro-active enforcement by Police and Council Rangers to prosecute offenders and promote voluntary compliance.



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**e. Other Implications**

Nil

***CONCLUSION***

A petition has been received from PMPS P&C seeking to have community land, which is categorised as a sports ground converted to use for vehicle parking. This proposal is not authorised by the relevant plan of management and is inconsistent with the core objectives for management of community land categorised as a sportsground.

The petition also requests the rationalisation of parking on the existing road reserve adjacent the school, which is a practical solution.

The preferred option is for Council to refurbish and formalise the existing angle parking spaces and to provide an additional 50 x 90° angle parking spaces on the northern side of Abermain Street.

The project is not currently programmed and the estimated cost of \$100,000 is not budgeted for, however Council could consider funding the proposal as part of a future Local Roads Construction program.

***ENCLOSURES***

There are no enclosures for this report.

Answers To Questions For Next Meeting

Report No. AQ1/2016

Works and Infrastructure

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**SUBJECT:** *WIRE FENCING ON THE CORNER OF MITCHELL AVENUE  
AND ABERDARE STREET, KURRI KURRI*

**RESPONSIBLE OFFICER:** *Works Delivery Manager - Geoffrey Bent*

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**Q107/2015 – Wire Fencing on the Corner of Mitchell Avenue and Aberdare Street, Kurri Kurri.**

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 9 December 2016:

*Councillor Parsons requested Council investigate and advise the reason the barrier and wire fencing, which has been on the corner of Mitchell Avenue and Aberdare Street for several months, is still there.*

Council officers have inspected the subject location and advised that the barrier and wire fencing has been removed.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ2/2016

Works and Infrastructure

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**SUBJECT:** ***ROAD CONDITION AT THE WESTON END OF HARLE STREET***

**RESPONSIBLE OFFICER:** ***Strategic Asset Planning Manager - Stephen Long***

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**Q108/2015 – Road Condition at the Weston end of Harle Street**

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 9 December 2015.

*Councillor Parsons asked if the road at the Weston end of Harle Street near the dip, which is in a deplorable condition, is programmed for repair in the near future.*

Harle Street, Weston is listed in Council's 2013/17 Delivery Program for rehabilitation works and the project has been listed in Council's Draft 2016/17 Operational Plan.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ3/2016

Works and Infrastructure



**SUBJECT:** *SOUTH CESSNOCK FLOODING ISSUE*

**RESPONSIBLE OFFICER:** *Strategic Asset Planning Manager - Stephen Long*

**Q109/2016 – South Cessnock Flooding Issue**

Asked by Councillor Campbell at the Ordinary Meeting of Council held on 9 December 2015.

*Councillor Campbell requested an update on the timeline on the final report and some options on what can be done.*

*Response provided by the Director Works & Infrastructure – A report will be provided back to the next Floodplain Management Committee to get that study out on exhibition.*

At the time of writing Council has just received the Final Draft Report for the Cessnock City Floodplain Risk Management Study and Plan (FRMSP) for comment and review by the Floodplain Management Committee. A meeting of the committee is expected mid-February 2016 with a report to Council shortly thereafter.

Flood management options considered in the FRMSP for the whole catchment include: detention basins, channel widening, flood walls/bunds, culvert upgrades, property modifications (building controls, house raising, land swaps/purchase) and emergency response (flood awareness, flood warning signs at critical locations).

In the South Cessnock area a proposed bund wall placed east of the existing railway line near Sixth Street is expected to result in significantly reduced flood levels at Oliver and Edgeworth Streets for storms similar to April 2015 (a 10 Year ARI event). For storms larger than the April storm property modification options are expected to be cost effective measures. It should be noted that consultation is required with the property owner and further investigation, design and approvals are required before construction of the bund wall can commence.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ4/2016

Works and Infrastructure



**SUBJECT:** ***OLD LEAKING FROM GARBAGE TRUCK IN STONEBRIDGE DRIVE***

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

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**Q112/2015 – Old Leaking from Garbage Truck in Stonebridge Drive**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 9 December 2015.

*Councillor Olsen advised that he has received misleading information and requested accurate advice on what actually happened.*

Following further enquiry made by Councillor Olsen at the meeting of 9 December 2015, in relation to an oil spill from a waste collection vehicle during operation, a further check with the workshop has been made relating to the service history of Plant No 46 (the subject Waste Collection Vehicle).

The service history confirms that metal hydraulic pipes on the bin lifter mechanism had been replaced on 9 and 13 November 2015. During collection on 18 November 2015 one of the metals pipes had failed and deposited hydraulic fluid during collection within the Stonebridge Estate. Upon being made aware of the problem the driver immediately ceased collection and returned the vehicle to the workshop where repairs were carried out and the line replaced with a flexible hydraulic hose. The vehicle was placed back in service and the collection run was completed.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ5/2016

Works and Infrastructure



**SUBJECT:** *UPDATE ON DESIGN FOR FRAME DRIVE*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

**Q114/2015 – Update on Design for Frame Drive**

Asked by Councillor Gibson at the Ordinary Meeting of Council held on 9 December 2015.

*Councillor Gibson asked if Council had an update on the design for Frame Drive, Abermain.*

The Frame Drive Bridge project will include replacement of a single lane timber bridge with a two lane concrete bridge, complete with pedestrian/cycle pathways either side. The project will also include major service relocations and roadworks either side of the bridge.

At this stage a detailed survey has been completed and a review of environmental factors, including a flora and fauna assessment is underway, along with a detailed geotechnical investigation. An aboriginal due diligence assessment is planned to commence during the week of 1 February 2016.

At the completion of these works a design and construct tender will be prepared for the bridge component of the project. Running parallel with this will be further progress on the design of the road approaches.

It is important to note that the road design phase needs to be completed prior to calling the bridge tender as it will define the bridge alignment and levels, having consideration for known services and other limiting factors. This work is critical to the final outcome. Officers envisage having the project shovel ready by April 2016 with the view of commencing the bridge component of the project soon after.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ6/2016

Works and Infrastructure

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**SUBJECT:** ***OLD BUS STOP IN MITCHELL AVENUE BEHIND BEYOND BANK***

**RESPONSIBLE OFFICER:** ***Acting Recreation Services Manager - Paul Burton***

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**Q115/2015 – Old Bus Stop in Mitchell Avenue Behind Beyond Bank**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 9 December 2015.

*Councillor Doherty asked whether the old bus stop in Mitchell Avenue, behind Beyond Bank, could be included in the maintenance program in the CBD of Kurri Kurri as it has not been mowed.*

The Bus Stop on Mitchell Avenue will be maintained by Council's South District Road Maintenance Team as part of their regular roadside maintenance schedule.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ7/2016

Works and Infrastructure



**SUBJECT:** *COST OF DVD/VIDEO OF BROKE ROAD WORKS*

**RESPONSIBLE OFFICER:** *Design Delivery Manager – Katrina Kerr*

**Q110/2015 – Cost of DVD/Video of Broke Road Works**

Asked by Councillor Ryan at the Ordinary Meeting of Council held on 9 December 2015.

*Councillor Ryan asked to be provided with the cost of compiling the DVD/Video and how much would it cost to have a more appropriate cover sleeve that would recognise the work of staff.*

The Broke Road media production costs excluding GST, includes the following:

Filming, voice over, graphics and editing	\$4,850.00
DVD preparation (100 copies)	\$545.00
<b>Total</b>	<b>\$5,395.00</b>
Estimated cost to prepare new cover slips is negligible as it could be undertaken internally with existing staff resources	\$50.00

**ENCLOSURES**

There are no enclosures for this report