



29 July 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 August 2016 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

(1) OPENING PRAYER	
(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	
(3) RECEIPT OF APOLOGIES	
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
Minutes of the Ordinary Meeting of Council held on 20 July 2016	5
(5) DISCLOSURES OF INTEREST	
DI13/2016 Disclosures of Interest	43
(6) PETITIONS	
(7) ADDRESS BY INVITED SPEAKERS	
(8) NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION	
NI2/2016 Notice of Intention to Deal With Matters in Confidential Session	
MM3/2016 – Report of the Review of General Manager’s Employment Arrangements Committee Meetings held on 24 May 2016 and 9 June 2016	44
(9) MOTIONS OF URGENCY	
MOU13/2016 Motions of Urgency	45
(10) GENERAL MANAGER’S UNIT	
‡ GMU9/2016 Contractual Conditions of Senior Staff	46

(11) PLANNING AND ENVIRONMENT

PE52/2016	DA 8/2015/551/1 - Alterations and Additions to Existing Medical Centre	
	259 Maitland Road, Cessnock.....	49
PE53/2016	Development Application 8/2015/663/1 Proposing Erection of a Business Identification Sign	
	141 Main Road 195, Heddon Greta	62
PE54/2016	18/2014/4: Planning Proposal - Orica.....	84
PE55/2016	Modification to Cliftleigh Local Infrastructure Voluntary Planning Agreement	93
PE56/2016	Strategic Property Review - Phase 2 Progress Report - Part 2.....	98
PE57/2016	Integrated Planning & Reporting Program - Proposed Engagement Strategy	104
PE58/2016	Cessnock Correctional Centre Expansion	110

(12) CORPORATE AND COMMUNITY

‡	CC49/2016	Meeting Notes of the Inquorate Access Advisory Committee held 6 July 2016	118
	CC50/2016	Minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meeting of Cessnock City Council held on 15 July 2016	121
	CC51/2016	Local Government NSW Annual Conference 2016	125

(13) WORKS AND INFRASTRUCTURE

WI41/2016	Perpetual Tribute Options for the late Councillor Jeff Maybury.....	128
WI42/2016	Minutes of Dollar for Dollar Committee Meeting held 20 July 2016.....	134
WI43/2016	Australian Postie Bike Grand Prix - 30 October 2016.....	139

(14) ANSWERS TO QUESTIONS FOR NEXT MEETING

‡	AQ47/2016	Human Resources Staff Employment.....	143
‡	AQ48/2016	Prison Work Crews - Actual Work Performed.....	144
‡	AQ49/2016	"A" Frame Advertising Signage	146
‡	AQ50/2016	Future Developments in Buchanan	147
‡	AQ51/2016	Garden in Yango Street, Cessnock	148
‡	AQ52/2016	Intersection of Greta and Colliery Streets, Aberdare - Give Way	149
‡	AQ53/2016	Council Storage Area adjacent to Football Fields - Margaret John Park	150

(15) QUESTIONS FOR NEXT MEETING

(16) CORRESPONDENCE

‡	CO2/2016	East Cessnock Flying-foxes	151
---	----------	----------------------------------	-----

(17) COUNCILLORS' REPORTS

(18) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 3/08/2016



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

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 JULY 2016, COMMENCING AT
6.30 PM**

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: Acting General Manager (Director Planning and Environment)
Acting Director Planning and Environment (Strategic Land Use Planning Manager)
Director Corporate and Community Services
Director Works and Infrastructure
Manager Governance and Business Services
Development Services Manager
Team Leader Development Services
Senior Planning Assessment Officer
Consultant Development Engineer
Senior Media & Communication Officer
Media & Communication Officer
Corporate Administration Officer

APOLOGY:

MOTION **Moved:** Councillor Gibson
Seconded: Councillor Parsons

1742

RESOLVED that the apology tendered on behalf of Councillor Troy, 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 Smith
Seconded: Councillor Stapleford

1743

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 6 July 2016, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI12/2016

SUBJECT: DISCLOSURES OF INTEREST

Nil

PETITIONS

The Mayor tabled a petition received in regard to the renaming of Peace Park to the Jeff Maybury Peace Park.

PROCEDURAL MOTION

Moved:

Councillor Gibson

Seconded:

Councillor Stapleford

1744

RESOLVED

That the following reports be dealt with Englobo:-

CC45/2016 – Resolutions Tracking Report

CC46/2016 – September 2016 Local Government Elections - Caretaker Provisions

CC47/2016 – Local Government Elections and Use of Council Resources and Electoral Materials

CC48/2016 – Investment Report - June 2016

WI40/2016 – Pedestrian Access and Mobility Plan (PAMP)

GMU8/2016 - Minutes of the Economic Development Strategy Committee of the Cessnock City Council held 7 June 2016 at 5.15pm

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

CARRIED

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1745

RESOLVED

That the following reports be adopted:-

- CC45/2016 – Resolutions Tracking Report
- CC46/2016 – September 2016 Local Government Elections - Caretaker Provisions
- CC47/2016 – Local Government Elections and Use of Council Resources and Electoral Materials
- CC48/2016 – Investment Report - June 2016
- WI40/2016 – Pedestrian Access and Mobility Plan (PAMP)
- GMU8/2016 - Minutes of the Economic Development Strategy Committee of the Cessnock City Council held 7 June 2016 at 5.15pm

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

CARRIED

6.34pm

SUSPENSION OF STANDING ORDERS

Moved: Councillor Smith

Seconded: Councillor Hawkins

1746

RESOLVED

That so much of Standing Orders be suspended as would prevent Council from hearing all 28 registered speakers.

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

ADDRESS BY INVITED SPEAKERS

The following people have been invited to address the meeting of Council:

Speakers	For	Against	Page No.	Duration
		Recommendation		
Michele Davis		√	62	3 Mins
Neil Smith on behalf of Uniting Church in Australia, Presbytery of the Hunter	√		62	3 Mins
Nicholas Swanson		√	62	3 Mins
Dr Niko Leka	√		62	3 Mins
Natalie Squires on behalf of Buchanan Rural Residents Group		√	62	3 Mins
David Whitson on behalf of the Olive Ribbon Campaign	√		62	3 Mins
Sarah Lonegran		√	62	3 Mins

EXTENSION OF TIME

1747

RESOLVED

That an extension of time for 30 seconds be granted to allow Sarah Lonegran to complete her address.

Moved:

Councillor Ryan

Seconded:

Councillor Hawkins

FOR

Councillor Gibson
Councillor Doherty
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Parsons
Councillor Pynsent

Total (7)

AGAINST

Councillor Olsen
Councillor Smith
Councillor Campbell

Total (3)

CARRIED

Kerry Vernon on behalf of Support the Mosque for Buchanan	√		62	3 Mins
---	---	--	----	--------

Peter Balfour spoke for Wendy Balfour representing Inter-Denominational Faith		√	62	3 Mins
---	--	---	----	--------

Councillor Gibson left the meeting, the time being 7.09pm

Councillor Gibson returned to the meeting, the time being 7.12pm

Sister Diana Santleben on behalf of Hunter Refugees & Partners Inc & Catholic Religious Hunter	√		62	3 Mins
Mr Rod Holding	√		62	3 Mins

Councillor Campbell left the meeting, the time being 7.17pm

Councillor Campbell returned to the meeting, the time being 7.21pm

Dr Meg Sherval on behalf of Buchanan Rural Residents Group		√	62	3 Mins
--	--	---	----	--------

Councillor Hawkins left the meeting, the time being 7.25pm

Councillor Hawkins returned to the meeting, the time being 7.27pm

Rev Warwick Cadenhead on behalf of Uniting Church Minister, Maitland Eastside	√		62	3 Mins
Mr Paul Ramzan		√	62	3 Mins
Tim Plater	√		62	3 Mins
Mark Stevenage	√		62	3 Mins
Mr David Gratton		√	62	3 Mins
Phillipa Parsons on behalf of Newcastle: Unity in Diversity	√		62	3 Mins
D Walters		√	62	3 Mins
Wendy White	√		62	3 Mins

EXTENSION OF TIME**Moved:**
Seconded:Councillor Ryan
Councillor Parsons

That an extension of time for 30 seconds be granted to allow Wendy White to complete her address.

FORCouncillor Ryan
Councillor Parsons
Councillor Pynsent
Councillor Hawkins**Total (4)****AGAINST**Councillor Gibson
Councillor Doherty
Councillor Olsen
Councillor Stapleford
Councillors Smith
Councillor Campbell**Total (6)**

The Motion was **PUT** and **LOST**.

Rev. Dr. Brian Tucker representing NSW Leader Rise Up Australia Party – Representing concerned citizens		√	62	3 Mins
Jo-anne Wickham on behalf of Refugee Action Network Newcastle	√		62	3 Mins
Diana Rah representing Newcastle Muslim Association	√		62	3 Mins
Therese Doyle	√		62	3 Mins

EXTENSION OF TIME**Moved:**
Seconded:Councillor Ryan
Councillor Parsons

That an extension of time of 30 seconds be granted to Therese Doyle to complete her address.

FORCouncillor Ryan
Councillor Parsons
Councillor Pynsent**Total (3)****AGAINST**Councillor Gibson
Councillor Doherty
Councillor Olsen
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell**Total (7)**

The Motion was **PUT** and **LOST**.

Erin Killion	√		62	3 Mins
Mr Jonathan Berry on behalf of Kleinfelder Australia Pty Ltd (Applicant)	√		62	3 Mins

8.13pm

RESUMPTION OF STANDING ORDERS

Moved: Councillor Smith
Seconded: Councillor Campbell

1748

That Standing Orders be resumed.

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

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE51/2016

SUBJECT: DEVELOPMENT APPLICATION 8/2016/128/1 PROPOSING RETENTION OF EXISTING DWELLING AND CONSTRUCTION OF A PLACE OF PUBLIC WORSHIP AND ANCILLARY FUNERAL HOME AND ABLUTIONS FACILITY, AND ASSOCIATED PICNIC AND RECREATION AREAS, LANDSCAPING, FENCING, CAR PARKING AND INTERSECTION UPGRADE

911 BUCHANAN ROAD, BUCHANAN

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

1. That Council determine Development Application No. 8/2016/128/1 proposing the retention of existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade at 911 Buchanan Road, Buchanan, 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 in condition 2 below the table the following be added “the proponents shall maintain a register of attendance numbers of each occasion and an annual return to be submitted to Council”.
3. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

Councillor Gibson left the meeting, the time being 8.24pm

Councillor Gibson returned to the meeting, the time being 8.25pm

AMENDMENT **Moved:** Councillor Doherty **Seconded:** Councillor Gibson

That the Development Application be refused on the grounds that it doesn’t address the objectives of the RU2 zone and the prohibitions contained within the zone.

Objectives of the Zone

Inconsistencies with Zoning Objectives

Prohibited items such as:-

Car Parks

Commercial premises

Mortuaries/funeral homes

“Claims of ancillary development to the main building hides the fact that a Funeral Home and car parks are prohibited in the RU2 Zone”

Also there are real traffic issues on Buchanan road with safety (including bus stop) and inadequate access to the site.

There are no provisions of growth in general traffic usage along Buchanan Road and there are no provisions for the potential increased worshipper numbers in the future.

Furthermore the inadequate on site sewer management system is of grave concern and also makes no provision for growth in worshipper numbers. This is also an over development of hard (non porous) surfaces on the site which will increase flash flooding/storm surges to lower lying properties. (This has been witnessed in the past on site in storm events without the extra development proposed).

And finally this development is not considered to be in the public interest as demonstrated by the level of submissions and petitions against this development which have been raised by the Buchanan community.

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

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

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

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1749
RESOLVED

1. That Council determine Development Application No. 8/2016/128/1 proposing the retention of existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade at 911 Buchanan Road, Buchanan, 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 in condition 2 below the table the following be added “the proponents shall maintain a register of attendance numbers of each occasion and an annual return to be submitted to Council”.
3. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

FOR

Councillor Ryan
 Councillor Stapleford
 Councillor Smith
 Councillor Campbell
 Councillor Parsons
 Councillor Pynsent
Total (6)

AGAINST

Councillor Gibson
 Councillor Doherty
 Councillor Olsen
 Councillor Hawkins

Total (4)

CARRIED**CONDITIONS OF CONSENT****SCHEDULE 1****TERMS OF CONSENT****CONDITIONS OF CONSENT****1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2016/128/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan, Drawing Number DA 100, Issue C	QOH Architects	08.03.16
Site Analysis, Drawing Number DA101, Issue D	QOH Architects	08.03.16
Floor Plan, Drawing Number DA200, Issue C	QOH Architects	08.03.16
Accessibility Plan, Drawing Number DA910, Issue B	QOH Architects	08.03.16
Street Elevation, Drawing DA300, Issue C	QOH Architects	08.03.16
Mosque Elevation, Drawing Number DA301, Issue B	QOH Architects	01.03.16
Funeral Services + Ablutions Elevations 1, Drawing Number DA302, Issue B	QOH Architects	01.03.16
Funeral Services + Ablutions Elevations 2, Drawing Number DA303, Issue B	QOH Architects	01.03.16
Proposed Landscape Site Plan, Drawing Number DA 800, Issue C	O'Hanlon Design Pty	16.05.16
Proposed Landscape Plan, Drawing Number DA 810, Issue C	O'Hanlon Design Pty	16.05.16
Proposed Landscape Details, Drawing Number DA850, Issue C	O'Hanlon Design Pty	16.05.16

Concept Lighting Plan, Drawing Number DA 970, Issue B	QOH Architects	25.05.16
Buchanan Road Development – Stormwater Management Plan	Royal Haskoning DHV	29 June 2016
CIVIL WORKS INTERSECTION LAYOUT PLAN – SHEET 3	Royal Haskoning DHV	Undated

Document Title	Prepared By	Dated
Statement of Environmental Effects	Kleinfelder Australia Pty Ltd	7 March 2016
Traffic and Parking Assessment	Intersect Traffic	February 2016
Traffic and Parking Assessment: Addendum Report, Impacts on Property Access	Intersect Traffic	23 May 2016
Buchanan Road Development – Water Servicing Investigation	Royal Haskoning DHV	3 March 2016
Buchanan Road Development – Stormwater Management Plan	Royal Haskoning DHV	29 June 2016
Geotechnical Engineers Report	Forum Consulting Engineers	25 February 2016
Bushfire Threat Assessment Report	Kleinfelder Australia Pty Ltd	2 March 2016
Ecological Impact Assessment	Kleinfelder Australia Pty Ltd	4 March 2016
Noise Assessment	Spectrum Acoustics	February 2016
Due Diligence Aboriginal Heritage	Insite Heritage Pty Ltd	18 February 2016
Social Impact Assessment	Kleinfelder Australia Pty Ltd	3 March 2016
Letter from Civcon (Wastewater detail)	Civcon Water Services Pty Ltd	25/05/2016

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

2. Maximum Capacity of Venue

The operational capacity (in accordance with approved traffic, wastewater, water and acoustic reports) of this approved development shall not exceed the following:

EVENT	MAXIMUM ATTENDANCE
Regular Prayers (seven days per week, with the exclusion of one Friday peak prayer)	25 people daily
Friday Peak Prayer (once per week)	200 people
Funeral Services (five per Year)	50 people
Social Gatherings (six times per year)	50 people
Cultural or Religious Gatherings (ten times per year)	100 people
Twice Yearly Events	450 people

3. Use of Funeral Home

The operation of the funeral home is permitted to occur for a maximum of five funerals in any one calendar year.

4. Separate Approval for Signs

A separate DA for any proposed external signs must be submitted to and approved by Council prior to the erection or display of any such signs.

5. 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.

6. Maximum Capacity Signage

A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

7. Bushfire Safety

All recommendations of the NSW Rural Fire Service letter dated 13 July 2016 (copy included with consent) shall be implemented for the lifetime of the development. These requirements include:

Asset Protection Zones

- a) At the commencement of building works and in perpetuity, the property around the development site shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones as follows:
- East of building for 60 metres
 - South of building for 26 metres
 - West of building for 26 metres or to the property boundary
 - North, west and east of northern car park for 20 metres.

Water and Utilities

- b) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

- c) Internal roads are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', except internal roads may be longer than 100 metres in length.

Evacuation and Emergency Management

- d) Arrangement for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the preparation of emergency/evacuation plans' and Australia Standard AS 375 2010 'Planning for emergencies in facilities'.

The emergency/evacuation plan will include a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and the location they will be evacuated to.

A copy of the emergency evacuation plan shall be provided to the consent authority and the Local Emergency Management Committee prior to commencement of the development.

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.

8. Section 138 – Roadworks

The registered proprietors of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and Austroads Guidelines 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. The Section 138 Roads Act Approval shall be issued prior to the issue of any CC.

- a) Construct a CHR and AUL(s) intersection at the junction of Buchanan Road and the access into the subject site, details in accordance with all relevant Australian Standards and Austroads Guide.
- b) Construct a left turn acceleration lane for vehicles exiting the development to the south.

- c) Construct and gravel road shoulders.
- d) Place two (2) coat hot bitumen seal on all new works. Shoulders are to be designed as cycle-safe.
- e) A dedicated 3.5 metre footway is to be provided either side of the edge of the road shoulder. Such dedication shall be at the cost of the developer.
- f) All adjacent driveways impacted by the intersection shall be provided with a bitumen driveway prepared in accordance with standard drawing SD13 from the Engineering Requirements for Development.
- g) Topdress and turf footpath.
- h) Construct drainage works, as required.
- i) All power poles within the extent of the intersection be relocated clear of clear zones as determined by the relevant RMS standard. The relocation of power poles will be at the cost of the developer.
- j) Details of all proposed signage and linemarking.

9. Parking – Minimum Requirement

The primary, sealed on-site car parking shall be provided for a minimum of sixty nine (69) vehicles.

The overflow on-site car parking shall be provided for a minimum of one hundred and fifty five (155) vehicles. The overflow carparks shall be constructed of turf-pave (or equivalent).

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

10. Roads – Sealed Access

The registered proprietors shall construct and maintain a sealed access road from the property boundary to the sealed on-site car park for the proposed mosque. The access road is to be constructed with a minimum of 150mm compacted thickness of approved gravel and sealed. All works are to be in accordance with Council's 'Engineering Requirements for Development' (available at Council offices).

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.

11. Roads – All Weather

The registered proprietors shall construct and maintain all-weather access roads to the southern, eastern and western overflow carparks for the proposed mosque. The access roads are to be constructed with a minimum of 150mm compacted thickness of approved gravel. All works are to be in accordance with Council's 'Engineering Requirements for Development' (available at Council offices).

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.

12. Road - Bond

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

Based on a road length of approximately 340 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$7228.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

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

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

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

13. Roadworks

Any trees removed within the road reserve in association with intersection/other roadworks shall be replaced within the property boundary (generally within the same location) with mature vegetation of a similar species. An amended landscape plan providing detail of replacement planting shall be submitted to the CA prior to the issue of any CC.

14. Stormwater – Detailed Design Requirements

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

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

15. Stormwater – Detention Requirement

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

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

16. Crime Prevention Through Design

All treatments detailed in the Crime Risk Assessment Referral received by the NSW Police – Lower Hunter Area Command, dated 24 April 2016 and attached to this consent, shall be incorporated into the development design. Evidence of the incorporation of the treatment shall be reflected in plans and submitted in association with the CC application. The plans and details must be approved by the CA as satisfying this requirement prior to the issue of a CC.

17. Section 68 Approval

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

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

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

PRIOR TO COMMENCEMENT OF WORKS

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

18. 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.

19. 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.

20. Public Liability Insurance

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

21. 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.

22. 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.

23. Landscaping

All landscaping is to use only native species grown from seed of local provenance by a specialist native plant nursery to enhance foraging opportunities for native fauna and to maintain genetic diversity. Native species must be characteristic of Lower Hunter Spotted Gum - Ironbark Forest Endangered Ecological Community along the northern boundary of the site. Where possible, native species used for landscaping throughout the remainder of the site must also be characteristic of Lower Hunter Spotted Gum - Ironbark Forest Endangered Ecological Community, or may be a native species characteristic of a vegetation community that occurs within the Cessnock Local Government Area. An exception to this is *Archontophoenix cunninghamiana*, which may also be used where trees T2 are shown in the Proposed Landscape Plan by O'Hanlon Design Pty Limited dated 16/05/16, Revision C.

24. Landscaping

To maintain genetic diversity, species used in the constructed wetland are to be native species grown from seed of local provenance by a specialist native plant nursery.

25. Tree Fencing

All trees to be retained within or adjoining the development footprint are to be fenced prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy and remain in place until completion of construction works. Tree protection signage is to be attached to the fencing surrounding the retained trees. Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works. Stockpiling or storage or mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling must not occur within the drip line of retained trees.

26. Tree Fencing

All fenced tree protection areas must be clearly marked as "No Go Area" on all plans and on fences prior to commencement of works to ensure that retained vegetation is not impacted.

27. Protection of Native Vegetation

All plants of *Grevillea montana* within the Asset Protection Zone are to be marked by an ecologist prior to commencement of work to ensure the plants are clearly identifiable.

28. Protection of Native Vegetation

Prior to commencement of works, the boundaries of the Asset Protection Zone are to be clearly delineated using temporary protective fencing or brightly coloured tape to prevent encroachment of construction works into *Lower Hunter Spotted Gum – Ironbark Forest Endangered Ecological Community*.

29. Protection of Native Vegetation

The development footprint must be clearly marked out prior to works commencing to prevent accidental incursions into areas of native vegetation outside of the approved development footprint.

30. Protection of Native Vegetation

A Vegetation Management Plan is to be developed for the retained *Lower Hunter Spotted Gum - Ironbark Forest* on the site as shown in Figure 5 of the Ecological Assessment by Kleinfelder dated 4 March 2016. The Vegetation Management Plan is to outline details of weed control on the site, including details of control of the noxious weeds Lantana (*Lantana camara*) and Fireweed (*Senecio madagascariensis*). The Vegetation Management Plan is to be submitted to Councils Ecologist for approval prior to commencement of works. The Vegetation Management Plan is to be for a minimum of 2 years.

DURING WORKS

The following conditions are to be complied with during works.

31. 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.

32. 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*.

33. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works. This includes a locked gate at the entrance to the property.

34. 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.

35. 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*.

36. 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.

37. 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.

38. Protection of Native Vegetation

No excavation is to occur within the drip zone of any trees to be retained within or adjacent to the development at any stage during works.

39. Protection of Native Vegetation

Any canopy thinning required to achieve the necessary canopy separation for the Asset Protection Zone must be conducted selectively. An appropriately qualified Arborist or Ecologist is to be engaged to clearly identify the branches best removed to achieve bushfire asset protection requirements. The Arborist or Ecologist is to supervise the branch removal. Branches must be removed in such a manner so as to prevent damage to surrounding trees.

40. Protection of Native Vegetation

Only trees within the footprint of the proposed development, Buchanan Road and the three trees nominated on the Proposed Landscape Plan by O'Hanlon Design Pty Limited (DA810, Issue A, dated 10/3/2016) are to be cleared. Any trees not otherwise specified for removal are to be retained.

41. Aboriginal Artefacts

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

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):

42. Completion of Landscape Works

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

43. Completion of Landscape Works

Evidence that only native species grown from seed of local provenance by a specialist native plant nursery have been planted in the constructed wetland and landscaped areas on the lot is to be provided to Council prior to the Occupation Certificate.

44. Protection of Native Vegetation

The edge of the Outer Protection Area for the development must be permanently delineated using fencing, posts, bollards or similar to prevent clearing of native vegetation beyond the approved Asset Protection Zone. Evidence of this is to be supplied to Council prior to issue of an Occupation Certificate.

45. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Buchanan Road to the property boundary. The access crossing into the development must be constructed as a Category 4 access facility in accordance with AS2890.1 – 2004 Parking Facilities-Off street Parking and 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.

46. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain bitumen sealed access crossing from the edge of the road formation in Buchanan Road to the property boundary for the existing access crossing to the caretakers dwelling on the subject site, 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.

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 and 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.

47. Completion of Road Works

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

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

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

48. 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.

49. Works-As-Executed Plan

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

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

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

The *WAE* plan and report shall be submitted to and approved by *PCA* prior to the issue of an OC.

50. Waste Disposal

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

51. Inspection for Onsite Sewage Management

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

52. Potable Water Supply

Where water supply for drinking, bathing and cooking purposes is sourced from an independent water supply (which includes, but is not limited to, dams, rivers, creeks, tanks or bores), the applicant is to put in place a water treatment and monitoring process, consistent with the requirements of the Australian Drinking Water Guidelines 2011 (published by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council).

Such processes may involve:

- * Filtration
- * Chlorine disinfection
- * UV disinfection
- * Regular water testing for microbial and chemical content
- * Appropriate signage at water outlets

or a combination of these processes.

The Australian Drinking Water Guidelines can be accessed at:

<http://www.nhmrc.gov.au/guidelines/publications/eh52>

Certification in relation to this process is to be submitted to the *PCA*, prior to the issue of an *OC*.

ONGOING USE

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

53. Driveways to be Maintained

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

54. Internal Roads to be Maintained

All internal roads shall be maintained in good order for the life of the development.

55. Hours of Operation

The property is to be open and used for the purpose approved only between the hours specified within the Statement of Environmental Effects.

56. Outdoor Lighting

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

57. Waste Water Treatment Devices

All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management which is kept onsite at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation.

58. Vegetation Management Plan

A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council at six monthly intervals until the end of the second year's maintenance period. A final report shall also be submitted upon completion of the maintenance period.

59. Protection of Native Vegetation

All plants of *Grevillea montana* within the Asset Protection Zone (Inner Protection Area and Outer Protection Area) are to be retained and not cleared (as defined under the Native Vegetation Act 2003).

60. Medical Waste

Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste, prior to the final disposal of the material at a facility approved by the Department of Environment and Climate Change.

61. Noise Complaints

Where a noise complaint is received by Council from a place of different occupancy and the noise source is proven by a Council Officer to be non-compliant, the Council may employ a consultant to measure noise emanating from the property, and to recommend (if necessary) appropriate actions to ensure compliance.

The consultant must be a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants. The cost of such appointment and associated work shall be borne by the applicant, who shall also ensure the recommendations of the acoustic consultant are implemented.

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU12/2016

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU8/2016

**SUBJECT: MINUTES OF THE ECONOMIC DEVELOPMENT STRATEGY
COMMITTEE OF THE CESSNOCK CITY COUNCIL HELD 7 JUNE 2016
AT 5.15PM**

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1750
RESOLVED

That Council adopt the Minutes of the Economic Development Strategy Committee meeting held 7 June 2016.

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

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC45/2016

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1751
RESOLVED

That Council receive the report and note the information.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC46/2016

SUBJECT: SEPTEMBER 2016 LOCAL GOVERNMENT ELECTIONS - CARETAKER PROVISIONS

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1752
RESOLVED

That Council receive the report and note the information.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC47/2016

SUBJECT: LOCAL GOVERNMENT ELECTIONS AND USE OF COUNCIL RESOURCES AND ELECTORAL MATERIALS

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1753
RESOLVED

That Council receive the report and note the obligations of Councillors, staff and candidates in relation to the use of Council resources and electoral material in the lead up to the September 2016 Local Government Elections.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC48/2016

SUBJECT: INVESTMENT REPORT - JUNE 2016

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1754
RESOLVED

That Council receive the report and note the information.

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

CARRIED

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI40/2016

SUBJECT: PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP)

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Stapleford
1755
RESOLVED

1. That Council adopts the draft Pedestrian Access and Mobility Plan, with the changes outlined in this report;
2. That Council notify persons who made a submission during the draft Pedestrian Access and Mobility Plan exhibition period of Council's decision;
3. That Council makes provision for the implementation of the draft Pedestrian Access and Mobility Plan in consideration of future Capital programs.

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

CARRIED

QUESTIONS FOR NEXT MEETING

Councillor Bryce Gibson

FUTURE DEVELOPMENTS IN BUCHANAN

Councillor Gibson asked what future developments are there in Buchanan and what is the progression of each one.

Councillor Catherine Parsons

GARDEN IN YANGO STREET, CESSNOCK

Councillor Parsons asked whether the garden in Yango Street is looked after by Council or privately as it is in a state of disrepair.

Councillor Morgan Campbell

INTERSECTION OF GRETA AND COLLIERY STREETS, ABERDARE - GIVE WAY

Councillor Campbell referred to the intersection of Greta and Colliery Street, Aberdare and the fact that the white paint has not be applied to indicate "Give Way" and asked if Council had heard any further from the RMS.

Councillor James Ryan

COUNCIL STORAGE AREA ADJACENT TO FOOTBALL FIELDS - MARGARET JOHN PARK

Councillor Ryan has received reports that the Council storage area adjacent to the football fields at Margaret Johns Park, have excessive amounts of bitumen and roadbase, and is concerned about children's safety.

COUNCILLOR'S REPORTS

NIL

The Meeting Was Declared Closed at 8.43pm

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

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI13/2016

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.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI2/2016

Corporate and Community Services



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

MM3/2016 – REPORT OF THE REVIEW OF GENERAL MANAGER’S EMPLOYMENT ARRANGEMENTS COMMITTEE MEETINGS HELD ON 24 MAY 2016 AND 9 JUNE 2016

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

RECOMMENDATION

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

Report No. MM3/2016 – Report of the Review of General Manager’s Employment Arrangements Committee Meetings held on 24 May 2016 and 9 June 2016 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.

SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “Confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU13/2016

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: *CONTRACTUAL CONDITIONS OF SENIOR STAFF*
RESPONSIBLE OFFICER: *General Manager - Stephen Glen*

SUMMARY

Section 339 of the Local Government Act 1993 (the Act) requires the General Manager to report annually to Council on the contractual conditions of senior staff. This report outlines the senior staff positions at Council and the contractual conditions of these positions.

RECOMMENDATION

That the report by the General Manager on the Contractual Conditions of senior staff be received and the information be noted.

BACKGROUND

This report addresses the statutory requirement for the General Manager to report annually on the contractual conditions of senior staff.

REPORT

Section 339 of the Act requires that “the General Manager must, at least once annually, report to the Council on the contractual conditions of senior staff.”

Section 334 of the Act provides that the General Manager is a senior staff position and in determining the organisational structure of the organisation a Council must, under section 332(1) of the Act, determine those positions that are also to be senior staff positions.

At its meeting of 9 October 2013, Council determined its organisational structure which included three (3) senior staff positions in addition to the General Manager, with those positions being: Director – Planning and Environment, Director – Works and Infrastructure and Director – Corporate and Community Services.

The table below outlines the applicable information as it relates to senior staff positions:

Senior Staff Position	Date Commenced in Position	Current Contract Start Date	Current Contract Expiry Date
General Manager	3 June 2013	4 November 2013	3 November 2017
Director – Corporate and Community Services	27 January 2014	27 January 2014	27 January 2018
Director – Works and Infrastructure	3 March 2014	3 March 2014	3 March 2018
Director – Planning and Environment	27 January 2014	27 January 2014	27 January 2018

General Manager's Unit

Report No. GMU9/2016

General Manager's Unit



The contractual conditions of senior staff are set out by a “standard form of contract” approved by the Director General of the Office of Local Government (OLG) under Section 338 of the Act. The current “standard form of contract” for General Managers and senior staff can be reviewed on the OLG’s website www.olg.nsw.gov.au

Senior staff are employed on a fixed term performance based contract. The performance of senior staff is reviewed annually by the General Manager. A Sub-Committee of Council undertakes the performance review of the General Manager which is reported to Council.

The information in this report supplements details on senior staff contracts reported in Council’s Annual Report as required under clause 217 (b) and (c) of the Local Government (General) Regulation 2005. The total remuneration packages for senior staff positions include salary, superannuation and motor vehicle.

CONSULTATION

Human Resource Manager

STRATEGIC LINKS

a. Delivery Program

The community’s desired outcome of *Civic Leadership and Effective Governance* and, in particular, the strategic direction that Council’s processes are consistent and transparent.

IMPLICATIONS

a. Policy and Procedural Implications

Cessnock City Council Workforce Plan

b. Financial Implications

The Operational Plan includes budget allocations for each of the senior staff positions.

c. Legislative Implications

Local Government Act 1993
Local Government (General) Regulation 2005

d. Risk Implications

Failure to report to Council on an annual basis of contractual conditions of senior staff would result in a statutory non-compliance.

e. Other Implications

N/A

General Manager's Unit

Report No. GMU9/2016

General Manager's Unit



CONCLUSION

This report meets the statutory requirement to report on the contractual conditions of senior staff to Council as required under the *Local Government Act 1993*.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE52/2016

Planning and Environment



SUBJECT: *DA 8/2015/551/1 - ALTERATIONS AND ADDITIONS TO EXISTING MEDICAL CENTRE*

259 MAITLAND ROAD, CESSNOCK

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer - Kerry Porter
Development Services Manager - Janine McCarthy*

APPLICATION NUMBER:	8/2015/551/1
PROPOSAL:	Alterations and additions to existing medical centre
PROPERTY DESCRIPTION:	Lot 4, Section 2, DP 758241
PROPERTY ADDRESS:	259 Maitland Road, Cessnock
ZONE:	R3 Medium Density Residential Zone
OWNER:	Dobler Holdings Pty Ltd
APPLICANT:	Dobler Holdings Pty Ltd

RECOMMENDATION

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reason/s contained within this report.

REASON FOR REPORT

Development Application No. 8/2015/551/1 was considered by the Development Assessment Unit, and recommended for refusal based on insufficient information (a site plan demonstrating that the proposal achieves compliance with the provisions of Chapter C.1 of the Cessnock Development Control Plan 2010 – Car Parking and Access). Subsequently, the Development Services Manager circulated a memo to all Councillors advising that the matter had been recommended for refusal, and, in accordance with Development Practice Note G3 – *Delegations for Determination of Development Applications*, Councillors were provided with three (3) days in which to call-up the Development Application to a Council meeting.



The Development Application has been called-up by three (3) Councillors in accordance with the provisions of Development Practice Note G3 – *Delegations for Determination of Development Applications*, and is subsequently referred to Council for consideration and determination.

PROGRESS SINCE COUNCIL'S MEETING OF 6 JULY 2016

Development Application No. 8/2015/551/1 was considered by Council at its meeting of 6 July 2016, whereby it was resolved as follows:

'That Council DEFER Development Application No. 8/2015/551/1 proposing alterations and additions to existing Medical Centre at 259 Maitland Road, Cessnock to the Council meeting of 3 August, 2016 and that draft conditions of consent not including works to the lane (Dowlan Lane) be provided for consideration'.

Draft conditions of consent have been prepared and are attached as Enclosure 5 to this report.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2015/551/1 seeking approval for alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and no submissions were received.

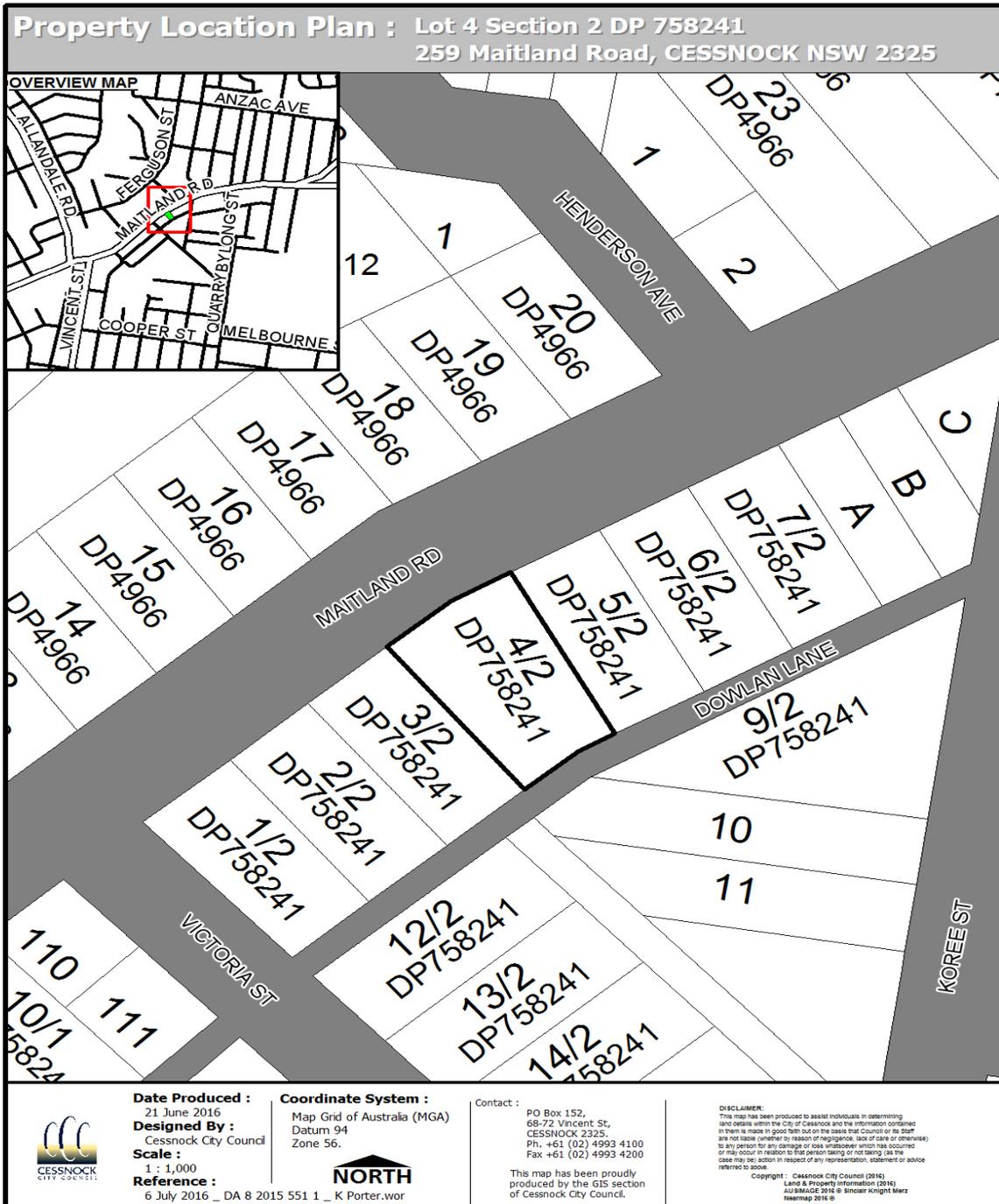
The applicant was requested to provide a site plan demonstrating that the proposal achieves compliance with the provisions of Chapter C.1 of the Cessnock Development Control Plan 2010 – Car Parking and Access, and Council's Engineering Requirements for Development. The parking layout was required to be designed to ensure all vehicles could enter and exit the site in a forward direction.

The applicant advised Council in writing on 9 May 2016 that the additional information would not be provided, and requested that Council determine the matter on the information already provided.

Based on the assessment, it is recommended that the Development Application be refused subject to the reason/s for refusal included in this report.



LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 259 Maitland Road Cessnock, and is legally described as Lot 4 Sec 2 DP: 758241.

The subject site is located on the southern side of Maitland Road. The site has a frontage of approximately 29 metres, a depth of 40 metres, and an overall site area of 1,107m². The site is located in a strip of properties that front Maitland Road but do not have direct vehicular access from that road. The properties fronting Maitland Road between Victoria Street and Koree Street are serviced by a bitumen sealed access road known as Dowlan Lane.

The land is currently occupied by a traditional weatherboard dwelling that was been converted to a doctor's surgery. The conversion was approved by Council on 26 July 1994 via Development Consent 118/694/148.

Surrounding properties are characterised by older style residential dwellings, with the 'East Cessnock Bowling Club' located to the south of the site.

HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Explanation
27 October 2015	Application lodged.
3 November 2015	Application referred to Engineering, Building Services and Ecology.
10 November 2015	Ecologist referral received outlining no objection to the proposal as no tree removal is required.
12 November 2015	Engineering referral received – additional information required including an amended parking layout demonstrating ability to manoeuvre on site to permit entry and exit in a forward direction, i.e. no reversing onto the laneway. Engineering referral also outlines that, in the event the application is approved, the applicant will be required to upgrade the laneway, i.e. Dowlan Lane.
2 December 2015	Applicant requested to lodge additional information regarding on-site parking and advised of the need to upgrade the laneway.
4 December 2015	Public exhibition period concludes. No objections received.
16 December 2015	Building referral received outlining no objection to the proposal subject to imposition of conditions.
4 April 2016	Letter sent to applicant giving 7 days to lodge parking plan.
8 April 2016	Applicant requests extension of time to lodge information.
18 April 2016	Applicant holds meeting with General Manager and Director Planning and Environment, raising concern over the need for parking and laneway upgrade.
9 May 2016	Applicant lodges letter requesting that Council reconsider the need for an amended parking plan and upgrade of laneway as the development <i>'does not propose to intensify use of the land'</i> . Furthermore, applicant's submission states that it is not economically viable to undertake works to carpark and access.

Planning and Environment

Report No. PE52/2016

Planning and Environment



13 May 2016	Additional information referred to Engineering for assessment.
20 May 2016	Engineering comments received requiring submission of the additional information, as outlined in the initial engineering referral.
30 May 2016	DAU report prepared by assessment officer recommending refusal of the application based on insufficient information.
3 June 2016	Matter considered by DAU. DAU recommends to the DSM that the application be refused.
14 June 2016	Memo sent to Councillors by DSM allowing 3 days for the matter to be called up to a Council meeting for determination.
16 June 2016	Three (3) Councillors call up the application.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No 8/2015/551/1 seeks approval for alterations and additions to an existing medical centre located on the land.

The proposed alterations and additions will increase the floor area of the existing building from 100m² to 190 m² and will result in the provision of the following facilities within the building:

- Two (2) consulting rooms
- Staff room
- Patients private room
- Nurse's room
- Office
- Reception
- Waiting room
- Toilet facilities

It is proposed that the medical centre will employ a total of 5 staff (including two (2) health consulting practitioners), and will operate between the hours of 8:00am and 6:00pm (Monday to Friday) and 9:00am and 11:00am on Saturdays.

REQUEST FOR ADDITIONAL INFORMATION

In determining a Development Application, the consent authority is able to request additional information (in accordance with Clause 54 of the Environmental Planning and Assessment Regulation 2000) (EP&A Regulation 2000) as it considers necessary to enable proper consideration of an application.

The information that a consent authority may request includes, but is not limited to, information relating to any relevant matter referred to in Section 79C (1) (b)-(e) of the Environmental Planning and Assessment Act 1979, or in any relevant environmental planning instrument.

Planning and Environment

Report No. PE52/2016

Planning and Environment



In accordance with Clause 54(5) of the EP & A Regulation 2000, instead of providing the information requested, the applicant may notify the consent authority in writing that the information will not be provided and as such, the application may be dealt with accordingly by the consent authority.

Alternatively, in accordance with Clause 54(6) of the EP & A Regulation 2000, if the applicant has failed to provide any of the requested information within the specified time period, the application may also be dealt with accordingly.

In this regard, the applicant advised Council on 9 May 2016 that the information requested on 2 December 2015 would not be provided, and as such, requested that the application be determined on the basis of the information provided to date.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79C(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. Cessnock Local Environmental Plan 2011

An assessment of the proposed development under the Cessnock Local Environmental Plan 2011 is provided below:

1. **Cessnock Local Environmental Plan 2011**

1.1 Permissibility

The subject site is zoned R3 Medium Density Residential under the provisions of Cessnock Local Environmental Plan (CLEP) 2011.

The proposed development is defined as a “*medical centre*” under CLEP 2011, which is defined as follows:

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

A *medical centre* is a permitted landuse within the R3 zone, with consent.

1.2 Objectives

The objectives of the R3 Medium Density Residential Zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is consistent with the objectives of the zone in that the medical centre is a facility that meets the day to day health needs of local residents.

1.3 Relevant Clauses

There are no clauses in CLEP 2011 relevant to the assessment of this application.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

No Draft Environmental Planning Instruments are relevant to the application.

(a)(iii) The Provisions of any Development Control Plan

In accordance with Section 79(1)(C)(iii) of the EP & A Act, the consent authority is required to take into consideration the provisions of any Development Control Plan (DCP). In this regard, Council's DCP 2010 applies, specifically Chapter C.1 (Parking and Access).

Development Control Plan 2010 - Chapter C.1 (Parking and Access).

Council's DCP states that a *medical centre* must provide one (1) parking space per 25m² of gross floor area (GFA). The proposed development will have a total GFA of 190m², therefore requiring the provision of a total of eight (8) on site parking spaces. While the development plans identify the provision of eight (8) parking spaces in a parking area at the rear of the building, these vehicles will not be able to enter and exit the site in a forward direction. Rather, the parking area is located directly off the laneway, and therefore, vehicles will be required to reverse onto the laneway, contrary to the provisions of Council's DCP.

The applicant has lodged a written submission (a full copy of the applicant's submission is attached to this report as an Enclosure), arguing that the reconfiguration of the parking area is unreasonable and unnecessary for the following reasons:

Council's Consultant Engineer's proposed Conditions of Consent requiring the reconfiguration of the Car Park to comply with Councils Development Control Plan 2010 Chapter C.1 - Parking & Access - Clause 1.1.3(d), involves very considerable expense and in our opinion is both unreasonable and inappropriate for the following reasons:

1. Based on Councils formula, the existing Car Park provides sufficient Parking Spaces for the Practice, both as originally developed and including the proposed new extensions, such that we believe that it is unreasonable to require the reconfiguration of the same number of Car Parking Spaces simply to comply with access requirements of DCP 2010.
2. Although we can understand that entering & exiting off-street parking in a forward direction may be entirely appropriate in most cases where public buildings are concerned, a Car Park associated with a small Doctors Surgery, where there is two-way rear lane access, should reasonably be exempted from such a requirement.
3. As mentioned above, the Application does not provide for additional Consulting or Treatment Rooms, and consequently, **there will be no increase in Medical Practitioners, Administration Staff or Patient numbers, beyond those already contemplated by the original 1994 Consent.** Therefore, Councils requirement is based purely on the proposed increase in the area of the building, despite the fact that there will be no increase whatsoever in traffic movement & Car Park utilisation. It should also be noted that a Medical Practice represents a very specialised use which is unlikely to be substituted by other than a small professional Practice, or reverting back to a residence.

Officer Comment:

With regards to point 3 above, the applicant's argument that the alterations and additions to the medical centre will not provide for any additional consulting or treatment rooms, nor will there be an increase in medical practitioners, conflicts with the information provided in the Statement of Environmental Effects (SOEE) submitted in conjunction with the application. In this regard, the SOEE stipulates as follows:

'The current total staff number of 5 will not increase'.

The conditions imposed on the original development consent issued for the site (Reference No. 118/694/148, dated 26 July 1994), required the medical centre to operate in accordance with the plans and supporting information lodged in conjunction with the application. In this regard, the original application form outlined that a total of two (2) staff would be employed at the medical centre.

As outlined above, it is proposed that the extended medical centre the subject of this application will employ a total of 5 staff (including two (2) health consulting practitioners). Therefore, it is clear that there will be an increase in the total number of staff employed in conjunction with the medical centre.

The current configuration of the parking area at the rear of the building fails to comply with Council's DCP 2010 and Councils Engineering Requirements for Development.

Planning and Environment

Report No. PE52/2016

Planning and Environment



It is relevant to note that a number of conditions were imposed by Council relating to car parking and access under the terms of the original development consent issued for the site approving the medical centre (Reference No. 118/694/148, dated 26 July 1994).

Specifically, Conditions 2, 3 and 4 required a total number of six (6) parking spaces to be provided and submission of a plan in accordance with Council's car parking standards for the parking area to be used in conjunction with the premises. Furthermore, Condition 6 required the upgrading of the rear laneway, i.e., Dowlan Lane. From a review of the file, it appears that these conditions were never complied with.

Given that the applicant has opted not to provide the requested information to satisfy the provisions of the Cessnock Development Control Plan 2010 (Chapter C.1 – Parking and Access), the application is recommended for refusal.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No such agreement has been proposed as part of this application.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

Given that the applicant has not demonstrated that a suitable on-site parking area can be provided to service the development, the likely impacts of the development with regards to traffic safety (specifically regarding reversing and manoeuvring of vehicles from the site), cannot be assessed/determined.

(c) The suitability of the site

The suitability of the proposed alterations and additions to the existing medical centre cannot be determined without further information from the applicant regarding the provision of a satisfactory on-site parking area.

(d) Any submissions made in accordance with this Act or the Regulations

The application was publicly exhibited for fourteen days. No submissions were received during this time.

(e) The public interest

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Whilst it is noted that an increase of medical services is generally considered to be in the public interest, given that the applicant has not provided information that is critical to the proper assessment of the application, it is considered unlikely that portions of the proposed development are in the public interest.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions are not applicable for the proposed development.

INTERNAL REFERRALS

The Development Application was referred to the following Council Officers for assessment:

Consultant Development Engineer	Council's Consultant Development Engineer requested the provision of a plan demonstrating a suitably designed car parking area at the rear of the site to satisfy the requirements of DCP 2010 and ' <i>Council's Engineering Requirements for Development</i> '. This information has not been provided by the applicant and as such, a proper assessment of the application cannot be undertaken.
Ecologist	Council's Ecologist has raised no objections to the development as no vegetation or significant trees are proposed to be removed from the site.
Senior Building Assessment Officer	Council's Senior Building Assessment Officer has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.

EXTERNAL REFERRALS

The Development Application was not required to be referred to any external agencies for comment.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

The lack of information provided by the applicant with regards to on-site parking has resulted in an incomplete assessment of the application relating to the likely impacts of the proposed development under Section 79C(1)(b) of the EP&A Act.

Planning and Environment

Report No. PE52/2016

Planning and Environment



Based on the information provided and for reason/s outlined in this report, Development Application No. 8/2015/551/1 is recommended for refusal.

ENCLOSURES

- 1 Development Plans
- 2 Existing Floor Plan
- 3 Councillor Call-up notice
- 4 Applicant's Submission
- 5** Draft Conditions of Consent

Planning and Environment

Report No. PE52/2016

Planning and Environment



REASON/S FOR REFUSAL

1. Failure to submit a site plan demonstrating that the proposal achieves compliance with the provisions of Chapter C.1 of the Cessnock Development Control Plan 2010 – Car Parking and Access (pursuant to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*).

Planning and Environment

Report No. PE53/2016

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION 8/2015/663/1 PROPOSING
ERECTION OF A BUSINESS IDENTIFICATION SIGN*

141 MAIN ROAD 195, HEDDON GRETA

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer - Kristen Wells
Development Services Manager - Janine McCarthy*

APPLICATION NUMBER:	8/2015/663/1
PROPOSAL:	Erection of a business identification sign
PROPERTY DESCRIPTION:	Lot 112, DP 1205440
PROPERTY ADDRESS:	141 Main Road 195, Heddon Greta
ZONE:	RU2 – Rural Landscape
OWNER:	Puma Energy (Australia) Asset Holdings Pty Ltd
APPLICANT:	Stevens Group

RECOMMENDATION

That Council determine Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report

REASON FOR REPORT

Development Application No 8/2015/663/1 is being referred to Council for determination as the Application is recommended for refusal following a merits-based assessment of the application.

PROGRESS SINCE COUNCIL'S MEETING OF 6 JULY 2016

Development Application No. 8/2015/663/1 was considered by Council at its meeting of 6 July 2016, whereby it was resolved as follows:

'That Council DEFER Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, with a view to have draft conditions of consent brought back to the next available Council Meeting'.

Draft conditions of consent have been prepared and are attached as Enclosure 7 to this report.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2015/663/1 seeking approval for erection of a business identification sign at 141 Main Road 195, Heddon Greta.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

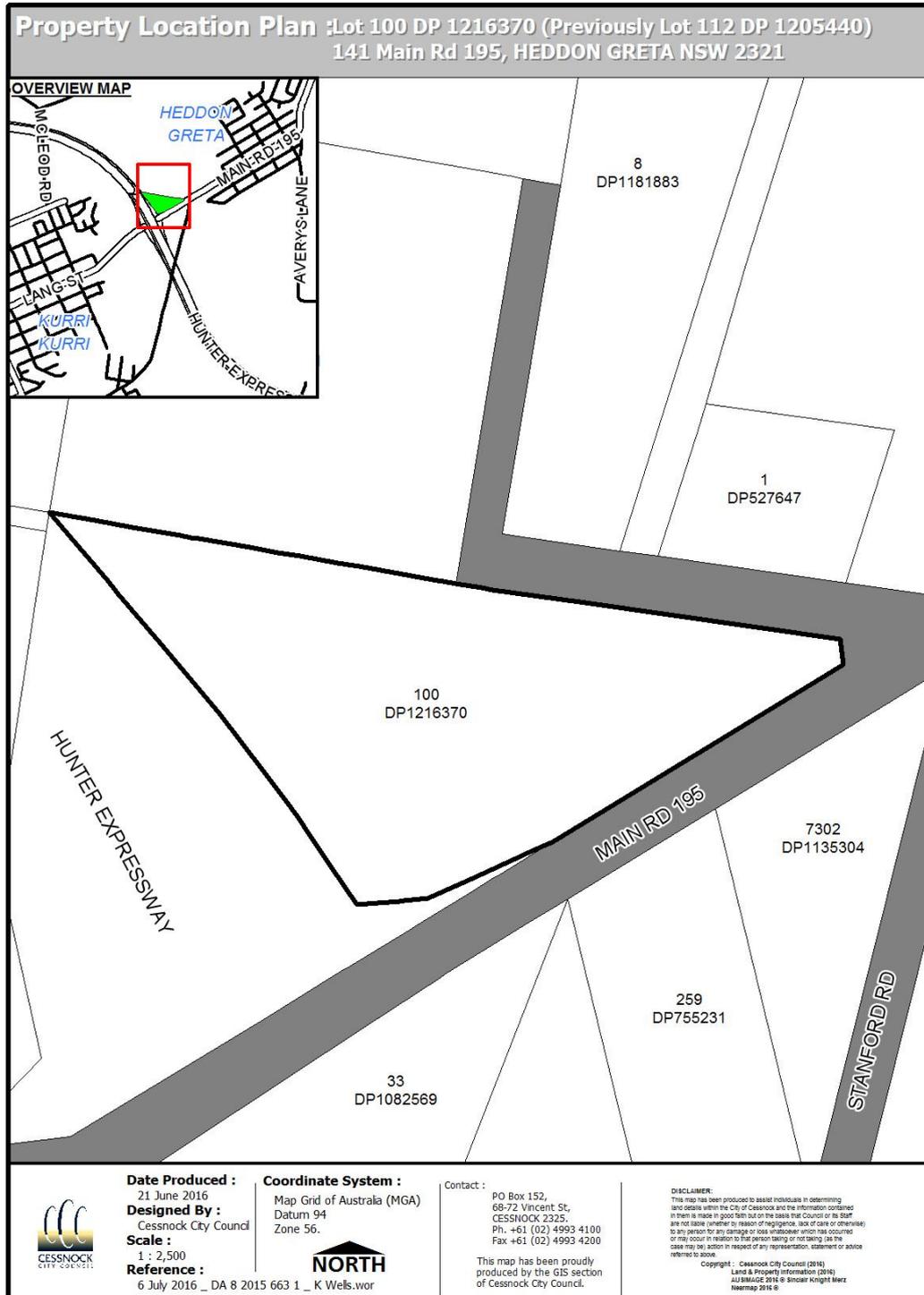
In accordance with the Cessnock Development Control Plan 2010, public exhibition of the development application was not required.

It is considered that the proposed business identification sign does not comply with the Schedule 1 Assessment Criteria of the State Environmental Planning Policy No 64 – Advertising Signage. The Roads and Maritime Service (RMS) have objected to the proposal due to the likely safety implications for vehicles travelling southbound on the Hunter Expressway. Furthermore, the sign is of a scale and size that does not comply with the numerical provisions and additional assessment criteria contained within the Cessnock Development Control Plan 2010.

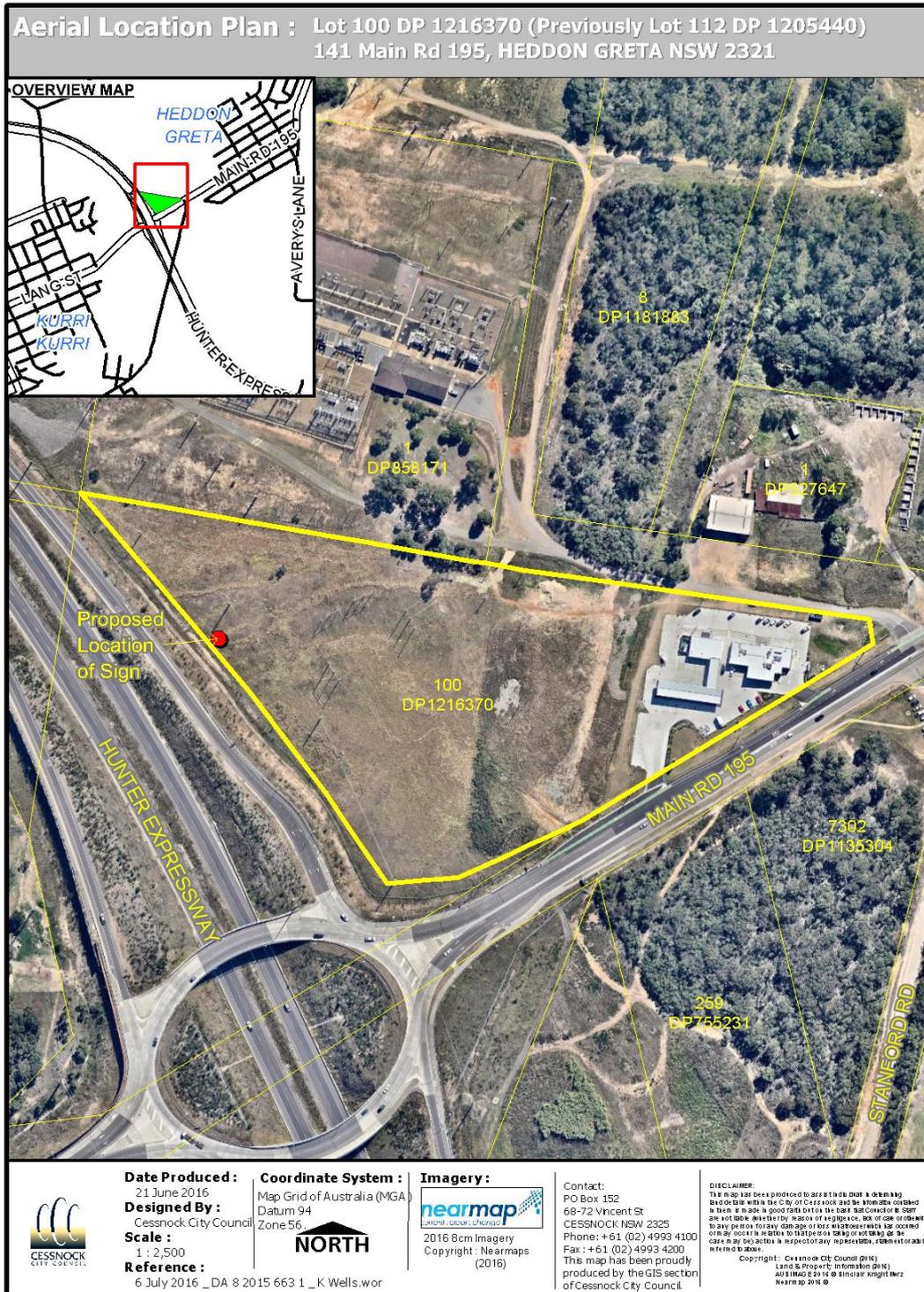
Based on the assessment, it is recommended that the Development Application be refused subject to the reasons for refusal included in this report.



LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 141 Main Road 195, Heddon Greta, and is legally described as Lot 112, Deposited Plan 1205440.

The subject site is located on the north western side of Main Road. The site has a triangular shape, with frontage of 313m to Main Road and an overall site area of 4.165 hectares. Vehicular access to the site is available from the Main Road frontage.

The site is bound by three roads, Main Road to the south-east and a semi formed private road to the north; these two roads intersect at the eastern corner of the Lot. The Hunter Expressway Kurri Interchange is located just south of the site, with the Hunter Expressway adjoining the south-western boundary of the land.

The Heddon Greta residential area is 250+ metres north east from the site, while the Kurri Kurri residential area commences 450+ metres south west from the site.

The subject site is currently occupied by a 'Puma' service station, food and drink premises ('Red Rooster' and 'Subway') and associated car parking. These facilities were approved on 16 July 2014 (Reference: Development Consent 2014/51), and are located at the south-eastern portion of the property (facing Main Road). A series of high voltage electrical transmission and distribution lines occupy the site. These lines are contained within Ausgrid easements.

HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
4 January 2016	Development Application lodged with Council.
7 January 2016	Referral to Roads and Maritime Service (RMS) initiated.
15 January 2016	A preliminary assessment is completed by planning officer and a request for a photomontage of the site and justification for the size of the sign is requested.
5 February 2016	<p>The RMS referral comments are received. The referral states that the RMS objects to the location of the sign for the following reasons:</p> <ul style="list-style-type: none"> • <i>The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the Hunter Expressway onto the off-ramps.</i> • <i>There is no provision for vehicles to turn right out of the service station to continue their journey south onto the Hunter Expressway.</i> <p>This information is relayed to the applicant to address.</p>

15 February 2016	<p>A photomontage of the proposal is received.</p> <p>It is noted that the surrounding electrical transmission towers (shown in the photomontage) have been confirmed (by Ausgrid) as being 23 metres in height. The proposed sign is 20 metres in height. Therefore, for the purpose of visualising the proposed sign, the comparable height of the electrical transmission towers can be used.</p>
18 March 2016	<p>The applicant provides a response to the RMS concerns. The applicant argues the following:</p> <p><i>“The proposed design is not designed to attract vehicles from the Hunter Expressway. It is designed to advise Motorist’s travelling on the interchange off-ramp of the businesses / facilities on the subject site. The sign will not be fully visible until motorists are on the ramp...”</i></p>
31 March 2016	<p>The applicant is required to amend the design of the sign to ensure that no form of advertising is proposed which would make the sign an ‘advertising sign’ rather than a ‘business identification’ sign.</p>
10 May 2016	<p>The applicant submits amended plans deleting the price board component of the sign.</p>
16 May 2016	<p>The application is re-referred to the RMS for final referral comments, noting that the sign has been slightly amended.</p>
24 May 2016	<p>A referral to Ausgrid is initiated.</p>
3 June 2016	<p>Ausgrid referral comments are received. A conditional matter is raised in terms of the proximity of the sign to the overhead power lines.</p>
16 June 2016	<p>The RMS submit their final referral comments. They state the following:</p> <p><i>“The proposal would reduce the safety of the classified road network as the size and location of the sign (as shown in the drawings) will be visible by vehicles on the Hunter Expressway. The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the Hunter Expressway onto the off-ramps”.</i></p>

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No 8/2015/663/1 seeks approval for erection of a business identification sign. Specifically, the proposed development involves:

- The erection of a 20 metre high business identification sign. The sign is to be erected on pylon supports. The sign proposes to identify five businesses situated at the property in a vertical formation.
- The business advertising includes: at the apex of the sign structure is a ‘Puma’ logo and advice of the name of the location premises “Kurri Kurri Fuel Stop”. This display

Planning and Environment

Report No. PE53/2016

Planning and Environment



area measures 4.0m x 7.55m. Below this, it is proposed to position four additional tenant's signs with a display area of 2.0m x 2.81m each.

- The sign is proposed 1m off the western boundary shared with the Hunter Expressway and will be slightly over 100m from the northern-most point of the property boundary shared with the Hunter Expressway.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. State Environmental Planning Policy No 64 – Advertising and Signage
2. State Environmental Planning Policy No 44 – Koala Habitat Protection
3. State Environmental Planning Policy (Rural Lands) 2008
4. State Environmental Planning Policy No 55 – Remediation of Lands
5. State Environmental Planning Policy (Infrastructure) 2007
6. Cessnock Local Environmental Plan 2011

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

1. State Environmental Planning Policy No 64 - Advertising and Signage

Under this SEPP, a consent authority must not grant consent to signage unless satisfied that the signage is consistent with the objective of the Policy [Clause 3(1)(a)] and satisfies the criteria specified in Schedule 1. As shown below, the proposed sign fails to demonstrate compliance with various requirements listed within Schedule 1.

The proposal is defined under the SEPP as a business identification sign. A business identification sign is defined as: *a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.*

During the early stages of assessment, the applicant was required to demonstrate how the proposal satisfied the definition of a *business identification sign*. It was initially considered that the proposal was better defined as an *advertising structure*, the key difference being that an advertising structure allows for advertising material to be displayed and importantly, an advertising structure at this particular location requires the concurrence of the RMS.

Planning and Environment

Report No. PE53/2016

Planning and Environment



The applicant argued that the sign simply identifies the businesses conducted at the site via the display of logos and does not include advertising of any nature. Significantly, the applicant agreed to withdraw the price board component of the sign which displayed fuel prices at the premises. This feature was considered to be ‘advertising’ of a product. Since this feature has been withdrawn, it is now considered that the proposal satisfies the definition of a *business identification sign*.

An assessment in accordance with the Schedule 1 Assessment Criteria of SEPP 64 for the business identification sign has been undertaken and is detailed below:

SCHEDULE 1 ASSESSMENT CRITERIA		
REQUIREMENT	COMPLIANCE?	COMMENT
Character of the Area:		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	YES	The existing character of the area is dominated by infrastructure services (Hunter Expressway, Ausgrid transmissions lines) alongside rural land pursuits (i.e. livestock grazing and pasture land) on the fringe of extensive residential land. Whilst a 20m high sign is thought to present a dominant visual impact, the proximity of the sign to the Hunter Expressway and in the vicinity of large electrical infrastructure means that the character of the area is not significantly impacted by this proposal.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	YES	Apart from existing signs associated with the approved use on the property, there is no consistent theme for outdoor signage in the area. The proposed sign adopts the same colour scheme, logos and themes as the existing signs on the site (closer to the building).
Special Areas:		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	YES	The site is considered to be within a rural landscape. That said, the rural landscape has been impacted by the construction of the Hunter Expressway and the existing 23m high electrical transmission towers on the property. The proposed sign (whilst being 20m in height) is comparable to the electrical transmissions towers, which reduces any adverse visual impact the sign may have had on the rural landscape.

Planning and Environment

Report No. PE53/2016

Planning and Environment



Views and Vistas:		
Does the proposal obscure or compromise important views?	YES	There are no important views obscured by this proposal.
Does the proposal dominate the skyline and reduce the quality of vistas?	YES	The proposal is not deemed to dominate the skyline. The skyline is already impacted by the existing 23m high electrical transmission lines in the vicinity of the sign's proposed location.
Does the proposal respect the viewing rights of other advertisers?	YES	The sign does not impact the viewing rights of other advertisers.
Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	NO	The scale of the sign is not considered to be appropriate for the setting. The applicant states in their response to RMS issues that the sign is not intended <i>"to attract vehicles from the Hunter Expressway. It is designed to advise motorists travelling on the interchange off-ramp of the businesses/facilities available on the site"</i> . It is evident from the submitted photomontage that the sign is clearly visible to motorists travelling south on the Hunter Expressway and not solely to vehicles already on the interchange off-ramp. If the intention is <i>"to advise motorists travelling on the interchange off-ramp"</i> then the sign is not required to be of such an elevated scale and in such close proximity to the expressway.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	NO	The proposal does not contribute to the visual interest of the landscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	N/A
Does the proposal screen unsightliness?	N/A	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	YES	The proposal is adjacent to 23m high electricity transmission towers. There are no trees in close proximity to the sign location.
Does the proposal require ongoing vegetation management?	N/A	N/A

Planning and Environment

Report No. PE53/2016

Planning and Environment



Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	YES	The proposal is of a similar scale to the electricity transmission towers on the site.
Does the proposal respect important features of the site or building, or both?	NO	<p>An important feature of the site is its position adjacent to the Hunter Expressway. The size, scale and location of the proposed sign targets vehicles travelling on the expressway.</p> <p>As discussed further in this report, the RMS has deemed that the location of the sign does not allow vehicles sufficient time to make the decision to exit the Hunter Expressway via the off-ramp in a safe manner.</p> <p>This means the sign does not adequately respect the important features of the site.</p>
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	YES	The sign does not present as an un-innovative or un-imaginative sign.
Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	YES	The sign is proposed to be internally lit. The applicant states that any "LED used will be adjustable to manage glare".
Illumination		
Would illumination result in unacceptable glare?	YES	There is limited detail on the level of illumination, however in the event the application is approved, a condition of consent could be imposed to ensure that the level of illumination is acceptable.
Would illumination affect safety for pedestrians, vehicles or aircraft?	YES	There is limited detail on the level of illumination, however in the event the application is approved, a condition of consent could be imposed to ensure that the level of illumination is acceptable.
Would illumination detract from the amenity of any residence or other form of accommodation?	YES	There are no residential properties likely to be impacted by illumination.

Planning and Environment

Report No. PE53/2016

Planning and Environment



Can the intensity of the illumination be adjusted, if necessary?	YES	The sign is proposed to be internally illuminated and can therefore be adjusted.
Is the illumination subject to a curfew?	YES	The sign is proposed in conjunction with businesses that were approved for 24 hour operation (via Development Consent 2014/51).
Safety		
Would the proposal reduce the safety for any public road?	NO	The RMS have confirmed via correspondence dated 5 February 2016 and 17 June 2016 that vehicular safety issues are likely to arise with vehicles not having sufficient time to exit the Expressway after viewing the sign. Specifically the RMS states: <i>“The proposal would reduce the safety of the classified road network as the size and location of the sign (as shown in the drawings) will be visible by vehicles on the Hunter Expressway. The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the Hunter Expressway onto the off-ramps”.</i>
Would the proposal reduce the safety for pedestrians or bicyclists?	YES	Pedestrian and bicycle movement on the expressway is prohibited, therefore the sign is not likely to have an impact on these matters.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	YES	Pedestrian and bicycle movement on the expressway is prohibited, therefore the sign is not likely to have an impact on these matters.

2. State Environmental Planning Policy No 44 Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

The proposed development was assessed against the provisions of SEPP 44, and is not considered to have an impact on potential or existing core koala habitat, as no vegetation removal is required.



3. State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In this instance, the majority of the subject site is cleared or partially cleared. The new service station building is situated 170 metres+ away from the proposed sign location. The past grazing practices of the site are not expected to have rendered the site incapable of supporting the proposed development.

4. State Environmental Planning Policy (Rural Lands) 2008

Clause 7 of State Environmental Planning Policy (Rural Lands) 2008 provides Rural Planning Principles. The proposed use of the site is consistent with these planning principles as the use promotes a sustainable economic activity in the area; it provides social and economic benefits to the use of the site; and provides a balance of social, economic and environmental interests of the community without placing additional burden on existing services and infrastructure.

5. State Environmental Planning Policy (Infrastructure) 2007

This SEPP outlines the circumstances in which an application is to be referred to additional public authorities for comment. In this instance, the proposal has been referred to Ausgrid in accordance with Clause 45 of the SEPP. The referral comments are discussed further within this report.

6. Cessnock Local Environmental Plan 2011

6.1 Permissibility

The subject site is zoned RU2 under the provisions of Cessnock Local Environmental Plan (CLEP) 2011. The proposed development is categorised as a business identification sign under CLEP 2011, which is defined as follows:

Business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Planning and Environment

Report No. PE53/2016

Planning and Environment



The development satisfies the above definition, as the sign contains logos for businesses carried out at the site and does not contain advertising material of a general nature.

Development for the purpose of business identification signage is a permitted land use in the RU2 zone, with consent.

6.2 Objectives

At the time of lodgement (4 January 2016) the Cessnock Local Environment Plan 2011 contained five objectives for the RU2 zone. These objectives and a summary of compliance are provided as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment: The site has an agricultural land classification of Class 4, and no known natural resources are on the site. This class of land is not suitable for any cultivation and has a low agricultural productivity rating. Therefore, the proposal development is not contrary to this zone objective.

- *To maintain the rural landscape character of the land.*

Comment: The site and surrounding area are in transition from rural to urban. The rural character of the land can be maintained despite the erection of this sign. The site has a total area of 4.165 hectares. The sign will occupy a significantly small percentage of this land (approximately 4sqm), meaning its solid footprint on the land is very small. The sign is proposed to be 20 metres in height; however the land is presently occupied by several 23 metre high electrical transmission towers, meaning that the rural visual character is already compromised by tall structures on the property. The proposed sign will not significantly exacerbate this situation.

- *To provide for a range of compatible land uses, including extensive agriculture.*

Comment: The proposal will not restrict the future approval of other permissible and compatible land uses over the site.

- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*

Comment: While the businesses promoted on the proposed sign are not land uses which are specifically required in a rural zone, they are uses which compliment rural land pursuits and surrounding land uses.

- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*

Comment: The proposed sign will not compromise the rural capability and suitability of the land.

6.3 Relevant Clauses

The Development Application was assessed against the following relevant clauses of CLEP 2011:

Clause 5.10 – Heritage conservation

The subject site is in the vicinity of a heritage item 215 “*Collieries of the South Maitland Coalfields / Greta Coal Measures*” (located to the north of the site) and is dissected by item 212 “*South Maitland Railway System*”, as listed in the Cessnock Local Environmental Plan 2011. Both of these items are considered to be of local heritage significance.

The consent for the business premises located on the site (Development Consent 2014/51) gave due consideration to the heritage implications associated with the development. The business identification sign is not likely to have any additional adverse impacts on the heritage items, noting that it is proposed 180m away from item 212, and 210m away from item 215.

Clause 7.2 – Earthworks

Pursuant to the provisions of Clause 7.2 of the Cessnock LEP 2011, before granting consent to carry out development, Council must consider the impacts of the proposed earthworks to ensure they do not have a detrimental impact on adjoining land. It is considered that the proposed earthworks will not have an adverse environmental impact upon adjoining land.

In the event the application is approved, a condition could be placed on the consent to ensure any proposed earthworks have minimal impact upon the environment.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

At the time of lodgement, a draft amendment to the LEP had been lodged with the Department of Planning. The amendment proposed new objectives for the RU2 zone. The amendment has since been commenced (gazetted April 1, 2016); however the amendment is treated as a draft amendment for the purpose of this assessment.

The level of weight applied to the new objectives is considerable. The test provided within case law for determining the amount of weight to be applied is; (a) *how imminent the draft LEP amendment is*, and (b) *how certain the terms are*. As the draft amendment has commenced, the imminence of the amendment is no longer in question. The terms of the draft amendment are also certain. This means the amended objectives have determining weight. The objectives have been assessed and are summarised below:

Objectives

The objectives of the RU2 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment: The site has an agricultural land classification of Class 4, and no known natural resources are on the site. This class of land is not suitable for any cultivation and has a low agricultural productivity rating. Therefore, the proposed development is not contrary to this zone objective.

- *To maintain the rural landscape character of the land.*

Comment: The rural character of the land can be maintained despite the erection of this sign. The site has a total area of 4.165 hectares. The sign will occupy a significantly small percentage of this land (approximately 4sqm), meaning its solid footprint on the land is very small. The sign is proposed to be 20 metres in height; however the land is presently occupied by several 23 metre high electrical transmission towers, meaning that the rural visual character is already compromised by tall structures on the property. The proposed sign will not significantly exacerbate this situation.

- *To provide for a range of compatible land uses, including extensive agriculture.*

Comment: The proposal will not restrict the future approval of other permissible and compatible land uses over the site.

- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*

Comment: While the businesses promoted on the proposed sign are not land uses which are specifically required in a rural zone, they are uses which compliment rural land pursuits and surrounding land uses.

- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*

Comment: The proposed sign will not compromise the rural capability and suitability of the land.

- *To maintain and enhance the scenic character of the land.*

Comment: The scenic character of the land has been impacted by the existing 23 metre high electrical transmission towers on the site. The proposed sign will be of a similar scale and size to the electrical towers. The proposed sign is therefore not likely to further denigrate the scenic character of the land.

Planning and Environment

Report No. PE53/2016

Planning and Environment



- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*

Comment: Consistent.

- *To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.*

Comment: No clearing is necessary.

- *To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.*

Comment: The proposal does not require the clearing of vegetation, construction of access roads or buildings, and only minimal earthworks are necessary to erect the sign.

- *To ensure development does not intrude into the skyline when viewed from a road or other public place.*

Comment: There is a strong likelihood that the proposal will intrude into the skyline when viewed from a road or public place. The proposed sign is 20 metres in height, while existing electrical infrastructure nearby stands at 23 metres. The electrical towers intrude into the skyline when viewed from the Hunter Expressway. The sign is proposed within a similar portion of the land as the towers, therefore it can be determined that the sign will protrude in a similar manner as the towers.

In consideration of the above, the proposed development is not consistent with this objective.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the numerical standards contained within Chapter D.5 Outdoor Signage, of Cessnock Development Control Plan 2010 (DCP 2010). Discussion of any variations to the standards is provided after the compliance table:

i. Aims and Objectives

The aims and objectives of this chapter provide guidelines for the construction and display of signage in the area. Of relevance to this proposal is objective (i) which specifies:

- (i) *Ensure that signage does not adversely affect the safety or motorists and pedestrians.*

As has been previously raised within this report, the position of the sign adjacent to the Hunter Expressway is a strong consideration for this proposal. The sign is positioned alongside the south bound Kurri Kurri off-ramp. As vehicles travel south on the Hunter Expressway they are unable to view the sign until after the off-ramp has commenced. The RMS have advised that there is insufficient time for motorists to be able to react and make a decision to access the off-ramp and travel to the businesses identified on the sign. This

Planning and Environment

Report No. PE53/2016

Planning and Environment



creates an unsafe scenario for motorists on the Hunter Expressway and for this reason, compliance with the objective (i) of Part D.5 Outdoor Signage in the Cessnock DCP 2010, cannot be achieved.

6.3.1 Business Identification Signs

In accordance with this part of Cessnock DCP 2010, the sign is defined as a business identification sign, which is proposed to take the form of a post, pole or pylon sign. The below table outlines the requirements for post, pole or pylon signs in accordance with this provision:

Requirements	Compliance	Comment
The sign shall comply with the following:		
a. shall not project beyond the boundary of a property	YES	The proposed business identification sign is wholly contained within the property boundaries.
b. where two signs are proposed the second sign shall have the same setback and be of uniform design and spacing	N/A	N/A, only 1 sign proposed.
c. maximum signage area and maximum height shall not exceed: <ul style="list-style-type: none"> · 3.0m² and 2000mm high in rural areas; · 8.0m² and 8000mm high in business areas; and · 10.0m² and 8000mm high in industrial areas; 	NO	<p>Site is zoned RU2 – Rural Landscape.</p> <p>The primary business identification sign will have an area of 30.2sqm, while the additional four proposed business identification signs will each have an area of 5.6sqm.</p> <p>The sign is proposed to stand 20 metres high. This exceeds the maximum height requirement by 1000%.</p>
d. signs for businesses operating in residential areas under existing use rights will be assessed on their merits. Maximum signage area is 2.0m ² and maximum height above ground is 2000mm	N/A	N/A, site is zoned RU2 – Rural Landscape.

Planning and Environment

Report No. PE53/2016

Planning and Environment



<p>e. notwithstanding the above, the height of the structure shall not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1.0 kilometre;</p>	<p>YES</p>	<p>The site is considered to be within a rural landscape locality. That said, the rural landscape has been impacted by the construction of the Hunter Expressway and the existing 23m high electrical transmission towers on the property. The proposed sign (whilst being 20m in height) is comparable to the electrical transmissions towers, which reduces any adverse visual impact the sign may have on the rural landscape.</p>
<p>f. the Assessment Criteria at 5.6</p>	<p>N/A</p>	<p>The Assessment Criteria in 5.6 applies only to land in the RU4 zone.</p>

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No such agreement has been proposed as part of this application.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is likely to have a significant impact on the built environments. In particular, vehicular safety for motorists travelling on the Hunter Expressway is compromised.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be unsuitable for the proposed development. Specifically, the unsafe environment created by the location of the sign to the Hunter Expressway and the inability for vehicles to turn onto the off-ramp with sufficient time, demonstrates this unsuitability.

(d) Any submissions made in accordance with this Act or the Regulations

The Development Application was not required to be publicly exhibited.



(e) The public interest

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Based on the above assessment, the proposed development is contrary to the public interest given the potential for safety impacts associated with the adjoining Hunter Expressway.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions are not payable for the proposal.

INTERNAL REFERRALS

The Development Application was not required to be referred to any Council Officers for assessment.

EXTERNAL REFERRALS

The Development Application was referred to the following external agency/agencies for comment:

Agency	Comment
Roads and Maritime Service	<p>The proposal has been referred to the RMS twice for comment.</p> <p>The initial referral comments stated:</p> <p><i>“The RMS has reviewed the information provided and objects to the proposal for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the Hunter Expressway onto the off-ramps.</i> • <i>There is no provision to turn right out of the service station to continue their journey south onto the Hunter Expressway”.</i> <p>The applicant was invited to respond to the RMS comments and subsequently provided the following information:</p> <p>Point 1</p> <p><i>“The proposed sign is not designed to attract vehicles from the Hunter Expressway. It is designed to advise motorists travelling on the interchange off-ramp of the businesses/ facilities available on the subject site. The sign will not be fully visible until motorist are on the ramp and will allow sufficient time to make a decision to</i></p>



	<p><i>turn left or right onto Main Road. This will have positive benefits for road safety as motorists approach the roundabout on Main Road.”</i></p> <p>Point 2 <i>“The development approval for the service station... was given on the basis of left in / left out vehicular access only, on Main Road. It is designed to provide these facilities for motorists exiting the Hunter Expressway (west and east bound) and from Kurri Kurri with destinations towards Maitland and beyond on Main Road.”</i></p> <p>These statements are in contradiction to the submitted Statement of Environmental Effects which states: <i>“The location of the sign ensures that the travelling public on the Hunter Expressway are able to identify the site at a safe distance to exit the Expressway at the Kurri Kurri Interchange.”</i></p> <p>It is also evident from a site inspection carried out and the submitted photomontage, that the sign will be clearly visible to motorists travelling south on the Hunter Expressway and not solely to vehicles already on the interchange off-ramp. The applicant was advised that if the intention is <i>“to advise motorists travelling on the interchange off-ramp”</i> then they should consider reducing the sign size and repositioning the sign further south along this boundary (so that it is only visible to vehicles on the interchange off-ramp), or even along the Main Road frontage. The applicant declined to amend the proposal.</p> <p>The applicant made a small change to the sign whereby the advertising material was removed (i.e. the price board component). This meant that the sign could no longer be considered as an advertising structure (see discussion in SEPP 64 above) and the formal concurrence of the RMS was not required. Despite this, a business identification sign can still be referred to the RMS for comment, especially noting that the RMS is the land owner of the adjoining Hunter Expressway. The application was once again re-referred to the RMS and the additional comment was received:</p> <p><i>“RMS has reviewed the information submitted by the applicant and confirms that Point 8 under Schedule 1 of SEPP 64 has not been complied with.</i></p> <p><i>The proposal would reduce the safety of the classified road network as the size and location of the sign (as shown in the drawings) will be visible by vehicles on the Hunter Expressway. The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the Hunter Expressway onto the off-ramps”.</i></p>
--	---



Ausgrid	<p>Due to the nature of the proposal and its proximity to existing Ausgrid infrastructure, the proposal was referred to Ausgrid in accordance with Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Ausgrid advised that due to the proximity encroachment of the proposed sign to the electrical assets, the installation may be subject to hazardous Earth Potential Rise voltages during electrical fault events.</p> <p>Ausgrid requested an earthing review to be undertaken to assess hazards caused these potential (EPR) voltages.</p> <p>It was determined that, in the event the application is approved, this review could form a condition of consent requiring satisfactory completion prior to a construction certificate being issued.</p>
---------	---

CONCLUSION

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

The proposed sign presents significant and likely safety implications for vehicles travelling on the Hunter Expressway. The sign is of a scale and size that does not comply with numerical provisions of the Cessnock Development Control Plan 2010.

Based on the assessment, Development Application No. 8/2015/663/1 is recommended for refusal based on the reasons included in this report.

ENCLOSURES

- 1 Lodgement Plan 1
- 2 Lodgement Plan 2
- 3 View of site
- 4 RMS Referral 5 February 2016
- 5 RMS Referral 16 June 2016
- 6 Photo Montage 20 Metres
- [7](#) Draft Conditions of Consent

REASONS FOR REFUSAL

1. The development is contrary to the provisions of Council's Development Control Plan 2010 *Chapter D.5 – Advertising Signage* in that the maximum display area and height of the sign is exceeded and an objective is not complied with (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979).
2. The development is contrary to the provisions of the *State Environmental Planning Policy No 64 – Advertising and Signage* in that the *Schedule 1 Assessment Criteria* is not complied with (Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
3. The development is likely to have an unsafe impact on the built environment (Section 79C(1)(b) Environmental Planning and Assessment Act 1979).
4. The development is not suitable on the site given the unsafe vehicle situation likely to arise with the sign location (Section 79C(1)(c) Environmental Planning and Assessment Act 1979).
5. The development is not in the public interest in that an unsafe environment is likely to be created for passing motorists viewing the sign (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).



SUBJECT: *18/2014/4: PLANNING PROPOSAL - ORICA*
RESPONSIBLE OFFICER: *Strategic Land Use Planner - Iain Rush*
Strategic Land Use Planning Manager - Martin Johnson

APPLICATION NUMBER:	18/2014/4
PROPOSAL:	Planning Proposal – Orica
PROPERTY DESCRIPTION:	Lot 2 DP 809377
PROPERTY ADDRESS:	1151 George Booth Drive Richmond Vale
ZONE: (CURRENT)	RU2 Rural Landscape under LEP 2011.
ZONE (PROPOSED)	Not applicable – an Additional Permitted Use is proposed
OWNER:	Orica Australia Pty Ltd
PROPONENT:	Urbis Pty Ltd

SUMMARY

The purpose of this Report is to advise Council of the outcome of the public exhibition of the Orica Planning Proposal and seek Council’s endorsement to make the proposed amendment to the *Cessnock Local Environmental Plan 2011* (LEP 2011). Council has been delegated the authority to exercise the functions of the Minister for Planning and Environment to make the proposed amendment to the LEP 2011. The Report also seeks Council’s endorsement of the associated Planning Agreement and to delegate the function of executing the Agreement to the General Manager.

RECOMMENDATION

1. That Council endorse the Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011* to accommodate the approved and existing use of the site as a ‘Technology Centre and Explosives Research and Production Facility’; and
2. That Council delegate authority to the General Manager to execute the associated Planning Agreement.

BACKGROUND

The Planning Proposal was originally supported by Council in December 2014, at which time it was proposed to rezone the site a combination of SP1 Special Activities Zone and E2 Environmental Conservation Zone to accommodate the existing use of the site as a ‘Technology Centre and Explosives Research and Production Facility’. A Gateway determination was issued in respect of the original Planning Proposal in February 2015.

Planning and Environment

Report No. PE54/2016

Planning and Environment



Following the issue of the Gateway determination, extensive discussions took place between Orica, Council and the NSW Office of Environment and Heritage (OEH) to develop a preferred planning approach that would ensure both environmental conservation and the ongoing viability of Orica's facility at Richmond Vale. The outcome of these discussions was a revised Planning Proposal to introduce an Additional Permitted Use (APU) over part of the site, rather than rezone the equivalent area SP1 Special Activities Zone. The revised Planning Proposal provides greater certainty regarding the extent of future development within the site and of vegetation clearing, which will be limited to approximately 12 hectares, as opposed to a potential 100 hectares under the original Planning Proposal.

The amended Planning Proposal was reported to the meeting of Council on 3 February 2016 where it was resolved:

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.*

An amended Gateway determination was issued by the Department of Planning and Environment (DoPE) on 17 March 2016. The amended determination supported the revised approach and Council's request for delegated authority to exercise the functions of the Minister for Planning and Environment to make the amendment to the LEP 2011.

On 25 May 2016, the proponent submitted a draft Planning Agreement to Council in relation to biodiversity conservation. The Planning Proposal and draft Planning Agreement were subsequently placed on public exhibition for 28 days, between 1 June 2016 and 28 June 2016. The exhibition period resulted in one submission from an adjacent property owner and this is addressed in the consultation section of this Report. No objections to the Planning Proposal or Planning Agreement were raised by public authorities.

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 was 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, NSW Office of Environment and Heritage and NSW Department of Planning and Environment 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 an amended Planning Proposal seeking inclusion of an Additional Permitted Use over part of the site.
Feb 2016	Amended Planning Proposal is supported by Council.
March 2016	Amended Gateway determination issued by the Department of Planning and Environment in respect of the Planning Proposal.
May 2016	Draft Planning Agreement submitted to Council in relation to biodiversity conservation.
1 Jun 2016 to 28 Jun 2016	Public exhibition of Planning Proposal and Planning Agreement, resulting in one submission from an adjacent property owner. No objections to the Planning Proposal or Planning Agreement were raised by public authorities.



Figure 1 – Subject Site, 1151 George Booth Drive Richmond Vale



REPORT/PROPOSAL

The 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 **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.

Figure 2 – Area Subject to Proposed APU Provision (Hatched)



The Planning Proposal reflects provisions that formally applied to the entire site under the LEP 1989. The Proposal will allow for limited expansion of Orica's existing development while facilitating environmental conservation outcomes over the majority of the site.

Planning and Environment

Report No. PE54/2016

Planning and Environment



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 specifies that the proponent will 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* for each future development application or major project relating to the site. A copy of the Planning Proposal and Planning Agreement are provided at **Enclosure 1** and **Enclosure 2**, respectively.

The Planning Proposal and Planning Agreement were placed on public exhibition between 1 June and 28 June 2016, being 28 days in accordance with the Gateway determination. The exhibition period resulted in one submission and this is addressed in the consultation section of this Report.

In accordance with the requirements of the Gateway determination, the Planning Proposal was updated following public exhibition to reflect the outcome of community and public agency consultation. Minor amendments have also been made to the wording of the Planning Agreement following public exhibition to clarify certain clauses of the document. However, the changes have not altered the intent of the Agreement, which is to ensure that the land owner commits to entering into a Biobanking Agreement with the NSW Office of Environment and Heritage to secure environmental offsets and retire biodiversity credits for each future development application or major project relating to the site.

OPTIONS

Council has the following options:

1. Submit the Planning Proposal to the Department of Planning and Environment as an amendment to the *Cessnock Local Environmental Plan 2011*. This is the recommended option.
2. Not proceed with the Planning Proposal for the following reasons:

(To be provided by Council).

CONSULTATION

The Planning Proposal and Planning Agreement were exhibited concurrently between 1 June 2016 and 28 June 2016, being 28 days in accordance with the Gateway determination. The exhibition period resulted in one submission from an adjacent property owner. The submission raises concerns that the proposed Additional Permitted Use (APU) will extend to adjoining land, including the submitter's land, which is not owned by Orica. The concerns raised in the submission were discussed with the adjoining property owner, who has misinterpreted the extent of land to which the Planning Proposal relates. It was explained that the Planning Proposal only relates to Lot 2 DP 809377, which is wholly owned by Orica and that the proposed APU will only apply to that land hatched in **Figure 2**. No objections to

Planning and Environment

Report No. PE54/2016

Planning and Environment



the Planning Proposal or Planning Agreement were raised by public authorities. A copy of the public authority submissions are contained within **Enclosure 1**.

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 considered to be consistent with relevant State Environmental Planning Policies and Section 117 Ministerial Directions.

IMPLICATIONS

a. Policy and Procedural Implications

This Report has regard to the provision of the Environmental Planning and Assessment Act 1979 and associated Regulations. The current status of the planning proposal is identified in the following process.



PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



Planning and Environment

Report No. PE54/2016

Planning and Environment



b. Financial Implications

The cost of finalising the Planning Proposal and Planning Agreement will be met through rezoning fees. This Planning Proposal is considered to be a Category B rezoning application and attracts a Phase 1 fee of \$4,305 and Phase 2 fee of \$9,170.

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

The Planning Proposal will provide certainty for the long term use of the site as a 'Technology Centre and Explosive Research and Production Facility'. The Proposal also enable limited expansion of existing operations in the site while facilitating environmental conservation outcomes.

e. Other Implications

NIL

CONCLUSION

The Planning Proposal will introduce an Additional Permitted Use (APU) over part of Lot 2 DP 809377 to enable limited expansion of the existing use of the site as a 'Technology Centre and Explosives Research and Production Facility' and will facilitate environmental conservation outcomes over the majority of the site. The Proposal reflects provisions that formally applied to the entire site under the LEP 1989.

The Planning Proposal and associated Planning Agreement were placed on public exhibition for 28 days in accordance with the Gateway determination. One submission from an adjacent property owner was received and this is addressed in the body of this Report. Public authorities consulted raised no objections to the Planning Proposal.

It is recommended that Council now endorse the Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011* and delegate the function of executing the associated Planning Agreement to the General Manager.

ENCLOSURES

- 1 Planning Proposal
- 2 Planning Agreement
- 3 Submission



SUBJECT: *MODIFICATION TO CLIFTLEIGH LOCAL INFRASTRUCTURE VOLUNTARY PLANNING AGREEMENT*

RESPONSIBLE OFFICER: *Coordinator Strategic Land Use Planning - Bo Moshage
Strategic Land Use Planning Manager - Martin Johnson*

SUMMARY

APPLICATION NUMBER:	14/2007/757/13
PROPOSAL:	Local Infrastructure Voluntary Planning Agreement
PROPERTY DESCRIPTION:	Lot 200 DP 1196167
PROPERTY ADDRESS:	21 Main Road, Cliftleigh
CURRENT ZONE	R2 – Low Density Residential RE1 – Public Recreation
OWNER:	Winten (No23) Pty Limited
PROPONENT:	Winten (No23) Pty Limited

Winten (No23) Pty Ltd have submitted an offer that proposes to modify the Cliftleigh Local Infrastructure Voluntary Planning Agreement (VPA), executed between Cessnock City Council and Winten (No 23) Pty Ltd on 20 August 2008.

The proposed modifications address issues concerning the efficient application and interpretation of the VPA and the changing circumstances regarding public facilities. The proposed modifications maintain the Developer Contributions prescribed under the original VPA and re-allocate funds where facility provision has changed. There is no intention to reduce the level of Developer Contributions prescribed in the original VPA.

This Report summarises key elements of the offer by Winten (No23) Pty Ltd and recommends that Council prepare a draft (modified) VPA and make this available for inspection by the public for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

RECOMMENDATION

1. That Council accept the offer by Winten (No23) Pty Ltd to modify the Cliftleigh Voluntary Planning Agreement.
2. That Council prepare a draft (modified) Voluntary Planning Agreement and make this available for inspection by the public for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act.
3. That Council receive a report back on the draft (modified) Voluntary Planning Agreement if unresolved written objections are received, otherwise the Voluntary Planning Agreement be finalised.

4. That Council authorise the General Manager to execute the Voluntary Planning Agreement between Cessnock City Council and Winten (No23) Pty Ltd.

Chronology

DATE	BRIEF DETAILS
4 February 2016	Preliminary meeting to discuss proposed modifications to the Cliftleigh Local Infrastructure VPA
11 March 2016	Council review preliminary application to modify the Cliftleigh Local Infrastructure VPA and request further information
4 April 2016	Additional information provided
2 May 2016	Council review additional information and write to proponent requiring further justification and clarification
4 May 2016	Proponent met with Mayor and General Manager to discuss proposed modifications to the Cliftleigh VPA
11 May 2016	Meeting to discuss and clarify preliminary information and justification requirements associated with 2 May 2016 correspondence
16 June 2016	Following various email exchanges Council again writes to the proponent to clarify information requirements to modify the Cliftleigh Local Infrastructure VPA
6 July 2016	Meeting to discuss and review information associated with the proposed modification of the Cliftleigh Local Infrastructure VPA
8 July 2016	Formal request to modify Cliftleigh Local Infrastructure Voluntary Planning Agreement made
15 July 2016	Meeting to discuss and review the final Cliftleigh Local Infrastructure Voluntary Planning Agreement

BACKGROUND

Since construction works commenced in 2010 on the Cliftleigh Urban Release Area and the first residential lots were released, Winten (No23) Pty Ltd have advised Council that the Cliftleigh Local Infrastructure Voluntary Planning Agreement (VPA) executed on 20 August 2008 requires modifications due to the issues listed below:

1. To address ambiguities or inconsistencies with the Development Consents issued for the Cliftleigh Urban Release Area.
2. To address changes to development staging, in accordance with Development Consent conditions, but not envisaged in the original VPA.
3. To address modifications being sought by Cessnock City Council due to changes in circumstances with respect to the proposed level of public facilities resulting from additional urban development within the Cessnock and Maitland Local Government Areas that were not envisaged at the time of the original VPA.

Planning and Environment

Report No. PE55/2016

Planning and Environment



The proposed modifications will address the issues concerning the efficient application and interpretation of the VPA and the changing circumstances regarding public facilities. The proposed modifications maintain the Developer Contributions prescribed under the original VPA and re-allocate funds where facility provision has changed. There is no intention to reduce the level of Developer Contributions prescribed in the original VPA.

The proposed modifications will address both the adjustments to the VPA that have been negotiated and the subsequent delivery and dedication of these works/facilities to Council.

REPORT/PROPOSAL

The Cliftleigh Local Infrastructure VPA was executed on 20 August 2008 and generally provides for either monetary contributions or works in kind, covering the provision of the following outcomes:

- Rehabilitation of Testers Hollow to provide passive open space and wetlands, including a 5 year maintenance period;
- Playing fields, amenities and car parking at Testers Hollow;
- Testers Hollow local park and playground;
- Testers Hollow neighbourhood centre / child care facility;
- Land for the proposed 'Hilltop' Park;
- Contributions towards library services;
- Contributions towards aquatic facilities;
- Traffic management / cycle ways / pedestrian facilities;
- Major road and bridge works; and
- Contribution towards public car parking provision in the Kurri Kurri CBD.

The proposed modifications address the staging of works, provision of public facilities and dedication of open space to Council resulting from the proponents adopted staging under various Development Consents and the change in circumstances with respect to the proposed level of public facilities resulting from additional urban development within the Cessnock and Maitland LGA's that were not envisaged at the time of the original VPA.

Winten (No23) letter of offer dated 8 July 2016 is attached as **Enclosure 1**. The proposed modifications as offered by Winten (No23) are noted in Table of Proposed Amendments as **Enclosure 2** and the Proposed Contributions Schedule as **Enclosure 3** to this report.

The total contribution is valued at \$14.836 million dollars (inclusive of district roads and bridges) and remains unaltered by the proposed modifications.

OPTIONS

1. Support the recommendations. Support will facilitate finalisation of the initial offer to modify the Cliftleigh Voluntary Planning Agreement into a draft VPA and notification of the draft VPA. This option is recommended.
2. Not support the recommendations for the following reasons:

(To be provided by Council).

CONSULTATION

Team Leader, Development Services (Planning and Environment), Principal Community Planner (Corporate and Community Services) and Strategic Recreation and Community Facilities Planner (Works and Infrastructure) assisted in the review and timing of infrastructure demand likely in Cliftleigh Urban Release Area.

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

Nil.

IMPLICATIONS

a. Policy and Procedural Implications

The modified VPA must now be written into a formal and legally binding document in accordance with the Environmental Planning and Assessment (EPA) Act 1979, with the assistance of solicitors acting for both Council and the proponent. The EPA Act requires that the modified VPA must be notified for a minimum of 28 days for public comment before it can be formally entered into by Council.

The draft VPA and supporting documentation will be available for viewing at the following locations:

- Council's Administration Building (Customer Service Section);
- Cessnock and Kurri Kurri Public Libraries;
- Council's website at www.cessnock.nsw.gov.au

A further report to Council will be provided after the public notification period of the draft VPA if unresolved written objections are received during the community notification period, otherwise the draft VPA will be finalised as a legally binding document on both parties for development in the Cliftleigh Urban Release Area.

b. Financial Implications

The total contribution is valued at \$14.836 million dollars (inclusive of district roads and bridges) and remains unaltered by the proposed modifications.

The cost of plan preparation (modification) will be directly met by the developer.

Planning and Environment

Report No. PE55/2016

Planning and Environment



c. Legislative Implications

This report has regard to the provisions of 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 Modification of the Cliftleigh VPA supports the current staging and proposed service and facility delivery in and around the Cliftleigh Urban Release Area. The intent of the modified VPA are to ensure the timely provision of services and infrastructure, plan for suitable access and provide for adequate community/recreational services and facilities.

ENCLOSURES

- 1** VPA Offer - Winten (No23) Pty Ltd
- 2** Table of Proposed Amendments
- 3** Proposed Contribution Schedule

SUBJECT: *STRATEGIC PROPERTY REVIEW - PHASE 2 PROGRESS REPORT - PART 2*

RESPONSIBLE OFFICER: *Integrated Planning & Strategic Property Manager - Bronwyn Rumbel*

SUMMARY

This is part 2 of the progress report of phase 2 of the Strategic Property Review – a project of the Financial Sustainability Initiative.

RECOMMENDATION

1. That Council receive and note the information on the progress of the Strategic Property Review.
2. That Council transfer Lot 6, DP9252, North Ave Cessnock (Parcel ID 3372) to the Property Investment Fund.
3. That Council confirm its previous resolution of 20 November 2002 to commence the process to reclassify the site from community land to operational land.
4. That Council request a Gateway determination for a Planning Proposal, to reclassify the site, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
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.
6. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

BACKGROUND

At its meeting of 20 July 2014, Council endorsed the Financial Sustainability Initiative and the initial scoping of its projects.

One of those projects was the Strategic Property Review with the intent of updating Council's property investment and management framework with a focus on ensuring the community's needs are met by a balanced property portfolio that provides services as well as sustainable revenue-generating opportunities.

The progress of Phase 1 of the review was reported to Council in September 2014. Phase 1 of the project focused on developing a framework for the ongoing management of Council's portfolio (of approximately 800 lots) including a new Property Investment Policy, an amended Property Management Policy and updated Property Management Guidelines.

Planning and Environment

Report No. PE56/2016

Planning and Environment



Council considered the first part of the progress report on phase 2 of the Strategic Property Review on 17 February 2016 (in PE6/2016 which contains the background and context to this report) and resolved:

1. *That Council receive and note the information on the progress of the Strategic Property Review.*
2. *That Council transfer Lot 1210, DP1102977, Stage 8 Vineyard Grove (Parcel ID 505909) to the Property Investment Fund, undertake the preliminary investigation, design and approvals (funded from the Property Investment Fund) and incorporate consideration of the development into the 2016-17 Capital Works Program.*
3. *That Council vote expenditure, in the March Quarter Budget Review, of \$75,000 for the commencement of preliminary investigation, design and approvals of Vineyard Grove – Stage 8 to be funded from the Property Investment Fund*

REPORT/PROPOSAL

Strategic Property Review Phase 2

As outlined at the Councillor Briefing in November 2015, Stage 1 of the review comprised 38 lots – 21 of which are proposed to be transferred to the Property Investment Fund. A summary of the Stage 1 lots (as presented to that briefing) is outlined below in Table 2 below:

Table 2 – Strategic Property Review project overview – Stage 1 properties

Lots	Properties	Proposed Action
8*	5*	Transfer to the Property Investment Fund Reclassify from community to operational.
9	2	Transfer to the Property Investment Fund Reclassify from community to operational and rezone
3	3	Transfer to the Property Investment Fund Sale
1	1	Transfer to the Property Investment Fund Develop
17	5	Further investigation

- The property that is the subject of this report is one of the properties in this group.

This part 2 progress report relates to the transfer of one property to the Property Investment Fund for reclassification. Reports on the other Stage 1 properties will be reported separately to future Council meetings.

Proposed reclassification from community to operational

<i>Lots</i>	<i>Properties</i>	<i>Details</i>
1	1	North Ave Cessnock (Pensioners Hall)



It is proposed to transfer one property to the Property Investment Fund and then commence the process to reclassify it from community land to operational land.

The *Local Government Act 1993* requires all land to be classified as either community land or operational land. (Where a council does not classify land within three months of acquiring it, it becomes 'community land').

It is proposed to reclassify the site from community land to operational land through an amendment to Council's Local Environmental Plan (LEP). The procedures under the *Environmental Planning & Assessment Act 1979 (EP&A Act)* will apply, with the addition of a public hearing. In summary:

- A planning proposal (to reclassify land) is prepared and forwarded by Council to the Department of Planning & Environment seeking a Gateway determination.
- Council will undertake appropriate consultation including conducting a public hearing (in accordance with section 57(6) of the EP&A Act).
- Council considers submissions and the report of the public hearing and, where the planning proposal is to proceed, an amendment to the LEP is drafted to give effect to the final proposal.
- The Minister (or delegate) determines to make the amendment to the LEP.

Should Council resolve to proceed in accordance with the recommendation, a planning proposal will be prepared for all of the Stage 1 properties that Council endorses (in this and future reports) to be changed from community land to operational land without a further report to Council.

CONSULTATION

Council's Executive Project Officer undertook the research and drafting of documents for phase 2 of the Strategic Property Review project.

Council's external audit manager provided advice regarding the accounting treatment for investment properties, non-current assets held for sale and inventory; and this was reviewed by the Chief Financial Officer.

The Recreation Services Manager, Strategic Recreation & Community Facilities Planner, Community & Cultural Engagement Manager, Principal Community Planner, Economic Development Manager, Strategic Land Use Planning Manager, Strategic Asset Planning Manager and Senior Property Officer have provided input into the project and feedback on the draft phase 2 reports.

The General Manager, Director Planning & Environment, Director Works and Infrastructure and Director Corporate & Community Services have been consulted on the Strategic Property Review Project and this report.

Councillors were briefed on this phase of the project in July and November 2015.

STRATEGIC LINKS

Delivery Program

This project is in line with the community's desired outcome of: *Civic Leadership and Effective Governance.*"

In particular, it is progressing Action 5.3.7a of the 2015-16 Operational Plan: "*Progress the Financial Sustainability Initiative and other projects from Council's Improvement Proposal*".

IMPLICATIONS

a. Policy and Procedural Implications

Council's property investment and management activities are guided by the Property Investment Policy, Property Management Policy and Property Management Guidelines.

b. Financial Implications

As noted above, Council's external audit manager provided advice regarding the accounting treatment for investment properties, non-current assets held for sale and inventory; and this was reviewed by the Chief Financial Officer.

c. Legislative Implications

Council's property activities are managed within legislative parameters, including:

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2005*
- *Land Acquisition (Just Terms) Compensation Act, 1991*

Planning and Environment

Report No. PE56/2016

Planning and Environment



- *Roads Act, 1993*
- *Real Property Act, 1900*
- *Conveyancing Act, 1919*
- *Minister for Local Government's Investment Order*
- *Residential Tenancies Act 2010*
- *Retail Leases Act 1994*
- *Valuation of Land Act 1916*
- *Environmental Planning and Assessment Act 1979*
- *Crown Lands Act 1989*

d. Risk Implications

Council has two distinct roles in its property activities – as the developer seeking the best possible return for its property; and as a statutory authority responsible for the assessment and approval of any Development Application for the property. Council must exercise particular care to ensure its roles as consent authority and as a developer are kept separate and are seen to be separate.

Council's adopted Property Investment Policy states that Council will not acquire any property from or dispose of any property to any Councillor, employee or consultant of the Council who has been involved in any process related to a decision to acquire or dispose of the property and/or the establishment of a reserve price.

Section 716(3) of the *Local Government Act 1993* states that *land may be sold (under this Division) to the Council, a Councillor, a member of staff of the council or any relative a member of staff of the Council in the case of sale by public auction, but may not be so sold by private treaty.*

To mitigate risks in its dealings, the recommendations of the 2013 ICAC report on the investigation into Cessnock City Council have been incorporated into the Property Management Guidelines.

The process to release property, as outlined in the Property Management Guidelines, is based on the key principles of transparency and equity. The Guidelines outline a number of disposal methods including: open market, expression of interest, tender, public auction and negotiation (and the considerations for selecting a suitable disposal method).

e. Other Implications

N/A

Planning and Environment

Report No. PE56/2016

Planning and Environment



CONCLUSION

The Strategic Property Review is progressing and will, in the medium to long-term, provide additional revenue streams that will assist in realising the direction and objectives of the Financial Sustainability Initiative and Council's *Fit for the Future* Improvement Proposal.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *INTEGRATED PLANNING & REPORTING PROGRAM - PROPOSED ENGAGEMENT STRATEGY*

AUTHOR: *Integrated Planning & Strategic Property Manager - Bronwyn Rumbel*

SUMMARY

This report outlines the Engagement Strategy that is proposed as part of the 2017-21 Integrated Planning and Reporting Cycle.

RECOMMENDATION

That Council endorse the proposed Engagement Strategy for the 2017-21 round of integrated planning and reporting.

BACKGROUND

The election of a new Council heralds a new round of Integrated Planning and Reporting.

The Community Strategic Plan must be reviewed every four years. The newly elected Council must complete the review by 30 June 2017 and roll the plan forward so it covers, as a minimum, a ten-year time horizon.

The review of the Community Strategic Plan must include:

- Consideration of the End-of-Term Report (from the outgoing Council on the implementation and effectiveness in achieving the social, economic, environmental and civic leadership objectives over the past four years);
- A review of the information that informed the current Community Strategic Plan (*Cessnock 2023*); and
- A Community Engagement Strategy.

A newly elected Council must prepare a new Four-Year Delivery Program detailing the principal activities it will undertake to achieve the objectives established in the community strategic plan within the resources available under the Resourcing Strategy.

In summary, the objectives of the 2017-21 Integrated Planning & Reporting program are:

- To ensure that the Community Strategic Plan reflects the aspirations of the community;
- To get commitment from the elected Council and staff to the Resourcing Strategy and 2017-21 Delivery Program; and
- To meet legislative and regulatory requirements.

The key milestones for this round of the Integrated Planning and Reporting program are detailed in Table 1 below.

Planning and Environment

Report No. PE57/2016

Planning and Environment



Table 1: Integrated Planning & Reporting Milestones

Date	Milestone
30 June 2017	Council to endorse the Community Strategic Plan
30 June 2017	Council to adopt the Resourcing Strategy and 2017-21 Delivery Program

REPORT/PROPOSAL

Integrated Planning & Reporting Framework

The Integrated Planning and Reporting framework comprises a hierarchy of documents: the Community Strategic Plan, the Delivery Program and Resourcing Strategy, and the Annual Operational Plan.

The Community Strategic Plan is Council’s highest level plan. Its purpose is to identify the community’s main priorities and aspirations for the future.

The current Community Strategic Plan, *Cessnock 2023*, was adopted in 2013 following extensive community engagement during 2010 to develop the original plan (*Cessnock 2020*) which identified five community outcomes underpinned by sixteen community objectives.

The desired outcomes of the community are:

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

The phase 1 amendments to the Local Government Act 1993 propose that regional priorities are reflected in individual Councils’ strategic business planning. In particular, the Community Strategic Plan should identify key regional priorities and strategies for the Council developed with adjoining Councils and agencies; while the Delivery Program should address key regional strategies including any proposed joint programs agreed regionally.

The Delivery Program systematically translates the community’s desired outcomes and objectives into initiatives to be undertaken by the Council during its four-year term. And together with the Resourcing Strategy they identify the resources – time, assets, money and people - to realise the objectives of the Community Strategic Plan.

The Operational Plan is a one-year slice of the Four-Year Delivery Program and includes an Action Plan, the annual Budget, the Capital Works program and the Revenue Policy.



Engagement Strategy

The phase 1 amendments to the Local Government Act 1993 propose that Councils be required to adopt a Community Engagement Strategy to inform all Council activities (other than routine business-as-usual operations), not only those directly associated with development of the Council’s Integrated Planning and Reporting framework.

In anticipation of this change, Council has prepared a Community Engagement Strategy (refer **Enclosure 1**) that will be updated once the guidelines containing the prescribed minimum requirements for public consultation are published by the Office of Local Government.

The development of documents for the 2017-21 Integrated Planning and Reporting cycle will have a high level of impact across the Local Government Area. As a result, the Engagement Strategy will focus on informing, consulting, involving and collaborating with key stakeholders.

The key stakeholders identified in the review, update and development of these key planning documents, are detailed in Table 2 below:

Table 2: Integrated Planning & Reporting Stakeholders

Stakeholder	Interest
Community - including individuals, community groups, not-for-profit organisations, businesses and business/industry associations, environment groups, etc.	<ul style="list-style-type: none"> that their aspirations are reflected in the Community Strategic Plan that they are committed to implementing the strategies that they are responsible for in the Community Strategic Plan
Elected Council	<ul style="list-style-type: none"> that the broader community’s interests are reflected in the Community Strategic Plan that the Delivery Program reflects their commitment to the community (to achieve the Community Strategic Plan) during the next four years
Staff	<ul style="list-style-type: none"> that the Resourcing Strategy and Delivery Program are realistic and achievable and that the initiatives identified will contribute to achieving the outcomes in the community Strategic Plan
Other levels of Government and Government Agencies	<ul style="list-style-type: none"> that there is consistency between the Community Strategic Plan and Regional and State Plans that they are committed to implementing the strategies that they are responsible for in the Community Strategic Plan

Planning and Environment

Report No. PE57/2016

Planning and Environment



A range of methodologies will be used as part of the Engagement Strategy for the 2017-21 Integrated Planning and Reporting cycle, including:

- Staff Meetings
- Councillor Workshop and Briefings
- Community Survey
- Displays at Administration centre, libraries
- Mailout with rate notices
- Newspaper advertisements
- On-line engagement
- Community meetings
- Information/stalls at community events
- Public Exhibition

OPTIONS

While the review, update and development of these key planning documents are required by legislation; the Council does have discretion regarding the extent of the Councillor involvement in this process.

There are two options for Council’s consideration:

Option 1 – Adopt a similar program to that adopted for the preparation of the 2016-17 Operational Plan comprising five Councillor Briefings.

Not Recommended.

Option 2 – Add additional full-day Councillor Workshop/s to the Integrated Planning and Reporting program.

Recommended – the additional time that this affords will be invaluable given the expected number of newly-elected Councillors that will be unfamiliar with this process; and the additional planning documents to be reviewed and developed during this Integrated Planning and Reporting cycle.

The key milestones in Option 2 are detailed in Table 3 below.

Table 3: Integrated Planning & Reporting Councillor Involvement

Date	Event
November 2016 and/or February 2017	Councillor Workshop/s – Integrated Planning & Reporting Program
8 March 2017	Councillor Briefing – Overview & distribution of preliminary draft documents
22 March 2017	Councillor Briefing – Feedback on preliminary draft documents

Planning and Environment

Report No. PE57/2016

Planning and Environment



5 April 2017	Distribution of proposed draft documents
12 April 2017	Councillor Briefing – Questions & Answers on proposed draft documents
19 April 2017	Council Report - Adoption of draft documents for Public Exhibition
14 June 2017	Councillor Briefing – Feedback from public submissions
21 June 2017	Council Report – Adoption of Community Strategic Plan, 2017-21 Delivery Program, Resourcing Strategy, and 2016-17 Operational Plan.

CONSULTATION

The Community Engagement Strategy has been reviewed by the Executive, the Management Team and Council’s Senior Media & Communications Officer.

STRATEGIC LINKS

Delivery Program

The review of the Community Strategic Plan, *Cessnock 2023*, is deliverable 5.3.6 in the 2013-17 Delivery Program.

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

There is a budget provision of \$20,000 for the engagement activities associated with this round of the Integrated Planning and Reporting cycle.

c. Legislative Implications

Section 402 of the *Local Government Act 1993* requires Council to prepare a Community Strategic Plan; Section 403 of the *Local Government Act 1993* requires Council to prepare a Resourcing Strategy; Section 404 of the *Local Government Act 1993* requires Council to prepare a Delivery Program; and Section 405 of the *Local Government Act 1993* requires Council to prepare an Operational Plan.

As noted above, the phase 1 amendments to the Local Government Act propose that Councils be required to adopt a Community Engagement Strategy to inform all Council activities (other than routine business-as-usual operations), not only those directly associated with development of the Council’s Integrated Planning and Reporting framework.

Planning and Environment

Report No. PE57/2016

Planning and Environment



d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The overarching objective of the Engagement Strategy is to ensure that, moving forward into the next four-year Integrated Planning and Reporting cycle, there is commitment to the key planning documents from both internal and external stakeholders.

ENCLOSURES

- 1** Enclosure 1 - Community Engagement Strategy

Planning and Environment

Report No. PE58/2016

General Manager's Unit



SUBJECT: *CESSNOCK CORRECTIONAL CENTRE EXPANSION*

RESPONSIBLE OFFICER: *Director Planning and Environment - Gareth Curtis*

SUMMARY

On 26 July 2016, Council received a standard form letter from JBA Urban Planning Consultants on behalf of the NSW Department of Justice inviting comments regarding a proposed 1000 bed expansion of Cessnock Correctional Centre from the current capacity of "about 800 inmates". Additionally, the NSW Department of Justice is "currently targeting preparatory construction commencement in August 2016." Comments are requested by 8 August 2016.

The short timeframes provided to prepare a submission, combined with the absence of any background supporting studies, detailed plans or related documentation on which to base any comments, raises serious concerns over not only the proposal, but also the Government's commitment to work with Council to achieve positive outcomes for the Cessnock community.

A draft submission is attached for Council's consideration.

RECOMMENDATION

1. That Council endorse the submission to JBA Planning Consultants, acting on behalf of the NSW Department of Justice, reiterating Council's serious concerns and willingness to work together, in response to the proposed 1000 bed expansion of Cessnock Correctional Centre;
2. That Council write to the Hon. David Elliott, MP, Minister for Corrections attaching Council's endorsed submission and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;
3. That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;
4. That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;
5. That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;
6. That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process;

Planning and Environment

Report No. PE58/2016

General Manager's Unit



7. That Council write to the Hon. Leslie William, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.

BACKGROUND

On 26 July 2016, Council received standard form letters addressed to the General Manager and Mayor from JBA Planning Consultants (JBA) on behalf of the NSW Department of Justice (the Department). The form letter, attached in Enclosure 1, outlined the Department's proposed alterations and additions to Cessnock Correctional Centre involving an additional 1000 beds. The form letter outlined that the proposed expansion would involve:

- An additional 320 maximum security beds in four two-storey accommodation buildings;
- An additional 280 minimum security bed facility in four two-storey accommodation buildings;
- An additional 400 bed (at least) maximum security bed facility;
- A building containing industries such as kitchen, education and laundry for the maximum security inmates;
- A potential new inmate reception building within the existing centre;
- Playing fields and multipurpose courts;
- 500 additional staff and visitor parking spaces; and
- A modified road layout to include a new main entrance that would connect Lindsay Street with the main gate house along with a new road entry to Oakey Creek Road.

The form letter also provides that the proposed expansion will create up to 450 jobs during construction and up to 430 jobs afterwards.

JBA further advised that the Department is "currently targeting preparatory construction commencement in August 2016" and that works will be undertaken in accordance with the State Environmental Planning Policy (Infrastructure) 2007 (iSEPP).

The Department is required to prepare a Review of Environmental Factors (REF) under the Environmental Planning and Assessment Act 1979 (EPA Act) and the iSEPP. The form letter further advises that the REF will need to consider a number of issues including

- Social and economic impacts;
- Impacts on the amenity of adjoining and nearby neighbours;
- Traffic, access and parking during construction and operation;
- Geotechnical, contamination, stormwater and waste management;
- Impacts on flora and fauna on the site and in the locality; and
- Aboriginal heritage.

JBA are carrying community and stakeholder engagement in the development of the REF and Council has been invited to provide feedback to JBA by 8 August 2016.

The form letter from JBA is the first formal written notification of any proposed expansion at Cessnock Correctional Centre.

The community and Council have reason to be seriously concerned over critical aspects of this significant expansion proposal and the way in which it has come about.

Changes to State Environmental Planning Policy (Infrastructure) 2007

In March 2016, the NSW Government changed the planning system as it relates to approval and assessment of Correctional Centres, with an expansion of the exempt and complying development provisions of the iSEPP. In the past such proposals were considered in a full development assessment process, by the Department of Planning. That process facilitated early and ongoing opportunities for consultation on all aspects of such proposals before any determination was made.

Despite a thorough search of Council's records, there is no record of Council being notified of these changes to the iSEPP. Council staff became aware of the changes through a newspaper article in the Sunday Telegraph on 1 May 2016. Further research by staff revealed the changes appear to have been announced by a media release on 18 March 2016. Interestingly, the exhibition of the changes did not appear to be well publicised and only one submission, in support, was received in response to the exhibition. Had Council been notified in writing there is no doubt that Council would have considered the amendments and made representations.

The changes to the planning law now permit proposals such as the Cessnock Correctional Centre expansion, as 'exempt or complying development, effectively removing the consultation processes which are standard under Part 3 (Major Projects) and Part 4 of the EPA Act and, the independent assessment process carried out by the NSW Department of Planning following community and stakeholder consultation.

This is an additional concern as it is clear that the new changes, whilst facilitating the Government's objective of increasing the number of prison beds across NSW, raises questions over the transparency of the approvals process, and fails to recognise that better outcomes are achieved by properly engaging with communities in the assessment process. In addition, in the event that the Government moves to privatise such facilities (as foreshadowed in the Ministers press release of 20 March 2016), then private operators would benefit from the amended planning process further down the track without any community input being considered.

REPORT/PROPOSAL

For Council's reference, this report is structured sequentially to provide Council an understanding of how the proposal first came to Council's attention and the events which unfolded following that.

On 21 March 2016, Council became aware, via an article in the Newcastle Herald newspaper, of a proposal to significantly expand Cessnock Correctional Centre. At that time the proposed expansion indicated that an additional 620 beds would be provided. The proposal was included in a standard Ministerial media release dated 20 March 2016 and titled "*Prison reform to improve community safety*" later found on the Department of Justice website (Enclosure 2). The proposal for Cessnock was outlined in one paragraph as follows:

"In addition to the new prison at Grafton and expanding Parklea, more than 1,100 extra beds will support this reform, including 620 modular beds at Cessnock – the equivalent of a new prison, and 160 at South Coast."

Planning and Environment

Report No. PE58/2016

General Manager's Unit



On 22 March 2016 following initial discussions with Directors, Council's General Manager convened a meeting of all relevant staff to review any further details which might be available in relation to the proposal.

Following internal consultation with relevant staff, a letter was forwarded on 20 April 2016 to the Hon. David Elliott, MP, Minister for Corrections outlining Council's concerns and requesting a meeting to discuss the matters raised (Enclosure 3). The letter was copied to the Parliamentary Secretary for the Hunter, The Hon. Scot MacDonald MLC and to Clayton Barr, MP Member for Cessnock.

Council received an email from the Office of the Minister for Corrections on 24 May 2016 acknowledging our request and offering a date to meet with the Minister. Whilst the date of the meeting changed on multiple occasions, it was eventually set for 24 June 2016 at the Council's Administration Centre.

On 10 June 2016, Council received an email from Mr Chris McGillick of JBA confirming a meeting with Council staff to discuss the proposal to expand the number of beds by 620 at Cessnock Correctional Centre

On 17 June 2016 council staff met in good faith with Mr Carlos Laba, Senior Project Manager (for Department of Justice), Chris McGillick and Gordon Kirkby, both of JBA . Council staff attending included the Director of Planning and Environment, Strategic Land Use Planning Manager, Development Services Manager, Strategic Asset Planning Manager, Director Corporate and Community Services, Principal Community Planner and Acting Director Works and Infrastructure.

At the meeting, a map of the site was tabled by JBA outlining the proposed 620 bed increase and potential increase in future, however no supporting information, plans, background studies or reports were provided. Council was advised that those details were being prepared and that the meeting was arranged to seek staff views on issues related to the proposal to help inform preparation of those documents and a REF.

Following the meeting, Council wrote to Mr Laba on 23 June 2016 confirming the matters discussed. The letter again outlined Council's desire to work with the Department and requested an opportunity to review and comment on the REF and background studies before any decision was made. Specific issues raised in response to the map and discussion included:

- Impact on local roads and infrastructure;
- Access arrangements;
- Social and economic impacts;
- Impact on adjoining vineyards district including visual impact;
- Impact on flooding and drainage.

Council also raised the prospect of a planning agreement to address local infrastructure and community service needs impacted by the development as well as other ways Council could work with the Department to consider social infrastructure. It was the understanding of staff that Council would have opportunities to comment on finalised plans and supporting documentation. A copy of the letter is attached in Enclosure 4. No formal response has been received regarding Council's letter and requests of 17 June 2016.

Planning and Environment

Report No. PE58/2016

General Manager's Unit



On 24 June 2016, the Hon. David Elliott, MP Minister for Corrections attended Council and met with the Mayor, Acting General Manager and Member for Cessnock, Clayton Barr, MP. At that meeting the expansion proposal was discussed generally and Council outlined the same issues that had been raised in our correspondence to both the Minister for Corrections and the Senior Project Manager from the Department. It was clear that the proposal at that time was for an increase of 620 beds at the correctional centre. Council again made its concerns clear about impacts on the local road and drainage infrastructure, social, environmental and economic impacts and community services impacts.

Council also advised its willingness to work with the Department to achieve a better outcome for the community and offered to discuss suitable arrangements such as planning agreements or the like. Whilst no commitment was forthcoming on these issues, the Minister indicated the overall prison program director for NSW, Dr Sean Sweeney would be available to meet with us and discuss our concerns.

On 19 July 2016, in accordance with the Minister's advice, Council wrote to Dr Sean Sweeney as Project Leader for the NSW Prison Bed Capacity Program again outlining the concerns and requesting a meeting. A copy of the letter is attached as Enclosure 5. At the time of preparing this report Council had not received any response.

As mentioned earlier in this report, the standard form letter was then received from JBA on 26 July 2017. This was the first time Council had been formally made aware that the Department was now proposing a more significant expansion in the immediate future, in fact a total increase of 1000 additional beds. Up until this point, other than media reports in local newspapers, Council had not been formally advised.

At the date of drafting this report, there has still been no formal response to the concerns Council has raised about the initial proposal to increase the Correctional Centre capacity by 620 beds.

Council has not received any supporting documentation, background studies, detailed plans or reports in draft or finalised format, on any of the expansion proposals despite written requests on three separate occasions to a Senior Project Manager, the NSW Project Leader for the Prison Bed Capacity Program and to the NSW Minister for Corrections.

Council's concerns over the proposed expansion are well grounded and the requests to work with the Department are considered more than reasonable. The lack of considered response or consideration of Council's concerns and requests so far raises serious concerns over the integrity of the assessment and consultation process as outlined earlier in the report.

A draft submission to the NSW Department of Justice, (through JBA) is provided for Council's consideration (Enclosure 6). The submission outlines reasonable and serious concerns over the latest proposal itself, and the process to date including the lack of meaningful consultation opportunities for Council (including the inadequate consultation period provided) and the Community who stand to be significantly impacted by this proposal.

Planning and Environment

Report No. PE58/2016

General Manager's Unit



Council should also consider making further representations to the Hon. David Elliott, MP, Minister for Corrections outlining its concerns to date and attaching the submission for consideration. In the event Council resolves to make representation to the Minister, a copy of the letter should also be forwarded to Scot MacDonald MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock and Ministers of all other affected portfolios requesting advice and support.

Social, Health and Education

The broad and significant social, health and educational service demands that will be brought about as a result of the planned correctional centre expansion requires thorough and meaningful consideration by the State Government.

As noted above Council should consider writing to each of the Ministers responsible for health, education, family and community services, social housing and early childhood education seeking specific advice on how each of these State Departments will deal with issues including, but not limited to:

- The wellbeing and health needs / demands of an influx of vulnerable families, in particular the specific needs of this demographic. The disproportionate representation of indigenous Australians in prison should be noted in this regard;
- The likely increase in school enrolments and the specific social and educational support requirements for these children and their families. Noting the higher than average incarceration rates of indigenous Australians;
- The support needs of vulnerable preschool aged children and their families;
- The social welfare needs of vulnerable families and families in crisis;
- The housing / shelter needs of vulnerable families moving into the Cessnock LGA as a result of incarceration of family members;
- The post release support and probation processes and programs for the incarcerated population.

Draft submission for Council's consideration

The intent of the submission is to reiterate previous concerns by including previous correspondence on the matter, whilst at the same time attempting to provide some form of meaningful comments on the map provided by JBA on behalf of the Department of Justice.

OPTIONS

1. Council may endorse the draft submission to JBA Planning Consultant of behalf of the NSW Department of Justice, as provided in Enclosure 6. Council may also choose to make additions or amendments to the draft submission as required. Council should also consider making representations to the Hon. David Elliott MP, Minister for Corrections outlining Council's concerns and attaching a copy of the endorsed submission and also providing representations and copies to Scot Macdonald, MLC Parliamentary Secretary for the Hunter, Clayton Barr, MP Member for Cessnock and Ministers of all other affected portfolios requesting their advice and support;

Planning and Environment

Report No. PE58/2016

General Manager's Unit



2. Council may choose to not make a submission. This option is not recommended as it is considered we have a responsibility to make a submission in an effort to ensure satisfactory outcomes are achieved for the Cessnock community from such a large proposal. Notwithstanding concerns regarding the process, it is strongly recommended that Council should still make a submission outlining our concerns.

CONSULTATION

General Manager
Directors
Strategic Land Use Planning Manager

STRATEGIC LINKS

a. Delivery Program

Desired Outcomes:

A connected, safe and creative community
A prosperous and sustainable economy
A healthy and sustainable environment
Accessible infrastructure, services & facilities
Civic leadership and effective governance

Objectives:

- 1.3 Promoting safe communities
- 2.2 Achieving more sustainable employment opportunities
- 3.1 Protecting and enhancing the natural environment and the rural character of the area
- 4.2 Improving the road network
- 4.2.2 Advocate for road funding to better manage traffic impacts on the local road network
- 4.3 Improving access to health services locally
- 4.3.1 Advocate for health services on behalf of the community
- 5.2 Encouraging more community participation in decision making

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Increased policing demand brought about through an influx of vulnerable people in crisis and additional policing roles associated with the corrective services operations.

b. Financial Implications

A development of this size would ordinarily warrant satisfactory provisions for development contributions to both the State and Local Government to address impacts on state and local infrastructure.

Planning and Environment

Report No. PE58/2016

General Manager's Unit



The financial implications in relation to use of and potential damage to infrastructure cannot be determined without further details being provided on the proposal. Council has offered to work with the Department of Justice and negotiate a planning agreement to address the issue, however, Council has not received a response to previous correspondence. The submission provides a further opportunity for this process to be initiated. Once more details become available this can assist in the preparation of the necessary agreement.

c. Legislative Implications

Discussed in the report relating to changes to State Environmental Planning Policy (Infrastructure) 2007.

d. Risk Implications

The lack of detail provided in relation to the proposal generates significant risk to the Council in terms of social, environmental and economic impacts. The lack of time provided to comment would ordinarily risk the ability of Council to provide a detailed response, however even if additional time is provided, it is the lack of details provided on the proposal which limits what comments could be made. The provision of greater detail to allow further detailed analysis would assist in addressing identified risk and potential impacts. The draft submission requests the areas identified be subject to further information to allow more detailed assessment of the proposal. Council cannot however require this given we are not the consent authority nor the proponent.

e. Other Implications

These implications are outlined in the report and draft submission.

CONCLUSION

Council has received an invitation to comment on the proposed 1000 bed expansion to Cessnock City Council. A draft submission is prepared for Council's consideration.

ENCLOSURES

- 1 Letter from JBA Urban Development Consultants dated 22 July 2016
- 2 Media Release dated 20 March 2016
- 3 Letter to Minister for Corrections dated 20 April 2016
- 4 Letter to Department of Justice dated 23 June 2016
- 5 Letter to Sean Sweeney, Project Leader dated 19 July 2016
- 6 Draft submission to JBA Urban Development Consultants for the Department of Justice

Corporate and Community

Report No. CC49/2016

Corporate and Community Services



SUBJECT: *MEETING NOTES OF THE INQUORATE ACCESS
ADVISORY COMMITTEE HELD 6 JULY 2016*

RESPONSIBLE OFFICER: *Community & Cultural Engagement Manager - Simon Eade
Principal Community Planner - Natalie Drage*

RECOMMENDATION

That Council notes the summaries of the topics discussed at the inquorate Access Advisory Committee meeting held on 6 July 2016.

A Meeting of the Access Advisory Committee was scheduled to be held on 6 July 2016. The meeting was inquorate, but given that a number of the Committee members had been able to attend, the meeting proceeded on an informal basis. This Report summarises the topics discussed for Council's information as follows:

**MEETING NOTES OF THE INQUORATE ACCESS ADVISORY COMMITTEE MEETING OF
CESSNOCK CITY COUNCIL HELD ON 6 JULY 2016, COMMENCING AT 4.00PM**

PRESENT: The Mayor Councillor Bob Pynsent
Councillor Catherine Parsons
Mr Richard Gibson (Community Representative)
Ms Dianne Scanlon (Community Representative)
Mr Stephen Day (Community Representative)

IN ATTENDANCE: Ms Natalie Drage (Acting Community and Cultural Engagement
Manager)
Ms Jo Miller (Community and Cultural Engagement Officer)

APOLOGIES: Councillor Morgan Campbell
Ms Cherie Pauling (Ability Links – St Vincent de Paul)
Ms Julie Selkrig (Community Representative)

DISCLOSURE OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

01-2015 Access to Kurri Kurri Senior Citizens Hall

The construction of a pathway from the carpark to the Kurri Kurri Senior Citizens Hall has been included in the 2016/17 Community Buildings Renewal Program. Works are scheduled to occur during the second quarter of the 2016/17 financial year, that being October to December 2016.

06-2015 Street parking in front of residences at 14 King Street, Cessnock

This matter was discussed at a previous Committee meeting held 4 May 2016. No further updates were provided.

08-2015 Request for a pedestrian crossing to the south side of the roundabout intersection of Cooper and Cumberland Streets, Cessnock, crossing Cumberland Street

This matter was discussed at a previous Committee meeting held 4 May 2016. No further updates were provided.

12-2015 International Day of People with a Disability, 3 December 2016

A Council Officer attended a community meeting with representatives from Mai Wel, Ability Links and Challenge Community Services to begin planning a collaborative community activity to celebrate International Day of People with Disability 2016. The organising group will meet again on 14 July 2016 and members of the Access Advisory Committee have been invited to participate.

01-2016 Octopod - Maitland Forum

A Council Officer attended the Arts and Disability Forum held in Maitland on 9 May 2016. There was discussion amongst the Committee regarding local disability services providing a similar forum in the Cessnock local government area. It was noted that many local service providers are currently focused on transitioning to the National Disability Insurance Scheme (NDIS).

10-2015 Disability Inclusion Action Plan

Community consultation for Council's Disability Inclusion Action Plan is currently in progress and will continue until August 2016. A consultant has been appointed to undertake a two day audit of key Council community buildings in the Kurri Kurri and Cessnock Central Business District areas. The consultant, who uses a wheelchair for mobility will be undertaking the audit to assess and identify access issues specific to key community facilities.

DEFERRED BUSINESS

Nil

LISTED MATTERS

Nil

CORRESPONDENCE

Nil

GENERAL BUSINESS

06-2016 Draft Pedestrian Access and Mobility Plan

A submission has been made on behalf of the Committee for the Draft Pedestrian Access and Mobility Plan. The submission is based on the comments provided by the Committee at its extraordinary meeting held 25 May 2016.

NEXT MEETING

With the elected Council coming to end of term in September 2016, no future meetings are proposed for the current Access Advisory Committee. Mayor Pynsent thanked the Committee for their participation and contribution in advocating for access issues within the community.

The Meeting was declared closed at 4.18pm.

ENCLOSURES

There are no enclosures for this report



SUBJECT: *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ON 15 JULY 2016*

RESPONSIBLE OFFICER: *Community & Cultural Engagement Manager - Simon Eade
Community and Cultural Engagement Officer - Jo Miller*

RECOMMENDATIONS

1. That Council adopt the Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 15 July 2016.
2. That in the review of all council committees following the September 2016 elections re-establishment of the Aboriginal and Torres Strait Islander Advisory Committee be favourably viewed by the new Council to enable the work that has been achieved by this Committee over the past four years to continue.

MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN THE COMMUNITY MEETING ROOM ON 15 JULY 2016, COMMENCING AT 8.35AM

PRESENT: The Mayor Councillor Bob Pynsent (from 8.42am)
Councillor Rod Doherty
Mr Craig Layer (Community Representative)
Ms Susan Mulyk (Community Representative)
Ms Michelle Earl (Community Representative)
Mr Les Atkinson (Community Representative)

IN ATTENDANCE: Mr Simon Eade (Community and Cultural Engagement Manager)
Ms Natalie Drage (Principal Community Planner)
Ms Jo Miller (Community and Cultural Engagement Officer)

APOLOGIES: Councillor James Ryan
Ms Sonia Sharpe (Community Representative)
Mr Mick Chenery (Community Representative)

MINUTES: **RESOLVED** that the Minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meeting held on 6 May 2016 as circulated, be taken as read and confirmed as a correct record.

Moved: Councillor Doherty **Seconded:** Mr C Layer

NOTED The meeting notes of the Inquorate Aboriginal and Torres Strait Islander Advisory Committee Meeting held on 3 June 2016.

The meeting was chaired by Ms Michelle Earl.

An Acknowledgment of Country was delivered by Mr Les Atkinson.

A minute's silence was held to remember those who have passed.

DISCLOSURE OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

04-2016 Millfield scar tree

Council officers advised that there was no further progress to report at this time

05-2016 Third Flag Pole at the carpark entrance to Council Administration Building

Council officers advised that an investigation is currently underway to identify an appropriate site for three flagpoles to be co-located on the Council Administration Building property. Once completed, a report with recommendations and costings will be submitted to for Council for its consideration.

Mayor Pynsent arrived at the meeting, the time being 8.42am

DEFERRED BUSINESS

Nil

LISTED MATTERS

03-2015 Consideration of signage indicating entry to Wonnarua country

Council officers advised that there was no further progress to report on this item at this time, but that the wording for the signage will be referred to the Committee for its consideration.

04-2014 Reconciliation Action Plan (RAP) – Progress Report

Council officers advised that the RAP Staff Working Group met on 3 and 23 June 2016, and that Council is meeting its targets in relation to the actions in the plan. The meeting held on 23 June 2016 was to discuss the Community Forum (see item 06-2016).

06-2016 Community Forum (RAP Action)

Council officers advised that the original date of 22 July 2016 for the Community Forum to inform the development of the next stage of the RAP program will need to be changed due to the availability of key staff members.

There was discussion regarding the Community Forum, and alternative forms of engagement with the community to inform the development of the RAP. There was general agreement that the Community Forum was the most suitable method of engagement, and that a date should be set for later in the year. Members of the Committee requested that an invitation list be forwarded to them.

**01-2016 NAIDOC WEEK July 3-10
2016 Theme: Songlines: The living narrative of our nation**

Council officers reported that NAIDOC Week 2016 had been successful with an increase in both participation and the numbers of activities in the calendar. The promotional 'Put Your Hands Up' campaign had also been successful, with Council Customer Service, Cessnock and Kurri Kurri libraries, local schools, and community organisations participating.

There was general discussion and agreement that NAIDOC Week had been a very positive week, and that all activities had attracted increased involvement by both the community and local organisations.

02-2016 National Reconciliation Week 2016 May 27 – June 3

Council officers reported that an Elders Morning Tea was held for National Reconciliation Week on Friday 27 May 2016. The morning tea was attended by Elders from both Barkuma Neighbourhood Centre and Black Creek Aboriginal Corporation Elders groups; members of Black Creek Aboriginal Corporation; the CEO of Mindaribba LALC; heads of the Cessnock, Kurri Kurri and Lovedale Chambers of Commerce; members of the Council Executive; Mayor Pynsent, Councillor Doherty, Councillor Smith, and members of the RAP Staff working group.

The event began in the Council foyer with an Acknowledgement of Country by a member of Black Creek Aboriginal Corporation, a speech by the Mayor, and a performance by the Imi-Wonna-Roi dancers. The group participated in the 'Put your Hand Up' for NAIDOC poster campaign, and relocated to the Ante Room for a morning tea.

CORRESPONDENCE

Nil

GENERAL BUSINESS

08-2016 Expressions of Interest (EOI) are currently being sought for membership of the Cessnock Commercial Precinct Working Group (CCPWG)

Council officers advised that Expressions of Interest (EOI) are still being sought for membership of the Cessnock Commercial Precinct Working Group (CCPWG).

07-2016 Convent Hill, Bridges Park and East End Oval Masterplan

Council officers advised that there are no further updates regarding progress of the Convent Hill, Bridges Park and East End Oval Masterplan. However, officers reported that the input from the Committee had been well-received by the Strategic and Recreation and Facilities Planner.

09-2016 Committee expiry

Council officers advised that with the current Council's term of office about to expire, all Committees will cease to exist as of 9 September 2016. When the new Council reconvenes in early October, at its first meeting it will resolve which Committees will be established and, if determined, a subsequent call for nominations for community representatives. It is anticipated that new Committees will meet in early 2017.

RECOMMENDATION FOR COUNCIL'S CONSIDERATION:

That the Aboriginal and Torres Strait Islander Advisory Committee be re-established by the new Council to enable the work that has been achieved by this Committee over the past four years to continue.

Moved: Ms S Mulyk

Seconded: Mayor Pynsent

The Mayor thanked the members of the Committee for their participation and contribution to Council, and made particular note of the achievements of the Committee over the previous four years, including the Reflect Reconciliation Action Plan, the Consultation Protocol for the Referral of Matters to the Cessnock City Council Aboriginal Advisory Committee, and for support in building Council's links with the local Aboriginal and Torres Strait Islander community.

The Mayor thanked Councillor Doherty for his support for the Committee and the Aboriginal and Torres Strait Islander community.

The community members of the Committee thanked Council and Council staff for their work in supporting the Committee.

The Meeting Was Declared Closed at 9.36am.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC51/2016

Corporate and Community Services



SUBJECT: *LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2016*

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

SUMMARY

The Local Government NSW Annual Conference 2016 is scheduled to be held in Wollongong from Sunday 16 October to Tuesday 18 October 2016. The purpose of this report is to advise Council of preliminary actions taken for delegate registration and to provide an opportunity for Council to consider motions to be submitted to the Conference.

RECOMMENDATION

1. That Council notes the interim actions taken in regards to registering four delegates and voting delegates to the Local Government NSW Annual Conference 2016, pending the Council elections to be held in September 2016.
2. That Councillors consider motions to be submitted and provide advice to the General Manager by 8 August 2016 so they can be collated and referred to Council for consideration.

BACKGROUND

Council usually determines attendees and voting delegates to the Local Government NSW Annual Conference 2016 following an application process and subsequent consideration at a subsequent Council meeting.

Due to the Council elections being held in September 2016, the makeup of Councillors and those interested in attending the conference cannot be determined at this stage. Preliminary registrations have been made for four councillors, subject to confirmation by Council following the elections.

LGNSW has called for registration of motions by 22 August 2016, so as to enable the conference agenda to be completed.

REPORT/PROPOSAL

Local Government NSW has provided information regarding the Annual Conference to be held in Wollongong from 16-18 October 2016. Refer to **Enclosure 1**.

In accordance with Council Policy, Councillors wishing to attend the Local Government NSW Annual Conference would be requested to make application to the General Manager by a specified date so that Council could determine the attendees and voting delegates at a subsequent Council meeting.

Due to the Council elections being held in September this action is not able to be undertaken, as delegates must be a Councillor, and the final makeup of the elected Council is not known. Early bird registration closes 31 August 2016, and four delegates have been registered on an interim basis with changes able to be made at a later stage following confirmation by Council.

Corporate and Community

Report No. CC51/2016

Corporate and Community Services



Once the election is complete and the polls declared, a memo seeking expressions of interest to attend will be provided to all newly elected Councillors so that Council can confirm its delegates and voting delegates at the first meeting after the elections.

LGNSW has also sought to have motions for consideration at the Conference submitted by 22 August 2016. Councillors are requested to notify the General Manager of any suggested motions by Monday 8 August 2016 so that Council could determine the motions to be referred to the Association at its meeting of 17 August 2016.

The LGNSW Board is seeking ways to ensure the motions debate centres on advancing section wide policy agenda. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

An online facility will be available for submission of motions. Those motions only will be included in the conference business paper where they:

1. are consistent with the objects of the Association;
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

For those Councils submitting motions, supporting evidence such as Council minutes from the meeting where the motions were agreed to are required. Further, any such motion/s should be submitted by 22 August 2016.

CONSULTATION

Executive
Local Government NSW officers

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

Corporate and Community

Report No. CC51/2016

Corporate and Community Services



IMPLICATIONS

a. Policy and Procedural Implications

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

b. Financial Implications

Funding is available for attendance in the Councillors conference budget vote. The approximate cost per delegate will be \$3,000. This includes transport, accommodation, conference/workshop registration and meals.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

This report provides information on the interim attendance protocol for the upcoming Local Government NSW Annual Conference and provides Council with the opportunity to determine any motions to be submitted.

ENCLOSURES

- [1](#) LGNSW Annual Conference notification

Works and Infrastructure

Report No. WI41/2016

Works and Infrastructure



SUBJECT: *PERPETUAL TRIBUTE OPTIONS FOR THE LATE COUNCILLOR JEFF MAYBURY*

RESPONSIBLE OFFICER: *Recreation Services Manager - Nicole Benson
Recreation & Community Facilities Co-ordinator - Nathan Eveleigh*

SUMMARY

With the passing of long serving the late Councillor Jeff Maybury in July 2015, Council resolved on 5 August 2015 that the General Manager undertake investigations into identifying a suitable site within the Weston precinct to be named after the late Councillor Maybury and that a further report be brought back to Council outlining those identified sites.

A petition was also tabled at the Council meeting of 20 July 2016 requesting the following:

"We the undersigned, support the renaming of Peace Park to Jeff Maybury's Peace Park. We call upon Cessnock City Council to support and make the appropriate arrangements for the renaming of the park"

This report provides information for Council's consideration with respect to both of the above matters.

RECOMMENDATION

- 1. That Council rename "Peace Park" to "Jeff Maybury Peace Park" subject to gazettal by the New South Wales Geographical Names Board;**
- 2. That if approval is received from the New South Wales Geographical Names Board, Council install appropriate signage in line with the adopted Cessnock LGA Signage Strategy;**
- 3. That the Maybury family be advised of the outcome of the application.**

BACKGROUND

The late Councillor Jeff Maybury was the longest serving Councillor on Cessnock Council with a distinguished 35 years in civic service. The late Councillor Maybury was known for helping those in the community who were in need and was affectionately referred to as the "Mayor of Weston". The late Councillor Maybury played a leading role in the establishment and development of Peace Park and Chinaman's Hollow at Weston.

In addition to his dedication to Council, the late Councillor Maybury was also very active with the St Vincent de Paul Society, was president of the Weston RSL sub-branch and was committed to helping the Tidy Towns movement.

Works and Infrastructure

Report No. WI41/2016

Works and Infrastructure



The late Councillor Maybury supported and pursued many projects to fruition over his years of service to the community including the construction of the Greta Arts and Sports Community Hall and restoration of the former Greta Council Chambers. He was also a long-time advocate for the general maintenance and improvement of Chinaman's Hollow and in particular Peace Park at Weston (**refer to Enclosure 1**).

Council resolved at its meeting of 16 March 2016 to confer the honour of Freeman of the City upon the late Councillor Jeff Maybury for a lifetime of service to the community and the wider City of Cessnock. This is the highest acclamation a city can bestow upon one of its citizens.

The purpose of this report is to respond to the Council resolution of 5 August 2015, which requested that the General Manager undertake investigations into identifying a suitable site within the Weston precinct to be named after the late Councillor Maybury and that a further report be brought back to Council outlining those identified sites. The report also makes reference to an associated petition that was tabled at the Council meeting on 20 July 2016.

REPORT/PROPOSAL

In accordance with the Council resolution on 5 August 2015, a review of suitable sites in Weston was undertaken. Weston contains several Council managed recreation facilities already dedicated to other individuals or groups who have contributed to the local community including:

Bailey Park – Named in recognition of Private Errol John Bailey who was killed in action in Vietnam on 15 May 1968. He was a dedicated school teacher who was conscripted into the Australian Army during the Vietnam War.

Bluey Frame Park – Named in memory of Edward John (Bluey) Frame (1889-1968) who was a volunteer fireman of the Weston Volunteer Fire Brigade from 1913 to 1965. In 1942 he was appointed Captain and Engine Keeper of the Brigade, a position held until his retirement.

Chinaman's Hollow – The park located on the northern side of Cessnock Road directly opposite Peace Park. This area was historically used as a Chinese market garden and as such was named Chinaman's Hollow.

Ernie Dunlop Park – Named after the late Henry Ernest Dunlop of Weston (1914-1998). As a former top sportsman in the Rugby League arena and having contributed greatly to the well-being of the city through his efforts for senior citizens and other community-based organisations. Ernie was awarded the 1989 Cessnock City Senior Citizen of the Year.

Peace Park - Council, in 1986 resolved to name the park at Weston "Peace Park" and subsequently wrote to the NSW Geographic Names Board (GNB) to have the park dedicated as Peace Park. The park at the time had little significant vegetation. The general theme of the area was to plant exotic tree species to create a "Trees of the World" arboretum and sensory walk. The idea of the arboretum was to convey world unity by using a selection of trees from various parts of the world in keeping with the "Peace Park" name.

Works and Infrastructure

Report No. WI41/2016

Works and Infrastructure



Other Council managed parks in the area include George Smith Reserve (Government Road), Weston Memorial Park (Cessnock Road), Thomas Fell Park (Station Street) and Meredith Park (Eighth Street).

There are currently no significant pieces of recreation land in the Weston area that have not already been dedicated in some capacity to an individual or group other than the following;

O'Toole Street Park – NSW Social Housing own a parcel of land containing a local level children's playground, informal grassed passive recreation area and a number of mature shade trees of various species (**refer to Enclosure 2**). Council would require endorsement of NSW Social Housing prior to proceeding with the dedication of this park after the late Councillor Maybury.

The late Councillor Maybury was seen by many as one of the instrumental people in the establishment of Weston's Peace Park and Chinaman's Hollow. The NSW GNB assigned the name Peace Park to the subject parcel of land on 28 November 1986. A commemorative plaque is installed in the park with the following text:

"The United Nations proclaimed 1986 the international year of peace and to support this world wide celebration this area was named Peace Park".

In addition to this plaque there are also plaques located around Peace Park commemorating Child Protection Week 2003, and the Wallaby recruiting march (World War 1 recruitment march). The Rotary International Weather Rock is also located in a prominent position at the front of the park.

In considering the option of renaming Peace Park, the following is brought to Council's attention:

- The late Councillor Maybury's family wishes Peace Park to be renamed to "Jeff Maybury Peace Park".
- Council has received correspondence from the Weston RSL Sub-Branch (**refer to Enclosure 3**) requesting Council's consideration of the re-naming of Peace Park in recognition of the late Councillor Maybury's years of service to the community.
- Several articles and letters to the editor were published in the local media following the late Councillor Maybury's passing highlighting his contribution to the local area and development of Peace Park.
- Correspondence was sent to Council from a former local resident providing additional history on the development of Peace Park objecting to renaming the park (**refer to Enclosure 4**).

It should be noted that Council officers have also received a couple of phone calls from members of the community who are against the proposed re-naming as there were other members of the local community who also volunteered and campaigned over the years for the development of Peace Park.

Works and Infrastructure

Report No. WI41/2016

Works and Infrastructure



Petition

A petition containing 1263 signatures supporting the renaming of Peace Park to Jeff Maybury's Peace Park was tabled at the 20 July 2016 Council meeting. The detailed subject of the petition is as follows:

"We the undersigned, support the renaming of Peace Park to Jeff Maybury's Peace Park. We call upon Cessnock City Council to support and make the appropriate arrangements for the renaming of the park"

Process to Rename Peace Park

The NSW GNB has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in a naming decision and minimising the duplication of names.

If Council resolves to proceed with the application to rename Peace Park to Jeff Maybury Peace Park:

1. A commemorate naming application will be lodged by Council with the GNB for consideration.
2. In accordance with their guidelines, the GNB will advertise the naming proposal in local newspapers and online, consider submissions, and advise Council of the outcome of the application.

OPTIONS

Option 1 – That Council resolve to endorse the recommendation to rename Peace Park "Jeff Maybury Peace Park" and make application to the GNB to formally dedicate the Park with the reference to the late Councillor Jeff Maybury.

Following the GNB assessment process, and if approved, Council will install signage in line with the adopted Cessnock LGA Signage Strategy in a suitable location within the park.

This is the preferred option after consideration of several options of sites to commemorate the late Councillor Maybury's contribution to the local area.

Option 2 – That Council not make an application to the NSW GNB, but install a suitable commemorative plaque within Peace Park recognising the late Councillor Maybury's contribution to the local area and Peace Park.

Option 3 – That Council resolve to endorse the recommendation to rename another site in Weston to a name determined by Council and make application to the GNB to formally dedicate the location with the reference to the late Councillor Maybury.

Following the GNB assessment process, and if approved, Council will install signage in line with the adopted Cessnock LGA Signage Strategy in a suitable location.

Works and Infrastructure

Report No. WI41/2016

Works and Infrastructure



CONSULTATION

Consultation has taken place with the following key stakeholders:

- Members of the late Councillor Maybury's family
- Members of Council's Recreation Services Team
- NSW Geographical Names Board
- Weston RSL Sub-Branch
- Members of the general public who have contacted Council.

STRATEGIC LINKS

a. Delivery Program

The proposal to dedicate a park after the late Councillor Jeff Maybury aligns with the community Delivery Program Objective 5.1 'Fostering and Supporting Community Leadership'.

b. Other Plans

This proposal is in line with the Generic Plan of Management for Council owned community land categorised as "Park" under the *Local Government Act 1993*.

IMPLICATIONS

a. Policy and Procedural Implications

The preparation of this report and the recommendation is consistent with Council's adopted Naming of Council Assets Policy (2014).

b. Financial Implications

The only financial implication with the commemorative naming of the park will be for the purchase and installation of appropriate park signage which can be funded from Council's 2016/2017 Park Signage budget.

c. Legislative Implications

The renaming proposal will be considered by the NSW GNB in line with the *Geographical Names Act 1966* subject to Council's resolution.

d. Risk Implications

Nil.

Works and Infrastructure

Report No. WI41/2016

Works and Infrastructure



e. Other Implications

By providing opportunities for social interaction, recreational settings such as parks and reserves can help enhance community identity and promote community integration. Individuals can learn and share community values and gain a better understanding of other groups in society through social interactions in parks. Providing signage detailing the associated history of the park and its surrounding area assists in this regard.

CONCLUSION

The renaming of Peace Park to commemorate the late Councillor Jeff Maybury is a fitting dedication to his distinguished 35 years in civic service. The Peace Park name will continue to be part of the park identification. Information about the late Councillor Maybury will be included as part of any signage so that visitors to the park will have information readily available outlining the history and significant role he played in the development of the park as it stands today.

ENCLOSURES

- 1** Peace Park, Weston - site map
- 2** O'Toole Street Park, Weston - site map
- 3** Weston RSL Sub-Branch correspondence
- 4** Mrs Clarice Hamling - Objection to rename Peace Park correspondence



SUBJECT: *MINUTES OF DOLLAR FOR DOLLAR COMMITTEE MEETING HELD 20 JULY 2016*

RESPONSIBLE OFFICER: *Environmental & Waste Services Manager - Michael Alexander*
Sustainability Projects Officer - Patricia Donnelly

RECOMMENDATION

1. That Council adopt the Minutes of the Dollar for Dollar Committee held 20 July 2016.
2. That Council thank all applicants for their contribution towards the enhancement of the local environment.
3. That Tidy Towns Dollar for Dollar Scheme funding be provided as detailed in the table below with additional Scheme allocation of \$1,200.37 sourced from the recurrent Tidy Towns operational budget;

TIDY TOWN GROUP	GRANT FUNDS PROVIDED
Branxton Tidy Town	\$5,583.00
Greta Tidy Town	\$4,161.50
North Rothbury Tidy Town	\$334.00
Weston Heritage and Tidy Town	\$1,121.87

4. That Council determine the application received from Kearsley Public School for the Schools Environment Dollar for Dollar Grant Scheme and in the event that Council supports the application, funding to an amount of \$500 be granted to the Kearsley Public School.
5. That Council funds nine further eligible applications for the Schools Environment Dollar for Dollar Grant Scheme and remain within the allocated budget, as detailed below;

SCHOOL	FUNDING PAYABLE
Nulkaba Preschool	\$500.00
Cessnock Occasional Childcare Centre	\$500.00
Branxton Preschool	\$209.52
Greta Preschool	\$290.48
Kurri Kurri Public School	\$500.00
Cessnock West Public School	\$500.00
Abermain Public School	\$500.00
Nulkaba Public School	\$500.00
Bees Nees Early Learning	\$500.00
Paxton Public School	\$500.00

Works and Infrastructure

Report No. WI42/2016

Works and Infrastructure



**MINUTES OF DOLLAR FOR DOLLAR GRANTS COMMITTEE MEETING OF THE
CESSNOCK CITY COUNCIL HELD IN THE COMMUNITY MEETING ROOM ON
WEDNESDAY, 20 JULY 2016, COMMENCING AT 2.00 PM**

- PRESENT:** Mayor, Councillor Bob Pynsent (Chair)
Councillor Morgan Campbell
- IN ATTENDANCE:** Director Works & Infrastructure, Justin Fitzpatrick-Barr
Sustainability Officer, Tricia Donnelly
- APOLOGIES:** Councillor Cordelia Troy
- MINUTES:** **RESOLVED** that the Minutes of the Dollar for Dollar Grants Committee Meeting held on 22 October 2015, as circulated, be taken as read and confirmed as a correct record.

DISCLOSURE OF INTEREST

DOLCLM2/2016 - Schools Environmental Grant Program Mayor Councillor Pynsent declared a Non Pecuniary Interest – Significant Conflict for the reason that his wife is a teacher at Kearsley Public School.

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

DEFERRED BUSINESS

Nil

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. DOLCLM1/2016

SUBJECT: TIDY TOWNS DOLLAR FOR DOLLAR GRANT APPLICATIONS 2016-17

Motion Moved: Councillor Campbell **Seconded:** Mayor Councillor Pynsent

RESOLUTION OF COMMITTEE: Nil

RECOMMENDATION FOR COUNCIL'S CONSIDERATION:

That the Dollar for Dollar Committee recommend that Council:

- 1 Fund all the applications as detailed in Table below with an allocation of an additional \$1,200.37 from recurrent Tidy Towns funding

TIDY TOWN GROUP	GRANT FUNDS REQUESTED
Branxton Tidy Town	\$5,583.00
Greta Tidy Town	\$4,161.50
North Rothbury Tidy Town	\$334.00
Weston Heritage and Tidy Town	\$1,121.87

- 2 Thank all applicants for their contribution towards the enhancement of the local environment.

Motion Moved: Councillor Campbell **Seconded:** Mayor Councillor Pynsent

LISTED MATTERS - COMMITTEE NO. DOLCLM2/2016

SUBJECT: SCHOOLS ENVIRONMENT GRANTS PROGRAM 2016-17

Motion Moved: Mayor Councillor Pynsent **Seconded:** Councillor Campbell

RESOLUTION OF COMMITTEE: Nil

RECOMMENDATION FOR COUNCIL' CONSIDERATION:

That the Dollar for Dollar Committee recommend that Council :-

1. Determine the application received from Kearsley Public School as The Chair, Mayor, Bob Pynsent declared a Non Pecuniary – Significant Conflict with respect to the Kearsley Public School submission;
2. In the event that Council supports the Kearsley Public School application, funding to an amount of \$500, be granted to Kearsley Public School;
3. Fund nine further eligible applications and remain within the allocated budget, as detailed in the revised Table below;

SCHOOL	FUNDING PAYABLE
Nulkaba Preschool	\$500.00
Cessnock Occasional Childcare Centre	\$500.00
Branxton Preschool	\$209.52
Greta Preschool	\$290.48
Kurri Kurri Public School	\$500.00
Cessnock West Public School	\$500.00
Abermain Public School	\$500.00
Nulkaba Public School	\$500.00
Bees Nees Early Learning	\$500.00
Paxton Public School	\$500.00

4. Thank all applicants for their contribution towards the enhancement of the local environment.

CORRESPONDENCE

Nil

Works and Infrastructure

Report No. WI42/2016

Works and Infrastructure



GENERAL BUSINESS

Nil

The Meeting Was Declared Closed at 2.15pm

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI43/2016

Works and Infrastructure



SUBJECT: *AUSTRALIAN POSTIE BIKE GRAND PRIX - 30 OCTOBER 2016*

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

SUMMARY

Council has been approached by the organisers of the upcoming Australian Postie Bike Grand Prix seeking in-kind support for the event, which is to be held in the streets of the Cessnock Business District (CBD) on 30 October 2016.

The Grand Prix is a not for profit event being run by the Cessnock Motor Cycle Club (CMCC) to entertain the local community and benefit local businesses.

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

RECOMMENDATION

That Council supports the Australian Postie Bike Grand Prix on 30 October 2016 by providing the following in-kind support:

- 1. Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and NSW Roads and Maritime Services, under the approved Traffic Management Plan and Traffic Control Plan;**
- 2. Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.**

BACKGROUND

The CMCC is hosting its third Australian Postie Bike Grand Prix event over the weekend of 30 October 2016.

Organisers of the event have approached Council seeking various forms of in-kind support. This report details the extent of the sponsorship being requested by CMCC and seeks Council's endorsement to provide the support.

REPORT/PROPOSAL

In previous years the Australian Postie Bike Grand Prix has attracted riders and their families and support crews from all over Australia. It is anticipated that this years event will again draw in excess of 3,000 people to the Cessnock LGA.

Works and Infrastructure

Report No. WI43/2016

Works and Infrastructure



A majority of the costs to host the event are being covered by the organising Club, with most of these funds being raised via the collection of entry fees and the sale of track advertising to businesses. To further assist with hosting the event, CMCC has approached Council seeking the following in-kind support:

1. Supply all RMS approved road closure signage as per that required in the Traffic Control Plan (TCP);
2. Supply four (4) Variable Message Signs (VMS) to be installed prior to the event to notify commuters of the up-coming event as per the Traffic Management Plan (TMP);
3. Supply accredited staff to erect and perform all road closures at 5.00 am on the morning of the event and remove all signage and re-open roads at the completion of the event;
4. Due to the anticipated increase of refuse on the day due to crowd numbers, supply additional garbage bins in areas where spectators will gather;
5. Supply staff to maintain these extra garbage bins;
6. As part of the recent Police request to make the streets in the vicinity of the event Alcohol free, we ask Council assistance in implementing this request and supplying the required signage;
7. Support the event wherever possible in local media and functions, due to the positive exposure and people that the event brings to the City of Cessnock.

With the exception of providing staff to maintain extra garbage bins, the estimated cost to supply the remaining above items is as follows;

- Providing, erecting and dismantling signage in accordance with the approved TMP and TCP – approximately \$5,000 of in-kind support;
- Additional general waste bins throughout the main spectator and PIT areas and remove collected waste at the conclusion of the event – approximately \$2,000 of in-kind support;
- Alcohol free signage will be installed as an extension of the existing Alcohol Free Zone in the Cessnock CBD.

In reviewing the requests, Council officers have determined that in-kind support for the above can be provided within existing recurrent operating budgets. Please note this does not include staff to maintain extra garbage bins. Officers are of the opinion that CMCC volunteers could carry out this task.

OPTIONS

1. Council provides in-kind support for six (6) of the seven (7) requests at a total estimated cost of \$7,000. This is the preferred option;
2. Council provides partial support for the requests;
3. Council provides no support.

CONSULTATION

In writing this report the following have been consulted:

1. Community and Cultural Development Manager

Works and Infrastructure

Report No. WI43/2016

Works and Infrastructure



The Postie Bike Challenge provides people with an activity to enjoy and engage in a high profile community event.

Community consultation regularly identifies the theme that residents seek engagement with their local community and this includes participation in low cost community events. This is articulated in the “Cessnock 2023 Community Strategic Plan” Objectives 1.1 Promoting social connections and 1.2 Strengthening community culture.

For the community groups and members who are involved in hosting the event, capacity and knowledge is increased for event planning, including risk management. These gained skills and knowledge can be later transferred to other community initiatives proposed within the Cessnock local government area.

With the Postie Bike Challenge, there is also opportunity for wider community involvement including people volunteering at the event. For example, in previous years local not for profit charitable organisations have assisted with providing catering services with proceeds raised benefitting other community programs and initiatives.

2. Works Delivery Manager
3. Environment & Waste Services Manager
4. Representatives of CMCC

STRATEGIC LINKS

a. Delivery Program

The proposed in-kind sponsorship for this event supports:

- Objective 1.2. - Our community organisations have opportunities to work together;
- Objective 2.3 – Increasing Tourism Opportunities & Visitation in the Area;
- Objective 5.3 – Our Council is responsive to the community.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The cost of providing the assistance for six (6) of the seven (7) requests being made by CMCC is estimated to be approximately \$7,000. This does not include the request for staff to man extra garbage bins. The in-kind support for the above can be provided within existing recurrent operating budgets.

Works and Infrastructure

Report No. WI43/2016

Works and Infrastructure



c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Other Implications

Nil

CONCLUSION

On the basis of supporting events that provide opportunity for the community to work together and promote visitation across the Cessnock LGA, it is recommended that Council provide in-kind sponsorship to the third Australian Postie Bike Grand Prix as detailed in the report.

ENCLOSURES

There are no enclosures for this report.

Answers To Questions For Next Meeting

Report No. AQ47/2016

General Manager's Unit



SUBJECT: *HUMAN RESOURCES STAFF EMPLOYMENT*

RESPONSIBLE OFFICER: *Human Resources Manager - Darrylen Allan*

Q44/2016 - Human Resource Staff Employment

Asked by Councillor Campbell at the Ordinary Council Meeting of 6 July 2016.

“Councillor Campbell requested an update on how many Human Resources staff are employed by Council”.

Council’s human resource team consists of six full time equivalent (FTE) positions, inclusive of human resource and work health and safety officers. In addition there is a one year fixed term contract position (HR) due to expire in January 2017 and a two year fixed term contract position (WHS) due to expire in November 2017.

ENCLOSURES

There are no enclosures for this report.

Answers To Questions For Next Meeting

Report No. AQ48/2016

Works and Infrastructure



SUBJECT: *PRISON WORK CREWS - ACTUAL WORK PERFORMED*

RESPONSIBLE OFFICER: *Environmental & Waste Services Manager - Michael Alexander*

Q45/2016 - Prison Work Crews - Actual Work Performed

Asked by Councillor Troy at the Ordinary Meeting of Council held on 6 July 2016.

“Councillor Troy requested information regarding Prison work crews arrangements (previously discuss in 44/2016), requesting what has happened and what is happening. Are we using the crews? How will Council follow this up, how is it measurable?”

Council continues to have a working relationship with Corrective Service for roadside cleanup.

This arrangement has been in place since 2014 (refer to Report WI38/2014) following the service withdrawal by the previous contractor. The delivery of the roadside cleanup service is subject to the availability of eligible inmates able to participate in the program.

The table below provides a summary of the areas attended and volumes removed since the program began in 2014.

2014		
Date	Location	Volume
23 May 2014	Camp Road	0.30 tonnes
12 August 2014	Duffrie Drive	0.28 tonnes
18 September 2014	Sawyers Gully Road	0.16 tonnes
16 September 2014	Sawyers Gully Road	0.18 tonnes
16 September 2014	Leggett’s Drive	0.40 tonnes

2015		
Date	Location	Volume
11 February 2015	Old Maitland Road	0.04 tonnes
	BH Park	0.12 tonnes
25 February 2015	Lake Road	0.38 tonnes
26 February 2015	Lake Road	0.12 tonnes
12 March 2015	Wollombi	4 bags
13 March 2015	Wollombi	4 bags
22 April 2015	Duffie Drive	9 bags
11 May 2015	Kurri Kurri / Heddon Greta	8 bags
29 June 2015	Quorrobolong Road	6 bags
14 August 2015	Sawyers Gully Road	5 bags
18 September 2015	Sawyers Gully Road	4 bags
15 October 2015	John Renshaw Road	6 bags
16 October 2015	John Renshaw Road	6 bags
10 December 2015	Old Maitland Road	0.04 tonnes

Answers To Questions For Next Meeting

Report No. AQ48/2016

Works and Infrastructure



2016		
Date	Location	Volume
17 February 2016	Duffie Drive	0.24 tonnes
19 April 2016	Duffie Drive	0.36 tonnes
20 April 2016	Old Maitland Road	0.24 tonnes
21 April 2016	Old Maitland Road	0.14 tonnes
22 April 2016	Duffie Drive	0.36 tonnes
12 May 2016	Camp Road	6 bags
14 June 2016	Quorrobolong Road	6 bags
	Total	3.36 Tonnes

Note:

- * Bags are disposed via alternate disposal method
- * Weighed transactions are from Council's Weighbridge

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ49/2016

Planning and Environment



SUBJECT: *"A" FRAME ADVERTISING SIGNAGE*

RESPONSIBLE OFFICER: *Development Services Manager - Janine McCarthy*

Q46/2016 - "A" Frame Advertising Signage

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 6 July 2016.

Councillor Parsons asked if there is a Council Policy on placing of "A" Frames on the side of the road.

The Policy on A-Frame signage is outlined within Cessnock Development Control Plan 2010.

Installing or placing an A-Frame sign is *exempt development* (i.e permitted without development consent) on most land use zones, however development consent is required in a road reserve.

The DCP also requires each sign to be covered by public liability insurance to ensure both Council and the business owner are indemnified against any actions, claims and proceedings in respect of the sign.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ50/2016

Planning and Environment



SUBJECT: *FUTURE DEVELOPMENTS IN BUCHANAN*

RESPONSIBLE OFFICER: *Team Leader Development Services - Peter Giannopoulos*

Q48/2016 - Future Developments in Buchanan

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 20 July 2016:

'What future developments are there in Buchanan and what is the progression of each one?'

A Planning Proposal at 1416 George Booth Drive, Buchanan was considered by Council at its meeting of the 17 February 2016 and deferred until such time as the subject site has been considered in the context of the development of the new Cessnock Planning Strategy. Refer to report PE5/2016 in the Agenda and Minutes of Council's meeting of 17 February 2016.

Other than minor development, such as applications for the construction of dwellings, machinery sheds, agriculture, home based childcare and minor subdivisions, there are no other known future developments proposed in the Buchanan area.

For reference, development applications are able to be viewed via Council's website by selecting 'Application Tracker' within the 'Quicklinks' section on the Home page. Any member of the public may search via 'Suburb' eg. Buchanan, and other search criteria available to obtain information on all development applications previously approved or currently under assessment.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ51/2016

Works and Infrastructure



SUBJECT: *GARDEN IN YANGO STREET, CESSNOCK*

RESPONSIBLE OFFICER: *Recreation Services Manager - Nicole Benson*

Q49/2016 - Garden in Yango Street, Cessnock

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 20 July 2016.

Councillor Parsons asked whether the garden in Yango Street is looked after by Council or privately as it is in a state of disrepair.

The garden in Yango Street, Cessnock is maintained by Council on an as needs basis. Officers have inspected the garden and arranged for general maintenance to be carried out over the coming 3-4 weeks.

Over the longer term, the garden will be fully refurbished as part of the staged implementation of the Bridges Hill Masterplan, CBD Masterplan and the Cessnock Civic Precinct Revitalisation Program.

It is noted that the planned refurbishment is not part of the current stage of program works and as such will not occur for at least 12 months. In the interim maintenance will continue to be carried out on an as needs basis.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ52/2016

Works and Infrastructure



SUBJECT: *INTERSECTION OF GRETA AND COLLIERY STREETS,
ABERDARE - GIVE WAY*

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

Q50/2016 - Intersection of Greta and Colliery Streets, Aberdare - Give Way

Asked by Councillor Campbell at the Ordinary Meeting of Council held on 20 July 2016.

Councillor Campbell referred to the intersection of Greta and Colliery Street, Aberdare and the fact that the white paint has not be applied to indicate "Give Way" and asked if Council had heard any further from the RMS.

The Director Works and Infrastructure received the following update from Roads & Maritime Services (RMS) on 27 July 2016.

"RMS has issued a work order for these line marking improvements and a contractor will be engaged to complete the work as soon as possible. It is anticipated that the work will be completed within two months. The line marking will clearly indicate priority at the intersection for the turn from Colliery St into Greta St".

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ53/2016

Works and Infrastructure



SUBJECT: *COUNCIL STORAGE AREA ADJACENT TO FOOTBALL FIELDS - MARGARET JOHN PARK*

RESPONSIBLE OFFICER: *Works Delivery Manager - Geoffrey Bent*

Q51/2016 - Council Storage Area adjacent to Football Fields - Margaret John Park

Asked by Councillor Ryan at the Ordinary Meeting of Council held on 20 July 2016.

Councillor Ryan has received reports that the Council storage area adjacent to the football fields at Margaret Johns Park, have excessive amounts of bitumen and roadbase, and is concerned about children's safety.

Council utilises the subject storage areas for the temporary stockpile of materials for reuse on Council projects.

A current review of the available material is being undertaken with an expectation to either reuse or remove surplus material during August 2016.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO2/2016

Planning and Environment



SUBJECT: *EAST CESSNOCK FLYING-FOXES*

RESPONSIBLE OFFICER: *Principal Natural Environment Planner - Ian Turnbull*

RECOMMENDATION

That Council note the correspondence.

Following a number of items of correspondence to Federal Environment Minister the Hon Greg Hunt MP, Council has received the enclosed response. Council wrote to the Minister following its resolution of 6 April 2016 expressing support for the proposed Parliamentary Enquiry into Flying-foxes. In addition Council wrote seeking support from the Minister following a media statement made by the Minister whereby he invited Council to make contact with his office.

The response from the Minister is provided for the information of Councillors. The Minister has indicated that the Commonwealth Department of the Environment can assist Council with management options for the Grey Headed Flying Fox and that staff from the Department will be in touch with Council to discuss appropriate management measures as they apply to national environmental law. Council staff have not received any contact from the Department at the time of preparing this report, however will follow this matter up with the Department.

ENCLOSURES

- 1** Correspondence from the Hon Greg Hunt MP, Minister for Environment.