



27 October 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, 2 November 2016 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

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(1) OPENING PRAYER	
(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	
(3) RECEIPT OF APOLOGIES	
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(17) COUNCILLORS' REPORTS



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Model Code of Conduct

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

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 OCTOBER 2016, COMMENCING
AT 6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Manager Governance and Business Services
Development Services Manager
Consultant Engineer
Media & Communication Officer
Corporate Administration Officer
Relief Executive Assistant

MINUTES:

MOTION

Moved: Councillor Gray
Seconded: Councillor Stapleford

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RESOLVED that the Minutes of the Ordinary Meeting of Council held on 5 October 2016, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (13)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI17/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Suvaal

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RESOLVED

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

PE 69/2016 – DA 8/2015/545/1, Proposing a Service Station, Food and Drink Premises, Signage and Associated Car parking and Landscaping – 247 Wine Country Drive, Nulkaba. Councillor Burke declared a Non-Pecuniary Less Than Significant Conflict for the reason that a family member works in the nearby Service Station. Councillor Burke advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he will receive no benefit from the proposal.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Ross Wilson	Against Recommendation	PE69/2016 - DA 8/2015/545/1, Proposing a Service Station, Food and Drink Premises, Signage and Associated Car parking and Landscaping 247 Wine Country Drive, Nulkaba	51	3 mins

EXTENSION OF TIME

Moved:

Councillor Lyons

Seconded:

Councillor Sander

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RESOLVED

That an extension of 1 minute be granted.

FOR

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

AGAINST

Councillor Olsen

Total (1)

CARRIED

Mr Patrick Quinlan	For Recommendation	PE69/2016 - DA 8/2015/545/1, Proposing a Service Station, Food and Drink Premises, Signage and Associated Car parking and Landscaping 247 Wine Country Drive, Nulkaba	51	3 mins
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PLANNING AND ENVIRONMENT NO. PE69/2016

SUBJECT: DA 8/2015/545/1, PROPOSING A SERVICE STATION, FOOD AND DRINK PREMISES, SIGNAGE AND ASSOCIATED CARPARKING AND LANDSCAPING

247 WINE COUNTRY DRIVE, NULKABA

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

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RESOLVED

1. That Council determine Development Application No 8/2015/545/1 proposing a service station, food and drink premises, signage and associated car parking and landscaping at 247 Wine Country Drive, Nulkaba, 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 as amended by A and B below; and
 - A. Insert new Condition 5a to read as follows:

Amended plans

Amended plans demonstrating removal of all proposed truck stop facilities, including showers, toilets and laundry, shall be provided to, and approved by the Certifying Authority, prior to the issue of a Construction Certificate.
 - B. That condition 58 be amended to read as follows:
 - (a) *The service station shall operate between the hours of 5.00am until 11.00pm, seven days per week.*
 - (b) *The food and drink premises shall operate between the hours of 6:00am and 11:00pm, seven days per week.*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

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 8/2015/545/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Analysis REV B	MM	25.09.15
Site Plan REV P	MM	19.08.16
Floor Plan REV D	MM	02.10.15
Car Canopy REV C	MM	25.09.15
Truck Canopy REV C	MM	25.09.15
Elevations/Sections REVC	MM	25.09.15
Vehicle Movement Plan REV I	MM	15.07.16
Site Levels REV A	MM	02.10.15
3D Perspective Views REV A	MM	02.10.15
Signage REV A	MM	25.11.15
Proposed Road Works REV B	MM	19.08.16
Proposed Concept Civil Works, drawing No. C01 – C08	Eclipse Consulting Engineers	23.12.15

Document Title	Prepared By	Dated
Statement of Environmental Effects	KDC	October 2015
Noise Assessment	Muller Acoustic Consulting	14 October 2015
Traffic Impact Assessment	Northern Transport Planning and Engineering Pty Ltd	October 2015
Crime Risk Assessment	KDC	22 October 2015
Multi-Level Risk Assessment	Myros Design Pty Ltd	8 October 2015
Water Cycle Management Plan	Eclipse Consulting Engineers	22 December 2015

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

2. Tourism S94 Contributions Plan

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

Contribution Type	Amount Payable
Tourist Information and Signage	\$42,434.78
Plan Preparation and Administration	\$4,274.01

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au

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

3. Roads and Maritime Requirements

The following Roads and Maritime conditions shall be complied with. Satisfactory evidence of how the development can comply with the below criteria shall be submitted to and approved by Council prior to issue of the CC:

- a) Discharged stormwater from the subject development site shall be adequately catered for within the site and shall not exceed the capacity of the Wine Country Drive stormwater drainage system.
- b) To minimise potential collision impact, any new stormwater headwalls within the road reserve should be constructed at a tilt and recessed within the road reserve swale system to Roads and Maritime's standards.
- c) A Construction Traffic Management Plan (CTMP) shall be prepared which details the management of light and heavy vehicle movements associated with the project during construction, including the new intersection upgrade. The CTMP shall address the movement of oversize loads to and from the site, the management of construction traffic, any restrictions to the hours of heavy vehicle movements to avoid road use conflicts and the transport of construction waste materials. The CTMP should be submitted to Roads and Maritime and Council for acceptance prior to commencement of any works.

Roads and Maritime reserves the right to review the CTMP at any stage and make changes in the interests of maintaining road safety and network efficiency on the classified road network.

- d) The applicant must contact Hunter Traffic Operations via the Roads and Maritime website (see: <https://myrta.com/op1inc2>) to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the future roadworks.
- e) As road works are required to be carried out on Wine Country Drive (MR220), Roads and Maritime require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions as the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993, as applicable, for all works under the WAD. The developer should consult with Roads and Maritime (and Council) prior to the execution of the WAD and undertaking any design work. The WAD shall be executed prior to the issue of any Construction Certificate for the development.

4. Security for Cost of Damage and Completion of Public Work

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

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

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

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

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

5. Car Parking – Commercial/Industrial

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities*, and *AS 2890.3-1993 Parking Facilities – Bicycle parking facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

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

6. Disabled Car Parking Spaces

A minimum of two (2) car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a CC.

- * *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*
- * *AS/NZS 2890.6:2009 Parking Facilities – Off street parking for people with disabilities*
- * *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work*
- * *AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

Such parking spaces shall be designated and signposted for use by disabled persons for the life of the development.

7. Parking – Delivery Vehicles

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

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

8. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of 95 vehicles and such being set out generally in accordance with Council's Car Parking Code.

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.

9. Road – Engineering Requirements

All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & AS2890.2 – Parking Facilities.

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. Stormwater – Construction Management Plan Requirement

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

- a) Details of sedimentation and erosion control
- b) Details of provision of truck and machinery wash down areas.
Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
- c) Details of dust mitigation on building sites and access roads
- d) Location and phone number of the site office
- e) Details regarding provision of areas set aside for the storage/stockpiling of:
 - i) Construction refuse
 - ii) Construction materials
 - iii) Raw materials such as sand, soil, mulch and the like
 - v) Details regarding the provision of facilities for workers associated with the development.

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

11. Stormwater Design

A stormwater drainage design, incorporating on site stormwater detention facilities and water quality treatment facilities, prepared by a qualified practising Civil Engineer must be provided to the CA prior to the issue of a CC.

The design must be generally in accordance with the Water Cycle Management Plan dated 22 December 2015 and Stormwater Management Plans dated 23 December 2015 prepared by Eclipse Consulting Engineers.

The stormwater detention facility is to be provided 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.

12. Engineering Checking Fee

The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a CC for the site. Council's current fee is \$1369 for basins. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges at the time of payment.

13. Remediation Required

Prior to the issue of any CC, the site is to be remediated in accordance with:

- a) The relevant approved Remediation Action Plan, and
- b) *SEPP No. 55 – Remediation of Land*, and
- c) The guidelines in force under the *Contaminated Land Management Act*.

Within thirty (30) days after the completion of the remediation works, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Clause 18 of *SEPP No. 55 – Remediation of Land*.

The validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. The audit is to be carried out by an independent auditor accredited by the Office of Environment and Heritage. Any conditions recorded on the Site Audit Statement are to be complied with.

Upon completion of the remediation works on the Site, the Applicant shall submit a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA and Council prior to the issue of any CC.

Note: The Applicant must comply with clauses 17 and 18 of State Environmental Planning Policy No.55—Remediation of Land.

Note: Words and expressions used in these conditions have the same meaning as in the Contaminated Land Management Act 1997

14. Food Premises

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

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

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

- a) a separate floor and sectional plan detailing:
 - i) the kitchen/cafe area floor, wall, and ceiling surface finishes
 - ii) location of the required hand wash basin/s and cleaning sinks/s
 - iii) location of dry and cold storage areas,
 - iv) fit-out details for the kitchen and servery, including proposed refrigeration

- and cooking equipment
- v) designated cupboard or locker for the storage of staff clothing and personal belongings
- vi) location of the bar area.

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

15. Food Premises

The proponent shall provide a designated hand basin to the benchtop number “28” on the drawing titled “Proposed Restaurant Layout” drawing number 1511101 dated 04/12/15. The hand basin must be supplied with warm running water from a single outlet, single use towel and towel dispenser and hand soap. All supplied hand basins must be accessible and no further than 5 metres from any place where food handlers are handling open food.

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

16. Food Premises

A food premises where food is prepared by immersion in water must contain a food preparation sink(s).

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

17. Air Conditioning Units

Any air conditioning unit on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the *Protection of the Environment (Operations) Act 1997*.

Details demonstrating noise attenuation measures in this regard are to be submitted to the CA prior to the issue of a CC.

18. Outdoor Lighting

Prior to the issue of a CC, the CA must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

19. Smoke Free Premises

The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2000*. Details demonstrating compliance with this condition are to be provided to the CA prior to the issue of a CC.

20. Mechanical Exhaust System

Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and *AS 1668 Parts 1 and 2*

(including exhaust air quantities and discharge location points) are to be provided to the CA prior to the issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

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

21. Construction and Traffic Management Plan

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

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

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

22. 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.

23. Soil and Water Management Plan

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

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

24. 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.

25. 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.

26. Soil and Water Management Plan Implemented

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

27. 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.

28. Toilet Facilities

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

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

DURING WORKS

The following conditions are to be complied with during works.

29. 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.

30. Site is Securely Fenced

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

31. 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*.

32. Removal of Contaminated Soil

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

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

33. Location of Council Pipes

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

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

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

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

34. Implementation of Soil and Water Management Plan

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

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

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

35. 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.

36. 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.

37. Building Materials On Site

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

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):

38. Food Premises

Council must be notified that the premises is being used for the preparation, manufacture, or storage of food for sale, and an inspection of the completed fit out is to be conducted by Council prior to the issue of an OC.

39. Provision of LPG Tanks

The installation and operation of the LPG facility must be in accordance with the relevant provisions of *AS 1596:2002 Storage and handling of LP Gas*. Details are to be provided prior to the issue of an OC.

40. Acoustic Testing

Prior to the issue of an OC, acoustic testing must be conducted by a consultant who is a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants, to verify that recommendations of the acoustic assessment will be achieved when the development is operational.

41. Acoustic Report Recommendations Complied With

A certificate must be submitted to and approved by Council's Environmental Health team prior to the issue of an OC or before the commencement of the use (whichever is earlier). The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

42. Environmental Management Plan

An Environmental Management Plan shall be developed and submitted to the PCA for approval, prior to the issue of an OC. The Environmental Management Plan shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The Environmental Management Plan shall include, but not be necessarily limited to, the following measures:

- a) Measures to control noise emissions from the site
- b) Measures to suppress odours and dust emissions
- c) Selection of traffic routes to minimise residential noise intrusions
- d) Soil and sediment control measures
- e) Measures to identify hazardous and industrial wastes, and the procedures for removal and disposal - including asbestos
- f) Community consultation
- g) Inclusion of a complaints register.

43. Trade Waste Disposal

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

44. Disposal of Hazardous Waste

Prior to the issue of an OC, details concerning how hazardous and/or industrial waste arising from the demolition/operational activities is to be removed and/or transported in accordance with the requirements of the Department of Environment and Climate Change and the New South Wales Work Cover Authority is to be submitted.

45. 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.

46. Parking – Completion

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

47. Parking – Loading Facility Requirement

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

48. Parking – Maintenance

All parking and loading bays shall be permanently marked out on the pavement surface, prior to issue of an OC. All loading bays and visitor parking facilities shall be clearly indicated by signs.

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. Stormwater – Plan of Management

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

51. Parking – Bicycle Parking

Bicycle parking racks to accommodate 10 bicycles shall be provided prior to the issue of a Final *OC*.

52. Disabled Access/Parking

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

53. Reinstate Road Reserve Verge

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

54. 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.

55. 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.

56. Road – Signage (Access)

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

57. Completion of Road Works

Prior to issue of any occupation certificate for the subject development the developer shall complete all road works under the WAD to practical completion, as determined by Roads and Maritime.

ONGOING USE

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

58. Operation of Premises

The property shall not permit internal customer access to the building between the hours of 11pm and 6am, seven days per week. An out of hours service window shall be used for the service station during the out of hours operation. The food and drink premises shall not operate outside of these hours.

59. Storage of Hazardous Goods

Dangerous and hazardous goods shall be stored in accordance with New South Wales WorkCover Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids must be stored in accordance with *AS 1940 The Storage and Handling of Flammable and Combustible Liquids*.

Hazardous and/or industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the Department of Environment and Climate Change and the New South Wales WorkCover Authority.

60. 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*.

61. Pollution Control

The use of the premises must not give rise to the emission of gases, vapours, dusts, or other impurities which are a nuisance, injurious, or prejudicial to health.

Air emissions from the premises must not be expelled from the premises to any other part of the building. Air emissions from the premises must not enter the atmosphere of any other occupancy within the building.

62. Liquid Spills

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Materials used to clean up must be disposed of to an appropriately licensed waste facility.

63. 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.

64. Parking Areas to be Kept Clear

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

65. Driveways to be Maintained

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

66. Advertising Signage

A separate DA for any proposed signs additional to those approved as part of this consent must be submitted to and approved by Council prior to the erection or display of any such signs.

67. Advertising Signage

The approved sign/s must be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the sign/s is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises or the road reserve.

No consent is given or implied for any form of illumination or floodlighting to any sign not already specified on the plans.

ADVICE

68. Road – Advice

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

FOR	AGAINST
Councillor Stapleford	Councillor Olsen
Councillor Suvaal	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (4)

CARRIED

MOTIONS OF URGENCY
MOTIONS OF URGENCY NO. MOU17/2016

SUBJECT: MOTIONS OF URGENCY

NIL

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE70/2016

SUBJECT: **DA 8/2016/332/1 - PROPOSING A CHANGE OF USE FROM DWELLING, TO
TOURIST AND VISITOR ACCOMMODATION**

13 VERDALE CLOSE (PRIVATE ACCESS), POKOLBIN

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

23

RESOLVED

1. That Council determine Development Application No. 8/2016/332/1 proposing a change of use from dwelling, to tourist and visitor accommodation at 13 Verdale Close (private access), Pokolbin, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report; and
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

CONDITIONS OF CONSENT/REASONS FOR REFUSAL

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/332/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Ground Floor Plan File No: 909440 Drawing No:030 Revision No: F	Cosmopolitan Living MH	7/10/10
Site Plan File No: 909440 Drawing No:020 Revision No: F	Cosmopolitan Living MH	7/10/10

Document Title	Prepared By	Dated
Conditions of Booking REF: VinON8 GRF 2.16		
The Vintage On The 8 th REF: VINON8 Directions		
Access Instructions		
The Vintage On The 8 th Guest Guidelines		
Statement of Environmental Effects Proposed change of use from dwelling to tourist and visitor accommodation Owner: Mr W Buchanan Reeks		August 2016

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

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):

2. Tourism S94 Contributions Plan

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

Contribution Type	Amount Payable
Vineyards Roads and Bridges	\$3643.33
Tourist Information and Signage	\$2708.63
Plan Preparation and Administration	\$221.11

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au

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

3. Fire Safety Upgrade

Pursuant to Clause 93 of the Environmental Planning & Assessment Regulation 2000, the existing dwelling shall be upgraded as follows to comply with the BCA and adopted Australian Standards

1. Install a smoke alarm system compliant with the *National Construction Code 2015 Building Code of Australia (BCA) Volume 2 Part 3.7.2* and Australian Standard AS3786 – 1993 *Smoke Alarms*. In this regard photoelectric smoke alarms must be installed on or near the ceiling (maintaining a minimum 300mm setback from any wall/ceiling junction) within every room used as a bedroom and in the any hallway associated with a bedroom. The smoke alarms shall be hard wired to consumer mains power and interconnected.

2. A system of lighting to assist evacuation of the building in the event of a fire is to be installed in accordance with the National Construction Code 2015 Building Code of Australia (BCA) Volume 2 clause 3.7.2.5. In this regard lighting must be activated by the smoke alarm system and shall consist of a light incorporated within the hallway smoke alarm or lighting located in any hallway served by a smoke alarm.
3. A Fire Blanket is to be installed within a readily accessible location within the kitchen area. The Fire Blanket is to comply with Australian Standard AS 2444-2001 Portable fire extinguisher and fire blankets – selection and location.
4. Prior to issue of an Occupation Certificate, documentary evidence in the form of a Final Fire Safety Certificate is required to be submitted to Council verifying that all essential fire safety measures as required by the Fire Safety Schedule have been installed and are operational to the applicable performance standard.

A copy of the Final Fire Safety Certificate and the Fire Safety Schedule is to be displayed in a prominent location within the building

4. Occupation Certificate

Prior to use of the dwelling as a tourist accommodation building and at the completion of any requirements or works as detailed in the consent conditions an Occupation Certificate is to be obtained from Council or a Private Certifier

5. Complaint Management

The applicant shall form a procedure for documenting complaints, which shall be made available to all guests and adjoining neighbours. A copy of this procedure shall be submitted to Council and approved prior to issue of OC.

ONGOING USE

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

6. Maximum Number of Guests

A maximum of eight (8) guests are permitted at any one time to occupy the tourist and visitor accommodation.

7. Tourist Accommodation

A register shall be kept of all lettings of sites/units giving the name of the occupier, their home address, the date of the commencement of occupation, and the date of departure. This shall be made available to Council officers at all times.

8. 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.

9. On-site Parking

On-site car parking shall be provided for a minimum of 4 vehicles (comprising 2 garage parking spaces and 2 stacked driveway spaces).

The proposed parking and driveway areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking and vehicle access for the life of the development.

10. Driveways to be Maintained

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

11. Submission of Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the New South Wales Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued.

12. Operational Plan of Management

Should any changes to the approved documents be made, a copy of the revised Operational Plan of Management shall be submitted to Council, ensuring that the proposed development operates in a manner that maintains a high level of amenity. An Operational Plan of Management is to remain current and enforced whilst ever the property is operated for the purposes of tourist and visitor accommodation.

As a minimum, the Operational Plan of Management shall address the following:

- Proposed staffing arrangements, including contact details of the manager and secondary after hour's contacts are to be included.
- A procedure for accessing the site.
- A procedure shall be provided to residents outlining waste collection and recycling.
- A procedure for documenting complaints, which shall be made available to all guests and adjoining neighbours.
- A procedure shall be developed and be made available to guests regarding visitors to the premises.

13. Privacy – Screening

The existing vegetation screening along the northern and southern boundaries between adjoining neighbours must be maintained to prevent direct lines of site into private open space of adjoining lots.

Should this vegetation screening be unable to be maintained, a 1.8m high privacy screen must be erected along both boundaries to ensure reasonable privacy for the adjoining properties at 15 and 11 Verdale Close, Pokolbin. The privacy screen must be 75 percent obscure, permanently fixed, and made of durable materials. Details must be provided to Council prior to installation.

FIRE SAFETY SCHEDULE

Issued in accordance with Division 2 Clause 168 of the Environmental Planning & Assessment Regulation, 2000.

THIS FIRE SAFETY SCHEDULE SPECIFIES FIRE SAFETY MEASURES THAT ARE REQUIRED TO BE IMPLEMENTED IN THE WHOLE OF THE BUILDING INDICATED BELOW.

Owner: Mr William David Buchanan – Reeks
Address: 41 Neeworra Road, NORTHBRIDGE NSW
2063

Property Description

Lot/D.P./Section: LOT: 12 DP: 270292

Street/Town: 13 Verdale Close (private access), Pokolbin NSW 2320

Description of Tourist Accommodation **Classification:** 1b

Building:

List of Fire Safety Measures currently implemented in building

Smoke Alarms
Fire Extinguisher
Fire Blanket

SCHEDULE OF STATUTORY FIRE SAFETY MEASURES WHICH ARE REQUIRED TO BE IMPLEMENTED IN THE BUILDING

<i>Fire Safety Measures to be installed in building</i>	<i>Minimum standard of performance for each Fire Safety Measure.</i>
Fire blankets	Australian Standard AS2444—2001
Smoke Alarm System incorporating Photoelectric smoke alarms, hard wired and interconnected	National Construction Code 2015 Building Code of Australia (BCA) Volume 2 Part 3.7.2 and AS 3786 - 1993
Emergency Evacuation Lighting To be activated by the smoke alarm, consisting of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or area served by the smoke alarm	National Construction Code 2015 Building Code of Australia (BCA) Volume 2 Part 3.7.2.5

A Fire Safety Certificate must be provided for each Fire Safety Measure indicated in the above schedule.

A Fire Safety Certificate means a certificate referred to in Clause 170 of the Environmental Planning and Assessment Regulation 2000. A Fire Safety Certificate is a certificate that states that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates;

- a) has been assessed by a properly qualified person, and
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

A Fire Safety Certificate or Statement must be in accordance with Section 174 or Section 177 of the E P & A Regulations, 2000. For further information regarding Fire Safety Certificates contact Council Senior Building Fire Safety Officer, Planning and Environment.

FOR	AGAINST
Councillor Stapleford	Councillor Olsen
Councillor Suvaal	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (4)

CARRIED

PLANNING AND ENVIRONMENT NO. PE71/2016

SUBJECT: STATE SIGNIFICANT DEVELOPMENT 14/6666: FORMER HYDRO ALUMINIUM SMELTER, KURRI KURRI - DEMOLITION AND REMEDIATION

**HART ROAD, DICKSON ROAD AND BISHOPS BRIDGE ROAD,
LOXFORD**

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Suvaal
24

RESOLVED

That Council receive and note the submission dated 23 September 2016, lodged in response to the exhibition of State Significant Development 14/6666, proposing the demolition and remediation of the Former Hydro Aluminium Smelter, Kurri Kurri.

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

Total (13)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE72/2016

SUBJECT: STATE SIGNIFICANT DEVELOPMENT 15_7396 FOR THE PURPOSE OF INSTALLING AND OPERATING THERMAL PROCESSING EQUIPMENT FOR THE PROCESSING OF MEDICAL AND OTHER WASTES IN CONJUNCTION WITH AN EXISTING FACILITY ('WESTON ALUMINIUM')

129 MITCHELL AVENUE, KURRI KURRI

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
25

RESOLVED

That Council endorses the draft submission (Enclosure 1), for forwarding to the NSW Department of Planning and Environment.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC66/2016

SUBJECT: COUNCIL RECESS PERIOD

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

1. That Council be in recess from 7 December 2016 to 1 February 2017.
2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2017 Ordinary Meeting of Council scheduled to be held on 1 February 2017.

AMENDMENT **Moved:** Councillor Olsen **Seconded:** Councillor Doherty

That Council's first scheduled ordinary meeting for 2017 be held on 18 January.

FOR	AGAINST
Councillor Olsen	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
	Councillor Stapleford
	Councillor Suvaal
	Councillor Dagg
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
Total (3)	Total (10)

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

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

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

26

RESOLVED

1. That Council be in recess from 7 December 2016 to 1 February 2017.
2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2017 Ordinary Meeting of Council scheduled to be held on 1 February 2017.

FOR

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

Total (12)**AGAINST**

Councillor Olsen

Total (1)***CARRIED***

CORPORATE AND COMMUNITY NO. CC67/2016

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray
27
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC68/2016

SUBJECT: COUNCILLOR EXPENSES AND FACILITIES POLICY

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

1. That Council place the draft *Councillor Expenses and Facilities Policy* on public exhibition for 28 days.
2. That, if no submissions are received by the close of the exhibition period, Council adopt the new *Councillor Expenses and Facilities Policy*.

AMENDMENT **Moved:** Councillor Olsen **Seconded:** Councillor Doherty

The Mayor be provided with a suitable and appropriate Mayoral vehicle for civic and private use. The Mayors vehicle will be something similar to a Toyota Camry or Mazda 3 to the approximate value of \$30,000.

FOR	AGAINST
Councillor Olsen	Councillor Doherty
	Councillor Dunn
	Councillor Fagg
	Councillor Stapleford
	Councillor Suvaal
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Dagg
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
Total (1)	Total (12)

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

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

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

28

RESOLVED

1. That Council place the draft *Councillor Expenses and Facilities Policy* on public exhibition for 28 days.
2. That, if no submissions are received by the close of the exhibition period, Council adopt the new *Councillor Expenses and Facilities Policy*.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)
<i>CARRIED</i>	

CORPORATE AND COMMUNITY NO. CC69/2016

SUBJECT: INVESTMENT REPORT - SEPTEMBER 2016

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

29

RESOLVED

That Council receive the report and note the information.

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

Total (13)

Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN9/2016

SUBJECT: NORTH ROTHBURY PRIORITY SEWERAGE SCHEME

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

30

RESOLVED

1. That Council reiterates its support for its previous resolution of 2 April 2014 in relation to the provision of sewerage services to North Rothbury and other villages within the Cessnock Local Government Area as a high priority and for these works to be completed by August 2020.
2. That Council writes to the Hunter Water Corporation and to the Minister for Lands and Water, requesting an urgent review of the decision not to provide sewerage services to North Rothbury until 2024/25 and that the necessary works be brought forward by Hunter Water as a matter of priority.
3. That Council writes to the Parliamentary Secretary for the Hunter, Scot MacDonald and the State Member for Cessnock, Clayton Barr, MP requesting support for Council's position.
4. That the General Manager undertake an audit of the sewerage systems to consider health issues.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN10/2016

SUBJECT: TRAFFIC FLOW

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Dunn

1. That a review be carried out by Council into traffic flow problems from the intersection of Wollombi Road, Cessnock and Mount View Road, Cessnock through to the intersection of Vincent Street, Cessnock and Maitland Road, Cessnock.
2. When the review is complete a report be brought back to Council on how this section can be improved with design concepts for Council to review.
3. Once Council has reviewed the report contact is to be made with the RMS and State Member, Clayton Barr raising Council's concerns with the traffic problems in this area and request support to fund and improve this areas of roadworks.

AMENDMENT **Moved:** Councillor Burke **Seconded:** Councillor Sander

1. That Council, under the auspice of the LGA Wide Traffic and Transport Strategy, investigate the traffic flow issues from the intersection of Wollombi Road Cessnock and Mount View Road Cessnock to the Intersection of Vincent Street Cessnock and Maitland Road Cessnock.
2. That a Councillor Briefing session be held to discuss the findings of the LGA Wide Traffic and Transport Strategy.
3. That a report be provided to Council on the outcomes of the LGA Wide Traffic and Transport Strategy, outlining funding options and seeking support from the State Member for Cessnock, the Parliamentary Secretary for the Hunter and Roads and Maritime Services to implement priority projects identified in the Strategy.

FOR

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

Total (11)

AGAINST

Councillor Olsen
Councillor Fagg

Total (2)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander

31

RESOLVED

1. That Council, under the auspice of the LGA Wide Traffic and Transport Strategy, investigate the traffic flow issues from the intersection of Wollombi Road Cessnock and Mount View Road Cessnock to the Intersection of Vincent Street Cessnock and Maitland Road Cessnock.
2. That a Councillor Briefing session be held to discuss the findings of the LGA Wide Traffic and Transport Strategy.
3. That a report be provided to Council on the outcomes of the LGA Wide Traffic and Transport Strategy, outlining funding options and seeking support from the State Member for Cessnock, the Parliamentary Secretary for the Hunter and Roads and Maritime Services to implement priority projects identified in the Strategy.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

BUSINESS WITH NOTICE NO. BN11/2016

SUBJECT: CONSTRUCTION OF MULTI-STOREY CAR PARK

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Dunn

1. That Council investigate the building of a multi-storey Car Park on the current parking lot in Charlton Avenue between the Commonwealth Bank and the Coles Shopping Complex.
2. When the investigation is complete a report be brought back to Council with a design concept and approximate costs.

AMENDMENT **Moved:** Councillor Burke **Seconded:** Councillor Fitzgibbon

- 1) That Council, under the Auspice of the Cessnock Commercial Precinct Project, investigate possible sites for the building of multi-storey public Car Parking within the Cessnock Commercial Precinct, including the current public car parking lot in Charlton Street between the Commonwealth Bank and the Coles Shopping Complex.
- 2) That the findings of the investigation be reported to Council, with a design concept and approximate costs, in association with the report for the Cessnock Commercial Precinct Project.

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Fagg	Councillor Doherty
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (2)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Fitzgibbon
32
RESOLVED

1. That Council, under the Auspice of the Cessnock Commercial Precinct Project, investigate possible sites for the building of multi-storey public Car Parking within the Cessnock Commercial Precinct, including the current public car parking lot in Charlton Street between the Commonwealth Bank and the Coles Shopping Complex.
2. That the findings of the investigation be reported to Council, with a design concept and approximate costs, in association with the report for the Cessnock Commercial Precinct Project.

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Fagg	Councillor Doherty
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (2)

CARRIED

BUSINESS WITH NOTICE NO. BN12/2016

SUBJECT: ESTABLISHMENT OF COMMUTER CAR PARK - STANFORD ROAD, HEDDON GRETA

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Dagg

33

RESOLVED

1. That the General Manager investigate and commence dialogue with the RMS regarding the establishment of a commuter carpark and associated turning lanes at Stanford Road, Heddon Greta and report to Council approximate cost and funding options.
2. That the General Manager investigate other car-pooling sites in the Cessnock Local Government Area as a direct result of the Hunter Expressway.

FOR

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

Total (12)

AGAINST

Councillor Olsen

Total (1)

CARRIED

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ63/2016

SUBJECT: PARKING FINES FOR RESIDENTS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ64/2016

SUBJECT: STEPS - CONVENT HILL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ65/2016

SUBJECT: USER CHARGES/COST RECOVERY POLICY

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ66/2016

SUBJECT: BUS SHELTER - NORTH END COMMUNITY HALL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ67/2016

SUBJECT: KERB AND GUTTERING WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ68/2016

SUBJECT: DRAIN OVAL AND DOVER STREET DRAINAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ69/2016

SUBJECT: ALLANDALE ROAD, CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ70/2016

SUBJECT: TELSTRA ACCESS PIT OUTSIDE BELLBIRD SCHOOL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ71/2016

SUBJECT: EXTRA BINS - HOME DIALYSIS PATIENTS

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Ian Olsen

IMPOUNDING COSTS - ENQUIRY REGARDING PAYMENT PLAN OPTIONS

Can Council investigate the possibility of a payment plan for low-income earners who find it difficult to pay the costs of releasing their companion animals from the Dog Pound.

Councillor Ian Olsen

EDUCATION FOR RESIDENTS REGARDING PARKING IN KEARSLEY

Councillor Olsen asked if Council could investigate the possibility of providing education to residents rather than enforcement relating to parking issues.

Councillor Mark Lyons

REDUCING IMPACT OF TREES ON SOLAR PANELS FOR RESIDENTS

Councillor Lyons asked what responsibility does Council have for providing solar access when public trees deprive residents of gaining access to the sun.

Councillor Mark Lyons

REGULATION OF BABY CHANGING ROOMS IN THE CBD

Councillor Lyons asked what the regulations are in regard to baby change rooms, e.g. size and capacity, who regulates?

CORRESPONDENCE

CORRESPONDENCE NO. CO3/2016

SUBJECT: CESSNOCK CORRECTIONAL CENTRE EXPANSION UPDATE

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Suvaal
34
RESOLVED

That Council note the correspondence received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

Mayor Pynsent

Report the motion of this Council from the previous Council at the Local Government Conference in regards to low interest rates and calling on the Federal Government putting extra money into infrastructure to Councils across Australia was supported unanimously by the 300 delegates at the Local Government NSW Conference.

Mayor Pynsent

Report on Community Consultative Committee and take Councillors guidance if the minutes or the actions from meeting are required. The community have raised a number of issues about the future expansion of Cessnock Corrective Centre, eg. visual impact, the landscape and the visual amenity, impact of the PA system on the local residents, the lights, traffic impact, appropriateness of Lindsay Street and local streets accessing the Centre, impacts on Cessnock Hospital. As of this week the REF and the report that is coming back on the feedback should be available. From the Report, the first part of the building for the maximum security section will commence before the end of the year with a completion date sometime next year. Once the REF is out there will be further consultation with the Committee and this Council.

The Meeting Was Declared Closed at 7.46pm

CONFIRMED AND SIGNED at the meeting held on 2 November 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI18/2016

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.

Motions of Urgency

Report No. MOU18/2016

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.

Rescission Motions

Report No. RM1/2016

General Manager's Unit



RESCISSION MOTIONS No. RM1/2016

SUBJECT: COUNCIL RECESS PERIOD

The undersigned lodge the following motion of rescission:

That the following motion in relation to report CC66/2016 Council Recess Period from the 19 October 2016 Ordinary Meeting of Council be rescinded:

- 1. That Council be in recess from 7 December 2016 to 1 February 2017.***
- 2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.***
- 3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2017 Ordinary Meeting of Council scheduled to be held on 1 February 2017.***

New Motion

- 1. That Council be in recess from 14 December 2016 to 1 February 2017.**
- 2. That Council pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.**
- 3. That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2017 Ordinary Meeting of Council scheduled to be held on 1 February 2017.**

Sgd: Bob Pynsent

Sgd: Darrin Gray

Sgd: Anthony Burke

Date: 24 October 2016

Received: 24 October 2016

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *18/2011/9: PLANNING PROPOSAL - BLACK HILL*

RESPONSIBLE OFFICER: *Principal Strategic Land Use Planner - Wonona Fuzzard*
Strategic Land Use Planning Manager - Martin Johnson

SUMMARY

APPLICATION NUMBER:	18/2011/9/1
PROPOSAL:	Planning Proposal – Black Hill
PROPERTY DESCRIPTION:	Lot 1131 DP 1057179
PROPERTY ADDRESS:	John Renshaw Drive & Black Hill Road, Black Hill
ZONE: (CURRENT)	RU2 – Rural Landscape
ZONE (PROPOSED)	IN2 – Light Industrial Zone E2 – Environmental Conservation Zone E4 – Environmental Living Zone
OWNER:	The Trustees of the Roman Catholic Church for the Diocese of Maitland Newcastle
PROPONENT:	City Plan Strategy and Development

The purpose of this Report is to advise Council of the outcomes of the public exhibition of the Black Hill Planning Proposal and seek Council's endorsement to make the proposed amendment to the Cessnock Local Environmental Plan (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 rezone the site from RU2 Rural Landscape to E2 Environmental Conservation (40.4ha); IN2 Light Industrial (195.6ha); and E4 Environmental Living (64ha and maximum 4 lots) (Enclosure 1);
2. That Council refer the Planning Proposal to the Minister for Planning requesting the making of the plan in accordance with the provision of the Environmental Planning and Assessment Act, 1979; and
3. That Council endorse the voluntary Planning Agreement and delegate authority to the General Manager to execute the Planning Agreement.

Planning and Environment

Report No. PE76/2016

Planning and Environment



Chronology

DATE	BRIEF DETAILS
7 March 2012	The Black Hill Planning Proposal was first reported to Council on 7 March 2012 under report EE 10/2012 where Council resolved to defer the matter pending a briefing of Councillors and to enable the proponent to provide additional information and undertake consultation with local residents.
4 July 2012	The Planning Proposal was again reported to Council on 4 July 2012 under report EE60/2012, taking into account the issues raised by Council. However, Council resolved to withdraw report EE60/2012 on the request of the proponent to enable more community consultation to be completed.
1 August 2012	The results of the consultation undertaken by the proponent were reported to Council on 1 August 2012 under report EE67/2012. Council resolved not to accept the Planning Proposal but to call a public meeting to enable Council to consult with the community about how the community viewed their locality and how they saw options for Planning Proposals to be presented in the future.
7 November 2012	A letter issued from the Acting Director General, stating that Council should forward the Planning Proposal for Gateway determination by 11 November 2012. A Report was then considered by Council under report EE99/2012. Council resolved at this Meeting to submit the Planning Proposal to the NSW Department of Planning & Infrastructure (DoPI) and not undertake further community consultation at that stage.
12 November 2012	The Planning Proposal was forwarded to the DOPI for a Gateway determination based upon zonings of IN1 General Industrial and E2 Environmental Conservation in the northern and southern sectors of the site.
11 December 2012	A Gateway determination was issued by the Director General of DoPI allowing the Planning Proposal to proceed subject to conditions. Gateway completion date of 16 December 2013 was provided.
4 March 2013	Council advised the proponent that in order to meet Gateway determination completion date, supporting technical studies would need to be completed towards the end of June 2013. However, the proponent advised that delays were experienced in the completion of the required supporting technical information, anticipating these to be finalised in September 2013, affecting Council's ability to finalise the Planning Proposal within the prescribed period.
29 August 2013	As agreed with the proponent, Council sought a 15 month extension to the initial Gateway determination to allow for the completion of technical information, undertake consultation and exhibition, to complete the supporting Development Control Plan and finalise the arrangements for the management of the proposed E2 Environmental Conservation zone through a voluntary Planning Agreement between the proponent, the Office of Environment & Heritage and Council.
25 September 2013	The DoPI endorsed a 12 month Gateway determination extension, with the Planning Proposal now due for completion by 18 December 2014.

Planning and Environment

Report No. PE76/2016

Planning and Environment



16 October 2013	<p>The supporting technical studies were received from the proponent on 16 October 2013 and the distribution of these planning studies to the following State Agencies:</p> <p>Mine Subsidence Board; NSW Rural Fire Service; Transport for NSW – Roads & Maritime Services; NSW Aboriginal Land Council; Office of Environment & Heritage; NSW Department of Primary Industries – Agriculture; and NSW Department of Primary Industries – Minerals and Petroleum.</p> <p>Discussions with each agency was undertaken and concluded late February 2014. The most significant issues were raised by the NSW Office of Environment & Heritage and Roads & Maritime Services.</p>
7 May 2014	Council endorsed the public exhibition of the Planning Proposal.
25 June – 30 July 2014	Public Exhibition
2 July – 6 August 2014	Exhibition of Voluntary Planning Agreement.
10 December 2014	<p>Post-exhibition report to Council addressed submissions, amendments to the proposal and provided additional detail on employment lands.</p> <p>Council resolved to support the revised Planning Proposal to rezone approximately:</p> <ul style="list-style-type: none"> • 152.4ha to IN1 General Industrial; • 40.4ha to E2 Environmental Conservation at the northern sector of the site; and • 105.6 ha to E4 Environmental Living based upon a 2 ha minimum lot size in the southern and south-western sector of the site. <p>Council resolved to endorse the draft objectives and land use table for the E4 Environmental Living zone.</p> <p>Council also resolved to prepare a site specific development control provisions to reinforce the local provisions of the LEP.</p>
24 December 2014	The revised Planning Proposal was submitted to the Department of Planning and Environment (DoPE) seeking an expeditious amended Gateway determination.
3 June 2015	A letter was received from the DoPE advising that they would not support the amended Gateway determination and advised that “Council may decide to proceed with a planning proposal more in accordance with the Gateway determination issued on the 11 December 2012”. The original Gateway determination did not include the rural residential component in the E4 which would allow the subdivision of up to 15 rural residential lots.
7 July 2015	DoPE endorsed a further extension to the Gateway determination with the Planning Proposal now due for completion by 18 June 2016.

Planning and Environment

Report No. PE76/2016

Planning and Environment



4 November 2015	Report to Council on the revised Planning Proposal in response to the requirements of the DoPE's letter dated 3 June 2015. Council Resolved to support the recommendation and refer the revised Planning Proposal for a Gateway determination. This Resolution was then followed by a Rescission Motion.
18 November 2015	Rescission Motion considered with a new resolution which resolved to delay making a decision until the implications of the State governments Hunter Regional Plan was known and reported back to Council.
9 February 2016	A letter was received from the DoPE advising that they had received a request from the proponent for the appointment of an alternate Relevant Planning Authority. The DoPE have advised the proponent that they would wait to make their decision until the matter was reported back to Council.
16 March 2016	Report to Council that the Planning Proposal had been considered in the context of the draft Regional Plan. The Council also resolved to seek an amended Gateway determination and to proceed to public exhibition of both the Planning Proposal and the Planning Agreement.
30 March 2016	Documentation submitted to DoPE requesting a revised Gateway determination.
17 June 2016	Revised Gateway determination issued to Council with a revised completion date of 18 December 2016.
29 June - 31 July 2016	Public exhibition of both the Planning Proposal and Planning Agreement.

BACKGROUND

On 7 March 2012 the proponent lodged the original Planning Proposal which sought the rezoning of the site from RU2 Rural Landscape to a combination of E2 Environmental Conservation and IN1 General Industrial. The Planning Proposal then went through a series of modifications following internal review, government agency review and community consultation as well as direction from the Department of Planning and Environment (DoPE).

On 24 December 2014 Council requested an amended Gateway determination to rezone the subject site from RU2 Rural Landscape to E2 Environmental Conservation (northern section), IN1 General Industrial (central section) and E4 Environmental Living (southern section with a 15 lot potential). A letter was received on 3 June 2015 from the DoPE advising that they would not support Council's request for an amended Gateway determination. Instead the DoPE suggested Council should submit an amended Planning Proposal more in accordance with the original Gateway determination of 11 December 2012. The 2012 Gateway determination supported the rezoning of the northern and southern sectors of the site as E2 Environmental Conservation and the central area as IN1 General Industrial. This version of the Planning Proposal provided for four not 15 lots on the southern portion of the site

On 4 November 2015 a Report was presented to Council recommending an amended Black Hill Planning Proposal to rezone the site from RU2 Rural Landscape to E2 Environmental Conservation (40.4ha); IN2 Light Industrial (195.6ha); and E4 Environmental Living (64ha and maximum 4 lots) generally consistent with the Gateway determination of 11 December 2012 was considered.

Planning and Environment

Report No. PE76/2016

Planning and Environment



The Report was initially supported, however, a Rescission Motion was considered on 18 November 2015 resulting in the following resolution:

“That Council delay making a decision on the Black Hill Planning Proposal until the State Government has released the Hunter Regional Plan which will replace the current Lower Hunter Regional Strategy and the Council has had the time to receive a report from Council staff on the implications for the Black Hill Planning Proposal.”

A further Report responding to this Resolution was considered by Council on 16 March 2016. The Draft Hunter Regional Plan and the Draft Plan for Growing Hunter City were considered with the Report concluding that the Black Hill Planning Proposal would be considered consistent with the Directions and Actions of both Draft Plans. Council then resolved to support the Planning Proposal and resubmit the amended proposal to the DoPE for a revised Gateway determination. Council also resolved to concurrently exhibit the voluntary Planning Agreement. A revised Gateway determination was issued to Council on 17 June 2016.

A copy of the revised Gateway determination is provided in **Enclosure 2**.

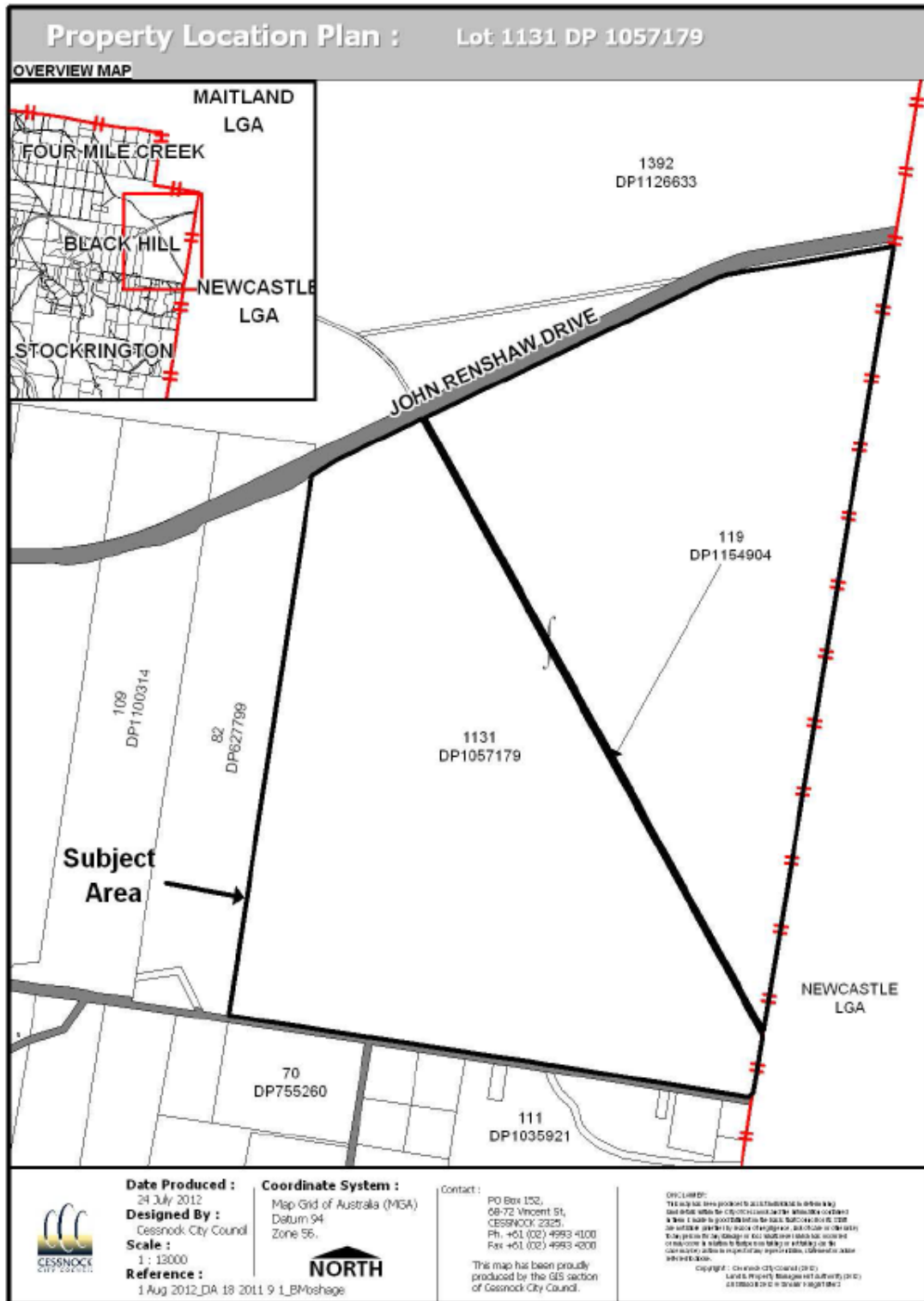
Planning and Environment

Report No. PE76/2016

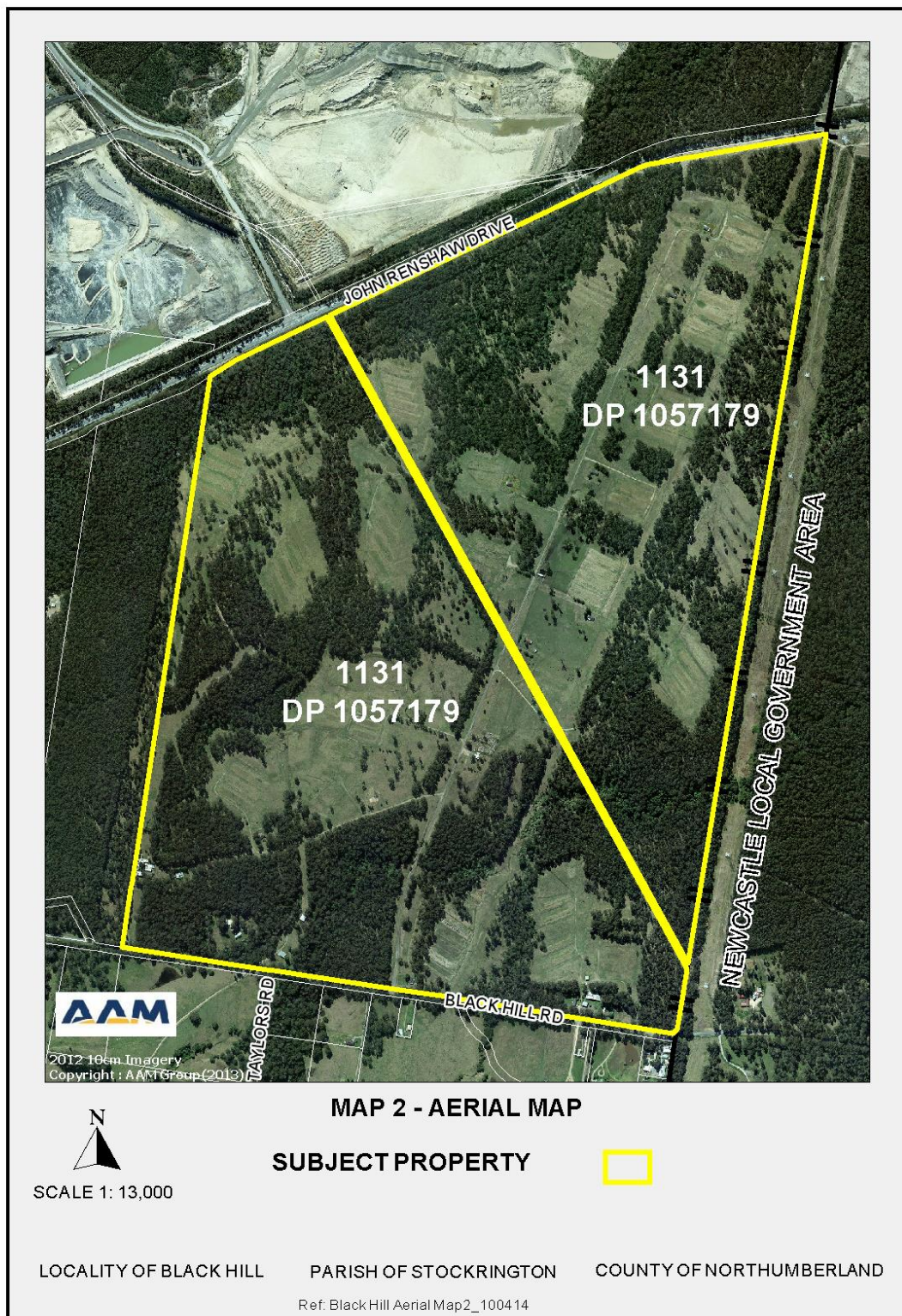
Planning and Environment



Property Location Plan



Aerial View



Planning and Environment

Report No. PE76/2016

Planning and Environment



REPORT/PROPOSAL

In accordance with the Gateway determination issued to Council on 17 June 2016, the Planning Proposal and Planning Agreement were placed on public exhibition from 29 June to 31 July 2016 to rezone the site from RU2 Rural Landscape to E2 Environmental Conservation (40.4ha); IN2 Light Industrial (195.6ha); and E4 Environmental Living (64ha and maximum 4 lots). This Report focuses on the results of this exhibition and should be considered in the context of the previous Council Reports of 7 May 2014, 10 December 2014, 4 November 2015 and 16 March 2016 as they provide additional supporting information. As the Planning Proposal is similar to the previous proposals all supporting studies submitted remain relevant.

Details of the submissions received during the exhibition period are addressed in the Consultation section of this Report.

Draft Black Hill Planning Agreement

The proponent has submitted a voluntary Planning Agreement (PA) to deal with the need for environmental offsets as a result of the development of the site. The E2 Environmental Conservation land will form part of this offset and no dwelling entitlement has been applied. Substantial offset land will still be required however; these have not been identified to date. The PA as submitted will prohibit the ability of the land to be developed until such time as the offset matter has been finalised regardless of any change to the zone. There is also a clause which requires the registration of the PA on the title of the land. This clause cannot be removed until the purchase/management of all offset land has been resolved.

The PA was exhibited concurrently with the Planning Proposal. Issues were raised previously regarding the concern that offsets were not on site and that they would not be in the immediate vicinity. Unfortunately due to the large number of offset credits required there is no opportunity to provide all offsets on site. However, the PA has General Principles in Schedule 3 2(d) for the negotiation and agreement of the conservation measures. Of particular note is *(d) that conservation measures that are close to the site are to be given first consideration*; as well as further commentary in the Explanatory Note to the PA stating:

“In relation to principle (d), and in response to the Black Hill community’s comments raised in public submissions, the Landowner agrees to investigate and consider conservation measures, in the following order of preference:

1. in the vicinity of the site,
2. in Cessnock local government area,
3. in locations with the same or similar ecological characteristics as the area affected by the development.”

The PA will be between the proponent and Council. Although the Office of Environment and Heritage will play a key role in the offsetting process, they are not a signatory to the document. The PA was included in the information provided for comment to OEH as part of the consultation process.

It should also be noted that proposed changes to the environmental legislation affecting biodiversity offsets may actually facilitate a better outcome for planning proposals in the future. Essentially, if legislated, there will be an option for a proponent to provide a monetary

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contribution to OEH who will then be responsible for identifying, purchasing and managing the land. At a strategic level this will allow high value areas to be a priority focus rather than the current piecemeal approach to land acquisition by individuals.

A copy of the Explanatory Note and draft Planning Agreement is provided at **Enclosures 3 and 4**.

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* and endorse the Planning Agreement to secure a process for the delivery of biodiversity off sets. 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 voluntary PA were placed on public exhibition from 29 June to 31 July 2016. The exhibition material was available on Council's website, Administration Building and both Cessnock and Kurri Kurri Public Libraries. A high proportion of submissions are from the same property with multiple family members making submissions, however, the issues remain the same and the consistency of the opposition to the Proposal has not changed. One submission was also received from the local community group which also maintains its objection to the Planning Proposal. A response was also received from Newcastle City Council which raised no objections. The table below indicates the number and areas from which submissions were received.

Suburb	Number of properties	Number of individual submissions received
Black Hill/Lenaghan	48	65
Buttai	1	1
Buchanan	2	2
Woodberry	1	1
Metford	1	1
Beresfield	1	2
West Wallsend	1	1
Greta	1	1
Stockrington	1	1
Barnsley	1	1
Wallsend	1	1
Thornton	3	3
Chisholm	1	1
Cameron Park	1	1

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East Maitland	2	2
New Lambton Heights	1	1
Medowie	1	1
Tarro	2	2
East Branxton	1	1
Heddon Greta	1	1
Abermain	1	1
Seahampton	2	2
No address provided	13	13

Key Issues Arising from the Public Exhibition

Enclosure 6 of Council Report considered on 10 December 2014 (**Enclosure 5**) provided a summary of issues raised in submissions received during the first exhibition of the Planning Proposal. No new issues have been raised in this second round of public exhibition and the fundamental opposition to the proposal remains. A summary of these key issues are provided below:

Supply and demand of industrial land in Black Hill

The majority of submissions received expressed the opinion that there was already a lot of undeveloped industrial land in Black Hill and that there was no evidence for the demand for further industrial land. This issue was raised previously which resulted in the Council commissioning consultants to undertake an independent study. The Employment Lands Analysis (27 November 2014) provided a detailed analysis of the matter. A copy of the document was attached to the Council Report of 10 December 2014 Enclosure 7.

The issue of supply and demand is a critical issue for consideration. Firstly, if the only consideration was the number of hectares zoned for industrial purposes, then it would appear that there would be sufficient industrial zoned land in the medium to long term. Secondly, this simplistic numerical analysis does not provide the real strategic context for an informed conclusion to be drawn. There are large tracts of industrial land that have not been developed due to other issues such as environmental constraints which easily skews these figures with an example being the Hunter Economic Zone. Further, the location of industrial land, particularly in regard to transport logistics is often a key driver for businesses in determining where they will locate. The site is conveniently located near key transport infrastructure such as the Hunter Expressway and New England Highway. Further, the site is immediately adjacent to zoned industrial land to the east which supports the established employment land at Beresfield South.

Loss of amenity and rural character of Black Hill

This impact on the rural character of the Black Hill area currently enjoyed by the existing community was also raised in most submissions. The development of this site and the adjacent zoned industrial land to the east will change the visual and rural character. However, the retention of vegetation on the northern and southern sections of the site will assist in minimising this, as will the environmental off set land to the west (located on separate site). The visual impact of the site may be further reduced through provisions in the required development control plan. It should also be noted that the cost of biodiversity offsets may see the retention of more vegetation on site to ensure viability of the

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development of the site. Furthermore, the rezoning of the site provides potential employment opportunities and four (4) E4 – Environmental living zoned lots for the Hunter Region.

Adverse effects on the Endangered Ecological Communities and flora and fauna

The Regional Policy direction, set by the DoPE, that this land is employment lands has led to the acceptance that development of the site for industrial purposes has priority and that any adverse effects on the endangered ecological communities flora and fauna will be managed properly through a negotiated PA, bio banking methodology and credits for offsetting. The draft PA does promote the importance of offsets being within the vicinity of the site.

Traffic

Several submissions raised significant concerns with the impact of increased traffic in the area, particularly trucks. The advice of the Roads and Maritime Services indicates there will be a need for additional traffic impact assessments and the associated infrastructure to support sound management of the road network. However, the majority of this detail will be considered at development application stage and will need to be addressed in comprehensive manner in the required development control plan. It is also understood that the proponent and owners of the land to the east are working in conjunction to fund the preparation of appropriate studies and to implement the required traffic safety and management measures.

Infrastructure – on site and in immediate area

Infrastructure in general has also been raised as a matter of concern in many of the submissions. The proponent has previously confirmed the importance of working with the adjacent land owners to the east to deliver required infrastructure, advising Council on 27 November 2014 that discussions are:

“advanced “with the neighbour (Coal & Allied Ltd) for a joint infrastructure servicing strategy for the two sites. The total development area considered by the strategy is 483ha of employment land. The combined cost of augmentation and connection for the various required servicing is estimated to be as follows (2014 NPVs):

Shared John Renshaw Drive intersection: \$4.5m

Sewer (connection to Morpeth WWTP via Beresfield 5 WWPS): \$10.33m

Water: \$1.63m

Electricity: \$1.24m

TOTAL: \$17.7m

The cost of the above works is proposed to be shared on a pro-rata basis between the parties.

In addition, the proponent will also be required to remediate the site and provide a second intersection to John Renshaw Drive. Reducing the area of employment land (for example, by increasing the amount of environmental conservation land) will not reduce the infrastructure servicing costs because of fixed costs for trunk works, and will test the viability of the project going forward.

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No objection has been raised by any servicing authority during the Gateway determination or Planning Proposal preparation that infrastructure upgrades and connections could not be made or were too expensive”.

It is noted that the IN2 zoning for the Coal and Allied site was approved without demonstrated commitment for infrastructure funding and delivery. If water and sewer infrastructure and road improvements were formally agreed and committed for such joint funding and at full developers' cost, the Proposal would be consistent with rezoning on the basis of committed infrastructure at “good public value”.

Inadequacy of supporting documentation and analyses

Concern was raised that the supporting documents submitted by the proponent provided limited analysis in relation to strategic justification and need for this rezoning, particularly as its main basis was the Lower Hunter Regional Strategy 2006. Since that time the Hunter Regional Plan has now been approved. Although the new Plan does not identify specific sites for development it does discuss areas and the need to support employment land clusters such as Black Hill.

It is agreed that additional work will need to be undertaken by the proponent as part of the preparation of the development control plan (DCP) and subsequent development applications. An example being the visual analysis which will need to address all potential visual impacts more comprehensively.

Precedent

Concern for the approval of this Planning Proposal creating a precedent for even more land to be rezoned at Black Hill has also been raised. However, precedent would not come into play as all rezonings need to have strategic justification and support through relevant plans such as Council's current City Wide Settlement Strategy.

Lack of adequate community consultation

Concern was raised that the community consultation aspects of the process have been inadequate. Council has exceeded the minimum requirements for consultation as prescribed by the legislation. Consultation has included public exhibition, holding a public forum and several meetings with concerned community representatives. The community will have further opportunities for involvement when the development control plan is developed.

Lack of Consideration of Alternative Development Options

There was strong support in several of the submissions for alternative development options for the site to be considered. Rural residential development was considered to be the most popular option with the suggestion that this type of development was in high demand in the Black Hill area. This matter has been raised previously with the proponent who wishes to pursue the Proposal as exhibited. Further, there is no strategic justification for rural residential development in the area, however, it is acknowledged that the site is of a size that could be further subdivided under the current provisions in the *Cessnock Local Environmental Plan 2011*.

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The need for a sub-regional plan

A number of submissions also requested a subregional plan be developed for Black Hill. There are adequate strategic plans available for Council to consider the proposal including the now approved Hunter Regional Plan. Council is also in the process of developing background studies to support the development of new planning strategy to be developed in 2017.

Government Agencies

Consultation with State Government Agencies originally occurred prior to the first formal public exhibition. The revised Gateway determination required further consultation with the NSW Office of Environment and Heritage (OEH) as per the revised Gateway determination. Comments received state that they reaffirm their position in the original submission. OEH also recommends Council and the proponent carefully consider any potential future impacts on the critically endangered regent honeyeater as more information is now available such as the National Recovery Plan for the Regent Honeyeater (April 2016). This matter will need to be included in the final calculations for offsetting of any vegetation clearing which will be actioned through the PA.

STRATEGIC LINKS

a. Delivery Program

The Planning Proposal is consistent with the major desired outcomes and objectives in the Council's Community Strategic Plan as follows:-

- **Desired Outcome** – A sustainable and prosperous economy.
 - Objective 2.1 – Diversifying local business options; and
 - Objective 2.2 – Achieving more sustainable employment opportunities.
- **Desired Outcome** – A sustainable and healthy environment.
 - Objective 3.1 – Protecting and enhancing the natural environment and rural character of the area.
- **Desired Outcome** – Accessible infrastructure, services and facilities.
 - Objective 4.1 – Better transport links; and
 - Objective 4.2 – Improving the road network.
- **Desired Outcome** – Civic leadership and effective governance.
 - Objective 5.2 – Encouraging more community participation in decision making; and
 - Objective 5.3 – Making Council more responsive to the community.

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b. Other Plans

City Wide Settlement Strategy (2011)

The City Wide Settlement Strategy (CWSS) recognises the need identified in the LHRS for employment land within the Lower Hunter Region to contribute to meeting the employment land needs of the broader metropolitan region of Sydney and the long term need for a freight hub at Beresfield (near the New England and Pacific Highways).

There are no Directions or Actions that relate directly to this Proposal or employment land at Black Hill in the CWSS. While it is recognised in the CWSS that “The proposed employment lands identified in the Lower Hunter Regional Strategy will primarily cater for employment needs in the Cessnock LGA in the medium term (Branxton/Huntlee) and long term (regional freight hub which includes this site)”, the CWSS focuses on short term needs and land adjacent to existing centres have been identified for rezoning for industrial use in *Cessnock Local Environmental Plan 2011*.

Hunter Regional Plan

The Hunter Regional Plan was approved by the Department of Planning and Environment on 14 October 2016. In regard to employment lands the document places a strong emphasis on the consolidation and reinforcement of the existing employment lands and the importance of industry clusters which have specific locational advantages to key transport infrastructure. The Black Hill Planning Proposal is contiguous with existing industrial zoned land and would form part of this industry cluster which will assist to reinforce and consolidate the Black Hill and Beresfield industrial estates.

The Plan also shows that the Black Hill site located in the “Indicative Greater Newcastle Metropolitan Area, and in the proposed Watagan to Stockton’ Green Corridor” as a “Gateway Determination Site”. It is not identified in the Plan as an Urban Release Area, however it appears to be identified as a “growth area” which reflects that the process to rezone the site and amend the Cessnock Local Environmental Plan 2011 is still underway and yet to be finalised.

The Regional Plan outlines that the proposed green corridor is:

“..intended to accommodate national transport infrastructure to enhance north-south connectivity, and the delivery of new release areas in Greater Newcastle and the western and northern parts of its hinterland”; and

“The aim of conservation planning in this area will be to conserve existing remnant vegetation and invest in the rehabilitation of land to strengthen the regionally significant corridor between Watagans National park and Port Stephens.”

Discussion on biodiversity corridors in the Plan allows corridors to take certain forms including:

*“Stepping stone corridors of discontinuous patches of vegetation;
Continuous lineal strips of vegetation along lineal strips; and*

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Part of a larger habitat area known or likely to be important to local fauna as could occur in a national park or State forest."

A green corridor does not act to specifically prevent development proposals nor urban release areas. However this must be considered in the context of this Planning Proposal.

The Black Hill site has areas of remnant vegetation as well as fully cleared areas where previous agricultural uses (e.g. Poultry) had been carried out. The site adjoins other land with continuous and disconnected patches of remnant vegetation and could be seen as a stepping stone corridor as well as part of a larger habitat area. There is scope for the protection of the 'existing' remnant vegetation on the site in consideration of other sites in the vicinity. As a result, the Planning Proposal for the site could still accommodate the requirements relating to the proposed green corridor. This will be an important consideration in the required development control plan for the site.

The Black Hill Planning Proposal is considered consistent with the Hunter Regional Plan as the proposal will be required to achieve biodiversity offsetting which will need to occur both on and off site as well as reinforce the existing industry cluster utilising the existing infrastructure corridors.

IMPLICATIONS

a. Policy and Procedural Implications

The Planning Proposal's current status is identified in the following flow chart:

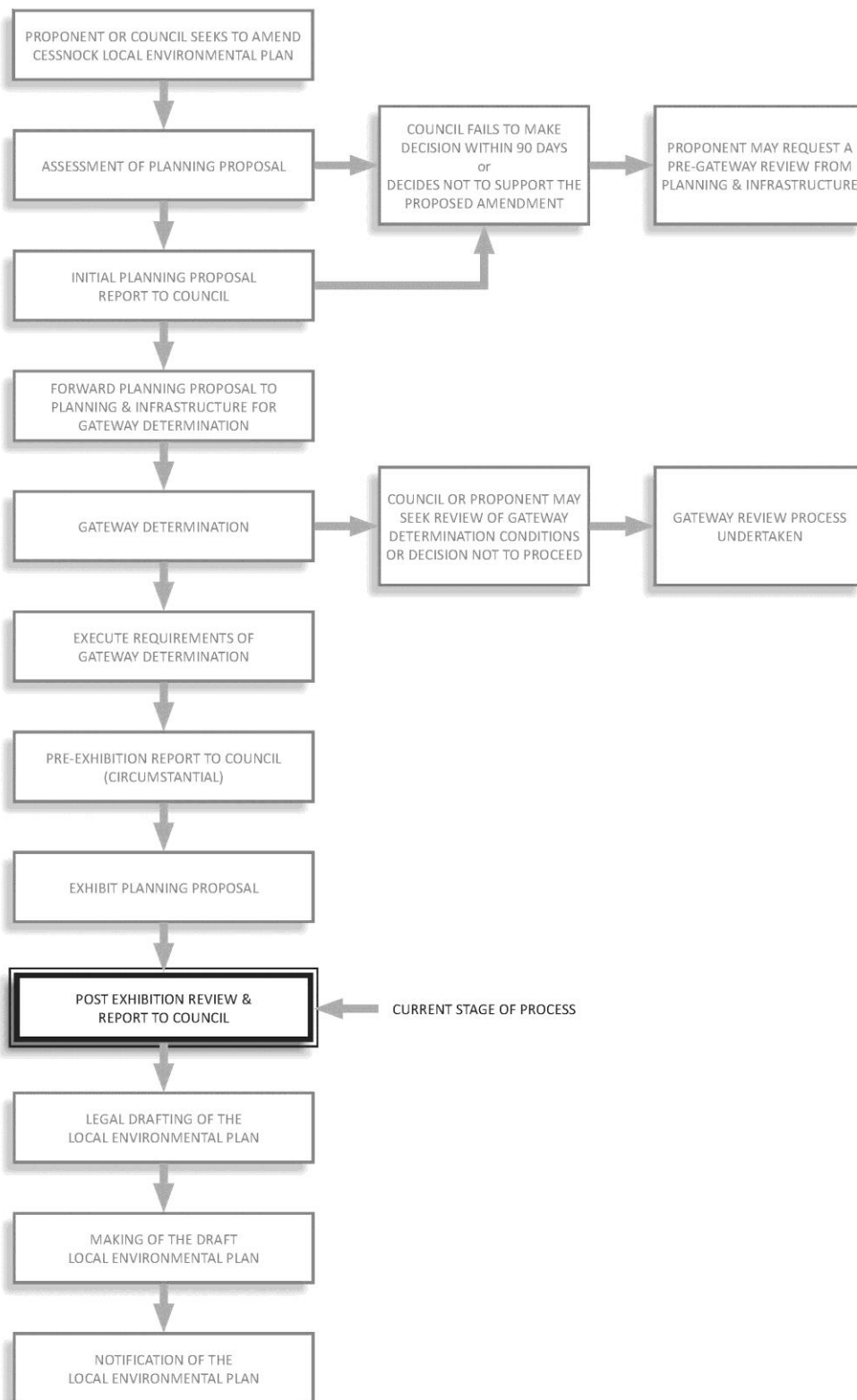
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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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Gateway determination Condition amendment to General industry

In the Planning Proposal referred to the DoPE for a revised Gateway on 30 March 2016, an IN2 Light Industrial Zone rather than an IN1 General Industrial Zone was recommended. The adjacent Newcastle Local Environmental Plan (LEP) zone is IN2. Although the zone names are the same there are some inconsistencies with the land use tables. Previously Council sought to retain the IN1 Zone due to the permissibility of *General industries* which is also a permissible use in the Newcastle LEP for both their IN1 and IN2 zones. *General industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.* To maintain consistency with the adjacent zone and ensure the zone structure supports the intent of the zone, it was recommended that the IN2 be supported with the addition to the land use table of *general industry*.

Unfortunately, an additional condition was placed on the revised Gateway determination by the DoPE provided in **Enclosure 2**. This directed Council to amend the Planning Proposal, prior to exhibition, to remove *General industry* as a permissible use in the IN2 Light Industrial Zone and introduce an additional permitted use in Schedule 1 of the LEP to allow this only on the Black Hill site. Further discussion opposing this request was made to DoPE who were unwilling to reconsider at that point. Council had previously dealt with this matter and the potential implications in the IN2 zones across the LGA. In the Newcastle LEP *General industry* is a long standing use within the Light Industrial. Essentially, this direction adds an additional level of complexity to the LEP that isn't required. This amendment will now to be included in the next housekeeping LEP.

Development Control Plan

As the site will be an Urban Release Area a development control plan (DCP) will need to be prepared in accordance with Part 6 of the *Cessnock Local Environmental Plan 2011* prior to the land being developed. A DCP that moderates visual impacts, establishes clarity about staging and infrastructure provision and also enhances quality of design will need to be developed. As this will be the first time an E4 Environmental Living Zone is used in the Cessnock LGA, specific provisions will also need to be developed to ensure development meets the objectives of this zone. In accordance with the Environmental Planning and Assessment Act, 1979 the DCP will be placed on public exhibition for a minimum of 28 days. The Council Report of 16 March 2016 specifically resolves to prepare an amendment to existing DCP for this site.

b. Financial Implications

The cost of finalising the Planning Proposal and Planning Agreement will be met through rezoning fees paid by the proponent.

c. Legislative Implications

State Environmental Planning Policies

The Planning Proposal is considered to be consistent with relevant SEPPs. The Planning Proposal provides specific details with regard to SEPP considerations.

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Section 117 Directions

The Proposal is considered to be consistent with relevant Section 117 Directions. The Planning Proposal contains an assessment of the proposal with regard to its consistency with the Section 117 Directions.

Process

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

Further, this Report satisfies the legal requirements of the Council Resolution of 18 November 2015.

d. Risk Implications

It is considered that this Planning Proposal has been developed and managed in accordance with all legislative requirements minimising any risk to the organisation.

On 9 February 2016, Council was advised that the DoPE had received a request from the proponent for the appointment of an alternate Relevant Planning Authority. However, as Council made a determination on the Proposal at the meeting of 16 March 2016 the proponents request was not granted at that point in time. It should be noted that the revised Gateway determination was critical of the time taken by Council to progress the Proposal. The revised completion date allowed a six month timeframe for completion as well as an additional monthly reporting requirement. Further delays in finalising the Proposal may see Council losing its planning powers in respect of the application.

A further risk for consideration is the development viability of the site due to the need to undertake significant environmental offsets. The cost of securing environmental lands can be high and is often a difficult process. Further, OEH has asked both Council and the proponent to note the high conservation values present over the site and of particular note is the potential impact to the foraging and/or breeding habitat of the critically endangered regent honeyeater. An outcome may be, that through the development of a development control plan and the execution of the Planning Agreement, revised areas for development may emerge, essentially reducing the developable area to retain more vegetation which in turn reduces the offset credits required. This approach would have the added benefit of reducing the visual impact of industrial development further. Proposed legislative changes may also assist.

e. Other Implications

On 24 October 2016 4 residents, on behalf of the Community Groups, presented an alternate option to the Planning Proposal. This option was not submitted during the exhibition period and no strategic analysis has been undertaken. In particular it is unclear whether this would be an economically viable option due to significant reduction of industrial zoned land and the large portion of cleared land within the RU2 Rural Landscape zone. It is also likely that a revised Gateway determination would be required including re-exhibition of an amended Planning Proposal. The proponent has not been party to this alternate option. Follow provides a basic summary of the changes in zoned area between the two.

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Section	Planning Proposal	Alternate Option
Northern	E2 40.4ha	E2 60ha
Central	IN2 195.6ha	IN2 120ha
Southern	E4 64ha (4 lots)	RU2 120ha (3 x 40 ha lots fronting Black Hill Road)

This information is presented for Council's reference, however should not prevent Council from considering submissions lodged during the exhibition period nor the current recommendation to progress the current proposal before the Council.

CONCLUSION

The Planning Proposal and the Planning Agreement were placed on public exhibition in accordance with the Gateway determination. This second exhibition of both documents has shown that the community continues to maintain their fundamental objection to the rezoning of the land for industrial purposes. Consultation has been carried out in exceedance of requirements throughout the progress of the Planning Proposal. Having considered the requirements of the Gateway determination as well as community submissions, and having regard to the existing strategic policy framework and the merits of the site it is recommended the Planning Proposal be supported in association with the Planning Agreement to ensure biodiversity offsets are managed effectively.

ENCLOSURES

- 1 Planning Proposal Black Hill
- 2 Revised Gateway determination (17 June 2016)
- 3 Planning Agreement Explanatory Note
- 4 Planning Agreement
- 5 Council Report 10 December 2014
- 6 Council Report 10 December 2014 - Enclosures
- 7 Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

Corporate and Community

Report No. CC70/2016

Corporate and Community Services



SUBJECT: *SCHEDULE OF ORDINARY MEETINGS OF COUNCIL DATES 2017*

AUTHOR: *Manager Governance and Business Services - Kim Appleby*

SUMMARY

This report seeks Council endorsement of the proposed schedule of Ordinary Meetings of Council for 2017.

RECOMMENDATION

That Council adopt the following schedule of Ordinary Meetings of Council for 2017:

1 February	15 February
1 March	15 March
5 April	19 April
3 May	17 May
7 June	21 June
5 July	19 July
2 August	16 August
6 September	20 September
4 October	18 October
1 November	15 November
13 December	

BACKGROUND

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

REPORT

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

This report seeks the endorsement of the proposed dates from Council. Council can amend the frequency and/or times of meetings at a later date when it reviews its Code of Meeting Practice.

It is noted that there is no meeting scheduled for January 2017. Should there be urgent business arising during the month of January that is outside the delegations of the General Manager and Mayor, an Extraordinary Council Meeting could be called.

CONSULTATION

General Manager
Director Corporate and Community Services
Corporate Governance Officer

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community Strategic Plan Cessnock 2020, specifically, the key objectives of *Encouraging More Community Participation in Decision Making* and *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Council's Code of Meeting Practice Part 7 deals with the Number of Council Meetings and when Council Meetings are to be held.

Council has resolved that regular meetings will be held in the Council Chambers on the first and third Wednesday of each month commencing at 6:30 pm with the exception of January and December.

b. Financial Implications

N/A

c. Legislative Implications

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

d. Risk Implications

N/A

e. Other Implications

N/A

OPTIONS

Option 1: Council adopt the proposed schedule of meetings for 2017.

Option 2: Council consider amending its Code of Meeting Practice to reduce the number of meetings to monthly only.

Option 3: Council amend the proposed schedule of meetings for 2017.

Corporate and Community

Report No. CC70/2016

Corporate and Community Services



CONCLUSION

Council is required to adopt a schedule of meeting dates for 2017. This report sets out the proposed meeting dates for 2017.

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure

Report No. WI47/2016

Works and Infrastructure



SUBJECT: *ROAD NAME - CRUICKSHANK STREET BELLBIRD*
RESPONSIBLE OFFICER: *Strategic Infrastructure Project Officer - Bruce Hughes*
Strategic Asset Planning Manager - Stephen Long

SUMMARY

The purpose of this report is for Council to consider a request to change the existing name of Cruickshank Street, Bellbird to Cruickshank Street.

In the event that Council resolve to rename the street, the report seeks Council's endorsement to advertise the proposed renaming in accordance with the provisions of the Roads Act 1993 and the Roads Regulation 2008.

RECOMMENDATION

That Council not rename the road presently named Cruickshank Street, Bellbird.

BACKGROUND

Council has received correspondence from a Cruickshank family member requesting to change the existing street name from Cruickshank Street, Bellbird to Cruickshank Street. An extract from the correspondence is provided at **Attachment 1**.

The basis of the request is that they believe that the street is incorrectly named and signposted as Cruickshank Street and should be rectified. It is understood that the street was named after a pioneer of the Bellbird area, John Cruickshank (1851 – 1912) who owned a property called Abbotsford, part of which was subdivided and sold off as a new estate. Figures 1 and 2 below show the location of Cruickshank Street.

Historical records are contradictory as both the names Cruickshank and Cruickshank appear to have been interchanged for the same person.

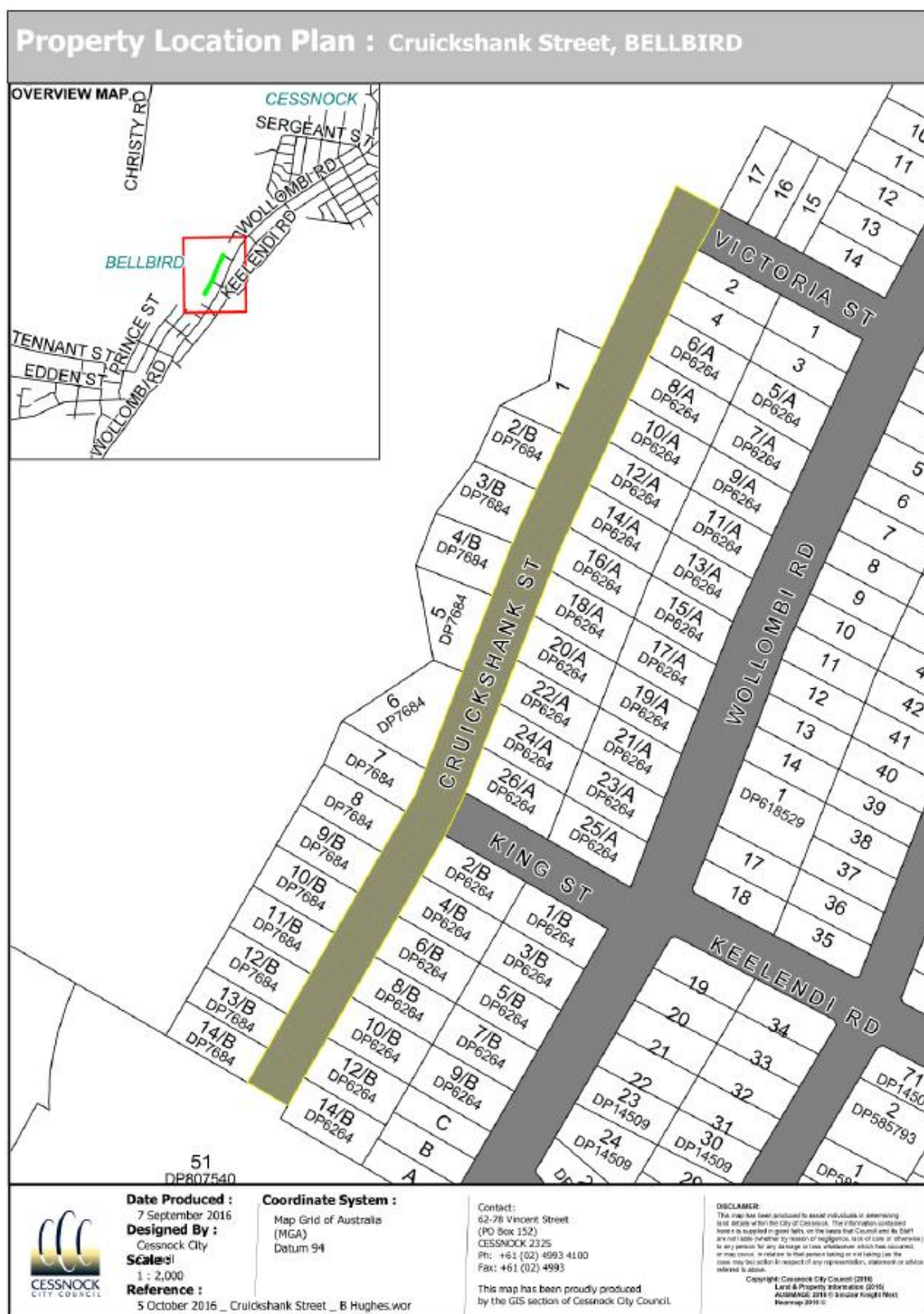


Figure 1 – Property Location Plan

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Figure 2 - Aerial Location Plan

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REPORT/PROPOSAL

There is no record of the street being officially named and published in the NSW Gazette, however, NSW Land & Property Information, Council and the Geographical Names Board have the street listed as Cruickshank Street.

Searches

The spelling of the name Cruickshank/Cruickshank in historical documents is contradictory and has caused confusion as to the correct name of the street. The following historical searches have been undertaken in an attempt to clarify the situation:

NSW Registry of Births Deaths & Marriages (BD&M) website searches;

- BD&M has no record of a John Cruickshank born in the 1800's.
- BD&M website has a John Cruickshank born in 1851 to Henry & Sarah, however the baptism certificate lists Henry and Sarah Cruickshanks as the parents (the spelling Cruickshanks is correct).
- 1879 John Cruickshank marries Elizabeth Brackenreg but John's parents, as married in 1848, are recorded with the surname Cruickshank.
- John's first three children (1879 – 1884) are Cruickshank but the last five (1887 – 1897) are Cruickshank.
- 1912 John's death certificate lists his name as Cruickshank.

Further searches revealed;

- The 1903 Electoral Roll has Cruickshank as the surname.
- The 1903, 1905 and 1909 Sands Pastoral Directory's listed John Cruickshank as the owner of Abbotsford.
- The NSW Land & Property Information parish maps list J Cruickshank and John Cruickshank (the spelling Cruickshank is correct) as owning property in the area.
- Cessnock Shire Council, in several 1911 meetings, refers to Cruickshank's subdivision and the deposited plans for the subdivision listed the street as Cruickshank Street.
- Newspaper articles and advertising for property matters most commonly used the name Cruickshank.
- The inquest into John's death lists John Cruickshank as the deceased.
- The headstone in the Cessnock Cemetery is inscribed with John Cruickshank.

Both spellings of the name are used at different times but the records indicate that the spelling "Cruickshank" appears to be more commonly used.

OPTIONS

1. That Council not rename the road presently named Cruickshank Street Bellbird. This is the preferred option as this is the existing name in use by residents/owners, NSW LPI, the Geographical Names Board and Council.
2. Resolve to amend the road name (re-name) to Cruickshank Street in accordance with the Roads Act 1993 and change Council's street name register.

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Should Council resolve to rename the road the resolution may be worded;

1. ***That Council resolves to advertise the proposed renaming of the road now known as Cruickshank Street to Cruickshank Street in accordance with the provisions of the Roads Act 1993 and the Roads Regulation 2008.***
2. ***That Council complies with the provisions of Section 162 of the Roads Act 1993 and the provisions of Regulations 7 – 10 of the Roads Regulation 2008 regarding notifications and advertising.***

That provided no submissions are received following notification and advertising, delegated authority be given to Council's Strategic Asset Planning Manager to proceed with the proposed naming as required by the provisions of the Roads Regulation 2008.

CONSULTATION

There are 32 properties currently addressed to Cruickshank Street (another 2 parcels with frontage to the street are presently addressed to Victoria Street).

Cruickshank Street is the name used by the residents and property owners. Cruickshank(s) was the legal name of the pioneer the road is reportedly named after and he appears to have used both spellings but it appears he may have been more commonly known as Cruickshank.

In reply to the notification sent to the street's owners and/or occupiers there were five submissions received being; one in person, three emails and one telephone call. One submission was in favour of changing the name with four against the change.

Should Council resolve to rename the road the relevant authorities will be notified and a notice placed in the local newspaper.

STRATEGIC LINKS

a. Delivery Program

This matter is a routine road administrative function and as such is not a specific action within the delivery program.

b. Other Plans

This matter broadly aligns with the Community Strategic Plan – Objective 4.2 Improving the Road Network.

IMPLICATIONS

a. Policy and Procedural Implications

This name change complies with the Geographical Names Board 'NSW Addressing User Manual'.

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b. Financial Implications

The cost to rename the road including administration costs, advertising, purchasing and installing new street name blades is estimated to be \$700.

Funding for minor road administration has been allocated in the 2016/2017 budget under 'Infrastructure Forward Planning'.

c. Legislative Implications

Council as the Roads Authority and in accordance with s162 of the Roads Act 1993, may name and number council public roads. The Roads Regulation 2008 also sets out the process to name or rename public roads including publishing a notice of the proposal in a local newspaper and serving notice on various statutory authorities.

AS/NZS 4819:2011 Australian/New Zealand Standard, Rural and urban addressing sets out specifications and procedures relating to road naming.

d. Risk Implications

Nil

e. Other Implications

A change in street name may be an additional burden on the existing 32 residents in Cruickshank Street as they would need to correct their details with any current suppliers, providers and agencies.

CONCLUSION

The recommendation contained in the report will maintain the present name for the road in recognition for the commonly used name of the pioneer it was reportedly named after.

ENCLOSURES

- [1](#) Correspondence from Family Member

Works and Infrastructure
Report No. WI48/2016
Works and Infrastructure



SUBJECT: *IMPROVED CROSSING BALDER CREEK - CEDAR CREEK ROAD TO SAWPIT ROAD*

RESPONSIBLE OFFICER: *Strategic Asset Planning Manager - Stephen Long*

SUMMARY

This report provides Council with an update on a proposal to install an improved creek crossing on Sawpit Road, Cedar Creek. The proposed project originated from a Notice of Motion considered by Council at its meeting on 16 March 2016.

RECOMMENDATION

That Council receives and notes the report and further considers the construction of a concrete causeway and approach slabs, with or without low flow pipes, during the development of Council's four year Capital Works Program 2017 - 2021.

BACKGROUND

At its meeting on 16 March 2016 Council considered a Notice of Motion (BN4/2016) relating to a creek crossing along Saw Pit Road, Cedar Creek. In considering the Motion, Council resolved to receive a report on the cost and likely construction commencement time of an improved crossing of Balder Creek on Cedar Creek Road.

This report provides an update on the project.

REPORT/PROPOSAL

The project site is located on Cedar Creek. Sawpit Road crosses the creek just north of the intersection of Sawpit Road and Cedar Creek Road (refer to the Figure 1 - Aerial Location Plan and Figure 2 - Property Location Plan).

The existing creek crossing along Sawpit Road is cut, and significantly damaged, during major storm events. Repair works are undertaken as required following these events to enable residents to access their properties.

Outside of these events, under Council's "Unsealed Rural Road Maintenance Program", Sawpit Road is programmed for one maintenance service per year, while Cedar Creek Road receives three maintenance services per year.

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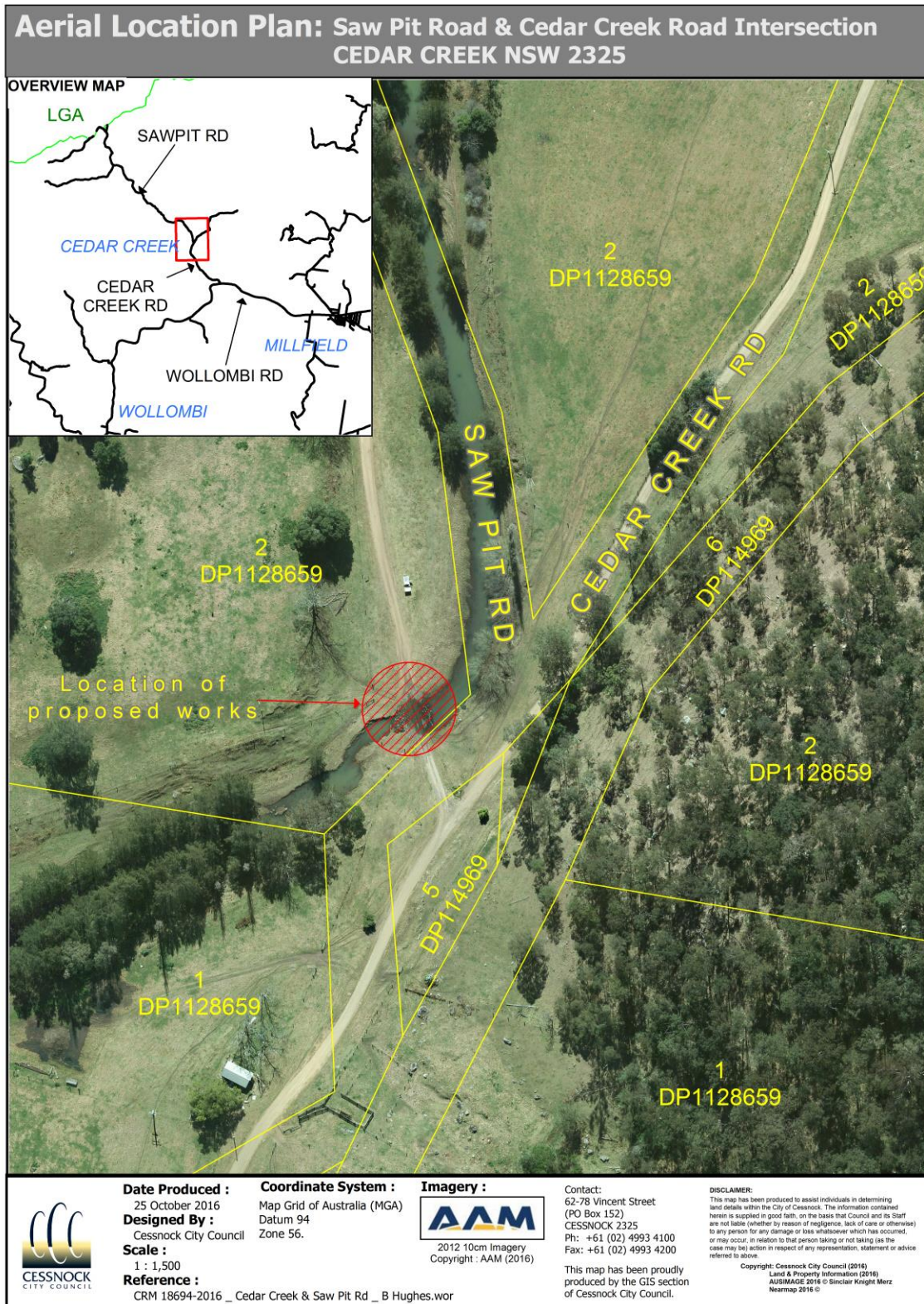


Figure 1 - Aerial Location Plan

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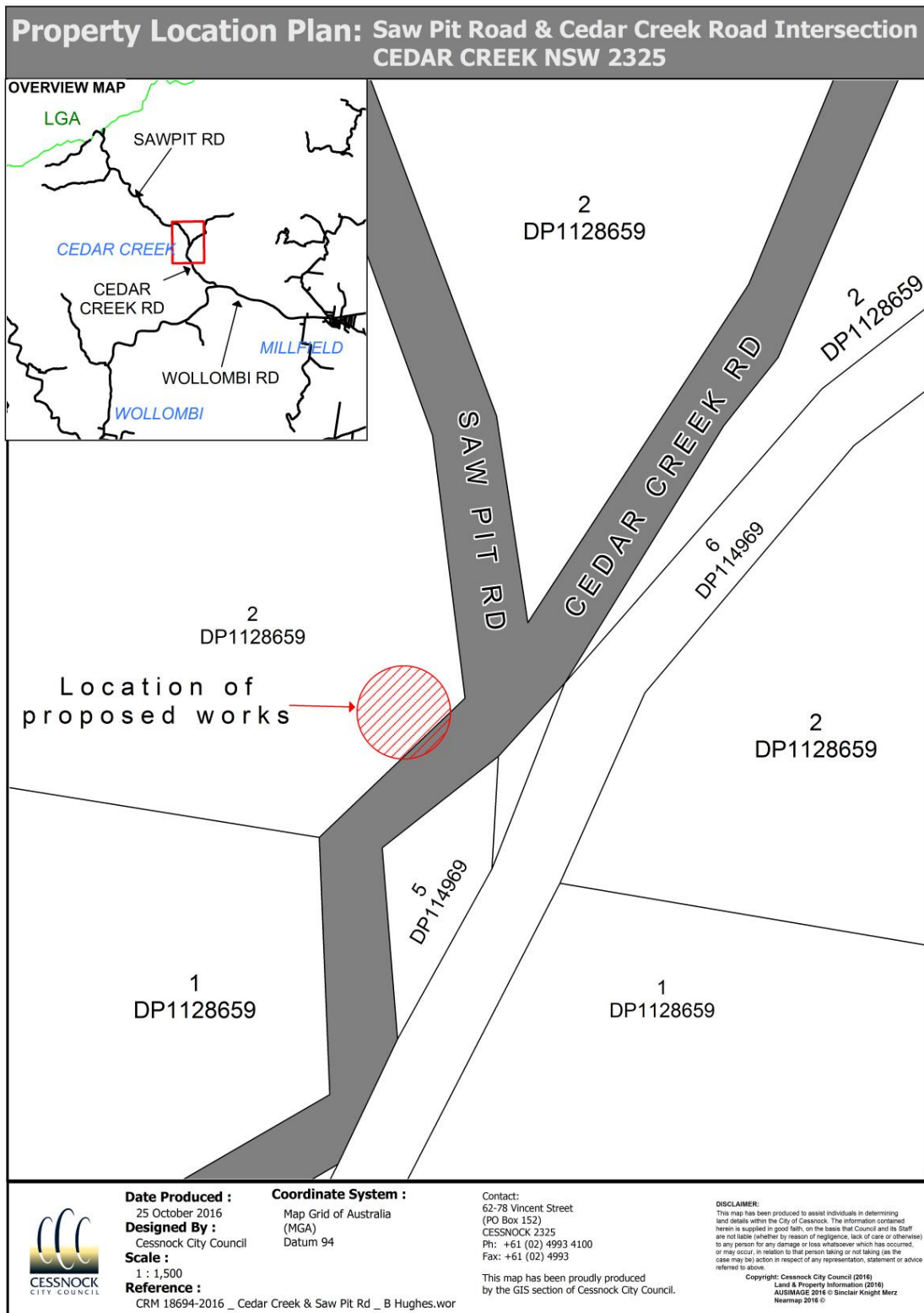


Figure 2 - Property Location Plan

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Project Overview

The proposed project is listed in Council's 2016 - 17 Operational plan for investigation and design;

Sawpit Road Causeway, Cedar Creek - Investigation and Design CBS-2017-017.

A Project Design Brief has been prepared for the project and the options under consideration for the causeway include:

- A concrete causeway and approach slabs with low flow pipes.
- A concrete causeway and approach slabs without low flow pipes.
- Not undertake any construction but consider the costs of remediation work after storm events.

Based on a similar recent project undertaken by Council, the estimated cost for the project could be as high as \$180,000. An additional cost may be incurred for property acquisition or land swap processes as the current location of the crossing is on private property.

Further information on the final cost of the project will be provided once the design process has been completed.

The project can be considered for inclusion in the four year Capital Works component of Council's draft 2017 - 2021 Delivery Program.

OPTIONS

Option 1 - Council receive and note this report and further consideration be given to the construction of a concrete causeway and approach slabs with or without low flow pipes as part of the development of Council's draft four year Capital Works Program 2017 - 2021.

This is the preferred option.

Option 2 – Council receive and note the report and the proposed project not proceed as part of the draft four year Capital Works Program 2017 - 2021

CONSULTATION

- Director Works and Infrastructure
- Works Delivery
- Design Delivery
- Resident/property owner consultation will be undertaken during the design process and prior to any construction commencing.

STRATEGIC LINKS

a. Delivery Program

Community's Desired Outcome: Accessible Infrastructure, services and facilities

Objective 4.2 – Improving the Road Network, specifically:

4.2.3 a : Renew and maintain roads, bridges and drainage infrastructure

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b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council's annual allocation for the Bridges Construction Program is \$635,000. In recent years Roads to Recovery (R2R) funding has supplemented the bridges budget to enable high priority projects to be funded. Development of the next four year Capital Works Programs for consideration in the 2017 - 2021 Delivery Program is currently underway and the project would be considered as part of this process.

A further report will be provided to Council in relation to funding options and priorities for future Bridge Construction Programs.

c. Legislative Implications

Nil

d. Risk Implications

Risks identified include:

- Safety risk to road users when the existing crossing is damaged due to storm events or where warnings are ignored by the public crossing flooded creeks.
- Economic and social risk to individual residents due to limitations on the movement of freight, livestock, access for emergency services and other service providers (utilities) if the crossing is impassable.
- Risk to Council's reputation as a manager of public infrastructure assets.
- Risk of delay due to property acquisition/land swap processes to enable the works to be constructed on Council controlled land.
- Insufficient funding for the construction of a new causeway crossing where a number of higher priority projects are identified in the Bridge Construction Program – options to mitigate the risk could include R2R funding or additional loans.

e. Other Implications

Nil

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Works and Infrastructure



CONCLUSION

Early investigations have revealed that the project could potentially cost in the order of \$180,000, with additional expenses incurred for land acquisitions. In light of this, it is recommended that Council receives and notes this update and further considers the project during the development of Council's draft four year Capital Works Program 2017 - 2021.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN13/2016

General Manager's Unit



NOTICES OF MOTION No. BN13/2016

SUBJECT: ***INFRASTRUCTURE FUNDING - ESTABLISHMENT OF \$100 MILLION FUTURE FUND FOR CESSNOCK COUNCIL***

COUNCILLOR: ***Rod Doherty***

MOTION

1. That Council write to the State Government via the Premier, Treasurer, Parliamentary Secretary for the Hunter and our local State MP seeking the establishment of a 10 year \$100 million future fund for the ongoing upgrade and replacement of local, Regional and State roads within the LGA (including bridges and drainage assets).
2. That the future fund allocate \$10 million per year to Cessnock City Council to undertake a rolling Capital Works Program.
3. That any unspent funds from the future fund would roll over to the next financial year.
4. That the future fund would be overseen in consultation with Treasury Corporation, Roads and Maritime Service and Cessnock City Council.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 2 November 2016.

RATIONALE

The rationale is simple, with the State Government's recent wind fall of \$16 billion dollars, I believe Cessnock Council deserves its fair share. Generations of local men and women have given their all to this great State and have helped this State become the power house it is today.

The time is right for that intergenerational equity be repaid back to the residents of this great Local Government Area.

Sgd: Rod Doherty

Date: 21 October 2016

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN14/2016

General Manager's Unit



NOTICES OF MOTION No. BN14/2016

SUBJECT: *MEALS AT COUNCIL MEETINGS*

COUNCILLOR: *Ian Olsen*

MOTION

That Council delete from the Code of Meeting Practice point 20.9 Meals at Council Meetings.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 2 November 2016.

RATIONALE

When all Councils are finding it tougher financially every year we should be leading by example and setting the standard for all employees of Council by reducing our costs. We are currently spending over \$30,000 per year feeding Councillors on a Wednesday night and that money could be put to better use on improving infrastructure in the Cessnock LGA.

Sgd: Ian Olsen

Date: 24 October 2016

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN15/2016

General Manager's Unit



NOTICES OF MOTION No. BN15/2016

SUBJECT: *BUSHFIRE PREPAREDNESS*

COUNCILLOR: *Paul Dunn*

MOTION

That the General Manager report back to the Council on/or before the 7 December 2016 Council meeting on the following:-

- What is Councils current bush fire level of readiness?
- Does Council have emergency plans in place to deal with a major bush fire event?
- Has Council regularly undertaken risk assessments of its physical assets, including Greenfield sites, to ensure all steps have been taken toward protecting them and surrounding development from bushfires?
- Has Council recommended any sites to the Rural Fire Service to have hazard reduction assessments or burns conducted?
- Is Council regularly maintaining its real property assets which could be affected by fire (ie the last trench of Vineyard Grove estate, which in turn is effecting the cost of development)?
- Are Council's assets, that have been identified as at risk, adequately covered by insurance in the event of bushfires?

It is my intention to move the above motion at the next Ordinary Meeting of Council on 2 November 2016.

RATIONALE

With fire season upon us all steps should be taken to protect people, property and the environment from destruction via bush fire.

Consideration has been given to emergency procedures, post flood disaster, it needs to be adaptive to fire related disaster also.

With respect to areas such as the undeveloped land between Vineyard Grove and Stonebridge Golf Club, whereby lack of responsible hazard reduction is impacting on fire ratings and cost of development.

Sgd: Paul Dunn

Date: 25 October 2016

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ72/2016

Works and Infrastructure



SUBJECT: ***NOTICE OF MOTION - UPGRADE OF BIMBADEEN LOOKOUT***

RESPONSIBLE OFFICER: ***Strategic Recreation & Facilities Planner - Paul Burton***
Recreation Services Manager - Nicole Benson

Q62/2016 – Notice of Motion – Upgrade Bimbadeen Lookout

Asked by Councillor Troy at the Ordinary Meeting of Council held on 7 September 2016.

Councillor Troy asked for an update on her Notice of Motion regarding the upgrade of the Bimbadeen Lookout.

At its 16 September 2015 meeting Council resolved:

1. That Council continues to provide the current maintenance schedule for Bimbadeen Lookout at a cost of approximately \$10,500 per annum;
2. That Council undertakes minor improvement works at the Lookout, within the confines of existing operating budgets, including selective foliage removal and upgrading of park identification signage;
3. That Council considers major embellishment works for the Lookout in conjunction with community priorities identified in the draft Recreation Needs Analysis and considers the inclusion of an additional \$70,000 of capital funds in the 16/17 financial year for major embellishment works, along with an additional \$10,000 per annum of recurrent operational funds to cover the desired increase in service levels.
4. That Council seeks grant opportunities to fund the proposed major embellishment works at the Lookout.

Since the above resolution Council has continued to provide a regular maintenance schedule at Bimbadeen Lookout, which consists of mowing once a month, weed spraying once a year to manage Lantana, along with other incursions including litter collection on Mondays and Fridays, with reactive maintenance occurring as required.

Minor improvement works including signage and selective foliage removal are being coordinated and the park identification signage has been ordered with the view that it be installed when the vegetation works are underway.

Vegetation and foliage identified to be removed are located on land managed by Mindaribba Local Aboriginal Land Council (LALC). Council officers have visited the site with a representative of the LALC and have received in-principle support for this component of the works. At the meeting an opportunity to undertake environmental management works such as further weed removal and possible revegetation was identified and if approved could be funded from within existing budgets. This work will coincide with the selective vegetation and foliage removal. Due to the zoning of the land being RU2 Rural Landscape, Hunter Local Land Services are the approval authority for vegetation removal and a site meeting was held in early October to finalise this part of the project.

Answers To Questions For Next Meeting

Report No. AQ72/2016

Works and Infrastructure



Major embellishment works and increased service levels at the site were considered in the development of the 2016/17 Capital Works Program and recurrent maintenance budget however were not determined to be an immediate priority.

The inclusion of major embellishment works and increased service levels in the 2017-2021 Delivery Program will be considered in accordance with the recommendations of the draft Recreation Needs Analysis and draft Recreation and Open Space Strategic Plan as well as the Open Spaces and Other Structures Asset Management Plan. Furthermore, Council officers will continue to seek grant opportunities to fund the major embellishment works.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ73/2016

Works and Infrastructure



SUBJECT: *CAMPING AT KURRI KURRI NOSTALGIA FESTIVAL*

RESPONSIBLE OFFICER: *Recreation Services Manager - Nicole Benson*

Q69/2016 – Camping at Kurri Kurri Nostalgia Festival

Asked by Councillor Gray at the Ordinary Meeting of Council held on 5 October 2016.

Councillor Gray referred to the increasing demand for camping at the Kurri Kurri Nostalgia Festival and asked when works to formalise a free camping area at Kurri Central are scheduled.

Kurri Kurri Central Park RV Area – Stage 3 works to formalise the entry and parking area are scheduled to occur in January 2017.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ74/2016

Works and Infrastructure



SUBJECT: ***REDUCING IMPACT OF TREES ON SOLAR PANELS FOR RESIDENTS***

RESPONSIBLE OFFICER: ***Recreation Services Manager - Nicole Benson***

Q72/2016 – Reducing Impact of Trees on Solar Panels for Residents

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 19 October 2016.

Councillor Lyons asked what responsibility does Council have for providing solar access when public trees deprive residents of gaining access to the sun.

The principles of Council's Tree Preservation Guidelines would be applied to public trees. Information used by Council to assist in the assessment of such a situation could include a shadow diagram, prepared by a technical expert, to demonstrate the impact of trees on solar access.

It is noted that the majority of companies installing solar panels consider overshadowing by existing sources of shade (including vegetation and/or buildings) prior to installation of solar panels.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO4/2016

Corporate and Community Services



SUBJECT: *PROVISION OF FUNDS TO LOCAL GOVERNMENT FOR INFRASTRUCTURE PROJECTS UPDATE*

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

RECOMMENDATION

That Council note the correspondence received.

At its meeting of 17 August 2016, Council considered report BN6/2016 in relation to the Provision of Funds to Local Government for Infrastructure Projects and resolved:

1. That Council notes that the Reserve Bank has lowered the cash rate to a historic low of 1.5%, as a response to persistently low inflation and sluggish economic growth.
2. That Council notes that 10 year Government bond yields have fallen below 2%.
3. That Council notes that councils around Australia face long-standing infrastructure backlogs, with the issue especially acute in regional areas.
4. That Council writes to the Prime Minister and the Treasurer urging them to stimulate local economies by providing grants to Local Governments for infrastructure projects.
5. That Council submit motions to the NSW and National Local Government Associations for consideration.

In accordance with Council's resolution, Council wrote to the Prime Minister and the Treasurer urging them to stimulate local economies by providing grants to Local Governments for infrastructure projects.

A response has been received from the Prime Minister's office on 17 October 2016 and a copy is enclosed for Councils information.

ENCLOSURES

- [1](#) Response from Prime Minister's Office - 17-10-16