



2 June 2017

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, 7 June 2017 at 6.30 pm, 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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- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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## ***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, 17 MAY 2017, COMMENCING AT  
6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, 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  
Human Resources Manager  
Media & Communication Officer  
Chief Financial Officer  
Management Accountant  
Operations Accountant  
Strategic Landuse Planning Manager  
Economic Development Manager  
Administration Support Officer – Corporate & Community Services  
Relief Executive Assistant

**APOLOGY:**

**MOTION**      **Moved:** Councillor Dunn  
                         **Seconded:** Councillor Gray

221

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:****MOTION**

**Moved:** Councillor Gray  
**Seconded:** Councillor Fitzgibbon

222

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 3 May 2017, as circulated, be taken as read and confirmed as a correct record.

**FOR****AGAINST**

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

**Total (12)****Total (0)****CARRIED UNANIMOUSLY**

## ***DISCLOSURES OF INTEREST***

### ***DISCLOSURES OF INTEREST NO. DI8/2017***

***SUBJECT: DISCLOSURES OF INTEREST***

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#### ***RECOMMENDATION***

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

**GMU7/2017 - Beat Cancer @ Work - Cancer Council Donation –** Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he has worked with the Cancer Council on a community level. 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.

**WI29/2017 - Australian Postie Bike Grand Prix - 5 November 2017 –** Councillor Lyons declared a Non Pecuniary Significant Conflict for the reason that he is a former Chair of the Australia Postie Bike Grand Prix 2015-16. Councillor Lyons advised that he would leave the Chamber and take no part in discussion and voting.

#### ***PETITIONS***

**NIL**

## **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

<b>Speakers</b>	<b>Company</b>	<b>For / Against</b>	<b>Report</b>	<b>Page No.</b>	<b>Duration</b>
Mr Brett Wild	Branxton / Greta Business Chamber	For	GMU8/2017 – Funding requests from Branxton-Greta Business Chamber and Richmond Vale Preservation Co-operative Society Ltd	43	3 mins

### **EXTENSION OF TIME**

**Moved:**

Councillor Gray

**Seconded:**

Councillor Suvaal

223

### **RESOLVED**

**That an extension of 1 minute be granted to Mr Wild to complete his address.**

#### **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

**Total (1)**

### **CARRIED**



## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU8/2017**

**SUBJECT: FUNDING REQUESTS FROM BRANXTON-GRETA BUSINESS CHAMBER AND RICHMOND VALE PRESERVATION CO-OPERATIVE SOCIETY LTD**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Gray  
224

#### **RESOLVED**

1. That Council provides \$10,000 (subject to the approval of the draft 2017/18 budget) to the Branxton-Greta Business Chamber for the 2017/18 year on a dollar for dollar basis for the Town Coordinator.
2. That Council officers report back on potential funding option, from both internal and external sources, for funding a further \$15,000 towards the Town Coordinator in the 2017/18 financial year.
3. That Council undertakes a full review of all Town Coordinator arrangements, and bring back a report within one (1) month with the aim of standardising the role of the Coordinators, creating job descriptions and drafting KPIs to support these positions in all business hubs. In addition to this review, presentations be given to Councillors by all current Town Coordinators to give a greater understanding of their role and the benefits they deliver to the community.
4. That Council provides a further \$750 in support of the Branxton Town Festival in 2018 and that Council approve this funding being sourced from the Tourism Related Projects fund.
5. That Council provides one-off funding to the Richmond Vale Co-operative Society Ltd in the sum of \$5,636 (excl. GST) on a dollar for dollar basis, for the Richmond Vale Railway Marketing Program and that Council approve this funding being sourced from the Tourism Related Projects fund.
6. That Council approve the funding of \$5,226, for signage for the Richmond Vale precinct if eligible, from Section 94 tourism signage funds and subject to the requirements of Council's Signage Strategy.
7. That Council applies to the Department of Infrastructure and Development for grant funding through the Regional Growth Fund for the development of the Richmond Main Mining Museum and connectivity to the proposed Richmond Vale Rail Trail as an integrated tourism development of regional significance.

<b>FOR</b>	<b>AGAINST</b>
Councillor Dunn	Councillor Olsen
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (2)</b>
<b><i>CARRIED</i></b>	

***MOTIONS OF URGENCY***

***MOTIONS OF URGENCY NO. MOU8/2017***

***SUBJECT: MOTIONS OF URGENCY***

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**NIL**

**GENERAL MANAGER'S UNIT NO. GMU7/2017**

**SUBJECT: BEAT CANCER @ WORK - CANCER COUNCIL DONATION**

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*Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he has worked with the Cancer Council on a community level. Councillor Burke remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Stapleford  
225

**RESOLVED**

**That Council supports the Safe Work Month 2017 campaign by donating \$2000 to Cancer Council's Beat Cancer @ Work program.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE21/2017**

**SUBJECT:** 18/2015/7: PLANNING PROPOSAL - 1443 WINE COUNTRY DRIVE  
ROTHBURY

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Suvaal  
226  
**RESOLVED**

1. That Council endorse the Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011*; and
2. That Council delegate authority to the General Manager to execute the associated Planning Agreement.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE22/2017**

**SUBJECT: DRAFT KURRI KURRI DISTRICT STRATEGY**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
227  
**RESOLVED**

1. That Council place the Draft Kurri Kurri District Strategy on public exhibition for a minimum period of six weeks.
2. That Council receive a further report following public exhibition of the Draft Strategy.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE23/2017**

**SUBJECT: MARCH 2017 QUARTER REVIEW OF 2013-17 DELIVERY PROGRAM  
AND FIT FOR THE FUTURE IMPROVEMENT PROPOSAL**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Suvaal  
228  
**RESOLVED**

1. That Council note the progress in implementing the 2013-17 Delivery Program as at 31 March 2017.
2. That Council endorse the following changes to the 2016-17 Capital Works Program:
  - a. Remove: PFI-2017-016 - Recreation and Open Space Guidelines.
  - b. Remove: RBR-2017-006 - Cessnock Civic Indoor Sports Centre External Painting.
3. That Council note the progress in the implementation of Council's Improvement Proposal and the updated forecasts against the Fit for the Future benchmarks.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC28/2017**

**SUBJECT:      QUARTERLY BUDGET REVIEW STATEMENTS - MARCH 2017**

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**MOTION**                      **Moved:**    Councillor Gray                      **Seconded:**    Councillor Dagg  
229  
**RESOLVED**

1.      That Council note the March 2017 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 2 May 2017.
2.      That Council approve the variations to the income, expenditure and capital budgets as detailed in the March 2017 Quarterly Budget Review Statements.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC29/2017**

**SUBJECT: FIRE AND EMERGENCY SERVICES LEVY**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Dagg  
230  
**RESOLVED**

1. That Council receive the report and note the information regarding the implementation of the Fire and Emergency Services Levy.
2. That Council note that the Fire and Emergency Services Levy is a levy collected on behalf of the NSW State Government and not a Council imposed charge, which is required to be included on Council's rate notice from 1 July 2017.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC30/2017**

**SUBJECT: LAND VALUATIONS FOR RATING JULY 2016 BASE DATE**

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**MOTION**                      **Moved:**    Councillor Dagg                      **Seconded:**    Councillor Gray  
231  
**RESOLVED**

**That the report be received and the information noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC31/2017**

**SUBJECT: INVESTMENT REPORT - APRIL 2017**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Stapleford  
232  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC32/2017**

**SUBJECT: RELATED PARTIES DISCLOSURE POLICY**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
233  
**RESOLVED**

**That Council approve the draft Policy which has been presented to and endorsed by the Audit Committee on 2 May 2017.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC33/2017**

**SUBJECT: MAYORAL & COUNCILLOR FEES 2017-18**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Dagg  
234  
**RESOLVED**

1. That Council set the annual Mayoral Fee for 2017-18 at \$42,120 in accordance with the provisions of Section 249 of the Local Government Act 1993.
2. That Council set the annual Councillor Fee for 2017-18 at \$19,310 in accordance with the provisions of Section 248 of the Local Government Act 1993.
3. That Council set an allowance for 2017-18 of \$800 to be paid to the Deputy Mayor, with the Mayoral fee adjusted accordingly.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC34/2017**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
235  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC35/2017**

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ON 28 APRIL 2017**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Fitzgibbon  
236

**RESOLVED**

1. That the minutes of the meeting of the Aboriginal and Torres Strait Islander Committee held on 28 April 2017 be adopted as a resolution of the Ordinary Council.
2. That Council accept the Terms of Reference for the Aboriginal and Torres Strait Islander Committee.
3. That Council consider introducing the option for staff to acknowledge the traditional custodians of the land on which Council services are located on in their email signature block and that the General Manager determine the protocols for staff who choose this option, including the wording suggested by the Committee.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI28/2017**

**SUBJECT: PUBLIC EXHIBITION OF REVISED ASSET MANAGEMENT PLANS**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Sander  
237  
**RESOLVED**

1. That Council place the following five (5) revised Asset Management Plans on public exhibition for 28 days and invite public submissions:
  - Road and Road Infrastructure Network Asset Management Plan
  - Bridge and Major Culverts Asset Management Plan
  - Stormwater Network Asset Management Plan
  - Buildings Asset Management Plan
  - Open Space and Other Structures Asset Management Plan
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Asset Management Plans.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**



## **WORKS AND INFRASTRUCTURE NO. WI29/2017**

**SUBJECT: AUSTRALIAN POSTIE BIKE GRAND PRIX - 5 NOVEMBER 2017**

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*Councillor Lyons declared a Non Pecuniary Significant Conflict for the reason that he is a former Chair of the Australia Postie Bike Grand Prix 2015-16. Councillor Lyons left the Chamber and took no part in discussion and voting.*

*Councillor Lyons left the meeting, the time being 7.07pm*

**MOTION**                      **Moved:**    Councillor Gray                      **Seconded:**    Councillor Suvaal  
238

### **RESOLVED**

1.     **That Council supports the Australian Postie Bike Grand Prix on 5 November 2017 by providing the following in-kind support:**
  - a)     **Waive all Cessnock City Council application fees in conjunction with the 2017 event;**
  - b)     **Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and NSW Roads and Maritime Services, under the approved Traffic Management Plan and Traffic Control Plan; and**
  - c)     **Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.**
2.     **That Council notes that a four-year approval is in place for a one day Special Event Alcohol Free Zone to serve the Australian Postie Bike Grand Prix.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	

**Total (11)**

**Total (0)**

### **CARRIED UNANIMOUSLY**

*Councillor Lyons returned to the meeting, the time being 7.07pm*

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

### **BUSINESS WITH NOTICE NO. BN23/2017**

**SUBJECT: LOVEDALE ROAD, CAMP ROAD AND TALGA ROAD, LOVEDALE - INTERSECTIONS**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
239  
**RESOLVED**

1. That investigation and design be undertaken for an upgrade of the intersection of Lovedale, Camp and Talga Roads Lovedale, to calm traffic, and improve road conditions, lighting, and visibility;
2. That this investigation and design project be listed in the 2017/2018 Operational Plan;
3. That a report on the outcome of the investigation / design including project cost estimates, be brought back to Council for further consideration and possible inclusion in future Capital Works Programs.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**BUSINESS WITH NOTICE NO. BN24/2017**

**SUBJECT: RV AND CARAVAN / CAMPER TRAILER PARKING IN THE CESSNOCK CBD - VARIOUS SITES**

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**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Sander  
240  
**RESOLVED**

**That Council investigate suitable sites for RV and Caravan / Camper Trailer parking in Cessnock and Kurri Kurri to give visitors access to the respective CBD's.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ64/2017**

**SUBJECT: SHED - 10 GLENNIE STREET, ELLALONG**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ65/2017**

**SUBJECT: NOTICE OF MOTION - MAXIMISING ECONOMIC OPPORTUNITIES  
FROM THE V8 SUPERCARS IN NEWCASTLE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ66/2017**

**SUBJECT: DAMAGED CULVERT - BUCHANAN ROAD**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ67/2017**

**SUBJECT: DALWOOD STREET, GRETA**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ68/2017**

**SUBJECT: ROUNDABOUT - MCDONALDS/BROKE ROADS, POKOLBIN**

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ69/2017***

***SUBJECT: BUS SHELTER DAMAGE - WINE COUNTRY DRIVE, NORTH ROTHBURY***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ70/2017***

***SUBJECT: SNAP SEND SOLVE - CUSTOMER REQUEST***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ71/2017***

***SUBJECT: COMPLAINT LETTER FROM RESIDENT - NO RESPONSE TO REQUEST***

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Rod Doherty*

### **DESTINATION MANAGEMENT PLAN**

Councillor Doherty asked where is Council up to with the revised Destination Management Plan.

*Councillor Rod Doherty*

### **CESSNOCK SHOWGROUND**

Councillor Doherty asked if Council's Health and Building Inspectors are doing any inspections at the Showground .

*Councillor Melanie Dagg*

### **RV FRIENDLY SIGNAGE**

Councillor Dagg asked when can we expect the signage to be installed for the RV Friendly Town.

*Councillor Darrin Gray*

### **BUS SHELTER - PELAW MAIN PRIMARY SCHOOL**

Councillor Gray asked if Council officers could investigate the relocation of the redundant bus shelter at the rear of Pelaw Main Primary School at Aberdare Street to enable increased parking at the rear of the school.

## **COUNCILLOR'S REPORTS**

Councillor Dagg

### **Association of Mining Related Councils (AMRC)**

Councillor Dagg advised of her attendance at the latest meeting for the AMRC in Broken Hill. As acknowledgment of the changing landscape of energy production, the Association resolved to amend its Constitution at its Annual General Meeting in November, to include Councils affected by the production of renewable energy. This will enable the AMRC to seek a wider membership base, gaining increased knowledge and funding to assist with its lobbying of the State Government for the fair distribution of funding and grants afforded to Councils affected by energy production. Additionally, the Association is currently exploring a cents per dollar per production model and briefing paper for the non-road, social impact calculator. Councillor Dagg is also continuing to work with the Association's strategic working group and will be meeting again in Sydney in three month's time.

Councillor Doherty

### **Relocation of Proposed New Hospital in the Hunter**

Councillor Doherty and a number of other Councillors attended a public Meeting on Monday night, hoping to make a presentation on why the Hospital should be moved to Cessnock, and was informed that only one (1) question could be asked. He did ask his one question, and was appreciative of the amount of Councillors who attended the meeting to represent the area. State Member Clayton Barr was also in attendance.

Mayor Pynsent

### **Correctional Centre Consultative Committee**

Federal Member for the Hunter, Parliamentary Secretary for the Hunter, Mayor Pynsent and some staff members were guests of the Corrective Services Department, and had the opportunity to inspect the minimum and maximum security sections, health facilities that are onsite, work facilities, as well as some of the projects the inmates are engaged in such as the refurbishment of demountable buildings and the construction of bed frames. This is a direct result of a number of questions the community have posed to the Corrective Services Department regarding what the prisoners spend their time doing and what life is like for inmates, how the expansion is going to impact on the community, and Corrective Services have been very open in their response and it was quite a beneficial tour. One of the resolutions to come out of this is that in the very short term, the route off Wine Country Drive will be made public, which has been a major issue for the community. It is envisaged at this stage that building should be completed by December 2017 and hopefully, for the community's sake, a tour of the facilities can be conducted before they are occupied so the general public can see how the facility works. Prior to the last maximum security section being occupied, the facility was open to the public for a weekend, and thousands of people took the opportunity to attend the facility to witness for themselves how it all works. One of the most important issues to come out of this rapid build is that approximately 230 jobs will be created and Corrective Services assure us that more than half of those jobs are from the Cessnock Local Government Area. It was a very positive afternoon.

Mayor Pynsent

### **Joint Organisation (JO) of Hunter Councils**

The Joint Organisation's main role is advocacy for the whole Hunter region. The focus of the meeting was an application for the City Deal project. This application is a joint project between Port Stephens, Newcastle, Lake Macquarie, Maitland, and Cessnock Councils. This is an innovative idea which is in draft stage at present. The focus is on connectivity within the Hunter region, connectivity with regard to transport, the Port, the Airport, trying to get the whole metropolitan area, and this includes Cessnock Local Government Area, within thirty (30) minutes of the CBD. It will also focus on securing energy, working with the University as a partner, Regional Development of Australia (RDA) and Premier & Cabinet to come up with an idea on how to make this City Deal work. There is another meeting next Monday to discuss the opportunity for financial assistance from Hunter Councils to engage KPMG to put forward the City Deal project. There are a number of City Deal projects throughout Australia that are quite active in Townsville, Launceston and Western Sydney. The JO is hoping to have this submission ready by the end of the year. I will report back to Council when this proceeds.

*The Meeting Was Declared Closed at 7.31 pm*

**CONFIRMED AND SIGNED** at the meeting held on 7 June 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**



**Disclosures Of Interest**

**Report No. DI9/2017**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

Mayoral Minute

Report No. MM10/2017

General Manager's Unit



***MAYORAL MINUTE No. MM10/2017***

***SUBJECT: RENEWAL OF CONTRACT FOR THE GENERAL MANAGER***

***RECOMMENDATION***

That Council note that the General Manager has accepted a renewal of his contract in accordance with Clause 5 of the 'Standard contract for re-employment for General Managers of Local Council in NSW' for a five (5) year term that commenced on 22 May 2017 for a total remuneration package of \$285,000 per annum.

***REPORT/PROPOSAL***

On 3 May 2017, Council resolved:

1. *That the Council offer the General Manager a renewal of his contract in accordance with Clause 5 of the 'Standard contract for re-employment for General Managers of Local Council in NSW'.*
2. *That the Mayor and Deputy Mayor be delegated the authority to negotiate with the General Manager and finalise the terms of the contract in confidence.*
3. *The Council notes the confidential enclosure – McArthur Remuneration review – April 2017.*
4. *The Details of the contract renewal be reported back to a future meeting of the Council.*

On 8 May 2017 the Mayor and the Deputy Mayor met with the General Manager to negotiate the terms of the contract renewal. Subsequently a contract was prepared offering the General Manager a five (5) year contract that commenced on 22 May 2017. The General Manager has accepted the renewal of his contract for total remuneration package of \$285,000 per annum.

***ENCLOSURES***

There are no enclosures for this report.

Mayoral Minute

Report No. MM11/2017

General Manager's Unit



***MAYORAL MINUTE No. MM11/2017***

***SUBJECT: STRATEGIC PROPERTY REVIEW - PROPOSED CIVIC PARK LAND - CORNER OF VINCENT STREET AND ABERDARE ROAD***

***RECOMMENDATION***

- 1. That the General Manager prepares a report on the strategic benefits relating to the land currently known as Civic Park, inclusive of the old Samaritans building and the building housing a car detailing business.**
- 2. That a market valuation be obtained for the highest and best use of the subject land.**
- 3. That the information be presented to the Strategic Property & Community Facilities Committee to assess and make a recommendation to Council on the future potential uses of the land.**

***REPORT/PROPOSAL***

Council is the owner of land on the corner of Vincent Street and Aberdare Road, Cessnock, which includes vacant land, a disused building (old Samaritans site) and a building leased to a car detailing business, as well as a parcel of land immediately adjoining which fronts Cessnock Street (old Cessnock Workers Club carpark) currently used as a carpark.

In acquiring these parcels of land, Council had intended to create a Civic Park on the site however that intended use may not necessarily reflect the current situation, with other possibilities needing to be explored.

The land is currently classified as Community Land, which restricts the potential use of the land to community related activities such as a civic park or library or similar. If Council was of a mind to explore other opportunities, including the possible sale of the land, then a reclassification process to Operational Land would be required under an LEP amendment.

It is proposed that the General Manager prepare a report, including a market valuation and options for future uses and present that information to the Strategic Property and Community Facilities Committee for review.

***ENCLOSURES***

- 1 Map of Land**

**Motions of Urgency**

**Report No. MOU9/2017**

**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.

General Manager's Unit  
Report No. GMU9/2017  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE AUDIT COMMITTEE MEETING HELD 2 MAY 2017*

**RESPONSIBLE OFFICER:** *Internal Auditor - Ian Lyall*

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**RECOMMENDATION**

1. That the Minutes of the Audit Committee Meeting of 2 May 2017 be adopted as a resolution of the Ordinary Council.
2. That the Mayor and Councillor Dunn attend the Institute of Internal Auditors International Conference – Audit and Risk Committee Forum in Sydney on 24 July 2017.
3. That other Councillors seeking to attend the IIA International Conference submit a Request to Attend Conference application by 9 June 2017.

**ADDITIONAL INFORMATION**

The Audit Committee resolved:

*That Councillors seeking to attend the IIA International Conference submit a Request to Attend Conference application by 12 May 2017.*

Applications have been received from the Mayor and Councillor Dunn (refer enclosures) and Council approval is requested for both to attend. Funding is available within the operational budget for Councillor conferences. It is estimated the costs will be approximately \$1,300 per delegate (registration, accommodation and travel).

Any other Councillors seeking to attend should submit a Request to Attend Conference Application by 9 June 2017.

**MINUTES OF AUDIT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON TUESDAY, 2 MAY 2017, COMMENCING AT 9.02 AM**

**PRESENT:** Mrs Jennifer Hayes – Independent Chair  
Mayor Bob Pynsent  
Councillor Paul Dunn  
Mr Neal O’Callaghan – Independent Member  
Dr Felicity Barr – Independent Member

**IN ATTENDANCE:** Mr Stephen Glen – General Manager  
Mr Robert Maginnity – Director Corporate & Community Services  
Mr Gareth Curtis – Director Planning & Environment  
Ms Nicole Benson – Acting Director Works & Infrastructure (Manager Recreation Services)  
Mr Nathan Carter – Financial Audit Director – Audit Office of NSW  
Mr Ian Lyall – Internal Auditor

General Manager's Unit

Report No. GMU9/2017

General Manager's Unit



Mr John Oliver – Chief Financial Officer  
Mrs Robyn Keegan – Minute Taker  
Councillor Mark Lyons – arrived at 9.34 am

**INVITEES:**

Mr Paul Grosbernd – Management Accountant  
Mr Robert Wilson – Financial Accountant  
Ms Natalie Drage – Acting Community & Cultural Engagement Manager (Principal Community Planner)  
Ms Katrina Patch – Strategic Project Manager-Service Review  
Mr Martin Johnson – Strategic Landuse Planning Manager  
Ms Wonona Fuzzard – Principal Strategic Land Use Planner

**APOLOGIES**

Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure  
Ms Darrylen Allan – Human Resources Manager

*Dr Felicity Barr left the meeting, the time being 9:03 am*

**CONFIRMATION OF MINUTES**

**MINUTES:**

**MOTION**

**Moved:** Mr Neal O'Callaghan  
**Seconded:** Mayor Bob Pynsent

**RESOLVED** that the Minutes of the Audit Committee held on 31 January 2017, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

The Director Corporate and Community Services advised that a question asked at the previous Audit Committee Meeting on 31 January 2017 had been actioned:

3. *That Management draft a letter to the Office of Local Government and Auditor General for the Chairman's signature raising anomalies in the process for clearance and adoption of the financial statements comparison with State Government entities process.*

A reply from the Office of Local Government has been received and will be tabled at the next meeting.

*Dr Felicity Barr returned to the meeting, the time being 9:04 am*

General Manager's Unit  
Report No. GMU9/2017  
General Manager's Unit



## ***DISCLOSURES OF INTEREST***

### ***COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI1/2017***

***SUBJECT: DISCLOSURES OF INTEREST***

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Nil

## ***LISTED MATTERS***

### ***LISTED MATTERS - COMMITTEE NO. ACCLM8/2017***

***SUBJECT: 2017 ANNUAL AUDIT PREPAREDNESS***

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***MOTION***      ***Moved:*** Mr Neal O'Callaghan    ***Seconded:*** Dr Felicity Barr

***RESOLVED***

That the status of the 2017 external audit be noted.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU9/2017  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM9/2017***

***SUBJECT: RELATED PARTIES DISCLOSURE POLICY***

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***MOTION***      ***Moved:***    Mr Neal O'Callaghan    ***Seconded:***    Councillor Paul Dunn

***RESOLVED***

1.    That the Audit Committee endorse the draft Policy for consideration by Council with amendments to Part 6 to strengthen confidentiality and removal of point e. in Part 7.
2.    That Management ensure relevant training and advice be provided to Key Management Personnel regarding the Related Parties Disclosure Policy.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM10/2017***

***SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - MARCH 2017***

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***MOTION***      ***Moved:***    Mayor Bob Pynsent    ***Seconded:***    Mr Neal O'Callaghan

***RESOLVED***

That the Audit Committee receive and endorse the March 2017 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2005.

***CARRIED UNANIMOUSLY***



General Manager's Unit  
Report No. GMU9/2017  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM11/2017***

**SUBJECT:** ***INSTITUTE OF INTERNAL AUDITORS INTERNATIONAL CONFERENCE  
23 - 26 JULY 2017***

**MOTION**      **Moved:** Mr Neal O'Callaghan      **Seconded:** Mrs Jennifer Hayes

***RESOLVED***

1. That the Audit Committee notes the report.
2. That the Audit Committee notes and supports the attendance of the Internal Auditor and encourages the attendance of interested Councillors at the IIA International Conference on the 23-26 July 2017.
3. That Councillors seeking to attend the IIA International Conference submit a Request to Attend Conference application by 12 May 2017.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM12/2017***

**SUBJECT:** ***Q4 INTERNAL AUDIT REPORT***

**MOTION**      **Moved:** Dr Felicity Barr      **Seconded:** Mr Neal O'Callaghan

***RESOLVED***

1. That the Audit Committee notes the Q4 Internal Audit Report.
2. That the Audit Committee notes the completion of 31 action items from previous internal audit and other reports.
3. That the Audit Committee request Management to investigate the resources and costings required to complete the deferred audits.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU9/2017  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM13/2017**

**SUBJECT:** **STRATEGIC INTERNAL AUDIT PLAN 2017 - 2020 AND ANNUAL  
INTERNAL AUDIT PLAN 2017 - 2018**

**MOTION**      **Moved:** Mayor Bob Pynsent      **Seconded:** Mr Neal O'Callaghan

**RESOLVED**

That the Audit Committee recommends to Council that the Strategic Internal Audit Plan 2017 – 2020 and the Annual Internal Audit Plan 2017 – 2018 be endorsed.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM14/2017**

**SUBJECT:** **PROPOSED MEETING SCHEDULE 2017/18**

**MOTION**      **Moved:** Mrs Jennifer Hayes      **Seconded:** Dr Felicity Barr

**RESOLVED**

*That the Audit Committee endorse the proposed meeting dates.*

**Special Meeting – Financial Statements**  
**26 September 2017**

**Ordinary Meetings**  
**8 August 2017**  
**7 November 2017**  
**6 February 2018**  
**1 May 2018**

**CARRIED UNANIMOUSLY**

***LISTED MATTERS - COMMITTEE NO. ACCLM15/2017***

***SUBJECT: AUDIT COMMITTEE OUTSTANDING ITEMS REPORT***

***MOTION Moved: Mrs Jennifer Hayes Seconded: Mayor Pynsent***

***RESOLVED***

***That the Audit Committee notes the list of outstanding Audit Committee items.***

***CARRIED UNANIMOUSLY***

***CORRESPONDENCE***

Nil

***GENERAL BUSINESS***

Director Corporate and Community Services provided the following information:

**Quarterly Budget Review Statements**

The Director Corporate and Community Services provided answers to the questions raised during consideration of the QBRS advising that the Telephone and Communications budget was approximately \$334,000, so the \$15,000 variation represents a 4.5 percent variance and that the total Airport licence income budget was approximately \$105,000, so the proposed \$17,000 variation after being offset to other increases, resulted in a net \$8,000 change or 8 percent variance.

**Provision of Agenda Documents to Independent Members**

The Director Corporate and Community Services outlined the ability to provide the independent members of the Audit Committee with meeting documentation via the HUB (Bigtincan).

*The Meeting Was Declared Closed at 10.57 am*

General Manager's Unit  
Report No. GMU9/2017  
General Manager's Unit



## ***PRESENTATIONS***

Reflect Reconciliation Action Plan	Acting Community & Cultural Engagement Manager (Principal Community Planner)
Service Review Update	Strategic Project Manager – Service Review
Section 94 Planning	Strategic Land Use Planning Manager / Principal Strategic Land Use Planner

***CONFIRMED AND SIGNED*** at the meeting held on 8 August 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

## ***ENCLOSURES***

- 1** Request to attend IIA International Conference 24-07-17\_ Clr Bob Pynsent, Mayor
- 2** Request to attend IIA International Conference 24-07-17 \_ Clr Paul Dunn

Planning and Environment

Report No. PE24/2017

Planning and Environment



**SUBJECT:** *DEVELOPMENT APPLICATION 8/2016/527/1 PROPOSING THE SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS*

*10 FOURTH STREET, CESSNOCK*

**RESPONSIBLE OFFICER:** *Senior Planning Assessment Officer - Sarah Hyatt  
Development Services Manager - Janine McCarthy*

<b>APPLICATION NUMBER:</b>	8/2016/527/1
<b>PROPOSAL:</b>	Subdivision of one (1) lot into two (2) lots
<b>PROPERTY DESCRIPTION:</b>	Lot 21, Section E, DP 4308
<b>PROPERTY ADDRESS:</b>	10 Fourth Street, Cessnock
<b>ZONE:</b>	R3 – Medium Density Residential
<b>OWNER:</b>	Mrs Y M Facchini
<b>APPLICANT:</b>	Mrs Y M Facchini c/- Insite Planning

## RECOMMENDATION

That Council determine Development Application No. 8/2016/527/1, proposing the subdivision of one (1) lot into two (2) lots at 10 Fourth Street Cessnock, 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.

## REASON FOR REPORT

Development Application No 8/2016/527/1 is being referred to Council for determination as a variation to a development standard is proposed. In this regard, the application seeks to vary the minimum lot size requirement of 450m<sup>2</sup>, utilising the provisions of Clause 4.6 of *Cessnock Local Environmental Plan 2011 (CLEP 2011)*. Specifically, the application seeks a variation of 20.1 percent to the lot size of Proposed Lot 1, thereby resulting in a proposed lot size of 359.7m<sup>2</sup>.

In accordance with the provisions of Planning Circular PS 08-014 (published by the then NSW Department of Planning), dated 14 November 2008, any Application which proposes a

**Planning and Environment**

**Report No. PE24/2017**

**Planning and Environment**



variation of greater than 10 percent to a development standard, must be referred to Council for determination.

The application also seeks to vary the minimum depth requirement of 20m for Proposed Lot 1, prescribed within Chapter D.1 Subdivision Guidelines, 1.7.1 Element 1: Lot Size and Shape. A variation of 10.7 percent is proposed, thereby resulting in a proposed lot depth of 17.87m.

## **EXECUTIVE SUMMARY**

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Council is in receipt of Development Application No. 8/2016/527/1 seeking approval for the subdivision of one (1) lot into two (2) lots at 10 Fourth Street, Cessnock.

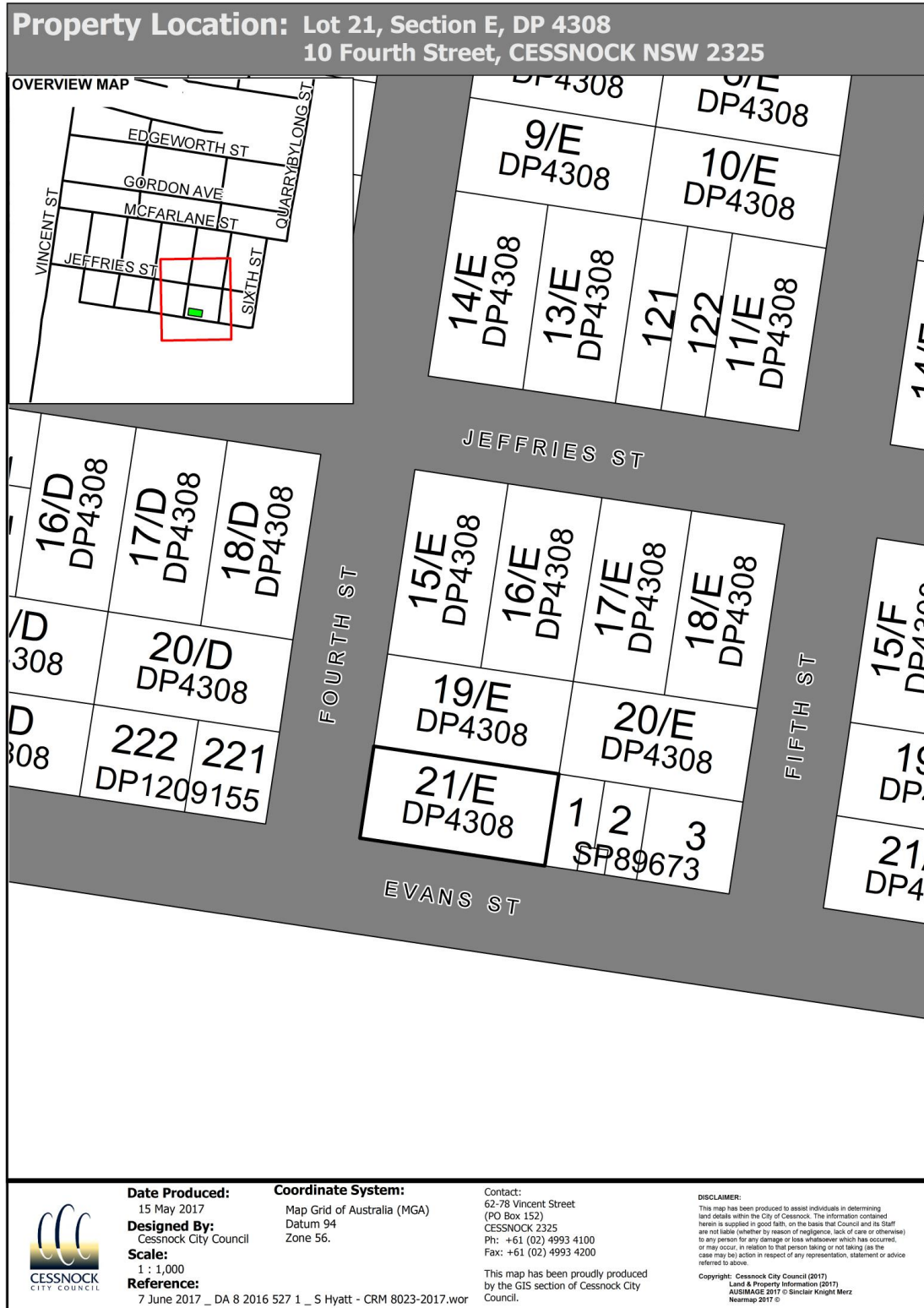
The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited with no submissions received.

Whilst the development application seeks to vary the minimum lot size requirement prescribed under CLEP 2011, the applicant has demonstrated that the proposed development is consistent with the relevant considerations prescribed under the planning controls.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

## LOCATION MAP





# AERIAL





## SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 10 Fourth Street, Cessnock, and is legally described as Lot 21, Sec E, DP 4308.

The subject site is located on the corner of Fourth and Evans Streets, Cessnock. The site has a frontage of 20.13m to Fourth Street, a frontage of 40.23m to Evans Street and an overall site area of 809.7m<sup>2</sup>. Vehicular access to the site is available from both the Fourth and Evans Street frontages.

The subject site is currently occupied by a single dwelling fronting Fourth Street and associated outbuildings.

The surrounding properties are characterised by residential development, including single dwellings and dual occupancies.

## HISTORY

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

Date	Action
29 August 2016	Development Application lodged with Council.
7 September 2016	Application referred to Consultant Development Engineer for comment.
14 September 2016	Additional information requested from applicant to clarify the correct legal description and address of the subject land.
14 September 2016	Engineering referral response received from Consultant Development Engineer, requesting site specific information in relation to stormwater discharge and access.
7 October 2016	Additional information provided by applicant in relation to legal description, address, stormwater discharge and access.
11 October 2016	Amended information referred to Consultant Development Engineer for comment.

**Planning and Environment**

**Report No. PE24/2017**

**Planning and Environment**



20 October 2016	Engineering referral response received from Consultant Development Engineer, requesting a revised stormwater design to demonstrate that both of the proposed lots can drain to the street. Additional information requested from applicant to address the above.
24 November 2016	Response received from applicant in relation to stormwater concerns.
24 November 2016	Additional information referred to Consultant Development Engineer for comment.
7 December 2016	Engineering referral response received from Consultant Development Engineer, requesting additional information showing the regrading works and retaining walls required for the proposed inter-allotment drainage easement. Additional information requested from applicant to address the above.
1 February 2017	Additional information provided by applicant in relation to the levels for the inter-allotment drainage easement.
8 February 2017	Amended information referred to Consultant Development Engineer for comment.
22 March 2017	Meeting held with Council staff, the applicant and the applicant's consultants, to discuss the stormwater and inter-allotment drainage design noting the current design could not be supported, as the design would result in stormwater becoming trapped and pooling.
29 March 2017	Correspondence forwarded to applicant confirming issues as discussed in meeting held on 22 March 2017. The applicant was provided an additional 14 days to submit the additional information.
29 March 2017	Amended information provided by the applicant following discussions held on 22 March 2017 and Council's subsequent email.
30 March 2017	Amended information referred to Consultant Development Engineer for comment.
4 April 2017	Amended subdivision plan provided by applicant to include amendments made to the stormwater design.

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2 May 2017	Amended subdivision referred to Consultant Development Engineer for comment.
5 May 2017	Engineering referral response received with conditions of consent provided.
10 May 2017	Planning assessment finalised.

## DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2016/527/1 seeks approval for the subdivision of one (1) lot into two (2) lots.

Specifically, the proposed development involves the creation of two lots as follows:

- Proposed Lot 1, which will contain the existing dwelling that currently occupies the site. The allotment will be rectangular in shape with a 20.13m frontage to Fourth Street, 17.87m to Evans Street and an area of 359.7m<sup>2</sup>. An inter-allotment drainage line is proposed along the northern boundary of Proposed Lot 1, to enable drainage from Proposed Lot 2 to Fourth Street.
- Proposed Lot 2, which will be vacant following the demolition of two existing structures (shed and carport), located on the site. Proposed Lot 2 will be rectangular in shape and have a 22.36m frontage to Evans Street, depth of 20.13m and an area of 450m<sup>2</sup>. A retaining wall is proposed along and within the northern, eastern and western site boundaries, the height of which will be variable between ground level and 600mm.

## ASSESSMENT

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

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

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

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

1. State Environmental Planning Policy No. 55 – Remediation of Land; and
2. Cessnock Local Environmental Plan 2011

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

**1. State Environmental Planning Policy No. 55 – Remediation of Land**

The aim of the SEPP is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Development Application.

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

The subject site has historically been used for residential purposes and no evidence of contamination was observed during an inspection of the site. As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

**2. Cessnock Local Environmental Plan 2011**

**2.1 Permissibility**

The subject site is zoned R3 Medium Density Residential under the provisions of the CLEP 2011. Clause 2.6 of CLEP 2011 prescribes as follows:

*'Land to which this Plan applies may be subdivided, but only with development consent'.*

In accordance with the above, the subdivision of the site is a permissible form of development, with consent.

**2.2 Objectives**

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

- *To provide for the housing needs of the community within a medium density residential environment.*

Subdivision of the land into two (2) allotments will provide additional opportunity for residential development on a Torrens Title allotment. The proposed lot sizes are consistent with the desired character of the area, being medium density residential.

- *To provide a variety of housing types within a medium density residential environment.*

Subdivision of the land will create an additional Torrens Title allotment capable of containing residential development which will be consistent with existing development within the surrounding area.

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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The subdivision of the land will not restrict the site from being used for development in the future, subject to separate approval being obtained. The proposed development is consistent with the objectives of the zone.

### 2.3 Relevant Clauses

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

#### Clause 4.1 – Minimum subdivision lot size

This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent. The subject site is zoned R3 Medium Density Residential, and the Lot Size Map prescribes a minimum lot size of 450m<sup>2</sup>. Proposed Lot 1 is 359.7m<sup>2</sup> in area, and therefore, it does not comply with the minimum lot size requirement. For this reason, a variation to the development standard is required to be requested under Clause 4.6 of CLEP 2011. This is detailed below.

#### Clause 4.6 - Exceptions to development standards

Clause 4.6 of the CLEP 2011 seeks to provide flexibility in the application of development standards. A variation to the minimum lot size requirement of 20.1 percent is proposed in relation to Proposed Lot 1. In accordance with the provisions of Planning Circular PS 08-014 (published by the then NSW Department of Planning), dated 14 November 2008, any Application which proposes a variation of greater than 10 percent to a development standard, must be referred to Council for determination.

Clause 4.6(2) states the following:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause*

Clause 4.6(3) requires the applicant to submit a written request which demonstrates that:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard*

The applicant has submitted a written request to vary the requirements of Clause 4.1, justifying the proposed variation which is summarised below:

- *'The subject lot is consistent with the subdivision pattern in the immediate locality and in particular the lot's containing dwellings on the south western corner of Evans and Fourth Street and the lot containing the dwelling on the corner of Evans and Fifth*

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*Streets; consequently both properties which adjoin the subject property have lots of a similar size to the one proposed by this subdivision.*

- *The size of the lot is consistent with medium density residential of the site. Consequently, the proposed allotment is entirely consistent with the zoning of the site and locality.*
- *If the variation is not, it would effectively undermine the zoning of the site as it would retain an existing residential allotment which is more consistent with a low density residential environment and not a medium density residential environment.*
- *The subdivision will ensure the economic and efficient use of land as it will enable a residential lot to be created for further residential purposes. In this case it is submitted that there is excess land on this property for the existing dwelling which is a small two bedroom dwelling, and by undertaking an efficient subdivision it enables a second residential lot to be created that can be developed for within a single dwelling or a dual occupancy consistent with the zoning of the locality and site.*
- *The existing dwelling on the subject lot will contain adequate open space as well as car garaging and access facilities.*
- *By retaining the existing dwelling affordable housing stock is retained'.*

Clause 4.6(4) outlines the matters which the consent authority must be satisfied of, prior to granting development consent, which includes:

(a) *the consent authority is satisfied that:*

- i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Secretary has been obtained.*

A written request to vary the requirements of Clause 4.1 has been submitted by the applicant. The applicant's justification is acceptable and provides sufficient planning arguments to support the proposed variation. In this regard, it is considered that subclause 4.6(4)(a)(i) has been satisfied.

In relation to subclause 4.6(4)(b), the concurrence of the Secretary is not required. In this regard, in March 1989, Councils were advised by Circular 1B (issued by the then Department of Planning and Infrastructure) that they may assume the Director-General of Planning and Infrastructure's concurrence under SEPP 1 in relation to all development applications, with the exception of certain applications relating to land zoned rural or non-urban. In this case, the subject site is zoned R3 Medium Density Residential, therefore, concurrence may be assumed.

The objectives of Clause 4.1 (being the development standard which is to be varied) are required to be considered under subclause 4.6(4)(a)(ii). The objectives of Clause 4.1 are:

- (a) to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,*
- (b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Cessnock.*

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The subject land is zoned R3 Medium Density Residential, with the R3 zone being designed to facilitate high density residential development close to the town centre. In this instance, the proposed variation to the minimum lot size requirement is consistent with the underlying intent of the zone and will not detract from the ability of the land to accommodate a permissible land use either now or into the future.

The City Wide Settlement Strategy 2010, identified that an additional 1,500 urban infill dwellings were required for Cessnock. In order to fulfil this requirement, the Settlement Strategy identified the need for both redevelopment and urban consolidation. The CLEP 2011 was prepared on the basis of the 2010 Settlement Strategy. While the proposed minimum lot size for Proposed Lot 1 does not strictly comply with the requirements of Clause 4.1, the overall development satisfies the underlying intent of the Settlement Strategy and the R3 Medium Density Residential zone through encouraging higher density residential development in close proximity to the town centre. The proposal ultimately meets the objectives of Clause 4.1.

It is possible for the applicant to provide a subdivision that is more balanced, i.e., to reduce the size of Proposed Lot 2 so that the extent of the variation is reduced (albeit resulting in two undersized allotments). However, such a change would not result in a notable planning benefit as Proposed Lot 1 is clearly adequate to accommodate the existing dwelling and associated facilities and open space.

As demonstrated above, the variation to the minimum lot size has been satisfactorily addressed by the applicant and meets the underlying intent of the R3 zone, the City Wide Settlement Strategy 2010, and the objectives of Clause 4.1. In this regard, it is considered that the application meets the requirement for approval under Clause 4.6(4).

Clause 7.2 Earthworks

Clause 7.2 of the CLEP 2011 requires that consideration be given to proposed earthworks to ensure they will not result in adverse impacts on the amenity of neighbouring properties, the environment, and surrounding land.

Earthworks are proposed in conjunction with the subdivision of the site. Specifically, filling and retaining of Proposed Lots 1 and 2 to ensure both lots can achieve gravity drainage to Fourth Street, is required. Filling/retaining depth will vary up to a maximum height of 600mm above current natural ground levels.

It is considered that the earthworks proposed in conjunction with the subdivision of the site, meet the objectives of Clause 7.2 and are consistent with the relevant considerations contained in Clause 7.2, subject to the recommended conditions of consent.

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

No Draft Environmental Planning Instruments are relevant to the application.

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

**Cessnock Development Control Plan 2010**

The following is an assessment of the proposal's compliance with the numerical standards in Cessnock Development Control Plan 2010. Discussion of any variations to the standards is provided after the compliance table:

**Chapter D.1 Subdivision Guidelines**

*Section 1.7 R2 and R3 Residential Subdivision*

The following provisions of Chapter D.1 – Section 1.7 apply to the proposed development:

- 1.7.1 Element 1: Lot Size and Shape
- 1.7.7 Element 7: Stormwater Management
- 1.7.8 Element 8: Utility Services.

Section 1.7.1 of the DCP requires lots to have a minimum width of 18m and a minimum depth of not less than 20m. Proposed Lot 2 has a width of 22.36m and a depth of 20.13m, and is therefore compliant with the provisions of the DCP.

Proposed Lot 1, which contains the existing dwelling house, has two street frontages, with the dwelling currently orientated to front Fourth Street. The frontage complies with the minimum requirement having a width of 20.13m, however, the depth of Proposed Lot 1 is less than 20m at 17.87m, a variation of 10.7 percent. The existing dwelling is proposed to be retained on the lot, thereby demonstrating that the lot size and shape is suitable to accommodate residential development. With the retention of the existing dwelling on the lot, the variation to the depth requirement of 20m is considered to be minor and therefore acceptable in this instance.

Stormwater management has been designed to meet the requirements of Section 1.7.7. In this regard, Council's Consultant Development Engineer has reviewed the proposed stormwater management system, and considers it suitable for the proposed development.

A condition is required to be imposed on the notice of determination in accordance with Section 1.7.8 requiring a Section 50 Certificate from Hunter Water to be submitted prior to release of the Subdivision Certificate.

Overall, the application is considered to be consistent with the requirements of Chapter D.1 – Section 1.7.

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

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

**(a)(iv) The Regulations**

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



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

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and will result in positive social and economic impacts. In particular, the subdivision of the land will not affect the ability of the proposed lot to be used for residential purposes in the future. The subdivision will create an additional Torrens Title lot capable of being developed to meet the needs of the community.

**(c) *The suitability of the site***

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. Specifically, the proposed subdivision is consistent with the requirements of Clause 4.6 which permits flexibility in the application of development standards, in this instance the minimum lot size provisions. The proposed lot sizes are consistent with the intent and objectives of the R3 Medium Density Residential zone.

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

The Development Application was publicly exhibited between 26 August and 9 September 2016. No submissions were received during the exhibition period.

**(e) *The public interest***

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

Based on the above assessment, the proposed development is consistent with the public interest, providing an additional Torrens Title allotment close to the town centre of Cessnock.

## **SECTION 94 CONTRIBUTIONS**

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Section 94 Contributions are payable for the proposal.

In the event the application is approved, S.94 Contributions totalling **\$3,777.66** would be payable, in accordance with the Residential Section 94 Contributions Plan.

## INTERNAL REFERRALS

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The Development Application was referred to the following Council officer for comment:

Officer	Comment
Consultant Development Engineer	The application is satisfactory, subject to conditions being imposed on the notice of determination.

## EXTERNAL REFERRALS

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

## CONCLUSION

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

Development proposed by the application seeks to vary the minimum lot size requirement of 450m<sup>2</sup> prescribed by Clause 4.1 of the CLEP 2011. The proposed variation to the minimum lot size is acceptable, as Proposed Lot 1 will meet the objectives of the R3 Medium Density zone, by facilitating higher density residential development closer to the town centre. The application meets the requirements of Clause 4.6(4), which provides the basis for exceptions to be made to development standards, thereby allowing the variation to be approved.

The application also seeks a variation of 10.7 percent to the minimum depth requirement of 20m for Proposed Lot 1, as prescribed within Chapter D.1 Subdivision Guidelines, 1.7.1 Element 1: Lot Size and Shape. The application seeks a minimum depth of 17.87m, which is acceptable in this instance given the existing dwelling will be located on the lot, thereby demonstrating that the land is suitable to accommodate residential development.

## ENCLOSURES

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- 1 Plan of proposed subdivision
- 2 Applicant's submission - justification to vary development standard

## CONDITIONS OF CONSENT

### CONDITIONS OF CONSENT

#### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/527 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Subdivision Drainage, Sheet 1 of 1, Drawing No. 1442-2001, Revision C	ACM Landmark	30/01/2017

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. Amended Plans Required

The plans submitted in association of the CC application must incorporate the following amendments:

- a) The site filled and retaining wall along the northern boundary of proposed Lot 1, to be raised a minimum of 200mm to provide cover over the inter-allotment drainage line.
- b) The pipe reach 1-2 is to be replaced with a steel RHS.
- c) New boundary fencing to be provided along all dividing boundaries, except within the building setback to Fourth and Evan Streets. The dividing boundary fencing to be constructed of lapped paling or sheet metal and have a height of 1.8m, the height being above the proposed finished ground levels/retaining wall height.

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the CC.

#### 3. Retaining Wall

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

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

#### **4. Inter-allotment Drainage**

A detailed drainage design shall be prepared for the Inter-allotment Drainage Line to drain proposed Lot:2. The plans must be designed in accordance with Council's 'Engineering Requirements for Development' and be submitted to, and approved by the CA as satisfying this requirement prior to the issue of a CC.

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

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

#### **5. S.138 Roads Act 1993 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.

#### **6. Relocation of Services**

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

#### **DURING WORKS**

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

#### **7. 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.

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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.

**8. Virgin Fill to be Used**

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

**9. Stormwater – Impact on Adjoining Land – Natural Drainage**

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

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

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

**11. 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.

**12. Stormwater Runoff**

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

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

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

**13. Requirement for a Subdivision Certificate**

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

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees

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- c) The 88B instrument plus six (6) copies
- d) All surveyor's or engineer's certification required by the Development Consent
- e) Evidence that all boundary fencing has been constructed in accordance with the conditions of this consent and the plans approved prior to the issue of the CC.

**14. Section 94 Contributions Payable**

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

Contribution Type	Amount Payable
District Open Space	\$1,321.20
District Community Facilities (Halls)	\$809.22
District Community Facilities (Libraries)	\$216.05
District Community Facilities (Bushfire)	\$60.23
District Roads (Urban Areas)	\$1,006.94
Studies (Plan Preparation)	\$75.95
Plan Administration	\$288.07
<b>Total</b>	<b>\$3,777.66</b>

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

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

**15. All Services Provided Within Lots**

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

**16. Works-As-Executed Plan**

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

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths

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- 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, Council prior to the release of the SC.

**17. 88B Certificate Required**

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

**18. Inter-allotment Drainage Easement**

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lot 2. Construction of the drainage line, together with the necessary grated yard inlet pits, to be carried out in accordance with Council's 'Engineering Requirements for Development' - full details must be approved by Council prior to release of the SC.

Note:

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

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

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

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## ONGOING USE

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

### 20. Stormwater – Impact on Adjoining Land

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

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

## ADVISORY NOTES

### 1. Other Approvals and Permits

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



**SUBJECT:** *DEVELOPMENT APPLICATION PERFORMANCE  
MONITORING REPORT - MARCH 2017 QUARTER*

**RESPONSIBLE OFFICER:** *Business Support Manager - Roslyn Ashton*

## **SUMMARY**

The purpose of this report is to provide Council with the March 2017 quarterly report in relation to development assessment performance monitoring data and outline the amount of development activity within the Cessnock Local Government Area.

## **RECOMMENDATION**

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

## **BACKGROUND**

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for DAs, Section 96 Applications and complying development.

Over recent years, Council has continued to work with key stakeholders to improve processes and the overall performance in relation to development assessment and processing times.

Council will notice a more succinct reporting format which we intend to provide further improvements to in future reports.

## **REPORT/PROPOSAL**

Key findings during the March quarter include:

- The number of applications received and determined was substantially lower when compared with previous quarters. Overall, 190 applications were received and 195 applications were determined.
- The median processing days remained consistent when compared to previous quarters however, the mean processing days did increase during the March 2017 quarter.
- The decrease in the number of applications received and determined and the increase in mean processing days reflect previous trends for the same time over previous years.
- The current YTD DA mean processing time is 53.33 days and DA median processing time is 30 days as at the end of the quarter.
- The current YTD DA & S96 mean processing time is 54.90 days and DA & S96 median processing time is 29 days as at the end of the quarter.
- The overall mean processing time has increased by 2 calendar days as a result of applications being delayed by the State Infrastructure Contribution (SIC), which is determined by the Department of Planning and Environment. It is noted that, in

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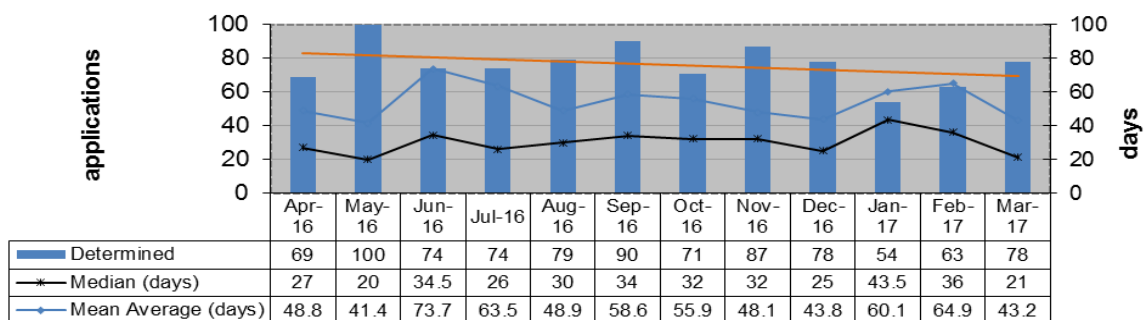
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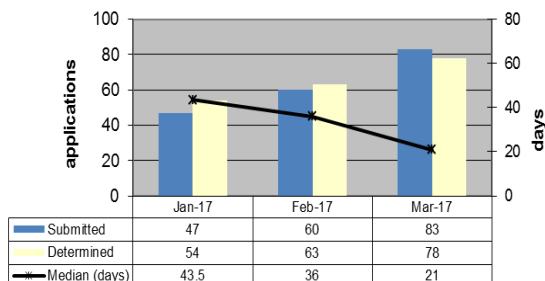


- cases where the SIC is relevant, Council cannot issue development consent until such time as the applicant has resolved payment of the SIC with the Department of Planning and Environment.
- 95 percent of applications determined were approved.
  - 99 percent of applications were determined under delegated authority.
  - The value of works approved during the March quarter is a reflection of the low number of applications processed during January and February 2017.
  - Major development includes - phased development – tourist accommodation and commercial premises – McDonalds Road, Pokolbin – \$1,600,000
  - Development activity in North Rothbury is indicative of the growth occurring in the Huntlee New Town development.
  - Based on current trends, Council is projecting to approve approximately 430 residential buildings during 2016-17 financial year.
  - Cessnock exceeds the annual forecasted figure for dwelling approvals based on the Hunter Regional Plan.
  - The number of outstanding applications has declined.
  - 53 percent of applications being assessed have been with Council for over 40 days.
  - Cessnock City Council has issued 59 percent of Construction Certificates, 49 percent of Occupation Certificates and 17 percent of Complying Development Certificates.

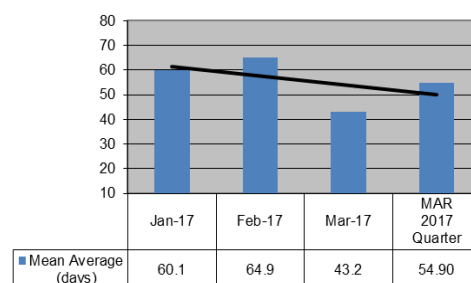
**12 month comparison of applications determined (DAs & S96)  
01/04/2016 - 31/03/2017**



**MONTHLY Development Applications - KPIs**



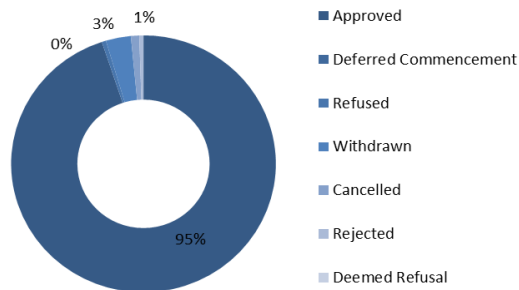
**MONTHLY Mean (Average) days**



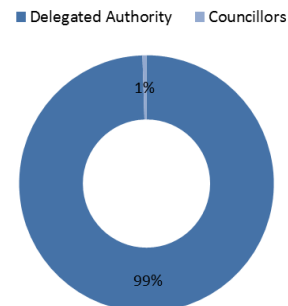
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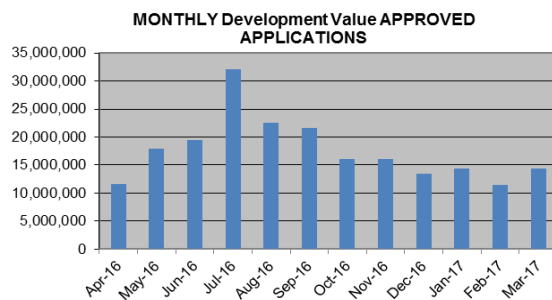
### Determination Type



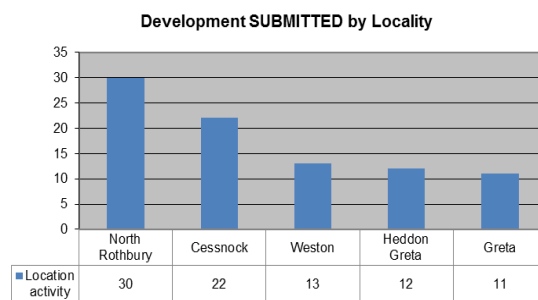
### Determination Body



### Development Value



### Development Activity Types



### Australian Bureau of Statistics – Building Approvals, March 2017

#### BUILDING APPROVALS

##### NUMBER OF DWELLING UNITS

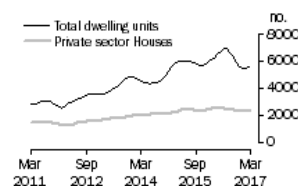


The trend estimate for Australia rose 0.8% in March.

In seasonally adjusted terms the estimate fell 13.4% to 16,484 dwellings.

#### DWELLING UNITS APPROVED STATE TRENDS

##### NEW SOUTH WALES



The trend estimate for total number of dwelling units approved in New South Wales rose 3.0% in March and has risen for three months. The trend estimate for the number of private sector houses rose 0.3% in March after falling for 10 months.

The National and State trends are reflected in the the Cessnock City LGA building approval statistics and are a general indicator of not only the number of buildings being approved but a general indicator of economic conditions in the area.

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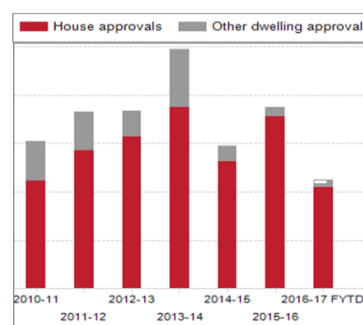


## Residential Building Approvals

Based on ABS data compiled and presented by .id - Cessnock City Council has approved 280 residential buildings in the financial year 2016-17 Feb FYTD. Based on current trends, Council's projection is that 430 residential buildings will be approved within 2016-17 financial year.

- A residential building is a building consisting of one or more dwelling units. Residential buildings can be either houses or other residential buildings.
- A house is defined as a stand-alone residential structure, separated on all sides from other dwellings by at least half a metre.
- An other residential building is a building other than a house primarily used for long-term residential purposes. An other residential building contains more than one dwelling unit within the same structure – for example - semi-detached, row or terrace houses; flats, unit or apartments in blocks, or flats attached to houses or shops. (Note: a single application for a block of 50 units would count in this table as 50)

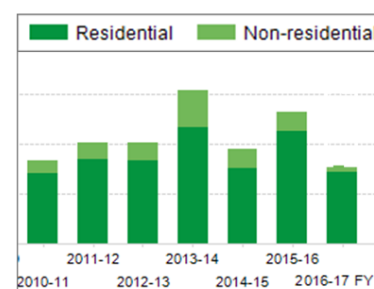
Cessnock City	Number			Annual change		
Year (ending June 30)	Houses	Other	Total	Houses	Other	Total
2016-17 Feb FYTD	266	14	280	--	--	--
2015-16	355	20	375	+93	-13	+80
2014-15	262	33	295	-112	-87	-199
2013-14	374	120	494	+60	+67	+127
2012-13	314	53	367	+29	-28	+1



## Value of total building approvals

Cessnock City Council has approved \$284 million for building approvals (residential and non residential) in the financial year 2016-17 Feb FYTD.

Financial year	Cessnock City			New South Wales			Cessnock City as a % of New South Wales
	Residential \$('000)	Non-residential \$('000)	Total \$('000)	Residential \$('000)	Non-residential \$('000)	Total \$('000)	
2016-17 Feb FYTD	90,249	193,775	284,024	16,809,984	8,446,948	25,256,932	1.12%
2015-16	112,573	20,406	132,979	24,492,248	10,967,545	35,459,794	0.38%
2014-15	76,046	19,245	95,291	15,651,703	12,000,977	27,652,680	0.34%
2013-14	117,126	37,315	154,441	15,651,703	12,000,977	27,652,680	0.56%
2012-13	83,814	17,007	100,821	11,961,013	7,883,815	19,864,829	0.51%



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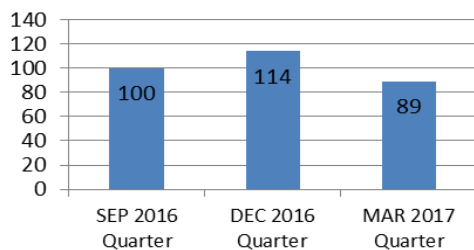


## Council development activity

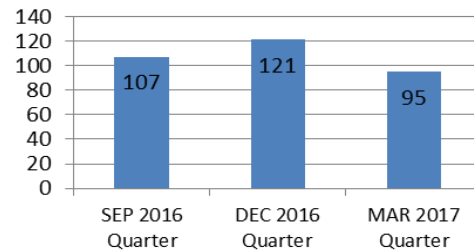
The Hunter Regional Plan outlines that Cessnock City Council will have a projected increase in dwelling approvals of 6,350 between 2016 and 2036 which averages to 318 applications per year. Based on the current dwelling approval trend, Cessnock has approved 323 dwelling units as at the end of March 2017 quarter, which exceeds the annual forecasted figure.

Dwellings	
2016	24,000
2036 (Projected)	+6,350
Projected Increase	+6,350

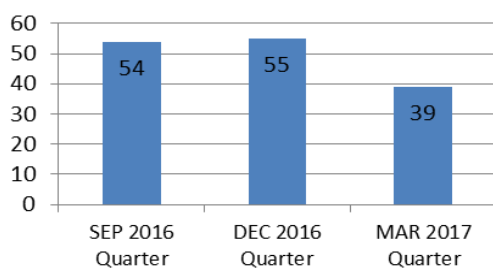
Dwelling Units DAs



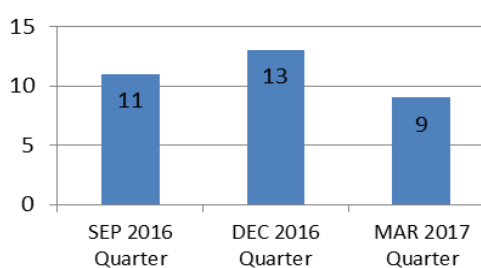
Total Dwellings, Dual Occ, Units



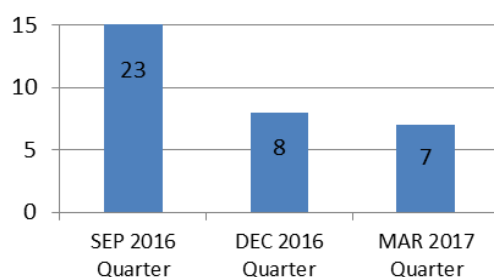
Residential Alteration &amp; Additions



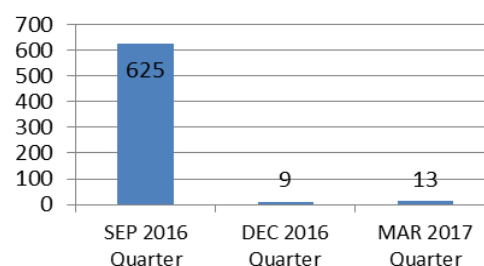
Commercial



Subdivision Approvals DAs



Subdivision Lots



Planning and Environment

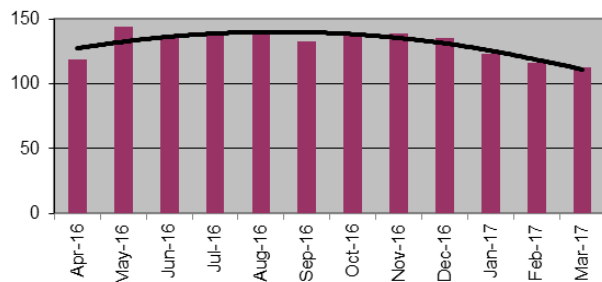
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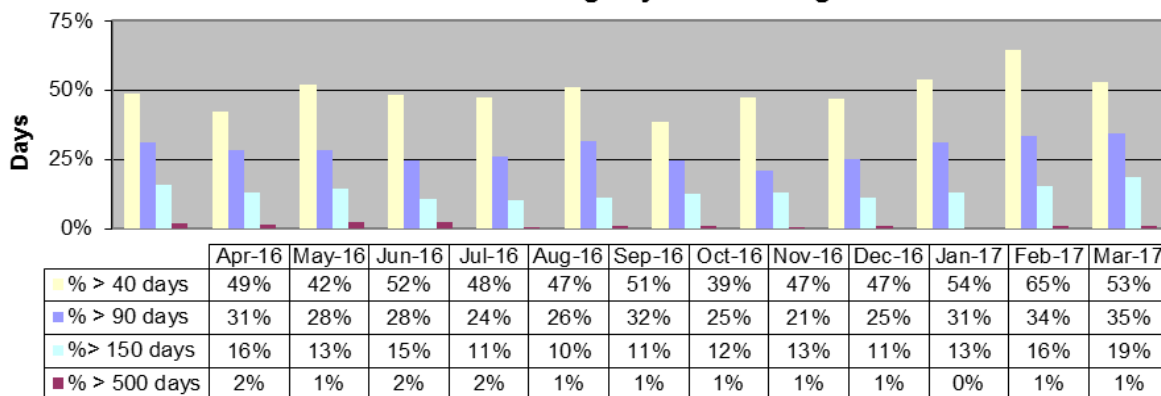
Development Applications Processing

Processing Development Applications



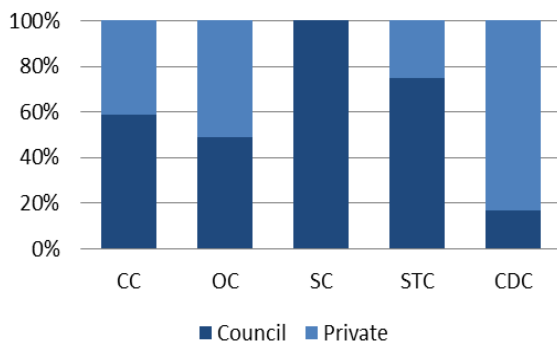
	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17
> 40 days	53	66	63	66	75	60
>100 days	28	27	21	34	33	33
>300 days	4	3	3	6	6	6

Processing Days - Percentages



Certificates

Certificates



CERTIFICATES	Council	Private
Construction certificates	95	67
Occupation Certificates	54	56
Subdivision Certificates	10	0
Strata Certificates	3	1
Complying Development	8	40

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**CONSULTATION**

NSW Planning – Local Development Performance Monitoring  
Civica – Authority and MasterView Consultants  
Director Planning and Environment  
Health & Building Manager  
Development Services Manager

**STRATEGIC LINKS**

**a. Delivery Program**

The report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

The statistics will continue to be prepared and submitted annually as required by the NSW Department of Planning and Environment.

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

Nil

**CONCLUSION**

This report provides for Council's information, outlining an overview of the quarterly performance of Development Assessment for the March 2017 Quarter.

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***ENCLOSURES***

There are no enclosures for this report



Corporate and Community

Report No. CC36/2017

Corporate and Community Services



**SUBJECT:** *2016-17 LOAN BORROWING PROGRAM*

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

## **SUMMARY**

This report seeks a Council resolution in accordance with Section 377(1) (f) of the Local Government Act 1993 to borrow the funds for various programs and projects identified in the 2016-17 Operational Plan.

## **RECOMMENDATION**

1. That Council raise a loan facility in the amount of \$1,106,444 for a maximum period of ten (10) years with a fixed interest rate for the period of the loan, repayable by monthly instalments of principal and interest.
2. That Council authorise the General Manager to determine the timing and negotiate with various financial institutions to obtain the best available loan facilities in accordance with Policy F12.2 Loan Borrowing.

## **BACKGROUND**

The ability to borrow funds is governed by the provisions of Sections 621-624 of the Local Government Act 1993. Council is not able to delegate the function of borrowing money in accordance with Section 377(1) (f) of the Local Government Act 1993. A resolution of Council to borrow the funds identified in the Operational Plan is required.

The adopted 2016-17 Operational Plan included the loan borrowing program for 2016-17 in the amount of \$1,106,444 for the continuation of the drainage improvement program.

The loan repayments for this loan are included in the 2016-17 Operational Plan and the draft 2017-18 Operational Plan. As per the requirements of the Local Government Act, a specific Council resolution is required to borrow the required funds and this approval for the borrowing program is now sought.

## **REPORT/PROPOSAL**

The Operational Plan identified projects that were to be funded from loan borrowings being the 2016-17 drainage improvement program of \$1,106,444.

Total Council debt at June 2016 was \$7,750,000 and is estimated to be \$6,598,000 at June 2017, (excluding the proposed borrowing in this report). Loan repayments included in the budget for 2016-17 are \$1,775,500 (principal \$1,233,700 and interest \$541,800).

Council's Debt Service Cover Ratio (Operating Result before capital excluding interest and depreciation divided by Principal Repayments and Borrowing Costs) was 5.01 at June 2016. The estimated Ratio at 30 June 2017 is 6.84. (Region average 5.72 / Classification Average 4.33). The Code of Accounting Practice & Financial Reporting (Update 24) benchmark for this ratio is  $\geq 2.00$ .

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The table below details the current loans held by Council:-

Loan	Interest Rate	Maturity Date	Purpose	Principal	Balance 30/6/2016	Est Bal 30/6/2017
200	6.702%	Mar 2017	Drainage	500,000	50,623	0
201	7.166%	Jan 2023	CPAC	6,000,000	3,426,444	3,004,533
202	8.45%	Jun 2018	Drainage	500,000	136,156	70,936
204	7.89%	Jun 2020	Drainage	500,000	247,886	193,016
205	7.82%	May 2021	Drainage Bridges Art Gallery building Total	500,000 430,800 500,000 1,430,800	   841,548	   695,418
206	6.14%	Feb 2022	Drainage RSPCA Millfield Drainage Total	500,000 790,000 600,000 1,890,000	   1,209,121	   1,024,901
207	4.80%	Apr 2019	Drainage	272,981	162,679	107,759
208	4.99%	Jun 2024	LIRS Bridges	1,500,000	1,256,710	1,125,890
209	4.99%	Jun 2024	Drainage	500,000	418,904	375,294
			<b>Total</b>		<b>7,750,071</b>	<b>6,597,747</b>

Should Council elect not to borrow the funds identified in the loan program an alternative source of funds would be required to be identified.

Council's budget strategy is for all expenditure to be matched with a source of funds. Council needs to be mindful of the effect of alternate funding sources and the potential impact on long-term financial sustainability. This is highlighted in TCorp's financial assessment and Council's long-term financial plans. The loan repayments have been factored into Council's operational budgets and the loan borrowing is the preferred course of action due to the following considerations:

1. The majority of the expenses have already been or are soon to be committed;
2. Works and borrowings are part of the budget as adopted by Council;
3. Cash flow implications on Council if the revenue from the loan funds are not received;
4. Loss of investment revenues as the funds when received are usually invested;
5. Adverse impact on the unrestricted current ratio if reserves or unrestricted cash is utilised; and
6. Reallocation of funds from another project would adversely affect that specific program of works.

Funding institutions in the current financial climate, are somewhat reluctant to provide quotes for longer than 1-2 days (more normally provided for 24 hours), as the funding costs for providing loans fluctuates on a regular basis. Quotations therefore, will be sought from a number of financial institutions and provided to the General Manager for a determination.

Timing of the borrowings will be factored around the cashflow requirements of the projects.

**OPTIONS**

1. Council could elect to not borrow the required funds, however this would require the identification of an alternate funding source for the drainage improvement program.

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2. Authorise the loan borrowings as outlined in the report and recommendation.

**CONSULTATION**

Director Works and Infrastructure  
Strategic Asset Planning Manager  
Management Accountant  
Financial Accountant

**STRATEGIC LINKS**

**a. Delivery Program**

This report is a part of the organisation's governance framework – in line with the community's desired outcome of: *Civic Leadership and Effective Governance*.

The identified drainage works form part of the infrastructure programs within the Delivery Program under the community's desired outcome of *Accessible infrastructure, services and Facilities* and link directly to the goal of *Protecting and enhancing the natural environment*.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Loans are taken in accordance with Council Policy F12.2 "Loan Borrowings".

**b. Financial Implications**

Loan repayments are factored into Council's operating budget. Loan funds provide funding for the projects identified in the borrowing program as detailed in the Delivery Program.

**c. Legislative Implications**

Council is unable to delegate the function of borrowing of money in accordance with Section 377 (1) (f) of the Local Government Act 1993. Loan borrowings are authorised under Sections 621 to 624 of the Local Government Act 1993.

**d. Risk Implications**

The projects to be funded under the loan are identified within Council's Delivery Program and have been outlined to the community to be completed.

If the budgeted funds are not received, Council may be exposed to overdraft and cash flow risks associated with funding of the works identified within the loan program. Alternative funding sources will need to be identified which may impact on the service levels able to be provided to other areas of Council's operation.

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**e. Other Implications**

Nil

***CONCLUSION***

The report seeks Council approval to borrow \$1,106,444 for the projects identified in the 2016-17 loan program contained within the Operational Plan.

***ENCLOSURES***

There are no enclosures for this report.

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Corporate and Community Services



**SUBJECT:** *DISABILITY INCLUSION ACTION PLAN 2017-2021*  
**RESPONSIBLE OFFICER:** *Acting Community & Cultural Engagement Manager - Natalie Drage*

## **SUMMARY**

This report seeks the adoption of the Disability Inclusion Action Plan 2017-2021 (the Plan) which was exhibited from 12 April 2017 to 10 May 2017 and no written submissions were received. As part of the exhibition process, a community workshop was held and the Plan was well received by the participants with positive feedback provided. There was no feedback advising opposition to the Plan or any of its listed actions. An outcome of the workshop was a number of suggestions provided by participants enabling the Plan to be further enhanced. These suggestions have been included within the enclosed Plan and are submitted for Council's consideration.

## **RECOMMENDATION**

1. That Council notes the outcomes of the public exhibition period for the Disability Inclusion Action Plan 2017-2021 and the amendments made to the Plan.
2. That Council adopts the amended Disability Inclusion Action Plan 2017-2021.
3. That the adopted Disability Inclusion Action Plan 2017-2021 be forwarded to the Disability Council NSW prior to 1 July 2017.

## **BACKGROUND**

At its Ordinary Meeting of 5 April 2017, Council resolved:

1. That Council place the draft Disability Inclusion Action Plan 2017-2021 on public exhibition for 28 days.
2. That if no submissions are received during the 28 day public exhibition process, no further report be provided to Council and the Disability Inclusion Action Plan 2017-2021 be adopted and forwarded to the Disability Council NSW.

The draft Plan was exhibited from 12 April 2017 to 10 May 2017 and no written submissions were received. On 4 May 2017, Council staff held a workshop to discuss the draft Plan and people with disability, service providers and advocates for people with disability were encouraged to attend. Eight people attended the session and provided verbal feedback on the Plan.

## **REPORT/PROPOSAL**

The draft Plan was well received by the participants who attended the workshop and the feedback on the actions listed was positive. The suggestions made at the workshop have assisted to further strengthen the Plan's actions and it should be noted that the intent of the

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action initially listed still remains the same. It should be noted that no feedback was received at the workshop advising opposition to the Plan or any of its listed actions.

The majority of amendments were made in the Action Plan section (pages 25 to 37) and ranged from the insertion of one additional word to additional sentences being added. Where an amendment has been made, it is indicated in the enclosed Plan with red text. The insertion of additional sentences to Goal 4.11 would be the most significant change to the Plan and is at no financial cost to Council.

Goal 4.11 is listed on Page 37. It initially read:-

<b>Goal</b>	<b>Action</b>	<b>How will we measure this</b>	<b>Time</b>	<b>Links to Cessnock 2027</b>
<b>4.11</b>  Council's website provides information to the community about its community facilities and their access.	Council's website will include a webpage that lists the infrastructure in place that supports people to access Council owned facilities.	i. The community is aware of a range of community facilities and the access supports in place. ii. Feedback from the community and service providers. iii. Number of times the webpage is viewed.	2019	Objective 1.2  Strengthening community culture

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The amendment suggested in the enclosed Plan for Goal 4.11 reads:-

<b>Goal</b>	<b>Action</b>	<b>How will we measure this</b>	<b>Time</b>	<b>Links to Cessnock 2027</b>
<b>4.11</b>  The community is aware of the access supports available at Council owned facilities and its services.	Council's website will include a webpage for Access and Inclusion. The webpage will provide information on the range of initiatives and programs that support access and inclusion for Council services and Council owned and/or managed community and recreation facilities.	i. Webpage developed that lists the initiatives and programs in place that support access and inclusion. ii. The community is aware of a range of community facilities and the access supports in place. iii. Feedback from the community and service providers. iv. Number of times the webpage is viewed.	2018	Objective 1.2  Strengthening community culture

Participants at the workshop voiced opportunities for Council in the areas of procurement and collaborating with business groups in supporting access to meaningful employment. Although already included in the Plan it was considered that Council strengthens the measures for:-

Goal 1.5	Measure suggested – 'procurement of a person with disability to be the trainer'.
Goal 2.7	Measure suggested – 'awareness of local procurement opportunities that support people with disability'.
Goal 2.8	Measure suggested – 'outcome of collaborative projects with stakeholder groups and includes business groups and the disability sector'.

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These suggested amendments for Goal 1.5 (page 27), Goal 2.7 and Goal 2.8 (page 30) have been made in the Plan.

For each of the Plan's four themes, there is a section titled 'What Did People Say' and its purpose is to summarise succinctly the community consultation findings. For the section 'What Did People Say' insertions have been made to three out of the four themes and are on pages 25, 31 and 34. The items listed in the 'What Did People Say' although not being actions, assist to set the context of the Plan and also provide ideas for how the wider community can strengthen access and inclusion.

The participants at the workshop were strong in advising that networking and community collaboration was central to the Plan's successful implementation. Networking and collaboration although already a theme of the Plan has had an additional sentence added that further acknowledges this. This sentence has been added on page 38 and reads 'Networking and collaborating with the community is central to implementing the Disability Inclusion Action Plan'. An additional measure has also been added to Goal 1.3 to reflect community collaboration and reads 'Provision of information to the community on how they can contribute to improving access and strengthening inclusion'.

With the rise of online technologies, it was encouraged that the evaluation of the Plan include an online community survey seeking feedback on its outcomes along with the identification of actions for the next Plan. A sentence has been added on page 39 to include the use of an online community survey at the Plan's conclusion and as part of the evaluation process.

A strength noted by workshop participants was the Plan's considerable community consultation methodology. It was requested that the Plan include a thank you acknowledgement to all people who participated in its development and this has been included on page 40.

***OPTIONS***

**Option One – Preferred Option**

- Adopt the Disability Inclusion Action Plan 2017-2021.

This is the preferred option. The outcome of the community consultation process as part of the community exhibition process has provided Council with confirmation of the actions it can take to improve access and inclusion.

**Option Two**

- Not adopt the Disability Inclusion Action Plan 2017-2021.

Council may resolve to not adopt the Disability Inclusion Action Plan 2017-2021. However, the risk would be the loss of an opportunity for Council to improve access and inclusion for residents and visitors to the Cessnock Local Government Area.

It could also result in Council not meeting the legislated timeframe in having a Disability Inclusion Action Plan in place by 1 July 2017.



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Option Three

- Make further amendments to the Disability Inclusion Action Plan 2017-2021.

Council may resolve to not make further amendments to the Disability Inclusion Action Plan 2017-2021. This could result in Council not meeting the legislated timeframe in having a Disability Inclusion Action Plan in place by 1 July 2017.

If Council wishes to make further amendments to the Plan and not adopt at the meeting of 7 June 2017, then the following wording for a resolution is suggested.

That if Council requires amendments to the Disability Inclusion Action Plan 2017-2021 and does not adopt the Plan at its meeting of 7 June 2017, the General Manager be provided with delegation to make the required amendments. Once the amendments are made, the Disability Inclusion Action Plan 2017-2021 be considered adopted with no further report to Council and be forwarded to the Disability Council NSW prior to 1 July 2017.

**CONSULTATION**

The public exhibition period commenced 12 April 2017 and ended 10 May 2017.

The public exhibition period resulted in no written submissions being received into Council.

On 4 May 2017, eight people attended a workshop to discuss the Plan. Feedback from the workshop has been incorporated into the Plan.

**STRATEGIC LINKS**

**a. Delivery Program**

This report links to Council's annual Operational Plan 2016-17. It lists the strategy "Finalise and adopt the Disability Inclusion Action Plan".

**b. Other Plans**

Cessnock City Council Plan's that were consulted in the development of the Plan include:-

- Pedestrian Access and Mobility Plan (2016)
- Cessnock Development Control Plan 2010, C.1 Parking and Access, C.1 Access and Mobility

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

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**b. Financial Implications**

As advised in the report to Council at its Ordinary Meeting of 5 April 2017 where exhibition of the Plan was sought, actions that may result in a budget implication will first require either an investigation or audit to determine its implications, including costs for identified works. Where capital works are recommended, it will be considered as part of the wider budget and asset management planning process.

**c. Legislative Implications**

The Plan has been written to ensure that the requirements of the Disability Inclusion Act 2014 have been met. It is this act and its corresponding Disability Inclusion Regulation 2014 that requires all Councils in New South Wales to have a Disability Inclusion Action Plan in place by 1 July 2017.

The Disability Inclusion Act 2014 is based on equality for people with disability, human rights, independence, social and economic inclusion and choice. The legislation advises that Councils have a responsibility to support people with disability.

All Councils in New South Wales must forward their adopted Plans to the Disability Council NSW by 1 July 2017.

**d. Risk Implications**

If Council was not to have a Disability Inclusion Action Plan in place by 1 July 2017, it will not be compliant with the Disability Inclusion Regulation 2014.

**e. Environmental Implications**

N/A

**f. Other Implications**

Once Council adopts its Disability Inclusion Action Plan, a copy will also be made available on Council's website in accessible format (large font print). A large font print copy of the Plan was made available during the public exhibition period.

**CONCLUSION**

The Plan provides a four year framework to formally identify how Council can assist to improve access and inclusion within the community for its services, infrastructure, communications and business systems. Through the support of the community, a range of actions have been suggested and identified during the consultation process. With the community exhibition process now complete and enhancements made to the Plan as suggested by participants at the workshop held on 4 May 2017, the Plan is considered ready for implementation.

**ENCLOSURES**

**1 Disability Inclusion Action Plan 2017-2021**

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Corporate and Community Services



**SUBJECT:** *FIRE AND EMERGENCY SERVICES LEVY*

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

## **SUMMARY**

The NSW Premier and Treasurer have announced that the Fire and Emergency Services Levy (FESL) will be deferred to ensure that small and medium businesses do not face unreasonable burdens in their contributions. The FESL was to be introduced from 1 July 2017 and was to be collected by the local government sector. This report provides information regarding the deferral.

## **RECOMMENDATION**

**That Council note the information regarding the deferral of the Fire and Emergency Services Levy and that the Levy will not be collected on behalf of the NSW State Government on Council's rate notice from 1 July 2017.**

## **BACKGROUND**

At the 17 May 2017 meeting Council considered a report (CC29/2017) on the implementation of the Fire and Emergency Services Levy (FESL). The Emergency Services Levy (ESL) currently paid on insurance policies was to be replaced by the FESL, which would be paid alongside Council rates from 1 July 2017. This change would have seen all properties, not just insured properties, directly contribute to the cost of supporting the work of Fire and Rescue NSW, the NSW Rural Fire Service and the NSW State Emergency Service in protecting the community from fire, flood, storms and other natural disasters.

The NSW Government has now deferred the implementation of the FESL pending a review.

## **REPORT/PROPOSAL**

The NSW Government had legislated for the introduction of the FESL, which was to replace the ESL previously paid on insurance policies.

The NSW Premier and Treasurer have announced that the FESL will be deferred to ensure that small and medium businesses do not face unreasonable burdens in their contributions. As such, from 1 July 2017 all NSW Councils will no longer be required to include on rates notices a new charge representing the FESL.

The NSW Government had determined the FESL to be a fairer system for funding of the emergency services across the State on paper; however its real-life implementation may have placed small and medium businesses under unfair strain. A copy of the media release on the announcement is provided at **Enclosure 1**.

Council staff had been involved in a working group facilitated by NSW Treasury, which included officers from various Councils across the state, government representatives from NSW Treasury, Office of State Revenue and Valuer-General and members from Local

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Government NSW. The working group had been able to influence the drafting of legislation to ensure that Councils were able to facilitate the collection of the levy.

The working group will now be consulted in how to unwind the changes that the industry has made to allow for the deferral of the implementation of FESL.

At this stage no further information on the mechanics of how the charge will be recollected from the insurance industry is available to Council staff. NSW Treasury has indicated that the agreement to reimburse all reasonable implementation expenses incurred by Councils associated with the charge will be met.

As further information becomes available, it will be provided to Council and the community.

**OPTIONS**

As this is a legislated requirement Council has no choice in the matter, however by being involved in the working party we have some opportunity to influence the way that the levy is being managed and the implications of the deferral.

**CONSULTATION**

The following Council Officers were consulted during the preparation of this report:

- Director Corporate and Community Services
- Chief Financial Officer
- Senior Revenue Officer
- Revenue Officers

**STRATEGIC LINKS**

**a. Delivery Program**

Council's involvement with the working parties for FESL is consistent with 'Objective 5.2 – Encouraging More Community Participation in Decision Making' of the Cessnock Delivery Program 2013-2017 and the following Strategic Direction:

- We have improved relationships between different levels of government.

This report also links with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

**b. Other Plans**

Council's Integrated Planning documents currently on public display will require amendment prior to adoption in order to remove the FESL implications. A review is being undertaken to ensure that the final adopted documents reflect the status of FESL at 1 July 2017.

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

Council has added additional processes as a means to deal with the application process for a request of re-classification of the property. Council was also expecting an impact on the number of requests for information received by the Customer Services Team. There has been a number of phone system and new procedures implemented to deal with the expected influx of enquiries.

These changes will at this stage remain active to allow Council to implement when instructed by the NSW Government.

**b. Financial Implications**

Council was required to pass on all funds collected under the levy to NSW Treasury. The legislation makes allowance for Council to be reimbursed for its reasonable costs in administering the levy. While the cost reimbursement mechanism is not yet in place, the legislation specifies that reasonable costs will be reimbursed and accordingly Council should not be adversely affected financially.

This remains the case even with the deferral of the levy.

**c. Legislative Implications**

*Fire and Emergency Services Levy Act 2017* and Regulations thereunder specify the requirements under which Council must operate.

**d. Risk Implications**

There may be a reputational risk to Council from the deferral of the introduction of this levy. While the NSW Government is implementing a communication plan for the levy's introduction, there has been no indication to date regarding the deferral of the levy.

**e. Environmental Implications**

Nil

**f. Other Implications**

It might be perceived that Council has back flipped on the decision to implement. Council will need to ensure that it has consistent messaging stating that the deferral was a decision from the NSW Government and not Council.

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***CONCLUSION***

Whilst FESL was going to impact on both Council and the community, Council had undertaken a number of tasks over the past six months to ensure that Council was in a good position to deal with the impacts. This included being part of two working parties to ensure full understanding of the legislation and requirements. Given the level of preparation it is considered Council is ideally placed to deal with any concerns regarding the deferral of implementation of FESL.

***ENCLOSURES***

- 1** Press Release - FESL Deferral

**SUBJECT:** ***NEW ELECTRICITY SUPPLY CONTRACTS FOR LARGE SITES AND STREET LIGHTING***

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

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### **SUMMARY**

Council's electricity supply contracts for street lighting and contestable sites with consumption greater than 100MWh per year, namely the Administration Building, Cessnock Performing Arts Centre, Works Depot, Cessnock Pool and Cessnock Library, will expire on 31 December 2017.

This report outlines the options for negotiating new electricity supply contracts for street lighting and contestable sites. Due to the limited timeframe of offers (currently around 24 hours) the report also seeks to delegate to the General Manager to accept the best offer from a preferred tender process with the results being reported to Council after acceptance.

### **RECOMMENDATION**

- 1. That Council pursue a closed tender system to secure new electricity supply contracts for street lighting and large sites from 1 January 2018;**
- 2. That Council delegate authority to the General Manager to accept the preferred tenderer due to the limited timeframe of pricing offers by retail electricity suppliers;**
- 3. And a report be presented to Council on the outcome of the tender process with details of pricing achieved.**

### **BACKGROUND**

In NSW, there are two (2) major cost components associated with the supply of electricity to any property. The distribution cost and the retail electricity cost. The cost of electricity distribution is currently uncontestable. The electricity component however can be purchased from any licensed retail electricity supplier.

Since January 2002, all electricity consumers in NSW have had the option to choose their retail electricity supplier and enter into a negotiated retail supply contract.

Factors which tend to increase the market prices include weather patterns, drought, reduced generation, and instances when there are significant levels of business seeking renewal of energy contracts at the same time. Pre-purchasing energy in advance enables retail suppliers to take advantage of when the market is at an optimum level, which in turn helps to even out the market.

Council has previously used a Reverse Auction process to obtain value for money contracts for the supply of electricity for street lighting and contestable sites with consumption greater than 100MWh per year, namely the Administration Building, Performing Arts Centre, Works

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Depot, Cessnock Pool and Cessnock Library). The last three (3) contracts (of 2 x 3 years and 1 x 2 years duration) have each been obtained using this method.

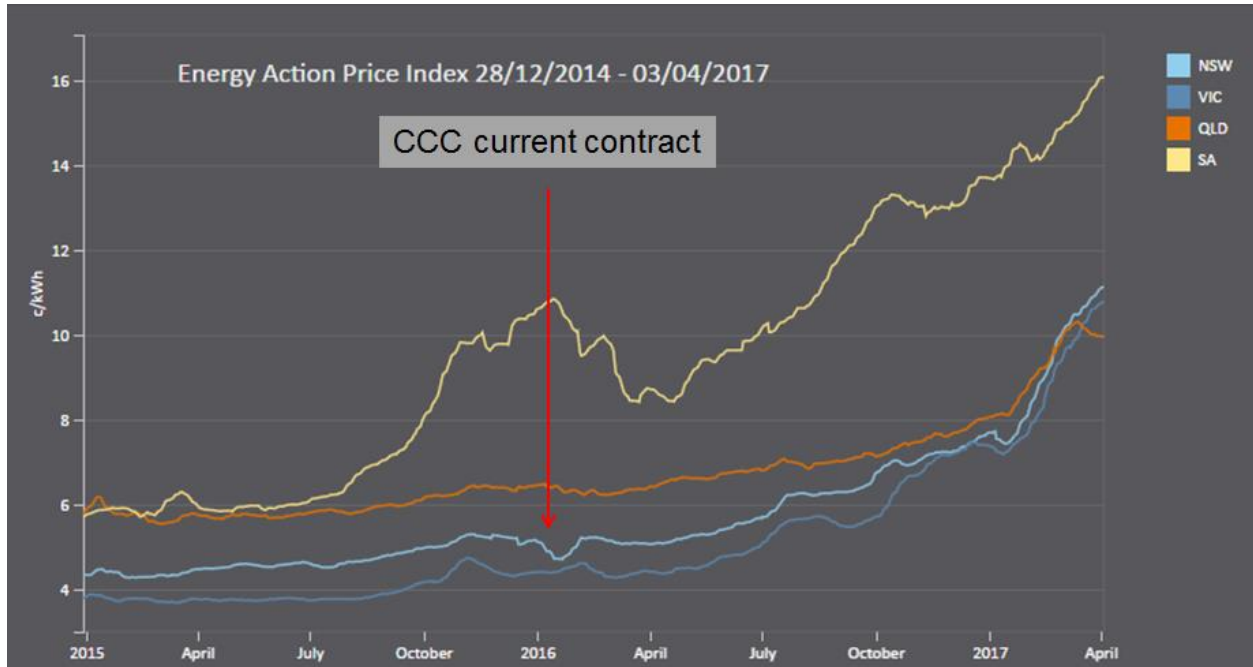
Hunter Councils' Regional Procurement (HCRP) is asking Council to participate in a new Reverse Auction process for the electricity supply contract from 1 January 2018.

**REPORT/PROPOSAL**

Council's current electricity supply contract for street lighting and contestable sites, referred to as the 2016-17 contract, was obtained through a Reverse Auction procurement initiative run by HCRP. The existing contracts will expire on 31 December 2017.

HCRP has contacted Council to begin the process of undertaking a new Reverse Auction (further information on this process is included in point 1 below) for the electricity supply contract from 1 January 2018. HCRP has advised, that due to the nature of the electricity market, tender prices can now only be held for a very short time, needing formal acceptance generally within 24 hours of tender closure. As a result the outcome of a tender process will therefore need to be accepted by the General Manager and reported to Council after acceptance.

In addition, HCRP has advised that electricity prices currently being offered to other Councils have risen nearly 300 percent (see Figure 1 below) which would result in an estimated increase of \$75,000 for Council for the six months from January – June 2018.



**Figure 1:** Electricity price increase trends

In securing new electricity contracts there are a couple of options:



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**1. Reverse Auction Process (Broker system):**

The Reverse Auction process has been followed for electricity supply to these sites for the last three contracts (of 2 x 3 years and 1 x 2 years duration). The process involves using a broker (in our case Energy Action through HCRP) to set up a web platform that provides each site's historical electricity usage data and invites retail suppliers to register and bid during a live online process). The Reverse Auction:

- Opens at the appointed time and runs for ten minutes of ordinary time. A further five minutes of time is added to the time if a bid is submitted any time within the last three minutes of ordinary time. This continues until the best bid/ lowest offer is drawn from the market;
- During the auction the energy retailers compete against each other in real time to be the winning supplier for the sites. A dollar value is displayed on screen for Council officers to view representing the 'retail energy' spend over the course of the contract;
- After the auction has closed, the auction results can be viewed immediately and assessed;
- Council's Energy Action Representative will discuss the results and provide a detailed analysis in the form of a Post Auction Report allowing Council to select the best offer.

The fee for this service is \$450 to Energy Action plus a charge of 1.95% on the retail rates achieved (in the last contract this amounted to \$3,254.50 (paid through the electricity bill monthly)). Based on current usage and estimated price increases this figure could exceed \$5,000 per year in the next contract. This fee is shared equally between Energy Action and HCRP (noting that HCRP have returned some charges to Councils in the last few years).

**2. Non-Broker System (closed tender process):**

This process involves a closed tender system (as currently undertaken by Council for other services). Council would engage a consultant to undertake a review of Council's historical usage data and put out the request for quote on Council's behalf. The consultant would then assist Council with the Tender opening and assessment process, providing a short list of best suppliers for council's needs.

A quote of \$4,050 (plus GST) has been provided from one consultant to undertake this process for Council. This rate is fixed as a one-off payment with no ongoing charges over the life of the contracts.

In theory the closed tender process means that suppliers need to provide their lowest available price, whereas in the live Reverse Auction process, suppliers only need to go just below the last best price shown at the time in order to beat their competition. Advice has been received that similar rates are currently being offered by electricity retailers in both the Reverse Auction process and closed tender process.

**3. NSW State Governments 777 Contract:**

In the past, Council has used this procurement method but recent enquiries have revealed that NSW Local Government (i.e. Councils) are no longer eligible to purchase under Contract 777 anymore.

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**OPTIONS**

1. Council participates in a non-broker system, delegating authority to the General Manager to accept the preferred tenderer. This is the preferred option based on the least cost to Council of undertaking the contract negotiation process.
2. Council participates in the HCRP Reverse Auction process, delegating authority to the General Manager to accept the preferred tenderer. While costs are higher, they are based on usage which may reduce significantly with the rollout of the energy efficiency program.

**CONSULTATION**

Consultation has been undertaken with the Director Works & Infrastructure and all asset owners of the facilities affected.

**STRATEGIC LINKS**

**a. Delivery Program**

This report is consistent with the community's desired outcome of "Civic Leadership and Effective Governance" and Council's responsibility to ensure the efficient and effective management of the community's resources.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Council's Procurement Policy (adopted 6 November 2013) states that "Council will encourage open competition while seeking value for money" and that "Council will support the use of regional tenders and agreements for the acquisition/or sale of goods, and services under the Regional Procurement Initiative® a division of Hunter Councils Inc."

**b. Financial Implications**

While HCRP with Energy Action have run over 2,000 Reverse Auctions (with proven results), their percentage fees on retail rates will significantly increase costs of this process to Council and so a new process is being proposed to minimise these charges.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

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**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

***CONCLUSION***

The past three Reverse Auction processes have been the most innovative and successful means of realising the most competitive market price for the supply of electricity.

However, with the sizeable price increases being estimated, Council officers are of the opinion that continuation of this process is too expensive and that a new process to obtain the most competitive price for electricity for street lighting and contestable sites should be undertaken this time.

***ENCLOSURES***

There are no enclosures for this report.

**SUBJECT:** *CESSNOCK LGA TRAFFIC AND TRANSPORT STRATEGY*

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

### **SUMMARY**

The purpose of this report is to seek Council's approval to place the Draft Cessnock LGA Traffic and Transport Strategy on public exhibition and accept submissions from the community on the Strategy.

### **RECOMMENDATION**

1. That Council place the Draft Cessnock LGA Traffic and Transport Strategy on public exhibition for a period of six weeks.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Draft Cessnock LGA Traffic and Transport Strategy.

### **BACKGROUND**

The main objective of the Cessnock LGA Traffic and Transport Strategy (the Strategy) is to provide Council with a blueprint for the LGA's transport network over the next 25+ years, with particular focus on expected accelerated growth in the region.

The reliance upon private cars for transport in the LGA generates high demand on the road network. As a result, traffic congestion and the associated poor connections to major roads like the Hunter Expressway (HEX) is a concern for the community.

The HEX opening has increased accessibility of Cessnock to Newcastle and nearby coastal areas, increasing the attractiveness of the Cessnock LGA for new residents. Growth forecasts suggest that an additional 15,000 dwellings could be constructed in the LGA over the next 25-years. This growth translates to approximately 60,000 additional vehicle trips per day on the LGA road network and nearly 6,000 additional peak hour trips.

The Cessnock LGA road network was originally established as a series of connections between a number of small towns and villages. The conflict between access and through movement is increasing, particularly on the main network linkages. This has had a detrimental impact on the villages and towns interspersed along these routes.

This report seeks Council's approval to place the Draft Strategy on public exhibition for a six week period, commencing in early June 2017.

### **REPORT/PROPOSAL**

The aim of the Strategy is to identify current network deficiencies, improve and future proof the LGA's transport network and provide a vision for transport, both public and private, that improves access to housing and jobs and associated services.

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The development of the Draft Strategy included four key components:

- Trends and Challenges;
- Vision and Policies;
- Strategies and Actions; and
- Implementation Plan.

This Strategy provides the policy framework for traffic and transport planning and operational decisions within Cessnock LGA between 2017 and 2041. Its purpose is also as a foundation plan for generating further more detailed investigations. The Strategy and its implementation plan, is intended to be a “live” document that is regularly monitored and reviewed.

A copy of the Draft Strategy Summary Report and Strategy Technical Report is provided under separate cover.

The Draft Strategy recommendations are based on comprehensive document reviews, community and key stakeholder consultation, an industry trends analysis, consideration of local environmental, economic and social influences and a LGA wide traffic model.

A Councillor Briefing on the Draft Strategy was held on Wednesday 23 November 2016.

The modelling component of the project enables:

- A holistic approach to traffic and transport needs across the entire LGA.
- Analysis of future growth in traffic demand and road capacity upgrade needs,
- Evaluation of options for new road connections.
- Testing of the impacts of new developments.
- Informed consideration of development related contribution plans.
- Further discussion with State agencies on existing inter-regional and intra-regional traffic network matters across the LGA and the future classification of major road proposals contained in the Strategy.

The Traffic and Transport Strategy underpins other strategic landuse investigations and strategies being undertaken by Council’s Strategic Landuse Planning section.

**OPTIONS**

**Option 1** - Place the Draft Strategy on public exhibition for a period of six weeks, inviting public submissions. *This is the preferred option;*

**Option 2** - Amend the Draft Strategy and place it on public exhibition inviting public submissions;

**Option 3** - Not place the Draft Strategy on public exhibition.

**CONSULTATION**

The following stakeholders were consulted in the preparation of the Draft Strategy:

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Internal

- Councillors (Briefing Session held 23 November 2016)
- Director Works & Infrastructure
- Strategic Land Use Planning Manager
- Community and Cultural Engagement
- Design Delivery Manager
- Recreation Services Manager
- Development Services Manager
- Integrated Planning & Strategic Property Manager

External

- Roads and Maritime Services (RMS)
- Community / Public Consultation (community workshops)
- Council's website and online community survey
- Public Schools (Primary and Secondary)
- NSW Department of Primary Industries - Lands

Further details of the extent of consultation undertaken is included in the Draft Strategy.

**STRATEGIC LINKS**

**a. Delivery Program**

The Strategy will provide a strategic direction for traffic and transport policy, land use and development, including priority road network linkages/upgrades. The Strategy aligns with the following objectives of the Cessnock 2023 Community Strategic Plan:

- 1.1 – Promoting Social Connections;
- 1.2 – Strengthening Community Culture;
- 2.1 – Diversifying Local Business Options;
- 2.2 – Achieving More Sustainable Employment Opportunities;
- 3.1 – Protecting & Enhancing the Natural Environment & the Rural Character of the Area;
- 3.2 – Better Utilisation of Existing Open Space; and
- 4.2 – Improving the road network.

**b. Other Plans**

Relevant plans and strategies identified within the Draft Strategy, including:

- Lower Hunter Regional Strategy (2006)
- Hunter Regional Plan 2036
- Cessnock City Wide Settlement Strategy (2010)
- NSW Long Term Transport Masterplan (2012)
- Hunter regional Transport Plan (2014)
- Sustainable Transport in the Lower Hunter Region (2003)

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- Kurri Kurri CBD Parking & Traffic Study (2007)
- Cessnock CBD Parking and Traffic Study (2006)
- Cessnock Cycling Strategy (2016)
- Cessnock LGA Pedestrian Access and Mobility Plan (2016)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

A majority of the projects outlined in the draft Strategy are currently unfunded. These major road infrastructure projects will require investment from all levels of government to ensure that they are undertaken. Potential funding options include:

- State & Federal Grants
- Section 94 Contributions
- Road Reclassifications, and
- Council's annual Capital Works Programs

Table 1 below provides indicative timeframes and associated preliminary high level strategic cost estimates to under the projects listed in the Action Plan:

**Table 1 Preliminary Cost Estimates\***

Timeframe	Period	Estimated Cost
Immediate	2017-2021	\$8,495,000
Short Term	2021-2031	\$59,266,000
Medium Term	2031-2041	\$77,150,000
Long Term	2041-2061	\$31,730,000
Total		\$176,601,000

\*Note: The above costs are strategic estimated costs and are not based on detailed investigation and design. Whilst potential contingencies have been considered final costs will more closely reflect site constraints such as local topography, environmental, heritage, and utility services.

The immediate and short term costs are reflective of the current deficiencies within the road network (especially State and Regional roads) some of the short term and all of the medium and long term projects relate to the need for additional infrastructure generated by the incoming population.

Table 1 indicates that the cost of the immediate priority works (over the four year period 2017-2021) is in the order of \$8,495,000. Council's contributable component of this cost is estimated at \$125,000. These works include minor works associated with traffic management treatments on Wollombi Road at Chidgey, Desmond and Miller Street intersections and on Cessnock Road at Weston, from Kline Street to Station Street.

Funding for the minor works outlined above would be drawn from annual operational budgets. Other opportunities for grant funding will be pursued with the RMS.

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The requirement to publicly exhibit the Draft Strategy will have minimal financial implications for Council. The service cost for advertising in various media is not anticipated to be significant and would be accommodated within current budget allocations.

**c. Legislative Implications**

Council will be required to consider the Draft Strategy in the assessment of planning proposals in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979*.

**d. Risk Implications**

The Strategy will be used in managing traffic and transport issues stemming from development growth within the Cessnock LGA. It will also be used as a supportive document in developing future Council Delivery Plans (and associated annual operational plans) and Section 94 Contribution Plans.

The risk in Council resolving not to exhibit the Draft Strategy includes:

- Continued poor and declining levels of service in some sections of the road network.
- Potential loss of development contributions from incoming development.
- Missed grant opportunities for key infrastructure.

The risk in Council resolving to advertise the Draft Strategy includes:

- Council (and the RMS) not being able to fund the works identified in the implementation plan in the required timeframes.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

It is recommended that Council endorse the Draft Strategy for public exhibition for six weeks to enable the community to provide input into the Strategy. Exhibition is recommended to commence in June 2017. A further report will be presented to Council following the exhibition period, reporting on submissions received during the exhibition period and any amendments to the Strategy consequent to those submissions.

**ENCLOSURES**

- 1 Draft Cessnock LGA Traffic and Transport Strategy - Summary Report (Provided under Separate Cover)
- 2 Draft Cessnock LGA Traffic and Transport Strategy - Technical Report (Provided under Separate Cover)



**SUBJECT:** *PETITION - SKATE PARK BRANXTON*  
**RESPONSIBLE OFFICER:** *Recreation Services Manager - Nicole Benson*

### **SUMMARY**

The purpose of this Report is to address a petition tabled at the Council Meeting held on 5 April 2017. The report details the content of the petition and provides Council with options to consider with respect to the issue.

### **RECOMMENDATION**

1. That Council notes the petition tabled by Councillor Dagg at the Council Meeting of 5 April 2017.
2. That Council supports the current strategic direction of establishing a 'pump track' at Miller Park, Branxton and a District level skate and BMX facility at Huntlee.
3. That Council writes to the petition proponents advising them of its decision.

### **BACKGROUND**

A collective group of youths have lodged a petition to investigate the construction of a skate park in Branxton. The petition contains 218 signatories.

This report provides options for Council to consider with respect to the petition.

### **REPORT/PROPOSAL**

There are three skate parks in the Cessnock Local Government Area (LGA). These are located at Cessnock, Kurri Kurri and Greta. A dirt BMX facility is also located at Bellbird.

In 2011, Council commissioned consultants Plan C to prepare a Skate and BMX Facilities Needs Assessment to determine the current and future need for BMX and skate facilities in the LGA.

In regards to the Greta-Branxton Urban Planning District, the assessment recommended:

*'Construct a District level concrete Skate and BMX facility in Branxton-Huntlee, when the proposed development is approved and underway, to accommodate for the significant projected population growth and meet the needs of active users of these facilities in the Greta-Branxton Urban Planning District.'*

To address this recommendation the following action was proposed:

*'Identify and conduct a site assessment of potential sites in Branxton-Huntlee for a District level concrete skate and BMX facility using the suggested site selection*

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*process and criteria. Miller Park (Regional Park) was identified by stakeholders, young people and community as a site for further investigation'.*

A site assessment was conducted by Council's Recreation Services in 2014 and adopted by Council on 4 February 2015 (**Enclosure 1**). The assessment identified Miller Park, Branxton as the preferred site to construct a District level skate park in the Greta-Branxton Urban Planning District. The assessment notes however that should Huntlee present a more suitable site, that Council look to identify Huntlee as the preferred location.

Huntlee will be the largest town centre in the Greta-Branxton Urban Planning District providing housing, shops, primary and secondary schools and open space for an additional 21,000 residents. This is approximately three times the current estimated residential population of the Greta-Branxton Planning District. It is therefore expected that most residents in the area will live, work, shop and recreate in Huntlee, and therefore Huntlee presents the best location for a District level skate park.

Recognising that Branxton is not serviced locally by a skate park and there is demonstrated demand for such facilities, planning is in place, through the draft Miller Park Materplan 2017, to construct a 'pump track' at Miller Park. A 'pump track' is a continuous loop of berms and 'rollers' that you ride without needing to pedal or push. The name 'pump track' comes from the pumping motion used by the rider's upper and lower body as they ride the loop. This will offer a facility with a point of difference for skateboard, BMX and scooter riders and will ensure there are local facilities available to the residents of Branxton and that the facility compliments the experiences offered at Greta and Huntlee.

Planning is also in place through the Cessnock Cycling Strategy 2016 to establish pathway connections from Branxton to the current skate park in Greta and proposed skate park in Huntlee. This will provide opportunities for youth to actively and safely commute from Branxton to nearby skate and BMX facilities.

**OPTIONS**

The following options have been identified for Council's consideration:

1. Council notes the petition and resolves to support the current strategic direction of establishing a 'pump track' at Miller Park, Branxton and a District level skate and BMX facility at Huntlee;
2. Council resolves to note the petition only.

**CONSULTATION**

The following stakeholders were consulted in the preparation of this Report:

- Strategic Recreation and Community Facilities Planner
- Recreation Services Manager
- Director of Works & Infrastructure
- Councillors Dagg and Gray
- Representatives of the group requesting a skatepark at Branxton

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**STRATEGIC LINKS**

**a. Delivery Program**

The matter links to the following objective in Council's 2013-17 Delivery Program:

Objective 1.4 Better utilisation of existing open space.

**b. Other Plans**

Recreation & Open Space Strategic Plan 2009

The Recreation & Open Space Strategic Plan 2009 recommends:

- a) A skatepark needs analysis is to be completed to determine the demand for these types of youth facilities across the LGA.
- b) Continue to maintain and upgrade existing BMX and Skatepark facilities.

Draft Recreation & Open Space Strategic Plan 2017

The draft Recreation & Open Space Strategic Plan 2017 recommends:

- a) Undertake the strategic recommendations of the Cessnock Skate & BMX Facilities Needs Assessment 2020 in relation to Cessnock, Kurri Kurri and Branxton-Huntlee skate parks.
- b) Revise the Cessnock Skate & BMX Facilities Needs Assessment 2020 to address current and anticipated demand for such facilities.

Branxton Subregion Land Use Strategy and Structure Plan 2016

The objectives of the Branxton Subregion Land Use Strategy and Structure Plan for open space and recreation facilities are:

- a) To maintain a sufficient supply of urban space and recreational facilities that are relevant to residents' needs.
- b) To ensure residents are afforded convenient access to urban open space and recreational facilities via a range of transport modes.
- c) To encourage walking and cycling.

Draft Miller Park Masterplan 2017

The draft Miller Park Masterplan 2017 includes provision for a 'pump track' at Miller Park.

Huntlee Development Control Plan 2013

The Huntlee Development Control Plan 2013 identifies a skate park to be located within the proposed regional sportsground.

Miller Park Plan of Management 2006

A 'pump track' at Miller Park is consistent with the objectives of the Miller Park Plan of Management 2006.

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Cessnock Cycling Strategy 2016

The Cessnock Cycling Strategy recommends constructing shared pathways to connect Huntlee, Branxton and Greta.

The strategic direction recommended in this Report is consistent with the recommendations and objectives of the Council Strategies and Plans identified above.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL.

**b. Financial Implications**

The scale, type and location of skate facilities has a direct impact on the financial sustainability of Council's operations. Over-capitalising or creating an over-supply of infrastructure places unnecessary stress on Council maintenance budgets and ultimately results in the under-utilisation of facilities. Constructing a local level skate park at Branxton would duplicate the experience provided at Greta and potentially result in an under-utilisation of both facilities.

Equally, the provision of a District skate park at Miller Park in place of Huntlee would result in increased travel times to access the facility for the majority of residents in the Planning District. Increased travel times to recreation facilities are demonstrated to reduce participation and therefore reduce Council's return on investment on community infrastructure.

The construction of a 'pump track' at Miller Park is currently unfunded. Once the draft Miller Park Masterplan is adopted, the 'pump track' will be included in future Delivery Programs and Operational Plans and subsequently considered for funding through Council's various revenue streams including general revenue (rates), development contributions and grants.

**c. Legislative Implications**

NIL

**d. Risk Implications**

The sustainable provision of recreation infrastructure is critical to the ongoing sustainability of Council's operations. The strategic directions set out for recreation and open space areas have been considered in the context of Council as an organisation and in consideration of the needs of the broader community.

The ad-hoc provision of recreational infrastructure can lead to an unsustainable provision of facilities which may prevent Council from providing important community services and infrastructure into the future.

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**e. Other Implications**

While participation rates in some mainstream and organised sports have held constant or declined over the past decade, lifestyle sports (such as skateboarding and BMX) have risen in both demand and supply.

Skate facilities provide the community a safe and appropriate environment for young people to express themselves while also keeping fit and having fun.

Skate facilities can also be used for events and competitions, providing entertainment for the local community and generating revenue for local businesses.

There is currently no provision of skate facilities in Branxton and unless this is addressed, the community stand to miss out on the potential benefits generated by skate facilities now and into the future.

**CONCLUSION**

A petition has been received from a collective group of youth to investigate the construction of a skate park in Branxton.

Council officers have recommended that Council support the construction of a 'pump track' at Miller Park, Branxton and a District level skate facility at Huntlee.

**ENCLOSURES**

**1 Skate Facility Site Analysis 2015**

Notices Of Motion

Report No. BN26/2017

General Manager's Unit



***NOTICES OF MOTION No. BN26/2017***

**SUBJECT:** *DUST ABATEMENT - KLINE STREET, WESTON*

**COUNCILLOR:** *Anne Sander*

***MOTION***

**That Council include in its Delivery Plan 2017 – 2021 and Operational Plan 2017- 18, the sealing of the unsealed section (approximately 120 metres) of Kline Street, between Eighth Street and Ninth Street, Weston to address ongoing dust issues.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 7 June 2017.

***MOTION***

That Council include in its Delivery Plan 2017 – 2021 and Operational Plan 2017- 18, the sealing of the unsealed section (approx. 120 metres) of Kline Street between Eighth and Ninth Streets Weston due to ongoing dust issues to existing residents.

**RATIONALE**

In 2014, residents raised concerns in respect to dust related issues resulting from a Complying Development located at 41 Eighth Street and 44 – 52 Ninth Street, Weston. These developments are accessed by Eighth Street and Kline Street, Weston.

The Complying Development Certificates were issued in November 2014 by a Private Certifier for the purpose of a new dwelling on each of these sites. Council was not the consent authority for these developments.

In respect of access via Kline Street, Council approved a Section 138 Roads Act Application in November 2014 in conjunction with the Private Certifier's consideration of the Complying Development Application.

The application, seeking use of the extension to Kline Street for access to the subject development, was assessed in accordance with Council's Engineering Requirements for Development and relevant conditions were applied to the 138 Roads Act approval.

The elected Council considered the matter at the time relating to bitumen sealing of the access road however determined not to do the works at that time. This does not prevent Council from electing to do the sealing works needed in future.

I believe we need to address the current concerns of residents affected by dust in the area and list this section of road in Council's 17/18 Local Road Sealing Program.

**Notices Of Motion**

**Report No. BN26/2017**

**General Manager's Unit**

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I also believe Council should revisit its “Existing Unsealed Council Roads Policy” to include issues that sit “outside the square”, as is the case with this matter.

Sgd: Anne Sander

Date: 9 May 2017

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN27/2017

General Manager's Unit



***NOTICES OF MOTION No. BN27/2017***

**SUBJECT:** ***OPENING A DISCUSSION ON THE POSSIBLE RELOCATION OF HARNESS RACING IN THE HUNTER REGION***

**COUNCILLOR:** ***Jay Suvaal***

***MOTION***

1. That Council write to the Parliamentary Secretary for the Hunter, Scot Macdonald, MLC and the Newcastle Harness Racing Club with a copy sent to the State Member for Cessnock, Clayton Barr, MP requesting a meeting to discuss the possible need to relocate the Newcastle Paceway and outlining how Council could assist with finding a new location for it in the Cessnock local government area.
2. That the General Manager investigate possible sites for the new Paceway that should include, but not be limited to, vacant land with easy access to the Hunter Expressway and also existing sites like the Cessnock Showground.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 7 June 2017.

**RATIONALE**

There has been recent discussion about the possible redevelopment of the Newcastle International Sports Centre precinct following a Masterplan undertaken a number of years ago.

One of the parts of this has highlighted the possible need to relocate the Newcastle Paceway whose lease to the Newcastle Harness Racing Club expires in 2027.

I believe the Cessnock LGA would be a good location for a new Paceway in the Hunter region given our central location and ease of access with the Hunter Expressway.

I would like Council to start discussions with the State Government and Newcastle Harness Racing Club to look for potential sites in the LGA to construct a new Paceway should a move from Newcastle be required.

Our LGA has a large number of harness racing trainers and owners and with the envisaged population growth in our region this would be a core stimulant to the sustainability of such a project.

We have many sites available for a possible new Paceway including vacant land near the Hunter Expressway and also existing sites like the Cessnock Showground that could be redeveloped.



**Notices Of Motion**

**Report No. BN27/2017**

**General Manager's Unit**

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If harness racing was relocated to the Cessnock LGA I believe this would be a huge boost to our local economy and create more local jobs.

Sgd: Jay Suvaal

Date: 29 May 2017

***ENCLOSURES***

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ72/2017

Planning and Environment

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**SUBJECT:** *REGULATORY INSPECTIONS AT CESSNOCK SHOWGROUND*

**RESPONSIBLE OFFICER:** *Health & Building Manager - Colin Davis*

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**Q61/2017 – Cessnock Showground**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 17 May 2017.

*“Do Council’s Health & Building Inspectors undertake any inspections at the showground?”*

Council’s Environmental Health Officers and Building Surveyors undertake inspections for the following purposes:

- Inspection of registered food business located on-site.
- Inspections carried out in relation to an application lodged with Council to Operate an Amusement Device under Section 68 of the Local Government Act 1993. These applications have historically related to an amusement device in connection with the annual Cessnock Show or periodic events.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ73/2017

Works and Infrastructure

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**SUBJECT:** *BUS SHELTER - PELAW MAIN PUBLIC SCHOOL*

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

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**Q63/2017 – Bus Shelter – Pelaw Main Primary School**

Asked by Councillor Gray at the Ordinary Meeting of Council held on 17 May 2017.

*“If Council officers could investigate the relocation of the redundant bus shelter at the rear of Pelaw Main Primary School at Aberdare Street to enable increased parking at the rear of the school”.*

Council officers have consulted Rover Coaches regarding the use of a bus stop on Aberdare Street, at the rear of Pelaw Main Public School.

Officers from Rover Coaches have advised that the subject route is no longer serviced. Council officers will therefore arrange to remove the bus stop in Aberdare Street and relocate the shelter to Tomalpin Street. This will improve the bus stop amenity in Tomalpin Street and allow for more parking on the school boundary.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ74/2017

Works and Infrastructure

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**SUBJECT:** *RV FRIENDLY SIGNAGE*

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

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**Q62/2017- RV Friendly Signage**

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 17 May 2017.

*"When can we expect the signage to be installed for the RV Friendly Town?"*

Council officers have investigated the subject matter and advise that the signs will be installed in the coming four (4) to six (6) weeks.

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ75/2017**

**General Manager's Unit**

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**SUBJECT: DESTINATION MANAGEMENT PLAN**

**RESPONSIBLE OFFICER: Economic Development Manager - Jane Holdsworth**

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**Q60/2017 – Destination Management Plan**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 17 May 2017.

*“Where is Council up to with the revised Destination Management Plan?”*

The preparation of the new Destination Management Plan (DMP) was commenced late 2016 by the Economic Development Unit in the Cessnock City Council. The approach taken with the DMP is about the reinvention, renewal of Hunter Valley Wine Country. This fits well with the Cessnock City Council's Economic Development Strategy, the previous DMP and particularly tourism. The commenced new DMP has also been reviewed by Singleton Council who has advised that it fits well with the future tourism strategies for Singleton.

Singleton Council is currently undertaking a Tourism Plan that will be used once completed, to populate the DMP. Following this, all three partners of the DMP, being Cessnock City Council, Singleton Council and the Hunter Valley Wine and Tourism Association will via workshop complete the new DMP.

The expected completion date of the new DMP is end of July 2017 at which time it will be presented to all three partners for approval and adoption.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO11/2017

Corporate and Community Services



**SUBJECT:** *PROPOSED SALE OF WOLLOMBI PUBLIC SCHOOL SITE -  
RESPONSE LETTERS FROM THE MINISTER FOR  
EDUCATION RECEIVED BY MEMBER FOR CESSNOCK,  
CLAYTON BARR, MP*

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

**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 14 December 2016, Council considered a Notice of Motion regarding the Wollombi School and resolved as follows:

1. That Council reinforces its resolution of 14 December 2014 that the Wollombi School should remain in public ownership in perpetuity for use by the community at no financial impost to the ratepayers of the Cessnock LGA.
2. That Council commences actions to have the Wollombi School site included on the National Heritage Register and the State Heritage Register.
3. That Council request the Minister for Education and the Education Department to delay any further action regarding disposal of the Wollombi School site and investigate opportunities for the retention of the site in community ownership.
4. That Council seeks the support of the Member for Cessnock Clayton Barr MP, the Parliamentary Secretary for the Hunter Scot MacDonald MLC and the Member for Hunter the Hon Joel Fitzgibbon MP in progressing the resolutions regarding retention of the Wollombi School in public/community ownership.

In reference to points 3 and 4 of the resolution, Council has received responses from the Member for Cessnock Clayton Barr, MP, advising of responses from the Minister for Education (**Enclosure 1**) and the Parliamentary Secretary for Planning (**Enclosure 2**).

**ENCLOSURES**

- 1 Letter from the Office of Clayton Barr, MP forwarding response from Minister for Education
- 2 Letter from the Office of Clayton Barr, MP forwarding response from Parliamentary Secretary for the Planning, the Central Coast, and the Hunter

Correspondence

Report No. CO12/2017

Corporate and Community Services



**SUBJECT:** *NEW LOWER HUNTER HOSPITAL -  
CORRESPONDENCE FROM CLAYTON BARR'S OFFICE*

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

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**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 5 April 2017, Council considered a Notice of Motion regarding the New Lower Hunter Hospital and resolved as follows:

1. That Council write to the State Minister for Health, Hon Brad Hazzard MP, the Parliamentary Secretary for the Hunter Scot MacDonald MLC, the State Member for Cessnock Clayton Barr MP, Duty MLC for the Hunter, Hon Michael Gallacher and the Hydro Aluminium Kurri Kurri, Managing Director Richard Brown, indicating our desire for the new Lower Hunter Hospital facility proposed for Metford, to be moved to a vacant 40 hectare greenfield site adjacent to the Hunter Expressway.
2. That Council actively lobbies for the new Lower Hunter Hospital to be built alongside the Hunter Expressway, with a view that the site is available and has the ability for multi-service delivery with other emergency services:
  - a. by writing to the Minister for Planning, Anthony Roberts, and the Parliamentary Secretary for Planning, Scot Macdonald, requesting the site be identified/recognised in the Metropolitan Plan for the Greater Newcastle Area, as a location for a regional emergency services hub.
  - b. by requesting a meeting with the Minister for Health, being represented by a delegation of, Councillors Dunn, Doherty and Gray, the Mayor and the General Manager, as soon as can be arranged.
3. That Council indicates its preference for a fully funded public hospital to be established at that site.

A response has been received from Clayton Barr, MP, advising that representations have been made on Council's behalf to the Minister for Planning, the Minister for Health and the Parliamentary Secretary for Planning regarding Council's adopted position on the New Lower Hunter Hospital.

A copy of the advice is provided for Council's information.

**ENCLOSURES**

- 1** Correspondence received from Clayton Barr's office.

Correspondence

Report No. CO13/2017

Works and Infrastructure



**SUBJECT:** *TESTERS HOLLOW - FUNDING COMMITMENT*

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

**RECOMMENDATION:**

**That Council note the correspondence received.**

At its Ordinary Meeting of 15 March 2017, Council considered a Notice of Motion regarding Testers Hollow – Funding Commitment and resolved as follows:

*That the General Manager writes to the Federal Minister for Infrastructure and Transport the Hon. Darren Chester MP, the Federal Member for Paterson Meryl Swanson MP, and Federal Member for Hunter the Hon. Joel Fitzgibbon MP asking for a progress report on the expenditure of the \$15 million pledged by the Federal Liberal Government for the raising of Testers Hollow to above the 1 in 100 flood level.*

Following the Council resolution, correspondence was sent to Federal Ministers and Members of Parliament seeking a progress report on the expenditure of \$15M pledged by the Federal Liberal Government for the raising of Testers Hollow to above the 1 in 100 year flood level.

A response from The Hon. Darren Chester MP, Federal Minister for Infrastructure and Transport has been received and is provided for Council's information.

**ENCLOSURES**

- 1** Response from The Hon. Darren Chester MP, Federal Minister for Infrastructure & Transport



Correspondence

Report No. CO14/2017

Works and Infrastructure



**SUBJECT:** *40KM/H SCHOOL ZONE - ST PHILLIPS CHRISTIAN COLLEGE - WINE COUNTRY DRIVE*

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

**RECOMMENDATION** that:

**That Council note the correspondence received.**

At its Ordinary Meeting of 19 April 2017, Council considered a Notice of Motion regarding the introduction of a 40Km/h School Zone at St Phillips Christian College – Wine Country Drive and resolved as follows:

*The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock seeking support for the introduction of a 40km/h School Zone on Wine Country Drive, adjacent to St Phillips Christian College.*

Following the Council resolution, correspondence was sent to Federal Ministers and Members of Parliament seeking urgent assistance to address these community concerns.

Responses from Scot MacDonald MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter and Clayton Barr MP, State Member for Cessnock have been received and are provided for Council's information.

#### **ENCLOSURES**

- 1** Response Scot MacDonald MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter
- 2** Response Clayton Barr MP, State Member for Cessnock