

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 18 APRIL 2018, COMMENCING AT  
6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Acting Director Corporate and Community Services (Human Resource Manager)  
Acting Director Works and Infrastructure (Manager Open Space & Community Facilities)  
Development Services Manager  
Finance and Administration Manager  
Internal Auditor  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGY:**

**MOTION** **Moved:** Councillor Lyons  
**Seconded:** Councillor Burke

431

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**      **Moved:** Councillor Dagg  
**Seconded:** Councillor Doherty

432

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 4 April 2018, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI6/2018**

**SUBJECT: DISCLOSURES OF INTEREST**

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**NIL**

## PETITIONS

NIL

### ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Merrill Phillips representing residents of Mount View Meadows Estate	Against Recommendation	PE23/2018 - Development Application 8/2017/764/1 proposing the Subdivision of One (1) lot into Two (2) lots  88 Edden Street, Bellbird	75	3 mins

#### EXTENSION OF TIME

433

**Moved:**

**Seconded:**

Councillor Suvaal

Councillor Stapleford

#### RESOLVED

That an extension of one minute be given to Mrs Phillips to complete her presentation.

#### FOR

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

**Total (10)**

#### AGAINST

**Total (0)**

#### CARRIED UNANIMOUSLY

Naomi Smith	For Recommendation	PE23/2018 - Development Application 8/2017/764/1 proposing the Subdivision of One (1) lot into Two (2) lots  88 Edden Street, Bellbird	75	3 mins
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**PLANNING AND ENVIRONMENT NO. PE23/2018**

**SUBJECT: DEVELOPMENT APPLICATION 8/2017/764/1 PROPOSING THE  
SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS**

**88 EDDEN STREET, BELLBIRD**

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**MOTION**      **Moved:** Councillor Lyons      **Seconded:** Councillor Suvaal  
434  
**RESOLVED**

That Council determine Development Application No. 8/2017/764/1 proposing the subdivision of one (1) lot into two (2) lots at 88 Edden Street, Bellbird, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the following reasons:-

1. The proposal is inconsistent with the objectives of the R5 Large Lot Residential Zone, in that the subdivision will not preserve or minimise impacts on the rural scenic quality of the area (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
2. The proposed Lot 232 does not comply with the minimum lot size required under Clause 4.1 of Cessnock Local Environmental Plan 2011 in that 2000m<sup>2</sup> is required and only 1870m<sup>2</sup> has been proposed (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
3. The site is not considered suitable for the proposed development in that the fragmentation of land contradicts planning principles, when considering the objectives of the zone (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
4. The proposed development is not in the public interest (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979).
5. That Council prepares a Planning Proposal to reinstate the 4000 sqm minimum lot size in the Echidna Close/Edden Street Bellbird precinct. This is to be lodged after Council has accepted the Cessnock City Planning Strategy 2018.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PROCEDURAL MOTION**

**Moved:**  
**Seconded:**

Councillor Burke  
Councillor Lyons

435

**RESOLVED**

**That Report No's:-**

**CC26/2018 - Inquorate Meeting Notes of the Aboriginal and Torres Strait Islander Committee of Cessnock City Council held on 23 March 2018**

**CC27/2018 - Resolutions Tracking Report**

**CC28/2018 - Investment Report - March 2018**

**WI27/2018 - Petition - Skate park Millfield**

**WI28/2018 - Recreation and Open Space Strategic Plan**

**WI29/2018 - Minutes of Local Traffic Committee held 19 March 2018**

**be dealt with englobo.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MOTION**

436

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

That Report No's:-

**CC26/2018 - Inquorate Meeting Notes of the Aboriginal and Torres Strait Islander Committee of Cessnock City Council held on 23 March 2018****CC27/2018 - Resolutions Tracking Report****CC28/2018 - Investment Report - March 2018****WI27/2018 - Petition - Skate park Millfield****WI28/2018 - Recreation and Open Space Strategic Plan****WI29/2018 - Minutes of Local Traffic Committee held 19 March 2018**

be resolved as recommended.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU6/2018**

**SUBJECT: MOTIONS OF URGENCY**

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**NIL**

## RESCISSION MOTIONS

### RESCISSION MOTIONS NO. RM1/2018

**SUBJECT: WI26/2018 - TRAFFIC FACILITIES - PELAW MAIN PUBLIC SCHOOL**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
437

The undersigned lodge the following motion of rescission:

That the following motion in relation to report WI26/2018 – Traffic Facilities – Pelaw Main Public School from the 4 April, 2018 Ordinary Meeting of Council be rescinded.

***“That the report be Deferred for two months to await the grant outcome”***

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
438

**RESOLVED**

1. That Council reallocates \$136,000 of funds from the 17/18 Bridge Construction Program to the 17/18 Traffic Facilities Program to fund traffic facilities in the school zone of Pelaw Main Public School as listed in the 2017-21 Delivery Program.
2. The allocation of \$136,000 of the \$300,000 funding in the draft 2018/2019 Bridge Construction Program for the Paynes Crossing Bridge project is placed in the Land and Miscellaneous Reserve and that these funds be restricted for use for the Abbotsford Street Bridge project.
3. These restricted funds be allocated to the Abbotsford Street Bridge project to the extent required to address any funding shortfall after grant funding and Developer Contributions have been allocated up to the fully restricted amount of \$136,000.
4. If Council’s grant application is unsuccessful the full \$136,000 be allocated to the Abbotsford Street Bridge.

5. Once the Abbotsford Street Bridge funding has been finalised any funds not allocated to the Abbotsford Street Bridge will no longer remain restricted.

<b>FOR</b>	<b>AGAINST</b>
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

***CARRIED***

**GENERAL MANAGER'S UNIT NO. GMU10/2018**

**SUBJECT:     AUDIT COMMITTEE INDEPENDENT MEMBER**

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**MOTION**       **Moved:**   Councillor Burke       **Seconded:**   Councillor Sander  
439

**RESOLVED**

**That Council receives and notes the report on the appointment of an independent member to the Audit Committee.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# PLANNING AND ENVIRONMENT

## PLANNING AND ENVIRONMENT NO. PE22/2018

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2017/195/1 PROPOSING ALTERATIONS TO AN EXISTING WINERY CONSISTING OF THE CONSTRUCTION OF A NEW CELLAR DOOR, CAFE AND RESTAURANT; AND THE CHANGE OF USE OF AN EXISTING CELLAR DOOR TO A WINE STORAGE FACILITY**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
440  
**RESOLVED**

That Council determine Development Application No. 8/2017/195/1 proposing alterations to an existing winery consisting of the construction of a new cellar door, cafe and restaurant; and the change of use of an existing cellar door to a wine storage facility at 447 McDonalds Road (Lot 22 DP1133351) Pokolbin, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

## CONDITIONS OF CONSENT

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### SCHEDULE 1

#### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/195/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Project Number 10565 A01 REV D	EJE ARCHITECTURE	22/02/2017
Project Number 10565 A02 REV G	EJE ARCHITECTURE	22/02/2017
Project Number 10565 A03 REV A	EJE ARCHITECTURE	22/02/2017
Project Number 10565 A04 REV D	EJE ARCHITECTURE	29/11/2017
Project Number 10565 A05 REV D	EJE ARCHITECTURE	23/02/2017
Project Number 10565 A06 REV D	EJE ARCHITECTURE	23/02/2017
Project Number 10565 A07 REV D	EJE ARCHITECTURE	29/11/2016
Project Number 10565 A08 REV C	EJE ARCHITECTURE	29/11/2016

Project Number 10565 A09 REV D	EJE ARCHITECTURE	29/11/2016
Project Number 10565 A10 REV E	EJE ARCHITECTURE	23/02/2017
Project Number 10565 A11 REV B	EJE ARCHITECTURE	20/03/2017
Project Number 10565 A12 REV B	EJE ARCHITECTURE	20/03/2017
Project Number 10565 A13 - MARKED CONCEPT STORMWATER WATER PLAN	EJE ARCHITECTURE	06/04/2017
Project Number 10565 A14 REV B	EJE ARCHITECTURE	27/09/2017

<b>Document Title</b>	<b>Prepared By</b>	<b>Dated</b>
STATEMENT OF ENVIRONMENTAL EFFECTS	INSITE PLANNING	(REVISED) NOVEMBER 2017
BUSHFIRE THREAT ASSESSMENT	FIREBIRD	APRIL 2017
ECOLOGICAL ASSESSMENT	FIREBIRD	APRIL 2017
TRAFFIC AND PARKING ASSESSMENT	INTERSECT TRAFFIC	MARCH 2017
WASTE MANAGEMENT PLAN	INSITE PLANNING	APRIL 2017
VISUAL IMPACT ASSESSMENT	EJE ARCHITECTURE	FEBRUARY 2017

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

## **2. CC, PCA & Notice Required**

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

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the EP&A Act 1979; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

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

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

## **3. Tourism S94 Contributions Plan**

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

<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>555</b>	Vineyards Roads and Bridges	\$36724.32
<b>554</b>	Tourist Information and Signage	\$27297.82
<b>556</b>	Plan Preparation and Administration	\$2750.59

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

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

#### **4. Car Parking – Commercial/Industrial**

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

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

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

Onsite car parking shall be provided for a minimum of 82 vehicles and such being set out generally in accordance with Council's Car Parking Code.

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

#### **6. Stormwater – Detention Requirement**

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

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

## **7. Outdoor Lighting**

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

## **8. Engineering Checking Fee**

The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a CC for the site. Council's current fee is \$950 per basin for basins less than 50m<sup>3</sup>. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges at the time of payment.

## **9. Food Premises**

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

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

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

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

The details are to be approved by the 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.**

### **10. Site To Be Secured**

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



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

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

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

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

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

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

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

#### **12. 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.

#### **13. Protection of Retained Trees**

Prior to the commencement of works, the trees proposed for removal are to be clearly marked with brightly coloured paint or tape to ensure the trees to be retained are not cleared.

#### **14. Protection of Retained Trees**

Any trees to be retained within 10 m of the development footprint are to be fenced after clearing has been completed and prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy and remain in place until completion of construction works. All areas within the fencing are to be covered with woodchip mulch to a depth of 100 mm. Tree protection signage is to be attached to the fencing surrounding the retained trees

### **DURING WORKS**

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

#### **15. BCA Compliance**

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

## **16. Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

## **17. Site is Securely Fenced**

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

## **18. Construction Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage *Noise Guide for Local Government*.

## **19. 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.

## **20. 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.

## **21. Protection of Retained Trees**

Stockpiling or storage or mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling must not occur within the drip line of retained trees at any stage during works.

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

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

## **22. Food Premises**

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

## **23. Parking – Completion**

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

## **24. Works-As-Executed Plan**

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

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

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

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

## **25. Drainage Works**

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

## **26. Stormwater – Plan of Management**

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

## **27. Vegetation Replanting**

Prior to the issue of the *OC*, at least sixteen (16) trees are to be planted in areas mapped on the *Compensatory Tree Planting Plan* by *Terras Landscape Architects* dated 24 March 2017. The plants are to be of local provenance grown by a specialist native plant nursery to enhance the foraging opportunities for native fauna. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest EEC.

## **28. Retention of Vegetation**

An 88B instrument must be created for the areas referred to in Condition 10 and state that the areas are not to be cleared (as defined under the Native Vegetation Act 2003). Evidence that this has occurred is to be provided to Council's Ecologist prior issue of the Occupation Certificate.

## **ONGOING USE**

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

## **29. Hours of Operation**

The property is to be open for business and used for the purpose approved only within the following hours:

Cellar Door	9.30am – 12am (7 days per week)
Café	7am – 6pm (7 days per week)
Restaurant	12pm – 11pm (7 days per week)

## **30. Outdoor Lighting**

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

## **31. Approved Signage Maintenance**

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

## **32. Parking Areas to be Kept Clear**

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

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

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

## **34. Noise Complaints**

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

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

## **35. Landscaping**

Any landscaping is to use native species of local provenance grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest EEC.

## **36. Vegetation Management**

The trees that are planted to replace cleared trees are to be maintained in good health until they are at least 3 m tall/for the life of the development. Any trees that die are to be replaced with the same species and be of local provenance grown by a specialist native plant nursery.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC26/2018**

**SUBJECT: INQUORATE MEETING NOTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 23 MARCH 2018**

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**MOTION**            **Moved:** Councillor Burke            **Seconded:** Councillor Dagg  
441  
**RESOLVED**

**That Council notes the summaries of the topics discussed at the inquorate Aboriginal and Torres Strait Islander Committee meeting held on 23 March 2018.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC27/2018**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
442

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC28/2018**

**SUBJECT: INVESTMENT REPORT - MARCH 2018**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
443

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI27/2018**

**SUBJECT: PETITION - SKATE PARK MILLFIELD**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
444

**RESOLVED**

1. That the construction of a skate park at Crawfordville Park be included in the draft 2018-19 Operational Plan for Council's consideration;
2. That Council writes to Master Beau Heffernan and advises him the outcome of Council's decision.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI28/2018**

**SUBJECT: RECREATION AND OPEN SPACE STRATEGIC PLAN**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
445

**RESOLVED**

1. That Council place the draft Recreation and Open Space Strategic Plan on public exhibition for a minimum period of 28 days and invite public submissions;
2. That a Briefing Session be scheduled for Councillors at the conclusion of the exhibition period;
3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Recreation and Open Space Strategic Plan.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI29/2018**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE  
HELD 19 MARCH 2018**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
446  
**RESOLVED**

That the recommendations of the Local Traffic Committee Meeting of 19 March 2018 be adopted as a resolution of the Ordinary Council being:

1. **TC6/2018 – That One Way restrictions, regulatory parking signage and line marking be installed on Kendall Street, Pittman Street and the unnamed laneway between Pittman and Doyle Streets, Bellbird in accordance with the Signage Diagram that was presented at the Local Traffic Committee;**
2. **TC7/2018 – That STOP signs, line marking and traffic island be installed on Eleventh Avenue and Millfield Road, Millfield in accordance with Signage/Line Marking Diagram that was presented at the Local Traffic Committee;**
3. **TC9/2018 – That temporary regulation of traffic be approved for the Wollombi Public Holiday Markets in accordance with the Local Traffic Control Plan that was presented at the Traffic Committee; and**
4. **TC8/2018 – That Council notes the temporary regulation of traffic for the Cessnock Stomp Festival was implemented in accordance with the Traffic Control Plans that were approved at the Local Traffic Committee.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

## **BUSINESS WITH NOTICE NO. BN6/2018**

**SUBJECT: REQUEST TO PREMIER TO RECONSIDER SYDNEY FOOTBALL STADIUM AND SYDNEY OLYMPIC STADIUM PLANS**

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

447

### **RESOLVED**

1. That the Mayor write to the Premier requesting her to reconsider the government's decision to spend \$2.0 billion on demolishing and rebuilding the Sydney Football stadium and the Sydney Olympic stadium. Further that the Mayor request that the Premier re-allocate the \$2.0 billion saved to establish a NSW Regional Infrastructure Fund to service desperately needed infrastructure projects in regional NSW.
2. That the letter request that the State Government invest part of the money into the renewal of State Infrastructure, for example, the upgrade of Cessnock Hospital and the construction of a new police station for Cessnock following the expansion of Cessnock Correctional Centre.

<b>FOR</b>	<b>AGAINST</b>
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**BUSINESS WITH NOTICE NO. BN7/2018**

**SUBJECT: WINE COUNTRY DRIVE - TRAFFIC & SAFETY**

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**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Sander  
448

**RESOLVED**

1. That Council again write to our State Member, Clayton Barr and the Minister for Roads, Melinda Pavey expressing the need for an urgent solution to the traffic and safety problems experienced by motorists and residents of Nulkaba, along Wine Country Drive, during pick up and drop off times at St Phillips Christian College, Nulkaba Public School and Nulkaba Pre-School;
2. That Council write to the Road and Maritime Services (RMS) requesting they urgently review the traffic and safety conditions at the corner of Wine Country Drive and Lomas Lane.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN8/2018**

**SUBJECT: EXPRESSION OF INTEREST FOR A NSW REGIONAL AUTOMATED VEHICLE TRIAL**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
449  
**RESOLVED**

**That Council work with Singleton Council, and other stakeholders in the lodging of an Expression of Interest for a NSW Regional Automated Vehicle Trial in the Hunter Valley Vineyard's region.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ34/2018**

**SUBJECT: GILLIES BRIDGE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ35/2018**

**SUBJECT: NORTH END HALL BUS SHELTER**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ36/2018**

**SUBJECT: DOES COUNCIL HAVE ANY CONTROL OVER COFFEE VANS ON THE HUNTER EXPRESSWAY?**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ37/2018**

**SUBJECT: ORGANIC BAGS**

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Di Fitzgibbon*

### **FOOTPATH – WINE COUNTRY DRIVE TO KERLEW STREET**

Councillor Fitzgibbon asked why the full length of the footpath along Wine Country Drive from Calvary to Kerlew Street is so narrow?

*Councillor Rod Doherty*

### **UNFORMED FOOTPATH NORTHCOTE STREET, KURRI**

Councillor Doherty asked when the unformed footpath along Northcote Street, Kurri Kurri will be completed?

*Councillor Mark Lyons*

### **NAMING OF BRIDGES HILL PARK**

Councillor Lyons asked when the naming of Bridges Hill Park decided upon instead of Convent Hill as there is some confusion in the community.

*Councillor Di Fitzgibbon*

### **PRAM RAMP AND FOOTPATH – O'CONNORS ROAD AND OCCIDENT STREET, NULKABA**

Councillor Fitzgibbon asked why Council did not include a pram ramp and footpath in the kerb and guttering on O'Connors Road and Occident Street at Nulkaba.



## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO10/2018**

**SUBJECT: CESSNOCK CITY COUNCIL - RESOLUTION TO NOMINATE TO  
BECOME A MEMBER OF HUNTER COUNCILS JOINT ORGANISATION**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
450  
**RESOLVED**

**That Council note the correspondence received.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO11/2018**

**SUBJECT: HIGH FRONT GUTTER AND BUILDING REGULATION**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
451  
**RESOLVED**

**That Council note the correspondence received.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Dagg

### **Report Subsidence Advisory NSW - 11 April 2018**

Councillor Dagg reported on her attendance last Wednesday at the Board meeting of Subsidence Advisory NSW (SANSW) (formerly Mines Subsidence Board) as its Local Government representative from the Association of Mining & Energy Related Councils, to which Councillor Dagg is Council's delegate.

Councillor Dagg noted that it was a lengthy agenda, however the issues relevant to Council included the Board's recommendation to remove s15B Certificates from the DA process, an update on very high risk recurring pothole sites and the training of Councils in addressing these sites. There was approval to progress the proclamation of the proposed Branxton Mine Subsidence District. SANSW have already been in discussions with landowners following public exhibition of the district boundaries, and letters are now being forwarded advising of the revised boundaries.

Councillor Sander

### **Cessnock/Kurri Health Committee**

Councillor Sander reported that her and Councillor Gray attended the Cessnock/Kurri Health Committee and advised that the focus of the Committee is training modules for Cessnock Pilot Scheme for the Health and Literacy Program that is being rolled out to all staff at the hospital as well as continuing to promote better health practices. Accreditation for Cessnock and Kurri Kurri hospitals is occurring in May. They are still continuing with their patient centred care program, health services performance and their Lower Hunter Health communication group will release some media in regard to the new capital works that have been completed at Cessnock and Kurri Hospital, that being the Operating Theatres.

Councillor Burke

### **Stomp Festival**

Councillor Burke gave a report on the Stomp Festival and advised that 17,000 people visited with an injection around \$3.5 million into local economy. Support from local business has been overwhelming and the support from Council and other sponsors has been fantastic too.

A survey of visitors to the festival was carried out and 82.3% visited local businesses while at the Festival.

Mayor

### **Meeting of Joint Organisation of Councils**

The Mayor reported on his attendance at the meeting of the Hunter Joint Organisation of Councils which for the first time was held at Sydney Parliament House. All ten Mayors from the Hunter were in attendance. The reason the JO decided to meet at Parliament House was to show Politicians the true face of the Hunter JO. The JO hosted a number of State Members, particularly from the Hunter, and the Minister for Local Government welcomed them, all of whom are proud of the past of Hunter Councils and their achievements and they are moving into a different role now as advocates for the whole of the Hunter Region. The JO was briefed by the representative from Premier and Cabinet, also by representatives from Infrastructure NSW and from the Office of Local Government. The JO's will be proclaimed by the State Government in probably May 2018 so from July 1 the Hunter JO will commence its role of advocacy.

In debating issues that were common with the 10 Councils we were presented on the State of the Nation in regards to the current issues associated with recycling and the JO is funding a consultant to get the direction forward not just for the short term, but for the long term. Recycling contractors are already involved in stockpiling at their Waste Centres with cooperation with the EPA, but it is the secondary processing of all those recycled products that are no longer going to China, that the main issue is.

The Jo also examined and adopted the Strategic Plan for the JO so that the Joint Organisation of Councils can move forward in that Advocacy Role.

Having the JO meeting at Parliament House provided Cessnock City Council the opportunity of meeting bureaucrats prior to the JO meetings, particularly with the NSW Regional Infrastructure Coordinator who provided information to the General Manager and himself in regards to streamlining council's applications for funding, the amount of funds that are available to Councils, as well as details that could assist the council in seeking funds from other Government Agencies, particularly as we go to State Election next year. We, as a Council, need to be prepared with all those plans on the shelf so that we can take advantage of the grant funds that is being distributed throughout New South Wales.

*The Meeting Was Declared Closed at 7.18pm*

**CONFIRMED AND SIGNED** at the meeting held on 2 May 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**