

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 7 NOVEMBER 2018, 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
Acting Development Services Manager (Team Leader Development Services)
Strategic Planning Manager
Finance & Administration Manager
Infrastructure Manager
Human Resource Manager
Health & Building Manager
Internal Auditor
Principal Strategic Planner
Principal Development Engineer
Operations Accountant
Financial Accountant
Media & Communication Officer
Corporate Governance Officer

APOLOGY:

MOTION **Moved:** Councillor Sander
Seconded: Councillor Lyons

647

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

Leave of absence was granted to Councillor Burke from 12 – 21 November 2018.

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

MINUTES:

MOTION

Moved: Councillor Dagg

Seconded: Councillor Lyons

648

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 17 October 2018, 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. DI19/2018

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI86/2018 - Near Buttai Road, Black Hill - Proposed Road Closure – Councillor Dagg declared a Non Pecuniary Less Than Significant Conflict for the reason that her husband is employed by the Bloomfield Group at another site. Councillor Dagg advised that she will remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
James Sugumar Audit Office NSW	For	CC78/2018 - Financial Statements for the Year Ended 30 June 2018 - Presentation to Council and the Public	283	7 mins

CORPORATE AND COMMUNITY NO. CC78/2018

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 - PRESENTATION TO COUNCIL AND THE PUBLIC

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Burke
649

RESOLVED

That the Annual Financial Statements incorporating the Auditor's Reports for the year ended 30 June 2018 be received and the information noted.

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

Mr Brian Rockley	Against	PE60/2018 - DA 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases 17 Ash Street, Cessnock	57	3 mins
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Donna Clarke, Land Dynamics	For	PE60/2018 - DA 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases 17 Ash Street, Cessnock	57	3 mins
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EXTENSION OF TIME

650

Moved:

Seconded:

Councillor Suvaal

Councillor Fitzgibbon

RESOLVED

That an extension of 1 minute be given to Donna Clarke to complete her presentation.

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

PLANNING AND ENVIRONMENT NO. PE60/2018

SUBJECT: DA 8/2017/461/1 PROPOSING DEVELOPMENT OF A MANUFACTURED HOME ESTATE COMPRISING 165 MOVABLE DWELLING SITES AND ANCILLARY FACILITIES TO BE CONSTRUCTED IN SIX (6) PHASES

17 ASH STREET, CESSNOCK

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Gray
651
RESOLVED

1. That:

- (i) Development Application No. 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases at 17 Ash Street, Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
- The proposal is consistent with the relevant provisions contained within State Environmental Planning Policy No. 36 Manufactured Home Estates.
 - The proposal is a permitted land use in the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
 - The proposal is consistent with objectives of the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
 - The subject development is designed in a manner that takes into account the constraints of the site and proposes measures that will minimise any impacts on the natural and built environments. The development, in the manner proposed, is suitable for the site.
 - The development provides a form of housing that will add to the diversity of housing stock in the area. The development provides a social benefit and serves in the public interest by contributing to housing affordability.
- (iii) In considering community views, the following is relevant:
- The proposal has been designed in such a way that its impact on the natural and built environment is considered acceptable, and the proposal is consistent with the character of the existing residential area.
 - Approval of the development will result in improvements to the adjoining residential area with regards to upgrades to existing infrastructure and services within the locality.

- The design of the development, along with the recommended conditions of consent, have adequately responded to issues raised by the public during the exhibition period relating to the development application.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.
 3. That the General Manager ensures that the Notice of Determination also includes that the applicant or person(s) acting on the development consent, engage with the adjoining residents regarding the stormwater drainage designs before a Construction Certificate is issued.
 4. That condition 40 be amended to include point (f) a footpath and associated pram ramps be constructed from the entrance of the development along one side of Ferguson Street to the new bus stop in Anzac Avenue.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/461 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Phases Plan, Issue C,	Land Dynamics Australia	30 August 2018
General Layout Plan, Issue E,	Land Dynamics Australia	30 August 2018
Landscape Concept Plan, Issue C,	Land Dynamics Australia	30 August 2018
Ash Street Laneway Details, Issue D,	Land Dynamics Australia	30 August 2018
Visual Assessment Details, Issue C,	Land Dynamics Australia	30 August 2018
Fencing Plan, Issue A,	Land Dynamics Australia	30 August 2018
Community Facilities Plan, Issue B	OA+D O'Connell Architecture and Design	12 July 2018
Clubhouse Plan, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Clubhouse Elevations, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Sheds Floor Plans and Elevations, Issue A	OA+D O'Connell Architecture and Design	11 August 2017

Managers Residence, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Dwelling Plan 1, Typical Layout Rear to North or Side, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Dwelling Plan 2, North to Internal Road, Issue A	OA+D O'Connell Architecture and Design	11 August 2017

Document Title	Prepared By	Dated
Statement of Environmental Effects, Revision 2,	Land Dynamics Australia	September 2017
Draft Flood Evacuation Plan	Land Dynamics Australia	January 2018
Traffic Impact Assessment, Revision 3, Final J/N 042017	Streetwise Road Safety & Traffic Services	31 August 2017
Preliminary Ecological Assessment	Wildthing Environmental Consultants	1 August 2017
Social Impact Statement	Complete Planning Solutions	August 2017

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

2. General Terms of Approval

All General Terms of Approval issued by NSW Rural Fire Services Dated 20 September 2017 shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

3. Phasing Sequence Approved

The development must sequentially follow the phasing proposed. Phase 2 to follow Phase 1, Phase 3 to follow Phase 2, Phase 4 to follow Phase 3, Phase 5 to follow Phase 4 and Phase 6 to follow Phase 5.

4. Compliance with Division 3 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005

The proposed development (for each phase) must be designed, constructed, maintained and operated in accordance with the requirements of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005*.

5. Compliance with Division 4 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005

All future dwellings to be located within the manufactured home estate must comply with the provisions of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

6. Restriction to the number of bedrooms for dwellings

Any future dwelling located within the manufactured home estate must not exceed two (2) bedrooms with the exception of one (1) dwelling that will be used for the purpose of a manager's residence. The estate managers must take reasonable measure to ensure that the restriction to the maximum number of bedrooms is conveyed to prospective residents and must not advertise dwelling sites in such a manner to mislead prospective residents/purchasers in this regard.

7. Swimming Pools and Spas

The approved swimming pool / spa must comply with the *Swimming Pools Act 1992* and relevant standards. Pool filters, pumps and related plant must only operate in accordance with the *Protection of the Environment Operations Act 1997*.

8. Plan of Management Revision Requirement

Draft Plan of Management for the Hunter Lifestyle Estate Dated November 2017 is to be amended to be consistent with all of the conditions of consent. The revised management plan is to be prepared and implemented for the development. The management plan to include:

- a. Restrictions to prevent any dwelling that has more than two (2) bedrooms being located on any of dwelling site with the exception of one dwelling site that is for the purpose of a Manager's residence.
- b. Control access of residents and visitors to the development after the closing of the main gate;
- c. Provide an after-hours contact and that contact is to have the ability to access the premises;
- d. Ensure that the onsite manager is present on the premises at all hours;
- e. Private waste collection information and schedules;
- f. Estate management is responsible for the regular maintenance of the buffer areas on the southern, eastern and western boundaries of the development site.
- g. A community map is to be provided;

A copy of the amended Plan of Management is to be provided to Council prior to issue of the CC for Phase 1.

The approved Plan of Management must be adhered to at all times.

9. Documents Availability

The holder of the approval to operate the manufactured home estate must ensure that copies of the following documents must be readily available for inspection (without cost) by any person:

- (a) the approval for the manufactured home estate,
- (b) the current community map,

- (c) *the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

10. Community Building Noise Restrictions

The use and activities within or associated with the operation of the Community Building shall not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an 'offensive noise' as defined under the provisions of the Protection of the Environmental Operations Act 1997. Noisy activities audible at any adjacent residential premises must not occur between the hours 10.00pm to 7.00am.

11. Design Guidelines Requirements

Design guidelines are to be developed for prospective dwelling site purchasers for each phase which offer a visual mix of varied dwelling designs in order to avoid sameness in adjoining dwellings in the estate. These guidelines will address at a minimum:

- street elevations;
- variety in materials and external colour scheme without jeopardy to the requirements of the Local Government Regulation;
- no primary colours, highly reflective or zinalume roofing; and,
- landscaping plan.

A copy of the Design Guidelines is to be provided to Council prior to the issue of the CC for each phase.

12. Plan of Management Revisions

A graffiti management plan and a maintenance policy is to be incorporated into the maintenance plan for the development.

13. Lighting Design Requirements

Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, particularly Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.

14. CC, PCA & Notice Required

In accordance with the provisions of Section 6.6 (cf previous s 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 6.5 (cf previous s 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.

15. Minimum Parking Requirements for Dwelling Houses

The minimum number of car spaces to be provided for is:

- Two (2) spaces per dwelling houses;
- Twenty-eight (28) visitor car spaces including
- Two (2) car parking spaces for use by persons with a disability;
- One (1) community bus space;

16. BCA Compliance

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the BCA.

17. Section 68 Activity Approval Application Required

Prior to works commencing, an approval to operate a manufactured home estate must be obtained under Part 1 of chapter 7 of the Local Government Act 1993.

The application shall be subject to a fee as listed in Council's Fees and Charges Schedule, an inspection and assessment.

18. Disabled Access and Facilities

The community buildings and facilities in Phases 1 and 5 are to be provided with access and facilities for people with disabilities in accordance with the provisions of the Disability (Access to Premises-Buildings) Standard 2010.

19. Fire Hydrants

No part of a dwelling site or community building within the manufactured home estate shall be situated more than 90 metres from a fire hydrant. Any fire hydrant located within the manufactured home estate must be a double-headed pillar type fire hydrant, and be listed in the properties Fire Safety Schedule as an essential fire safety measure. A final Fire Safety Certificate including the fire hydrant installation is to be submitted to Council prior to occupation of any building and before the issue of an Approval to Operate a Manufactured Home Estate.

20. Clearing Specifications

All clearing of habitat trees is to be done under the direct supervision of a suitably qualified and experienced Ecologist. When fauna are present, the animals are to be removed and relocated to the adjacent bushland prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals to the adjacent bushland. Where, in spite of precautions, wildlife is injured the Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE/ACTIVITY APPROVAL – GENERAL REQUIREMENTS

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

21. Hunter Water Corporation Requirements

Consultation and compliance with the requirements of the HWC:-

- a. All development works are required to comply with the Hunter Water's *Building Over or Encroaching on Hunter Water Easements or Property Policy*;
- b. Prior to construction, the sewer mains is to be physically located via non-destructive means;
- c. Construction access to the site is to be arranged to avoid loading or any disturbance to the mains;
- d. Compaction if required shall be undertaken with a plate compactor. No heavy vibratory rollers or other vibration construction techniques are permitted within 5.0m of the mains;
- e. The internal roads are to be designed to ensure that loads are not transferred to the sewer mains. To facilitate the approval of the roads over the sewer mains and/or easement, the following details are to be provided to the Hunter Water Corporation:
 - I. A long section plan showing the depth of the sewer mains and the clearance to the proposed internal road. The Hunter Water Corporation requires a minimum cover of 750mm over the sewer mains in accordance with the Hunter Water's Design Code; and,
 - II. A detailed design showing the measures to ensure no loads are transferred to the water main and the pavement jointing;
- f. The easement area is not to be excavated or filled without approval from the Hunter Water Corporation. If excavation or filling is proposed, then the developer is to provide Hunter Water with a surveyed plan and a longitudinal section showing the sewer main, existing and finished surface levels and the locations and clearances of all other pipes and utilities proposed to be constructed within Hunter Water Corporation's easement. Pipe clearances and minimum depths are to comply with the Hunter Water's Water Design Manual;
- g. House drains or other private services are not to be constructed within the easement without approval from the Hunter Water Corporation. The Account Manager Major Development (Newcastle Office – Mr. Malcom Withers) is to be contacted should private services be proposed to be constructed in the easement;
- h. Any structure within or adjacent to the easement is to be designed and constructed to ensure the structural integrity of the structure is not compromised by any excavation by the Hunter Water Corporation within the easement;
- i. All due care must be taken when working and excavating in the vicinity of the sewer mains. The Developer is required to ensure that all workers and contractors are made aware of the potential safety risks associated with working in the vicinity of the sewer mains. The Developer will be responsible for any damage that may be caused to the sewer main during construction and costs of any subsequent repairs and/or third party injury or damage caused by the failure of the sewer main during construction; and,
- j. The repair and reinstatement of the private road surface or any other improvement on the land over the Hunter Water assets associated with future repair replacement or renewal

22. Ausgrid Requirements

Consultation and compliance with the requirements of Ausgrid letter dated 15 September 2017 including:

- a. A connection application form will be required to be lodged with Ausgrid;
- b. A kiosk sub-station will be required which is to be protected by a registered easement in accordance with Ausgrid Network Standard 141;
- c. Any works proposed within an existing easement located on the subject land or works in the public road, must be approved by Ausgrid prior to issue of the CC;
- d. Any Ausgrid assets located on the subject land or in the road reserve is to be covered by an easement or relocated at the developers cost;

23. Dust Control – Construction Management Plan Requirement

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

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

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

24. Car parking design

The design of the vehicular access and off street parking facilities must comply with AS 2890.1:2004 Parking Facilities – Off-Street Car Parking. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

The minimum number of car spaces to be provided:

- Two (2) spaces per dwelling houses for all phases
- Twenty-eight (28) visitor car spaces in phase 1
- Two (2) car parking spaces for use by persons with a disability in phase 1
- One (1) community bus space in phase 1

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 / Activity Approval.

25. Asset Protection Zone Requirements

Prior to a CC and Activity Approval for each phase being issued, the boundaries of the approved Asset Protection Zone are to be clearly delineated using brightly coloured tape to ensure that construction and development activities do not encroach or impact on any areas of native vegetation outside of the approved Asset Protection Zone. Clearing of native vegetation and development activities must only occur within the approved development footprint and Asset Protection Zone.

26. Hollow Bearing Trees Retention

Hollow bearing trees are to be retained where possible. Nest boxes are to be installed in retained habitat areas to replace roosting habitat lost through the clearing of hollow bearing trees. Nest boxes are to replace lost hollows at a ratio of one (1) nest box per hollow. A variety of nest box types are to be installed to provide roosting habitat for a range of native fauna species. Nest boxes are to be installed prior to clearing of known habitat trees. Additional nest boxes are to be installed if additional hollows are discovered after trees are felled. Evidence that this has occurred is to be submitted to and approved by Councils Ecologist prior to the issue of a CC / Activity Approval for each phase.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 1 CIVIL WORKS AND COMMUNITY BUILDINGS/ SWIMMING POOL

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

27. Lighting

A plan of external lighting arrangements including sensor lighting for the entire development is to be provided prior to issue of the CC for the community building.

28. External Colour and Materials Schedule

An external colour and materials schedule is to be provided for the community buildings.

29. Air Conditioning Units/ Hot Water Storage Units

Any individual air conditioning unit and heat pump for hot water storage units on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997*.

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

30. Communal Waste Storage and Collection Area

Prior to issue of either the CC for Phase 1, plan details are to be provided which confirm the floor plan, screening materials and the provision of a wash down area with taps.

31. Fencing Requirements

The entirety of the development site is to be fenced with an open style fence (school fencing) of a height to prevent scaling except where agreement on alternative fencing (materials and height) has been reached with adjoining private landowners on the southern lot boundary prior to the issue of any Activity Approval.

32. Local Traffic Committee Approval

Any application involving the installation of, or amendment to, regulatory signage, line marking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any CC / Activity Approval, and subsequent Section 138 Roads Act Approval.

33. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC / Activity Approval.

34. Security for cost of damage and completion of public work

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

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

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

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

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

35. Disabled car parking spaces

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

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a phase 1 CC / Activity Approval for.

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

36. Road Internal access construction-Perimeter Road No.1

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 7m wide pavement in accordance with phase 1 of the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Construct a 1.2m wide concrete footpath within the development in accordance with the approved plans; and,
- f. Construct a gravel fire trail 4m wide with a passing bay every 200m to exit the development through phase 5 and 6.

37. Road Internal access construction-Perimeter Road No.2

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct passing bays every 200m;
- c. Construct kerb and gutter;

- d. Place two (2) coat hot bitumen seal on new works; and,
- e. Construct drainage works as necessary.

38. Road Internal access construction Main/Entry/Exit -Road No.1

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Construct a 1.2m wide concrete footpath within the development in accordance with the approved plans; and,
- f. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

39. Road Bond –Ferguson Street

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

Based on a road length of approximately 155 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees – engineering plan checking and supervision of \$6,800.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

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

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

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

40. Road- upgrade of Ferguson Street

The registered proprietors of the land shall construct the following for the length of Ferguson street, a distance of approximately 155m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the issue of a phase 1 construction certificate and release of the S138 Roads Act Approval.

- a. Upgrade Ferguson Street pavement to 7m minimum width carriageway;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on road pavement, Construct and seal road shoulders;
- d. Construct drainage works; and,
- e. Top-dress and turf footpath.
- (f) A footpath and associated pram ramps be constructed from the entrance of the development along one side of Ferguson Street to the new bus stop in Anzac Avenue.

41. Stormwater Detailed Design Requirements

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

The plans submitted in association with a phase 1 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.

42. Stormwater Detention Requirement

The registered proprietor of the land is to provide a storm water detention facility within the boundaries of the site to reduce the peak storm water discharge from the developed lot to that of the peak storm water 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 on-site 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 phase 1 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.

43. Detention Basin Engineering Checking

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 Civil CC for the site. Council's current fee is \$500per basin for basins less than 50m³. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges.

44. Traffic Management – Intersection Treatments

Submit for approval a Concept Design and subsequent Detailed Design, in accordance with Austroads, Council's Engineering Requirements for Development, RMS Technical Directions, including the RMS Guide to Road Design – Part 4A Unsignalised and Signalised Intersections and all relevant Australian Standard's for the following:

- a) a local area traffic management (LATM) scheme delivering a change of intersection priority at the intersection of Ferguson Street and Doyle Street, providing route priority for the western leg of Ferguson Street, and the southern leg of Doyle street, with suitable controls for the other intersection legs, as per AS1742.2 Manual of Uniform Traffic Control Devices;
- b) kerb and gutter, sealed shoulders, and line marking on Ferguson Street, north of Anzac Avenue, to the site entry point;
- c) upgrade of the existing bus stop on the northern side of Anzac Avenue, west of Anstey Street by the provision of bus stop signage and a bus shelter in accordance with Council's POLICY No. B37.1 – BUS SHELTER DESIGNS; and,
- d) an alternate egress from the site suitable for use under emergency conditions for the purpose of evacuation or the like.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR ALL PHASES – GENERAL CONDITIONS

The following general conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

45. Civil Works to be completed

Civil works for all phases are to be completed prior to issue of the Activity Approval for each phase.

46. Section 68 (Part A1) Activity Approval Required

Works associated with the dwelling houses (being a manufactured home) approved by this consent must not commence until an Activity Approval under Section 68 (Part A1) of the Local Government Act 1993 has been issued by Council for installation of manufactured homes on the land for each phase.

47. Amended Plans and Certification Required

The plans submitted in association of the Activity Approval applications for the manufactured dwelling houses for each phase must incorporate the following amendments:

- a) All dwelling houses are to be provided with an outdoor clothes line for drying purposes;

- b) All dwelling design plans are to be marked to clearly identify the laundry areas and comply with the Local Government Regulation minimum size requirements;
- c) All home sites are to have privacy fencing and gates to the private open space areas for the dwelling houses;
- d) Mechanical ventilation is required in all bathrooms and toilets; and,
- e) Plans and certification of compliance with the Local Government Regulation requirements is to be lodged where relevant.

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the Activity Approvals for each phase.

48. Dwelling House Specifications

The dwelling houses are to comply with the following safety requirements for doors, windows and fire safety equipment:

Doors

- a. External doors and frames shall be of solid construction;
- b. Glass within doors may be reinforced to restrict access;
- c. Door locks shall comply with the *Australian Standard - Mechanical locksets for doors in buildings, AS:4145* and the National Construction Code of Australia (fire regulations) to restrict access;
- d. Locks are to be checked and maintained on a regular basis to ensure that the locks are in good working order;
- e. A door viewer or security/screen doors may be used and such doors are to be designed and installed to the Australian Standard;
- f. Patio bolts on sliding doors are recommended; and,
- g. Under access points to be restricted.

Windows

- a. External windows and frames to be of solid construction;
- b. Window frames to be anchored to the building to prevent easy removal;
- c. Windows shall be fitted with locks that comply with the *Australian Standard - Mechanical locksets for doors in buildings, AS:4145* to restrict access;
- d. Glass within windows to be reinforced to restrict access; and,
- e. Metal security grilles or shutters may be installed to restrict access but are to be designed to allow occupants to depart the building in fire events.

Fire Safety Equipment

- a. Each dwelling house must have a minimum of one (1) working smoke alarm;
- b. Fire extinguishers and fire blankets to be installed in those parts of the building where fires are likely; and,
- c. All dwelling houses to have a Fire Escape Plan. For further information on Home Fire Safety, refer to NSW Rural Fire Services website, www.fire.nsw.gov.au.

49. Air Conditioning Units/ Hot Water Storage Units

Any individual air conditioning unit and heat pump for hot water storage units on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997*.

Details demonstrating noise attenuation measures in this regard are to be submitted to the CA prior to the issue of an Activity Approval for the each phase.

50. Street Numbers

The home site numbers must be prominently displayed at the front of home sites to comply with the Local Government Act or must be painted on the street kerb outside the home site to assist emergency services and visitors to locate the home site. The number is to be a minimum height of 120mm above ground if signposted and be visible at night.

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THE THIRTY-NINE (39) DWELLING HOUSES FOR PHASE 1

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

51. Residential S94 Contributions Plan (39 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 an Activity Approval for phase 1:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$38,235.60
523	District Community Facilities (Halls)	\$23,380.89
524	District Community Facilities (Libraries)	\$6,276.66
522	District Community Facilities (Bushfire)	\$1,778.40
527	District Roads – Urban Areas	\$29,134.56
543	Studies (Plan Preparation)	\$2,196.87
540	Plan Administration	\$8,369.01
	Total	\$109,371.99

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

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.

52. Side Setback Home Site 163

The dwelling house on Home Site 163 must be located a minimum of 3.0 metres from the boundaries of the subject land.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 2 CIVIL WORKS

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

53. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

54. Road Internal access construction Road 3

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated road 3.

55. Road Internal access construction Road 4

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

56. Road Internal access construction Road 5

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated road 5.

57. Footpath

Provide a 1.2m wide concrete footpath linking Cornish Street to the proposed bowling green in accordance with the approved plan and Council engineering guidelines for developments.

58. Stormwater Detailed Design Requirements

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

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

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THIRTY-FOUR (34) DWELLING HOUSES FOR PHASE 2

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

59. Residential S94 Contributions Plan (34 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 an Activity Approval for Phase 2:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$33,333.60
523	District Community Facilities (Halls)	\$20,383.34
524	District Community Facilities (Libraries)	\$5,471.96
522	District Community Facilities (Bushfire)	\$1,550.40
527	District Roads – Urban Areas	\$25,399.36
543	Studies (Plan Preparation)	\$1,915.22
540	Plan Administration	\$7,296.06
	Total	\$95,349.94

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

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 3 CIVIL WORKS

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

60. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

61. Road Internal access construction Road 5

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated road 5.

62. Stormwater Detailed Design Requirements

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

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

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR SIXTEEN (16) DWELLING HOUSES FOR PHASE 3

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

63. Residential S94 Contributions Plan (16 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 an Activity Approval for Phase 3:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$15,686.40
523	District Community Facilities (Halls)	\$9,592.16
524	District Community Facilities (Libraries)	\$2,575.04
522	District Community Facilities (Bushfire)	\$729.60
527	District Roads – Urban Areas	\$11,952.64
543	Studies (Plan Preparation)	\$901.28
540	Plan Administration	\$3,433.44
	Total	\$44,870.56

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

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 4 CIVIL WORKS

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

64. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

65. Road Internal access construction Road 3

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated road 3.

66. Road Internal access construction Road 4

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

67. Stormwater Detailed Design Requirements

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

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

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THIRTY-SEVEN (37) DWELLING HOUSES FOR PHASE 4

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

68. Residential S94 Contributions Plan (37 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 an Activity Approval for phase 4:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$36,274.80
523	District Community Facilities (Halls)	\$22,181.87
524	District Community Facilities (Libraries)	\$5,954.78
522	District Community Facilities (Bushfire)	\$1,687.20
527	District Roads – Urban Areas	\$27,640.48
543	Studies (Plan Preparation)	\$2,084.21
540	Plan Administration	\$7,939.83
	Total	\$103,763.17

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

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 5 CIVIL WORKS

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

69. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

70. Road Internal access construction Road 5

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;

- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary.

71. Road Internal access construction-Perimeter Road No.1

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable 5.5m to 7.0m wide pavement in accordance with phase 5 of the approved plans
- b. Construct kerb and gutter
- c. Place two (2) coat hot bitumen seal on new works
- d. Construct drainage works as necessary

72. Footpath

Provide a 1.2m wide concrete footpath linking Ash Street to the proposed Facilities in accordance with the approved plan and Council engineering guidelines for developments.

73. Stormwater Detailed Design Requirements

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

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

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR SIXTEEN (16) DWELLING HOUSES FOR PHASE 5

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

74. Residential S94 Contributions Plan (16 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 an Activity Approval for Phase 5:

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$15,686.40
523	District Community Facilities (Halls)	\$9,592.16
524	District Community Facilities (Libraries)	\$2,575.04
522	District Community Facilities (Bushfire)	\$729.60
527	District Roads – Urban Areas	\$11,952.64
543	Studies (Plan Preparation)	\$901.28
540	Plan Administration	\$3,433.44
	Total	\$44,870.56

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

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 6 CIVIL WORKS AND DEMOLITION OF DWELLING HOUSE AND IMPROVEMENTS

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

75. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

76. Road Internal access construction Road 3

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans,
- b. Construct kerb and gutter,
- c. Place two (2) coat hot bitumen seal on new works,
- d. Construct drainage works as necessary.

77. Road Internal access construction Road 4

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works; and,
- d. Construct drainage works as necessary.

78. Road Internal access construction-Perimeter Road No.1

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with phase 6 of the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works; and,
- d. Construct drainage works as necessary.

79. Footpath

Provide a 1.2m wide concrete footpath linking Ash Street to the proposed Facilities in accordance with the approved plan and Council engineering guidelines for developments.

80. Stormwater Detailed Design Requirements

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

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

PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR TWENTY-THREE (23) DWELLING HOUSES FOR PHASE 6

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

81. Residential S94 Contributions Plan (23 Dwelling Houses)

A contribution pursuant to the provisions of Section 7.11 (cf previous s 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 an Activity Approval for phase 6. The contributions are based on the construction of 22 x 2 bedroom dwelling houses (a credit of one dwelling house has been attributed to the demolition of the existing dwelling house):

Fee Type Code	Contribution Type	Amount Payable
525	District Open Space	\$21,568.80
523	District Community Facilities (Halls)	\$13,189.22
524	District Community Facilities (Libraries)	\$3,540.68
522	District Community Facilities (Bushfire)	\$1,003.20
527	District Roads – Urban Areas	\$24,253.90
543	Studies (Plan Preparation)	\$1,239.26
540	Plan Administration	\$4,720.98
	Total	\$61,697.02

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

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.

82. Demolition of dwelling prior to activity Approval

The dwelling must be demolished and an asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA prior to the issue of an Activity Approval for phase 6.

PRIOR TO COMMENCEMENT OF WORKS FOR ALL PHASES

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

83. Demolition Proposed – Phase 6

Consent is granted for the demolition of dwelling house and improvements currently existing on the property in Phase 6, subject to strict compliance with the following conditions:

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc.). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: *Demolition of structures*.
- f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- i) During demolition, public property (footpaths, roads, reserves, etc.) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc.) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- l) Care must be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, and phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of AS 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.
- o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A SafeWork licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and AS 2601:2001: *Demolition of structures*.

- iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
- iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA at the completion of the demolition works if asbestos is identified in the demolition of the dwelling house and improvements on the land.

84. Construction and Traffic Management Plan

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

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered civil engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
- d) All site works must comply with the requirements of Ausgrid and the Hunter Water Corporation and the telecommunications provider.

- e) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- f) All traffic control plans must be in accordance with the RMS publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

85. Soil and water management plan

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

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

86. Public Liability insurance

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

87. Road Opening Permit

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

88. 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.

89. Over mass over size approval

Obtain and comply with over mass over size (OMOS) approval from the National Heavy Vehicle Regulator for delivery and removal of manufactured homes. Include OMOS requirements in the Construction Traffic Management and Traffic Control Plans.

90. Soil and Water Management Plan implemented

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

91. Relocation 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 FOR ALL PHASES

The following conditions are to be complied with during works.

92. Construction Hours

Excavation and building 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.

93. 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*.

94. Construction Vehicles

Construction material and vehicles must not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

95. 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.

96. 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.

97. 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.

98. 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.

99. Implementation of Soil and Water Management Plan

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

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

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

100. Floor level Certification

The floor level of the proposed building community buildings (mens/maintenance shed, pavilion and clubhouse) must be certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval (ARI) flood level.

The floor level must be certified as being not less than RL 65.46m Australian Height Datum (AHD).

The evidence to be submitted to the CA prior to construction works proceeding beyond floor level stage.

101. Swimming Pool

The swimming pool and safety fences and gates shall be installed in accordance with the approved plans, specifications, the *Swimming Pools Act 1992* (as amended) and the BCA. The swimming pool shall at all times be surrounded by a child resistant barrier:

- a) that separates the swimming pool from any residential building situated on the premises, and from any place (whether public or private) adjoining the premises; and
- b) that is designed, constructed, installed and maintained in accordance with the standards prescribed by the Swimming Pools Regulation 2008 and AS1926.1 "Safety barriers for swimming pools".

Waste water from the pool shall be disposed of, so as not to create a nuisance to surrounding properties, or to pollute the environment. Where the Hunter Water Corporation's sewer is available, wastewater shall be drained or pumped to the sewer.

All requirements of the Hunter Water Corporation shall be observed in relation to waste water disposal.

Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring property.

102. Clearing Restriction

Clearing of native vegetation is not to occur in the spring nesting season (September – November) to minimise impacts on native nesting birds and their offspring.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE FOR PHASE 1 – COMMUNITY BUILDINGS/SWIMMING POOL

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):

103. Occupation Certificate required

Prior to use of the premises approved by this consent, the applicant must obtain an OC.

104. Landscape buffers and boundary fencing

All of the landscape buffer areas, the Ash Street pedestrian accessway and all perimeter fencing must be completed prior to issue of the OC in Phase 1.

105. Swimming Pool

The swimming pool must not be filled with water until such time as the safety fencing and gates have been completed in accordance with the approved plans and specifications.

Note: It is the applicant's responsibility to ensure that all excavations and incomplete pools have appropriate safety fencing, or are otherwise protected.

106. Plan of Management

A copy of the revised plan of Management is to be provided to Council prior to issue of the OC in phase 1.

107. Fire Hydrants

The community buildings must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation of the buildings or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the buildings.

108. Signage

Signs are to be erected clearly defining who may enter the premises, times of entry, behaviour on premises and general directions.

109. Warning Signs

Warning signs are to be displayed around the perimeter of the premises to warn intruders of what security treatments have been implemented to reduce opportunities for crime. For example;

- a. Warning – Trespassers will be prosecuted; and,
- b. Warning – This property is under electronic surveillance, etc.

The warning signs to be fixed at a height of approximately 1.5m above ground level and intervals not less than of 20m.

110. Gate Controls

The entrance/exit points to the development site are to be fitted with electronic gates to control access to the site during the night by vehicles and pedestrians.

The design and management of the entrance/exit gates are to allow entrance for any emergency vehicles.

111. Roads-Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Ferguson Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC. .

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

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

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

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

112. All services provided

Certification that all services as required (e.g. water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the PCA prior to issue of an OC.

113. Allocation of car parking spaces

The approved parking spaces must be allocated for each phase of the development. All spaces must be appropriately line marked and labelled according to these requirements prior to the issue of an OC. If the development is strata subdivided, the car park layout must be in accordance with the required allocation:

- a) 2 residential off street parking spaces per house site.
- b) 28 visitor parking spaces and a community bus space.
- b) 2 disabled parking spaces for phase 1.

114. Road - Access Completion

The access road to serve the development shall be completed in accordance with Council's 'Engineering Requirements for Development' prior to the issue of an OC.

115. Road – Signage (Access)

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

116. Positive Covenant – OSD

Prior to the issue of an OC, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the onsite detention and onsite retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The proprietor of the property to be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the onsite storm water detention facilities ("OSD").
- b) The proprietor to have the OSD inspected annually by a competent person.

- c) The Council to have the right to enter upon the land referred to above, at all reasonable times, to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures which comprise the OSD, or which convey storm water from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor to indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor, or successor, to bear all costs associated with the preparation of the subject 88E instrument. Proof of registration with the NSW Department of Lands must be submitted to, and approved by, the *PCA* prior to the issue of an *OC*.

117. 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*.

118. Completion of driveway access crossing

The driveway access crossing is to be constructed prior to the issue of an *OC*.

119. Roof stormwater-Clear of buildings

Prior to issue of an *OC*, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.

120. Flooding-Evacuation Management Plan

The applicant must prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

The management plan shall be submitted to, and approved by, Council prior to the issue of an *OC*.

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

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the *OC* / Completion Certificate.

122. Telecommunications

Prior to the issue of *OC* / Completion Certificate, the developer must provide documentary evidence to the *CA* that the telecommunications carrier is satisfied that the fibre ready facilities and fixed-line telecommunications infrastructure are fit for purpose to all premises.

123. Electricity Connection Requirements

Prior to the issue of the *OC*, the developer must provide documentary evidence to the *CA* that the energy provider is satisfied that the development complies with the requirements.

PRIOR TO THE ISSUE OF A COMPLETION CERTIFICATE FOR THE MANUFACTURED DWELLING HOUSES FOR ALL PHASES – GENERAL CONDITIONS

The following conditions are to be complied with, to the satisfaction of Council, prior to issue of either an Interim or Final Completion Certificate (as specified within the condition) for each phase of the development for the manufactured dwelling houses:

124. Letter Boxes for the Dwelling Houses

Letterboxes are to be of a suitable size and conform with the Australian Standards and to be fitted with a suitable lock set to restrict access to the mail.

125. Power Board Requirements for the Dwelling Houses

Power boards to be housed within cabinets made of solid construction to restrict tampering with the power supply and the cabinets are to be secured with locksets approved by the energy provider.

126. All services provided

Certification that all services as required (e.g. water supply, gas, electricity, telephone, sewer), are available to the site, must be submitted to the *PCA* prior to issue of a Completion Certificate.

127. Completion of driveway access crossing

The driveway access crossing is to be constructed prior to the issue of a Completion Certificate.

128. Roof stormwater-Clear of buildings

Prior to issue of a Completion Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.

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

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the Completion Certificate.

130. Telecommunications

Prior to the issue of Completion Certificate, the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities and fixed-line telecommunications infrastructure are fit for purpose to all premises.

131. Electricity Connection Requirements

Prior to the issue of the Completion Certificate, the developer must provide documentary evidence to the CA that the energy provider is satisfied that the development complies with the requirements.

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the manufactured home estate.

132. Site Management Plan

The development must be undertaken as described within the revised Plan of Management.

133. Estate Incident Book and Accident Injury Register

An estate incident book and accident injury register is to be regularly maintained and is required to be made available on request by NSW Police or Council officers.

134. Complaints Register

A complaints register is to be kept in the event that complaints are received from the general public on the estate. Full details of the complaint are to be recorded including date, name, address, nature of the complaint and the outcome of the complaint. The register is to be made available on request by NSW Police or Council officers.

135. Use of Swimming Pool

The swimming pool shall not be used for commercial or professional purposes without separate approval from Council.

Access gates are to be self-closing and self-latching, and shall open outwards from the pool area. The occupier of any premises in or on which a swimming pool is situated must ensure that gates providing access to the swimming pool are kept securely closed at all times when they are not in actual use.

Pool plant (i.e. filter) shall be sited and operated so as not to cause a noise nuisance to adjoining neighbours. Provisions of the *Protection of the Environment Operations Act* include restrictions relating to noise levels.

The occupier of the property in or on which a swimming pool is situated must ensure that there is at all times a sign complying with the requirements of clause 10 of the Swimming Pools Regulation 2008, prominently displayed and permanently fixed in the vicinity of the swimming pool.

136. 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.

137. Lighting

Adequate and uniform lighting is to be provided throughout the development, especially in vicinity of the clubhouse recreational area, maintenance building, and entrance/exit gates to the development and the Ash Street pedestrian pathway. Lighting is to work in conjunction with the CCTV.

138. Surveillance – CCTV

Sufficient CCTV cameras are to be located in and around the clubhouse, maintenance shed, recreational areas and entrance/exit points including the Ash Street pedestrian pathway.

Minimum standards for CCTC are:

- a. CCTV to operate on a 24 hour basis;
- b. CCTV footage is to be recorded in digital format on a hard drive that is capable of retaining stored images for a 28 day period;
- c. Staff to be trained in the use of the CCTV system and be able to download footage for NSW Police use as required;
- d. CCTV camera covering the entrances/exits to be placed in a location as to allow the recording of persons faces upon entry;
- e. Recording equipment should be installed in a lockable, restricted area where persons/s cannot tamper with the equipment

139. Road-Advice

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

140. Surveillance Landscaping Maintenance

A landscaping maintenance program is to be implemented to ensure that surveillance opportunities are not hindered due to neglected landscaping areas, especially on the perimeter of the development.

141. Landscaping

Landscaping in the public areas and on the perimeter of the development site including the Ash Street pedestrian pathway is to be managed on an ongoing basis as follows:

- a. Trees and shrubs are to be trimmed to reduce hiding places and increase visibility to and from the street. Shrubs should not be allowed to grow above 1.0m and trees should be trimmed of foliage below a height of 1.8m;

- b. Overhanging branches are to be trimmed to prevent people using them to access other parts of the property;
- c. No objects or plants are to be placed close to fences or buildings so as to provide a natural ladder to unauthorised persons;

142. Retention of Vegetation Not Approved for Clearing

All native vegetation (as defined under the Local Land Services Amendment 2016) on the lot outside of the development footprint and approved Asset Protection Zone is to be retained in a natural state and not disturbed or cleared (as defined under the Local Land Services Amendment 2016).

143. Graffiti Resistant Materials and Graffiti Removal

Graffiti resistant materials are to be used in fencing and ground floor areas and graffiti is to be removed within forty-eight (48) hours.

144. Private Contractor – Waste Collection

A private contractor is to be engaged for waste collection including general waste, recycling, green waste and regular bulk waste collection.

ADVISORY NOTES

A. Disability Inclusion Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Inclusion Act 2014*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Inclusion Act 2014* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Inclusion Act 2014* currently available in Australia.

B. “DIAL BEFORE YOU DIG” DIAL 1100

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

C. Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

D. 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*.

E. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

F. Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

G. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

H. Aboriginal Heritage

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

- I. That the applicant or person(s) acting on the development consent, engage with the adjoining residents regarding the stormwater drainage designs before a Construction Certificate is issued.

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	
Total (11)	Total (1)

CARRIED

Kim Slater	For	PE61/2018 - Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal Exhibition Outcomes	163	3 mins
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EXTENSION OF TIME

Moved:
Seconded:

Councillor Suvaal
Councillor Fitzgibbon

652

RESOLVED

That an 1 minute extension be given to Kim Slater to complete his presentation.

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

PLANNING AND ENVIRONMENT NO. PE61/2018

**SUBJECT: JOINT CESSNOCK AND SINGLETON 'VINEYARD'S DISTRICT'
PLANNING PROPOSAL EXHIBITION OUTCOMES**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
653

RESOLVED

1. That Council not proceed with the Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal.
2. That Council notify the Department of Planning and Environment of its decision pursuant to Section 3.35 of the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.
4. That Council write to those who made submissions, informing them of its decision.
5. That a status report on the progress of the Vineyards District Precinct Planning be provided to Council by end of April 2019.

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

Kyra Jurd	For	BN32/2018 - Drug Addiction Rehabilitation Facility	368	3 mins
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EXTENSION OF TIME

Moved:

Councillor Suvaal

Seconded:

Councillor Fitzgibbon

654

RESOLVED

That a 1 minute extension be granted to Kyra Jurd to complete her presentation.

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

BUSINESS WITH NOTICE NO. BN32/2018

SUBJECT: DRUG ADDICTION REHABILITATION FACILITY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Gray
655
RESOLVED

1. That the General Manager write to Hunter New England Health seeking information to allow for lobbying for the provision of adequate resources to address the ice addiction in the Cessnock Local Government Area, and that the information sought from Hunter New England Health include:
 - The scale of the issue, the admission rates for drug induced medical incidents and the like for the Cessnock Local Government Area.
 - Hunter New England Health policy and operational responses to the high incidence of illicit drug use in the Cessnock Local Government Area.
 - Community support programs assisting in the rehabilitation of ice addicts for the region.

2. That Council consider a report on the information provided by Hunter New England Health to support the introduction of a rehabilitation facility and associated community support in the Cessnock Local Government Area and the provision of sufficient ongoing resources to tackle the illicit drug use issue.

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

CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBE OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
656

RESOLVED

That having read and considered the report in the agenda related to items:-

- GMU23/2018 - Minutes of the Special Audit and Risk Committee Meeting held 16 October 2018
- CC79/2018- Annual Report 2017-18
- CC80/2018 – Minutes of the Cultural Facilities Committee Meeting of Cessnock City Council held 16 October 2018
- CC81/2018 – Draft Copyright Policy
- WI86/2018 – Near Buttai Road, Black Hill – Proposed Road Closure
- WI88/2018 – Minutes of the Dollar for Dollar Grants committee Meeting of Cessnock City Council held 10 October 2018
- CO39/2018 – Public Library Funding
- CO40/2018 – Future of Waste Recycling in NSW
- CO41/2018 – Cessnock Correctional Centre Access Road

Council adopt the recommendations as printed for those items.

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

MAYORAL MINUTES

MAYORAL MINUTES NO. MM11/2018

SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS REVIEW COMMITTEE MEETING HELD 10 OCTOBER 2018

MOTION **Moved:** Councillor Pynsent

657

RESOLVED

That the Minutes of the Organisational and General Managers Review Committee of 10 October 2018 be adopted as a resolution of the Ordinary Council.

- That the Performance Agreement for the General Manager for the period of 2018/2019 in accordance with Clause 7.10 of the Standard Contract of Employment, be signed by the Mayor on behalf of Council.
- That the amended four point assessment scale contained within the Performance Agreement be noted.
- That for the 2018/2019 review period a rating of 2.5 or above is required for the General Manager to achieve a better than satisfactory standard in accordance with Clause 8.3 of the Standard Contract of Employment.
- That the General Manager be awarded a 2.5% increase in the total remuneration package, which is equivalent to the percentage increase received by staff under the Local Government State Award on 1 July 2018, due to better than satisfactory performance in the 2017/2018 review period in accordance with Clause 8.3 of the Standard Contract of Employment, effective from the first full pay period on or after 1 July 2018

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	
Total (11)	Total (1)

CARRIED

MAYORAL MINUTES NO. MM12/2018

SUBJECT: LG NSW SAVE OUR RECYCLING CAMPAIGN

MOTION **Moved:** Councillor Pynsent

658

RESOLVED

1. That Council endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. That Council make representation to the State Member for Cessnock, Clayton Barr MP, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Luke Foley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. That Council take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally.
5. That Council endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
6. That Council formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

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

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU19/2018

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU23/2018

**SUBJECT: MINUTES OF THE SPECIAL AUDIT AND RISK COMMITTEE MEETING
HELD 16 OCTOBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
659
RESOLVED

**That the Minutes of the Special Audit and Risk Committee Meeting of 16 October 2018
be adopted as a resolution of the Ordinary Council.**

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

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE59/2018

SUBJECT: ABANDONED VEHICLES

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
660

RESOLVED

1. That Council note the report.
2. That Council amends its Compliance and Enforcement Policy to reflect the consideration of bushfire risk when dealing with all abandoned vehicles.

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

PLANNING AND ENVIRONMENT NO. PE62/2018

SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
661

RESOLVED

That Council note the Annual Code of Conduct Complaints Report.

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

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC79/2018

SUBJECT: ANNUAL REPORT 2017-18

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
662
RESOLVED

That the report be received and the information noted.

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

CORPORATE AND COMMUNITY NO. CC80/2018

**SUBJECT: MINUTES OF THE CULTURAL FACILITIES COMMITTEE MEETING OF
CESSNOCK CITY COUNCIL HELD 16 OCTOBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
663
RESOLVED

**That the minutes of the meeting of the Cultural Facilities Committee held on
16 October 2018 be adopted as a resolution of the Ordinary Council.**

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

CORPORATE AND COMMUNITY NO. CC81/2018

SUBJECT: DRAFT COPYRIGHT POLICY

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
664

RESOLVED

That Council adopts the draft Copyright Policy.

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

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI86/2018

SUBJECT: NEAR BUTTAI ROAD, BLACK HILL - PROPOSED ROAD CLOSURE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
665

RESOLVED

1. That Council consent to the closure of the sections of unconstructed public road near Buttai Road, Black Hill, as indicated on the Property Location Plan.
2. That Council writes to the Hon. Paul Toole MP, Minister for Lands and Forestry requesting to transfer the roads to the Crown in accordance with the provisions of the *Roads Act 1993*.

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

WORKS AND INFRASTRUCTURE NO. WI87/2018

SUBJECT: TRAFFIC AND TRANSPORT STRATEGY - IMPLEMENTATION PRIORITIES

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Fitzgibbon
666
RESOLVED

1. That Council endorse the breakdown of priorities for implementation of the Cessnock LGA Traffic and Transport Strategy.
2. That Council make provision for the prioritised implementation of the Cessnock LGA Traffic and Transport Strategy in consideration of available development contributions and grant funding.
3. That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for Planning, the Central Coast and the Hunter, the State Member for Cessnock and Taylor Martin MLC seeking support for funding to implement the high priority projects.
4. That traffic lights at the intersection of Wine Country Drive and Ferguson Street be included in Table 2 – Road Capital Works Priorities.
5. That the priorities listed in Table 4 – Active Transport Capital Works Priorities be:-
 1. Wollombi Road Cessnock.
 2. Branxton Greta Cycleway (grant funding dependent).
 3. Cessnock Road Abermain as listed.
 4. Off road cycleway along Wine Country Drive Kerlew Street to Lomas Lane.

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	
Total (11)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI88/2018

**SUBJECT: MINUTES OF THE DOLLAR FOR DOLLAR GRANTS COMMITTEE
MEETING OF CESSNOCK CITY COUNCIL HELD 10 OCTOBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
667
RESOLVED

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 10 October 2018.
2. That Council write to all applicants advising them of the outcome of their applications and thank them for their ongoing support and commitment to the enhancement of either Council's sporting and community facilities, the local environment, community and the arts.

Community and Cultural Development Dollar for Dollar

3. Fund the projects as per the 'Funding Payable' column in Table 2.

Table 2 – Eligible Applications – Recommended for Funding

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Abermain Eisteddfod Committee	Purchase HP computer and printer	\$1,695	\$847.50	\$847.50
Branxton Greta Business Chamber	Business and Community Forum Hire of toilet, table, chairs generator & onsite security. Printing & promotion. Entertainment & hire of jumping castle	\$9,625	\$3,000	\$3,000
Central Hunter Community Broadcasters Inc	Purchase two CD players	\$878.90	\$439.45	\$439.45
Cessnock No.252 (Cessnock Masonic Lodge)	Cessnock Masonic Centre Transformation Project – Furniture Tables, chairs & trollies	\$9,365.34	\$3,000	\$3,000
Cessnock Regional Art Galley	Spring Art Fair Cessnock Acquisitive Art Prize	\$6,550	\$2,000	\$2,000

Coalfields Heritage Group	Undertake local history research Printing, stationary, internet costs	\$3,000	\$1,500	\$1,500
Kurri Kurri Community Centre	Greta, Branxton, Huntlee Family Disco 2019 Promotions, decorations, entertainment, catering	\$4,200	\$2,100	\$2,100
Reach Foundation	Secondary School workshops Facilitator, transport, project management, logistics, & administration	\$6,703.27	\$3,000	\$3,000
Richmond Vale Preservation Co-operative Society	Rebuild museum website Contractor fee – design, page preparation, host backup and update website	\$3,985	\$1,992.50	\$1,992.50
Sculpture in the Vineyards	Wollombi Sculpture in the Vineyards Marketing, transportation, venue hire, printing	\$24,000	\$3,000	\$3,000
Towns with Heart	2019 Town of Murals Show Major Award (\$2,200) Acquisitive art prize	\$14,300	\$2,200	\$2,200
Youth off the Streets	Cessnock Community Services Day (November 2018) Promotion, personal care packs, birth certificates, refreshments, transport, venue hire, co-ordination & facilitation	\$2,035	\$1,017.50	\$1,017.50
TOTAL		\$86,337.51	\$24,096.95	\$24,096.95

4. Fund the project as per the 'Funding Payable' column in Table 3.

Table 3 – Recommended for Funding

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Stanford Merthyr Infants School	Stanford Merthyr Infants First Nation culture, education and enrichment activities Bus hire, replacement costumes	\$2,200	\$1,100	\$1,100
TOTAL		\$2,200	\$1,100	\$1,100

5. That Council endorse the amendment to the 2019 Dollar for Dollar Grant Scheme Guidelines for the Community and Cultural Development Dollar for Dollar Grant Scheme.

Schools Environment Grant

6. Fund the applications as per the 'Grant Requested' column in Table 2 of the report.
7. Remaining \$700 funds to be provided to Office of Environment Heritage for Woodlands Bird Resource Kit.

Table 2 – Eligible Applications – Recommended for Funding

School	Project Description	Total Cost	Grant Requested	Grant Proposed
Kurri Kurri and District Preschool Kindergarten	Papermaking project to demonstrate reuse of waste paper	\$1744	\$200	\$200
Cessnock Occasional Childcare Centre	Potted Garden for herbs and vegetables.	\$460	\$200	\$200
Nulkaba Preschool	Worm farm and supporting educational resources	\$485	\$200	\$200
*Bees Nees Early Learning	Indoor plants for air quality improvement	\$213	\$200	\$200
*Stanford Merthyr Infants School	Restore and improve existing Aboriginal garden within the school grounds.	\$1,000	\$500	\$500
*Kitchener Public School	Greenhouse for seed propagation	\$839	\$500	\$500
Laguna Public School	New watering system for vegetable garden	\$1000	\$500	\$500
Cessnock West Public	School wide waste management program	\$2,379	\$500	\$500
Cessnock High School	Life Skills gardening program for 4 support classes	\$2,000	\$1,000 [^]	\$500
*Kurri Kurri High School	Materials for nesting boxes and insect hotels	\$2,100	\$500	\$500

St Phillip's Christian College	Attend OEH workshop and participate in development of "Woodland Birds" resource kit	\$900	\$500	\$500
TOTAL		\$13,420	\$4,800	\$4,300

Tidy Towns Dollar for Dollar Grant

8. Provide the following funding through the Tidy Towns Dollar for Dollar program for:

- Greta Tidy Town \$172.50
- North Rothbury Tidy Town \$715.50

Eligible Applications – Recommended for Funding

TIDY TOWN GROUP	PROJECT	TOTAL COST (exc. GST)	GRANT FUNDS REQUESTED	PROPOSED FUNDING AMOUNT 2018-19
Greta Tidy Towns	Repair donated display cases for Greta Museum	\$345	\$172.50	\$172.50
North Rothbury Tidy Towns	Purchase self-propelled mower to assist with cleanup.	\$1431	\$715.50	\$715.50
TOTAL		\$1,776	\$888.00	\$888.00

9. That a second round of grants for the remaining budget (\$9,112.00) be run in February 2019.

10. Examine the eligible groups criteria for this grant and present an options paper for discussion to the next Committee meeting.

Community Facilities Dollar for Dollar Grant

11. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.

Table 1 – Eligible Applications – Recommended for Funding

FACILITY/ ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Abermain Plaza Hall Section 355 Committee	Purchase of a vacuum cleaner for Abermain Plaza Hall	\$907	\$454	\$454
Branxton Community Hall Section 355 Committee	Purchase and installation of sensor lights at Branxton Community Hall	\$1,775	\$886	\$886
Branxton Playgroup	Replacement of vinyl and carpet floor coverings at Branxton Community Hall (Playgroup area)	\$13,170	\$6,585	\$6,585

Branxton Playgroup	Replacement of kitchen at Branxton Community Hall (play group area)	\$8,645	\$4,318	\$4,318
Cessnock Multi-Purpose Children's Centre	Water engineering for water play at Cessnock Multi-Purpose Children's Centre	\$9,965	\$4,982	\$4,982
Wollombi Valley Progress Association	Supply and installation of stainless steel drinking bubbler at Laguna Community Hall	\$4,173	\$2,086	\$2,086
Wollombi Valley Progress Association	Stainless steel cleaners sink and grate for Laguna Community Hall	\$1,896	\$948	\$948
Wollombi Valley Progress Association	Hardwood slab storage area for cleaning equipment and products at Laguna Community Hall	\$2,409	\$1,205	\$1,205
TOTAL		\$42,940	\$21,464	\$21,464

Sporting Facilities Dollar for Dollar Grant

12. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.
13. Transfer \$1,464 from the Sporting Facilities Dollar for Dollar Grant Scheme to the Community Facilities Dollar for Dollar Grant Scheme to fully fund all Community Facilities projects.

Table 1 – Eligible Applications – Recommended for Funding

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex GST)
Abermain Weston Hawks Rugby League Football Club	Purchases of appliances for Howe Park Abermain	\$1,661	\$830	\$830*
Cessnock Athletics Centre	Purchase of ride on lawn mower for Turner Park Cessnock (athletic track)	\$6,168	\$2,727	\$2,727**

Cessnock Dog Club	Improvements to the training area at Baddeley Park Cessnock (dog obedience area)	\$4,736	\$2,368	\$2,368
Kearsley Community Sporting Association	Purchase of line marker and paint for Jeffrey Park Kearsley	\$2,800	\$1,400	\$1,400
Kurri Kurri Tennis Club	Replacement of floodlighting at Kurri Kurri Central Park (tennis courts)	\$20,735	\$3,636	\$7,597***
Wollombi Pony Club	Construction of a timber horse round yard at Wollombi Recreation Ground	\$7,226	\$3,614	\$3,614
TOTAL		\$43,326	\$14,575	\$18,535

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

WORKS AND INFRASTRUCTURE NO. WI89/2018

SUBJECT: COUNCIL OWNED CAR PARKS - PRIORITY FOR RENEWAL

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Dagg
668

RESOLVED

1. That Council utilises the \$53,000 budget allocation in 2018/19 to undertake linemarking, signage and minor pavement repairs on carparks P5, P6, P10 and the Council owned area in Charlton Street adjacent to the covered Hunter Water Drain as identified in Figure 1 of the report.
2. That Council undertakes linemarking works in Darwin Street, adjacent to the TAFE grounds, to clearly delineate on street parking arrangements in this area.
3. That the Turner Park carpark resurfacing/rehabilitation works be funded within existing program and operating budgets.
4. That the General Manager coordinates an appropriate scope of works for upgrading the car park P1 as identified in figure 1 of the report, with these works to include re-design and removal of existing concrete strips and a report come back to Council in April 2019.

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	
Total (11)	Total (1)

CARRIED

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN31/2018

SUBJECT: PEDESTRIAN CROSSING SIGNS

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
669

RESOLVED

That Council as part of its signage Strategy and regular signage maintenance and improvement program start painting 'look to your right' signs on pedestrian crossings, similar to what the City of Sydney and other major centres have.

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	
Total (11)	Total (1)

CARRIED

BUSINESS WITH NOTICE NO. BN33/2018

SUBJECT: WOMENS LEGAL STATUS ACT 1918

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
670

RESOLVED

1. That Council acknowledges that on the 21st December 2018, it will be 100 years since the commencement of the *Women's Legal Status Act 1918*.
2. That Council notes that the *Women's Legal Status Act 1918* removed gender as a barrier to women seeking the positions of Councillor, Mayor, Member of the Legislative Assembly, solicitor, barrister, justice of the peace, judge and others, in New South Wales.
3. That Council acknowledges the contribution of women to public life and the diversity of views and perspective obtained through women's inclusion.
4. That a category of *Young Female Achiever* be added to the Australia Day Awards ceremony and be known as the Maree Callaghan Award to acknowledge a young female who demonstrates exemplary qualities.

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Stapleford	Councillor Doherty
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (2)

CARRIED

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ110/2018

SUBJECT: ST PHILIPS CHRISTIAN COLLEGE TRAFFIC SOLUTION

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ111/2018

SUBJECT: GALLAGHER STREET, CESSNOCK - TURNING HEAD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ112/2018

SUBJECT: INDOOR SPORTS STADIUM - MOUNT VIEW ROAD, CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ113/2018

SUBJECT: CLASSIFICATION DATE - MITCHELL AVENUE AND GOVERNMENT ROAD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ114/2018

SUBJECT: FRAME DRIVE ABERMAIN WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ115/2018

SUBJECT: ENDEAVOUR INDUSTRIES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ116/2018

SUBJECT: DRAIN COVER ISSUE AT COLES SUPERMARKET, CESSNOCK

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

SEALING ROAD CORNER MITCHELL AVENUE

Councillor Sander asked if Council can cost and identify a possible funding source to seal the section of road from the corner of Mitchell Avenue along Government Road where it meets the HEX.

Councillor Ian Olsen

ST PHILIPS CHRISTIAN COLLEGE TRAFFIC SOLUTIONS

Councillor Olsen referred to the answer in relation to St Philips Christian College traffic solutions and asked why Council Officers are commissioning video recordings by drone to help the network of roadworks when it is a private school issue that they have to address not Council.

Councillor Ian Olsen

GALLAGHER STREET

Councillor Olsen referred to his previous question and advised that he is still concerned that he did not find Gallagher Street in the Capital Works Programs until it appeared in the 16/17 program. How is Council going to fund Gallagher Street, why was it put into the plan and pushed ahead of all the other projects that were already in the budget for 4 years.

The Director Works & Infrastructure advised that the issue of Gallagher Street first came up as a WHS issue with the Waste Service Operators who have difficulty turning their vehicles around at the end of the street. The funding would be coming from the Waste Reserve as it is to do with Waste Operations.

Councillor Rod Doherty

SUBMISSION ON BRANXTON/GRETA CYCLEWAY

Councillor Doherty referred to the Branxton/Greta Cycleway submission and asked why it was called a cycleway and not a shared pathway.

CORRESPONDENCE

CORRESPONDENCE NO. CO39/2018

SUBJECT: PUBLIC LIBRARY FUNDING

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
671

RESOLVED

That the correspondence be noted.

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

CORRESPONDENCE NO. CO40/2018

SUBJECT: FUTURE OF WASTE RECYCLING IN NSW

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
672

RESOLVED

That the correspondence be noted.

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

CORRESPONDENCE NO. CO41/2018

SUBJECT: CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
673

RESOLVED

That the correspondence be noted.

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

COUNCILLORS REPORTS

Mayor

Local Government NSW Conference

The Mayor advised of his attendance at the conference where Council had 4 voting delegates. There were 100 motions dealt with on the day and our Council had one motion that was amalgamated regarding the Recycling issue and the second motion in regard to carparking outside Federal Institutions which was dealt with in the Policy of Local Government NSW.

The speakers and the conference in general was certainly well run, applause to Local Government NSW in their first campaign in regards to increasing Library Funding across NSW was so positive. Craig Reucassel from the War on Waste who co-launched the Local Government NSW Recycling Policy and knowledge shared was amazing and also the Stephen Bradbury story was riveting.

Lower House enquiry into Small Businesses and the Mining Industry.

The Mayor advised of his and the General Manager's appearance before the Lower House enquiry into Small Business and the Mining Industry in Singleton to put forward Council's case. Basically small businesses cannot wait 60-90 days to have their accounts paid. Council is saying that it should be no longer than 30 days. Council is saying in their submission that if the Mine is in a Local Government Area those businesses should be the first ones to get the option of procurement of both goods and services. The mines also, if there are not any businesses in the area that cannot supply those goods and services there should be some training brought forward to assist those businesses in that town.

The other thing that came from the questioning side is the status of training from young people and while the TAFE's are being reduced it is very difficult, unless they have parents to transport them around with the public transport system it is very hard. The Mayor advised that when the final report comes back he is hoping that there is something about TAFE and training of young people to prepare them, particularly for those jobs in the mining sector and we are not allowing 357 and importing workers when we could be training the young.

The Meeting Was Declared Closed at 8.16pm

CONFIRMED AND SIGNED at the meeting held on 21 November 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**