

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 12 DECEMBER 2018, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Principal Development Engineer
Team Leader Development Services
Senior Planning Assessment Officer
Planning Assessment Officer
Strategic Planning Manager
Finance & Administration Manager
Health & Building Manager
Environmental Team Leader
Infrastructure Manager
Internal Auditor
Media & Communication Officer
Corporate Governance Officer

APOLOGY: **NIL**

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

692
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 21 November 2018, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI21/2018

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.

PE83/2018 – Cessnock Local Environmental Plan 2011 - Planning Proposal to rezone land at Stonebridge Drive, Cessnock from RE2 Private Recreation to R2 Low Density Residential and include Multi-dwelling housing as an Additional Permitted Use – Councillor Dunn declared a Non Pecuniary Interest – Significant Conflict for the reason that although not a member of the Board of Stonebridge Golf Club any longer, he still partakes in some of the functions on a voluntary basis. Councillor Dunn advised that he would leave the Chamber and take no part in discussion and voting.

PE81/2018 – Development Application No. 8/2018/261/1 Proposing Demolition of Existing Dwelling and Construction of a Two-Storey Boarding House with Twenty-One (21) Suites including a Manager's Residence, 6 Bridge Street, Cessnock – Councillor Suvaal declared a Pecuniary Interest for the reason that he owns a property in close vicinity of the proposed Development Application. Councillor Suvaal advised that he would leave the Chamber and take no part in discussion and voting.

PE81/2018 – Development Application No. 8/2018/261/1 Proposing Demolition of Existing Dwelling and Construction of a Two-Storey Boarding House with Twenty-One (21) Suites including a Manager's Residence, 6 Bridge Street, Cessnock – Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that the development affects a close family friend, therefore could not reasonably be regarded that her decision was not influenced by this. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Speakers	For/Against Recommendation	Report	Page No.	Duration
Mr Warren Haddock on behalf of local residents	Against	PE80/2018 Section 4.55(2) Application proposing to modify Development Consent No. 2017/718 which granted approval for a 24 lot residential subdivision 65 Baileys Lane, Abermain	107	3 Mins

6.39pm

PROCEDURAL MOTION

Moved:

Councillor Suvaal

Seconded:

Councillor Dagg

693

RESOLVED

That Council move out of Open Session and into Closed Session to deal with advice relevant to PE80/2018 - Section 4.55(2) application proposing to modify Development Consent No. 2017/718 which granted approval for a 24 lot residential subdivision - 65 Baileys Lane, Abermain

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

CARRIED UNANIMOUSLY

6.47pm

PROCEDURAL MOTION

Moved:

Councillor Suvaal

Seconded:

Councillor Gray

694

RESOLVED

The meeting move back into Open Session.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE80/2018

SUBJECT: SECTION 4.55(2) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT NO. 2017/718 WHICH GRANTED APPROVAL FOR A 24 LOT RESIDENTIAL SUBDIVISION

65 BAILEYS LANE, ABERMAIN

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
695

RESOLVED

1. That the Section 4.55(2) Application proposing to modify Development Consent No. 2017/718, seeking to remove road upgrading requirements prescribed in Conditions 8, 11, 12, 18 and 19; and modify Condition 6 relating to S7.11 contributions, at 65 Baileys Lane Abermain, be deferred.
2. That Council note the advice received in relation to prospects of success and costs associated with defending NSW Land and Environment Court Appeal No. 2018/309387.
3. That, in relation to NSW Land and Environment Court Appeal No. 2018/309387, Council authorise the General Manager to defend the appeal and negotiate with the developer, and if in the opinion of the General Manager it is appropriate, enter into a Section 34(3) Agreement.
4. That, in the event Council resolves to defend the appeal, decision-making in respect of the appeal be delegated to the General Manager over the Christmas/New Year (2018/19) recess period.
5. That Council notify in writing the persons who made a submission with regard to the Section 4.55(2) Application, of deferral of the Application.

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

CARRIED UNANIMOUSLY

Councillor Suvaal declared a Pecuniary Interest for the reason that he owns a property in close vicinity of the proposed Development Application. Councillor Suvaal left the Chamber and took no part in discussion and voting.

Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that the development affects a close family friend, therefore could not reasonably be regarded that her decision was not influenced by this. Councillor Fitzgibbon left the chamber and took no part in discussion and voting.

Councillors Suvaal and Fitzgibbon left the meeting, the time being 6.49pm

Graham Searle on behalf of Andrea Searle and Daniel Newton	Against	PE81/2018 Development Application No. 8/2018/261/1 Proposing Demolition of Existing Dwelling and Construction of a Two-Storey Boarding House with Twenty-One (21) Suites including a Manager's Residence 6 Bridge Street, Cessnock	132	3 Mins
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PLANNING AND ENVIRONMENT NO. PE81/2018

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2018/261/1 PROPOSING
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A
TWO-STOREY BOARDING HOUSE WITH TWENTY-ONE (21) SUITES
INCLUDING A MANAGER'S RESIDENCE**

6 BRIDGE STREET, CESSNOCK

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Burke
696
RESOLVED

1. That:

- (a) Development Application No. 8/2018/261/1 proposing demolition of existing dwelling and construction of a two-storey boarding house with twenty-one (21) suites including a manager's residence at 6 Bridge Street Cessnock, be refused pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:**
- (i) The proposed development does not comply with the requirement of Chapter C.1 of Cessnock Development Control Plan 2010, with respect to the side setback of the vehicular access (pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)**
 - (ii) The design of the proposed development is inconsistent with the existing character of the surrounding locality (pursuant to Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979)**
 - (iii) Based on the above reasons, the proposal is not in the public interest (pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979)**
- (b) The reasons for the decision (having regard to any statutory requirements applying to the decision), are outlined in Point (a) above.**
- (c) In considering community views, the following is relevant:**
- (i) The proposed boarding house is not consistent with the existing and desired future character and amenity of the surrounding area.**
 - (ii) The proposal is not sympathetic to the existing scale of development within the area.**
 - (iii) The proposal is not fully compliant with the setback requirements prescribed within Cessnock Development Control Plan 2010.**
- (d) 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.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillors Suvaal and Fitzgibbon returned to the meeting, the time being 6.56pm

Mr John Sullivan	Against	PE82/2018 Development Application No. 8/2017/388/1 Proposing the Demolition of Two Existing Poultry Sheds, Construction of Six New Tunnel Ventilated Poultry Sheds (and Associated Outbuildings), Filling and Dewatering of Three Dams, Expansion of One Dam and Landscaping 925 Old Maitland Road, Bishops Bridge	210	3 Mins
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Mr Bob Lander – Tattersall Lander (Applicant)	For	PE82/2018 Development Application No. 8/2017/388/1 Proposing the Demolition of Two Existing Poultry Sheds, Construction of Six New Tunnel Ventilated Poultry Sheds (and Associated Outbuildings), Filling and Dewatering of Three Dams, Expansion of One Dam and Landscaping 925 Old Maitland Road, Bishops Bridge	210	3 Mins
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PLANNING AND ENVIRONMENT NO. PE82/2018

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2017/388/1 PROPOSING THE DEMOLITION OF TWO EXISTING POULTRY SHEDS, CONSTRUCTION OF SIX NEW TUNNEL VENTILATED POULTRY SHEDS (AND ASSOCIATED OUTBUILDINGS), FILLING AND DEWATERING OF THREE DAMS, EXPANSION OF ONE DAM AND LANDSCAPING

925 OLD MAITLAND ROAD, BISHOPS BRIDGE

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
697
RESOLVED

1. That:

- (i) Development Application No. 8/2017/388/1 proposing the demolition of two existing poultry sheds, construction of six new tunnel ventilated poultry sheds (and associated outbuildings), filling and dewatering of three dams, expansion of one dam and landscaping at 925 Old Maitland Road Bishops Bridge, 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 a permitted landuse in the RU2 zone under Cessnock Local Environmental Plan 2011.
 - The proposal is generally compliant with the provisions of Chapter C.4 and D.6 of Cessnock Development Control Plan 2010, and any variations are considered consistent with the objectives of the relevant requirements.
 - The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environments.
 - The site is considered suitable for the proposed development as it is located within a rural locality, is currently being used as a poultry farm, and the construction of the intensive agricultural industry is consistent with the desired intent of the area.
 - The proposal is consistent with the public interest having regard to providing an agricultural industry in the rural area.
- (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 rural area.
 - The proposed method of poultry farming incorporates modern farming techniques. The new proposed sheds are likely to result in far less impact than the existing style of poultry sheds currently in use at the site.

- 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.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by Department of Primary Industries (Water), date 3 September 2018, 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.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/388/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
21500246, SHEET 1, TITLE PAGE, CONTENTS AND LOCALITY SKETCH, REV E	TATTERSALL LANDER PTY LTD	-
21500248, SHEET 2, OVERALL LAYOUT, REV E	TATTERSALL LANDER PTY LTD	11/07/2018
21500248, SHEET 3, LAYOUT PLAN 1, REV E	TATTERSALL LANDER PTY LTD	11/07/2018
21500249, SHEET 4, LAYOUT PLAN 2, REV E	TATTERSALL LANDER PTY LTD	11/07/2018
21500250, SHEET 5, SECTION A, REV E	TATTERSALL LANDER PTY LTD	11/07/2018
21500251, SHEET 6, SECTIONS B, C, D AND E, REV E	TATTERSALL LANDER PTY LTD	11/07/2018
21500252, SHEET 7, LAYOUT DIMENSION PLAN, REV E	TATTERSALL LANDER PTY LTD	11/07/2018

21600319, SHEET 8, POULTRY SHED TYPICAL PLAN AND ELEVATIONS, REV D	TATTERSALL LANDER PTY LTD	11/07/2018
21600318, SHEET 9, MACHINERY SHED PLAN AND ELEVATIONS, REV C	TATTERSALL LANDER PTY LTD	15/06/2018
21700067, SHEET 10, GENERATOR, AMENITIES AND STORAGE SHED AND COMPOSTING SHED PLANS AND ELEVATIONS, REV A	TATTERSALL LANDER PTY LTD	15/06/2018
21700068, SHEET 11, MACHINERY SHED AND WATER TANKS DETAIL PLAN, REV A	TATTERSALL LANDER PTY LTD	15/06/2018
21700069, SHEET 12, COMPOSTING SHED DETAIL PLAN, REV B	TATTERSALL LANDER PTY LTD	19/09/2017
21700057, SHEET 13, FIRST ORDER STREAM (WESTERN) PLAN AND SECTION 1, REV B	TATTERSALL LANDER PTY LTD	15/09/2017
21700059, SHEET 14, FIRST ORDER STREAM (WESTERN) CATCHMENT CALCULATIONS, REV B	TATTERSALL LANDER PTY LTD	15/06/2017
21700058, SHEET 15, FIRST ORDER STREAM (EASTERN) PLAN AND SECTION 2, REV B	TATTERSALL LANDER PTY LTD	15/09/2017

Document Title	Prepared By	Dated
Environmental Impact Statement	Tattersall Lander Pty Ltd	July 2017
Air Quality (Odour) Impact Assessment, Rev 2	Advitech Environmental	19 June 2018
Addendum to Bishops Bridge Air Quality Impact Assessment, Rev O	Advitech Environmental	4 October 2018
Noise Impact Assessment, Rev 3	Advitech Environmental	12 July 2018
Flora and Fauna Assessment Report	Wildthing Environmental Consultants	May 2018
Vegetation Management Plan	Wildthing Environmental Consultants	September 2017
Stormwater Quality Report	Tattersall Lander Pty Ltd	June 2017
Traffic Impact Assessment	SECA Solution	20 April 2017
Historic Heritage Assessment & Aboriginal Cultural Heritage Assessment	Advitech Environmental	12 April 2017

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

3. 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*.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

4. Cessnock Section 94A Levy Development Contributions Plan

A total monetary contribution of \$42,000.00 is to be paid to Council, pursuant to Section 7.12 (cf previous s 94A) of the *Environmental Planning and Assessment Act 1979*, such contribution is to be paid prior to the issue of a Construction Certificate in respect of the proposed development.

- i) This condition is imposed in accordance with the provisions of *Cessnock S94A Levy Development Contributions Plan 2017*. A copy of the document is available on Council's website at www.cessnock.nsw.gov.au or maybe inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council to determine the indexed amount of contribution on the date of payment.

5. Car Parking - Residential

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.

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

6. OSD System

A stormwater drainage design, incorporating on site stormwater retention detention facilities, prepared by a qualified practicing Civil Engineer must be provided to the CA prior to the issue of a CC. The design must be prepared / amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 215325 prepared by Tattersall Lander Pty Ltd and dated 15/09/2017.
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with AS 3500.3.2003 Plumbing and Drainage – Stormwater Drainage
- d) Overflow pipeline(s) must be provided for any rainwater tank(s) to discharge by gravity to the Council drainage system. Where OSD facilities are required by this consent, the overflow pipelines must be discharged by gravity to the OSD storage tank(s)
- e) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

7. Dam Design

The details of the following are required prior to the issued of the Construction Certificate:

- a) The dam and overflow spillway must be designed by a suitably qualified person. The overflow spillway is not to directly discharge on to any neighbouring property, other than through an existing watercourse.
- b) The materials used for the banks of the dam are to be comprised of material excavated from the site if suitable. If materials are to be imported from other sites, the applicant is to notify Council of the origin of the fill.
- c) The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours' boundary fences, and does not cause nuisance or flooding of those areas for storm events less than 1% AEP.
- d) To ensure stability of the dam embankment, exposed soil embankments are to be stabilised using appropriate grass species, to the satisfaction of Council. Trees or shrubs are not to be planted on the embankment, as roots may provide a seepage path for water, and weaken the dam wall.
- e) The dam must be designed to handle storm flows, and the dam walls are to be sufficiently compacted to prevent seepage or slumping.
- f) The dam wash is not to direct flows onto the downstream top of wall of the dam.
- g) The dam is to have a cut off trench that is to be taken down a minimum of 30mm into impervious soil and backfilled with suitable impervious material.
- h) Any requirements for the NSW Dam Safety Committee are to be satisfied.
- i) The freeboard of the dam is to be in accordance with Council's DCP Part D Chapter 7. This required the freeboard to be a minimum of 1.0 metre is to be established for freeboard. This should increase by 10% for every metre over a 3.0-metre-high wall.

8. Outdoor Lighting

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

9. Acoustic Report

Prior to the issue of a CC, plans shall be submitted to, and approved by the CA confirming that the recommendations specified in the Noise Impact Assessment prepared by Advitech Environmental dated 12 July 2018, with regard to the following structural components, have been implemented in the final design of the proposed development.

- i. Exhaust fans
- ii. Site excavation and fill
- iii. Poultry shed pad
- iv. Vegetation earth mound and solid fence construction

10. Vegetation Management Plan

A Vegetation Management Plan (VMP) is required to be submitted to the satisfaction of Council's Ecologist prior to issue of the CC. The VMP by *Wildthing Environmental Consultants* dated *September 2017* will need to be updated with the following information:

- The species lists for planting will need to be updated to include a greater variety of species. Species to be included in the planting lists are:
 - Zone 2: *Eucalyptus moluccana*, *Syncarpia glomulifera*, *Breynia oblongifolia*, *Melaleuca nodosa*, *Ozothamnus diosmifolius*, *Hardenbergia violacea*, *Lomandra multiflora*, *Lomandra filiformis*, *Dianella revoluta*, *Dianella caerulea*, *Aristida vagans*, *Grevillea montana*, *Laxmannia gracilis* and *Panicum simile*.
 - Zone 3: *Entolasia marginata*, *Microlaena stipoides*, *Einadia hastata*, *Dianella caerulea*, *Cymbopogon refractus*, *Glycine clandestina*, *Glycine tabacina*, *Cheilanthes sieberi*, *Geitonoplesium cymosum* and *Melia azedarach*.
- The density of plantings needs to be increased, particularly for midstorey and ground cover species. Planting densities for midstorey species is to be 2 per square metre and for groundcover species is to be 3 per square metre.
- Targets for cover of native canopy, midstorey and exotic species need to be provided;
- The frequency of works must be increased (with details provided as to man hours per week). Primary weed control is to occur for the first year of the VMP, secondary weed control is to occur following primary weed control and last 18 months and maintenance weeding control is to occur in the last 2.5 years. Primary weeding is to occur at least once every 2 weeks during periods of rapid weed growth (spring and summer) and once every 3 weeks during autumn and winter. Secondary weed control must to occur every 3-6 weeks during spring and summer and every 5-8 weeks during autumn and winter. Table 15 will need to be updated to reflect the increased works required.

- The performance targets for exotic midstorey and groundcover species in the primary and secondary phases must be reduced to:
 - Primary phase: less than 20% cover for exotic midstorey and groundcover species.
 - Secondary phase: less than 10% cover for exotic midstorey and groundcover species.
- A paragraph must be added below Table 12 reading *'Performance Targets are required to be met as part of this Vegetation Management Plan. The above table indicates the desired outcomes for bush regeneration. If these targets are not met for any reason then additional weeding and plantings must be implemented for the site so that targets are achieved'*.
- Installation of nest boxes, seed collection and propagation, weed control, planting, maintenance and monitoring are to be done by qualified bush regenerators. Table 14 must be updated to be in accordance with this requirement.
- The VMP is to specify that hollows from felled trees are to be relocated into the native vegetation to be retained.
- Quadrats (10 m by 10 m) are to be surveyed at each photo point as part of monitoring. Details to be recorded from the quadrats include native species cover for each layer, exotic species cover for each layer, plant survival rates for plantings and any general observations.

11. Protection of Vegetation

Prior to issue of a CC, the area within Management Zones 2, 3, 4 and 5 as shown on Figure 5 'Management Zones within Lot 45 DP 1114966 Old Maitland Road Bishops Bridge NSW' of the *Vegetation Management Plan* by *Wildthing Environmental Consultants* dated *September 2017* is to be protected via an 88B instrument to ensure that the vegetation is protected in perpetuity. The 88B is to state that the vegetation within the Management Zones 2, 3, 4 and 5 as shown on Figure 5 'Management Zones within Lot 45 DP 1114966 Old Maitland Road Bishops Bridge NSW' of the *Vegetation Management Plan* by *Wildthing Environmental Consultants* dated *September 2017* must be kept in a natural state and must not to be mown, slashed, grazed, used by recreation vehicles or cleared. No development activities or Asset Protection Zones are permitted within the area covered by the *Vegetation Management Plan*. The 88B instrument is to be submitted to and approved by Council's Ecologist prior to registration on title.

12. Vegetation Protection

Evidence that Conditions 19 and 20 have been complied with must be provided to the PCA prior to issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

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

13. Demolition Proposed

Consent is granted for the demolition of the poultry sheds currently existing on the property, 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) Demolition is to be carried out in accordance with the relevant provisions of *AS 2601:2001: Demolition of structures*.
- e) 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.
- f) 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.
- g) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- h) 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.
- i) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- k) 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.
- l) 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.
- m) 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 Council/CA at the completion of the demolition works.

14. Toilet Facilities

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

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

15. Relocation of Services

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

16. Soft-felling of Hollow Bearing/Habitat Trees

A hollow bearing/habitat tree survey must be undertaken by a fauna ecologist in the week prior to the felling of any trees. During the survey, the ecologist is to tap the tree, by banging the base of each tree with a mallet or using a similar method, to encourage any fauna to vacate. An observation period of at least 5 minutes per tree is required to observe the emergence of any fauna, and observations must be noted. All hollow bearing/habitat trees must be marked as part of the survey.

All surrounding trees that are not hollow bearing or habitat trees must be cleared at least one day prior to felling of any hollow bearing/habitat trees.

Equipment used to fell hollow bearing or habitat trees must be capable of slowly lowering the trees to the ground. A qualified fauna ecologist must be present during the felling of the trees. The fauna ecologist must have the appropriate skills and equipment to perform euthanasia if necessary. Immediately prior to felling, each hollow bearing/habitat tree should be tapped or gently shaken with the equipment followed by an observation period of at least one minute to watch for the emergence of any fauna. The tree should be tapped again, followed by a second observation period of at least one minute. If fauna appear during the observation period, the ecologist should encourage the fauna to relocate. If no fauna appear, the tree is to be lowered to the ground slowly and gently. The hollows of the felled tree should be inspected for fauna by the ecologist after it has settled.

17. Care of Native Fauna Found in Felled Trees

Any uninjured fauna should be relocated to nearby bushland. Any nocturnal fauna should be kept in a suitable cage in a shaded location until dusk, and then released into nearby bushland. If juvenile fauna are discovered in hollows after a tree is felled, they are to be taken into the care of an organisation such as the Native Animal Trust Fund.

Injured fauna should be assessed by the ecologist, and euthanised if their injuries are such that the ecologist considers that they are unlikely to survive. If injured fauna are likely to survive, they should be taken to a vet for treatment. After treatment, fauna should be taken to an organisation such as the Native Animal Trust Fund for care until they can be released.

18. Protection of Trees

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

DURING WORKS

The following conditions are to be complied with during works.

19. Construction Hours

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

20. 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*.

21. 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.

22. 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.

23. 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.

24. Stormwater Runoff

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

25. Dam Proposed

The dam and overflow spillway must be designed by a suitably qualified person. The overflow spillway is not to directly discharge on to any neighbouring property, other than through an existing watercourse.

The following works are required in relation to the dam:

- a) The dam and any embankments shall be constructed using a sufficiently impervious material. A soil with a 25% clay content is considered ideal. Sands, gravels, organic soils and peat are prohibited from use in the construction of an embankment.
- b) Topsoil shall be stripped and stockpiled from the excavation and wall areas prior to dam construction. The stockpile shall be located clear of any natural watercourse. Excavated areas and the embankment above the high water mark are to be covered in a minimum of 100mm of soil. Appropriate sediment and erosion control measures are to be applied to the stockpile site.
- c) Embankments are to be covered with a minimum of 100mm of topsoil and planted with a good holding grass such as cooch. Trees and shrubs are not to be planted within the embankment.
- d) The upstream batter slope shall be no steeper than 1:2.5 (vertical:horizontal). The downstream batter shall be no steeper than 1:3 (v:h). However, if the dam is within 100m of a dwelling and is not fenced, then the upstream batter shall not be steeper than 1:6 (v:h).
- e) A spillway shall be located and sized to handle overflows from major storm events with a minimum width of 3m and designed such that the depth of water flowing through the spillway is not deeper than 0.5 metres. The spillway shall be grassed, stable and able to accept runoff flow. Overflows from the spillway shall not be directed to the toe of the embankment and shall be spread using a sill or level spreader.
- f) The dam is to be adequately compacted by track rolling or a sheep foot roller or similar in layers no greater than 150mm.

26. Demolition

All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from NSW Workcover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

27. Dewatering of Dams

The dewatering of the dams onsite must be done in accordance with the recommendations in Section 10.0 of the *Flora and Fauna Assessment Report by Wildthing Environmental Consultants* dated May 2018.

28. Removal of Tress

Only the trees shown on Figure 5 and as nominated for removal in Appendix D Significant Tree Data of the *Flora and Fauna Assessment Report* by *Wildthing Environmental Consultants* dated *May 2018* as requiring removal are to be removed. All other native vegetation on the site is not to be cleared or harmed in any way.

29. Nest Boxes

Nest boxes are to be installed, at a ratio of at least 1 box per hollow, with a minimum of 108 nest boxes to be installed. Nest boxes should be installed in mature trees in the eastern part of the lot to be protected and enhanced as part of the Vegetation Management Plan. Nest boxes are to be a variety of types and sizes to provide additional habitat for the threatened fauna recorded on the site.

30. Bushfire Protection

The following bushfire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

a) Asset Protection Zones

The intent of measures is to provide sufficient space, and maintain reduced fuel loads, so as to ensure radiant heat levels of buildings are below critical limits, and to prevent direct flame contact with a building.

At the commencement of building works, and in perpetuity, the property around the asset shall be managed as follows in accordance with Section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the Rural Fire Services document 'Standards for Asset Protection Zones' as an inner protection area.

b) Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- i) Water, electricity and gas to comply with Section 4.1.3 of Planning for Bushfire Protection 2006
- ii) In recognition that an unreliable reticulated water supply exists, a 22500 litre dedicated water supply tank (non-flammable) shall be provided. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.

c) Access

The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bushfire, and for occupants faced with evacuation. To achieve this, the following requirements shall apply:

- i) Access shall comply with Section 4.1.3(2) of Planning for Bushfire Protection 2006.

d) Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

31. Protection of Aboriginal Artefacts

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

32. Completion of Dam

Upon completion of the dam, the applicant shall provide Council with a Compliance Certificate, which confirms that the civil works and associated development have been constructed strictly in accordance with the provisions of the Development Consent.

33. Works as Executed

The registered proprietor of the land shall submit works-as-executed (WAE) drawing for the dam. The WAE drawings shall be prepared by a registered surveyor and shall indicate the following as applicable:

- Embankment levels
- Crest width
- Spillway level and dimensions
- Available freeboard
- Top Water Level
- Calculation of actual storage volume provided

The WAE plan and report shall be submitted to and approved by Council prior to filling of the dam.

34. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Old Maitland Road 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 a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim 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 (gravel in place but prior to sealing of the crossing).

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

35. Parking – Completion

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

36. Operational Management Plan

The operator is to develop an Operational Management Plan (OMP) to the satisfaction of Council prior to release of the OC. The Operational Management Plan is to be a working document and is to include, but not be limited to:

- a) Addressing, in accordance with the “Best Practice Management for Meat Chicken Production in NSW Manual 2” as amended from time to time, the best practice recommendations outlined in Section 2, Managing Environmental Impacts During Production and, Section 3, Managing Wastes

Development of the OMP must take into account, and where practicable incorporate the management practices and assumed conditions on which the submitted Air quality (Odour) Impact assessment and Noise Impact Assessment reports were based upon in the Development Approval application.

- b) Specific operational conditions outlined in Conditions 46 – 53 (inclusive).

37. Waste Disposal

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

38. Trade Waste Disposal

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

39. Disposal of Hazardous Waste

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

40. New Stormwater System Proposed

Prior to the issue of an OC, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant AS.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a licensed plumber or qualified practising civil engineer, that the drainage system has been constructed in accordance with the approved design and relevant AS, must be provided to the PCA prior to the issue of an OC.

41. 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*.

42. Vegetation Management Plan

A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to the *PCA* upon completion of the primary planting, and prior to the issue of an *OC*.

43. Dams Safety Committee

The developer shall complete and lodge D1 form to refer the dam to the Dams Safety Committee of NSW. Evidence that the form has been lodged shall be provided to the *CA* release of the *OC*.

WITHIN 3 MONTHS AFTER THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, within 3 months after the issue of either an Interim or Final Occupation Certificate (as specified within the condition):

44. Acoustic Report Recommendations Complied With

A report must be submitted to and approved by the *CA* within 3 months after the issue of an *OC* demonstrating compliance with the recommendations of the Noise Impact Assessment prepared by Advitech Environmental dated 12 July 2018.

The report must be prepared by an accredited acoustic consultant, and is to assess noise emissions from the development, the effectiveness of the noise attenuation measures and compliance, or otherwise, with the appropriate noise level described in the Noise Impact Assessment prepared by Advitech Environmental dated 12 July 2018.

If necessary, the report must detail additional noise attenuation measures required to achieve compliance, which must be implemented by the approved operator within the time specified, or as otherwise approved by Council.

A copy of the report must be submitted to Council within 5 days of receipt.

45. Odour Attenuation Measures

Within 3 months after the issue of an *OC*, the applicant must engage a suitably qualified professional to undertake an odour assessment of the composting operations to verify odour emissions and confirm the outcomes (and conclusions) presented in Section 4, table two of "addendum to Bishops Bridge AQIA, Tattersal Lander Pty Ltd dated 04/10/2018, submitted in associated with the Development Approval.

If necessary, the assessment must detail additional odour attenuation measures required to achieve compliance, which must be implemented by the approved operator within the time specified, or as otherwise approved by Council.

A copy of the odour assessment report must be submitted to Council within 5 days of receipt.

ONGOING USE

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

46. Compliance with Operational Management Plan

The operator, owner and all staff must comply with Operational Management Plan (OMP) developed in accordance with Condition 36, at all times.

47. Submission of Amended Operational Management Plan

Submit for approval to the relevant authority any amendments to the Operational Management Plan (OMP) referred to in Condition 36, prior to the implementation of changes or significant amendments to the plan.

48. Copy of Operational Management Plan to be Kept On-Site

A copy of the OMP developed in accordance with Condition 36 and all associated records must be maintained on site, and must be made available to an Authorised Officer on request to inspect and/or make copies.

49. Complaints Regarding Operational Management Plan

Should a justifiable complaint be received by Council that is unable to be resolved using the complaint process in the OMP developed in accordance with Condition 36 to the satisfaction of the Authority,

- a. On request of the relevant Authority, the operator must engage a suitably qualified professional/s to investigate and provide recommendations at the cost of the operator.
- b. The resulting report arising from Condition 49a, must be provided to the relevant authority within seven (7) days of receipt.
- c. Recommendations arising as a result of Condition 49a, must be implemented as far as is reasonably practicable in a timely manner at the cost of the applicant.

50. Maintenance of Critical Infrastructure and Equipment

All critical infrastructure and equipment required to comply with the OMP developed in accordance with Condition 36, must be maintained in good working order, and be available for use as is required.

51. Control of Noise Emissions

Specific measures to control noise emissions from the site:

- i) All feed delivery trucks and filling of the silos shall only enter the property during daylight hours, 7am – 7pm.
- ii) Movement of trucks and mobile equipment on-site is to be restricted to one (1) vehicle at any one point in time. Farm management is to ensure that the necessary timetabling and organisation of contractors is conducted in a manner that accommodates this requirement.

- iii) The operation of the premises and all plant and equipment shall not give rise to a noise level at any residential premises greater than 5dB(A)LAeq(15 minute) above the L90 background level.
- iv) Noise attenuation measures:
 - Site speed limit will be 30km/hr.
 - Farm machinery and vehicles will be regularly maintained to control noise generation. If a vehicle/machine is creating excessive noise, maintenance will be undertaken to correct the problem as soon as is practicable.
 - Contractors will be informed of noise nuisance mitigation measures onsite and instructed to limit noise generation (e.g. engine braking, limiting airbrakes, horns, excessive revving of motors, avoidance of impact with solid objects during litter clean-out, feed delivery, chick delivery and poultry pick-up).
 - Vehicles fitted with reverse beepers to have modified beeper installed ("croaker") with flashing lights to minimise noise disturbance.
 - No alarm bells or paging systems will be used.
 - All on-site driveways/roads will be maintained (no potholes) and levelled as required to minimise truck bounce as they move on-site.

52. Control of Odour and Dust Emissions

Specific measures to suppress odours and dust emissions:

- i) No spent litter or compost generated is to be disposed of on the site.
- ii) Composting of dead birds may be undertaken within the designated composting shed. In the event of large scale mortalities, birds must be disposed of in a Council approved landfill, or as directed by the Department of Industry and Investment.
- iii) Any chicken litter stockpiled to assist with composting must be stored only within the designated compost shed and be protected from moisture infiltration.

53. Complaints Register

A complaints register must be maintained recording the nature of all complaints received and corrective action taken, and include where available the details of the complainant and responsible person undertaking the corrective action.

54. Dam Maintenance

The dam is to be maintained in a condition free of noxious aquatic weeds, and in a manner that minimises the breeding of mosquitoes.

55. Storage of Hazardous Goods

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

Hazardous and/or industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the Department of Environment and Climate Change and SafeWork NSW.

56. Stormwater – Impact on Adjoining Land

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

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

57. Driveways to be Maintained

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

58. Pollution Control

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

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

59. Discharge Into Waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system. Only clean, unpolluted water is permitted to discharge. Waste oil shall be stored in a covered and suitably bunded area, pending regular removal to a waste oil recycler.

60. Vegetation Management Plan

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

61. Vegetation Management

The following vegetation management practices are to be implemented after commencement of the development:

- a) A minimum of 108 native trees characteristic of Lower Hunter Spotted Gum – Ironbark Forest Endangered Ecological Community are to be planted within the area to be managed as part of the Vegetation Management Plan and protected by the 88B instrument. The trees are to be maintained in good health and any trees that die must be replaced with a tree of the same species. The trees are to be retained and not cleared or harmed in any way.
- b) Nest boxes are to be regularly monitored (once every 6 months) and replaced if in poor condition for a period of at least 5 years. At the end of the 5 year period, all boxes are to be replaced if more than two years old unless they are in use. A monitoring report is to be submitted to the satisfaction of Council's ecologist once every six months for a minimum of 5 years.

- c) Any landscaping is to use native species of local provenance grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species are to be characteristic of Lower Hunter Spotted Gum – Ironbark Forest Endangered Ecological Community.
- d) All noxious weeds on the site, including *Senecio madagascariensis* (Fireweed), *Asparagus aethiopicus*, *Asparagus asparagoides* (Bridal Creeper), *Olea europaea* subsp. *cuspidata* (African Olive), *Ligustrum sinense* (Small-leaved Privet), *Lantana camara* (Lantana) and *Opuntia stricta* (Common Prickly Pear) are to be removed from the site.
- e) Any new fencing using wire is to be constructed with plain wire. Barbed wire is not to be used in any new fencing on the site. Any new fencing is to be designed and erected so that native fauna movement is not impaired or restricted to reduce the chance of native fauna being injured.
- f) The vegetation within the Management Zones 2, 3, 4 and 5 as shown on Figure 5 'Management Zones within Lot 45 DP 1114966 Old Maitland Road Bishops Bridge NSW' of the Vegetation Management Plan by Wildthing Environmental Consultants dated September 2017 must be kept in a natural state and must not to be mown, slashed, grazed, used by recreation vehicles or cleared. No development activities or Asset Protection Zones are permitted within the area covered by the Vegetation Management Plan.

ADVISORY NOTES

A. Water Access Licensing

The applicant shall liaise with the NSW Water to discuss Water Access Licensing requirements, pursuant to Clause 53 of the *Water Management Act 2000*.

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. Section 68 Approval

In the event it is proposed to install, construct or alter an existing onsite system of sewage management, the applicant shall obtain from Council approval under *Section 68 of the Local Government Act 1993*.

F. 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.

G. 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.

H. 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.

I. 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.

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

CARRIED

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

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
698

RESOLVED

That the following reports be dealt with Englobo.

NI6/2018 Notice of Intention to Deal With Matters in Confidential Session
PE92/2018 - Minutes of the Confidential Session of the Strategic
Property and Community Facilities Committee Meeting held on 13
November 2018

PE86/2018 Development Application Performance Monitoring Report - September
2018 Quarter

PE89/2018 Hebburn Estate Policy

PE91/2018 Parking Fine Concessions

CC91/2018 Tabling of Pecuniary Interest Returns

CC92/2018 Local Government NSW Tourism Conference 2019 - Attendance
Request

WI95/2018 Abbotsford Bridge, Bellbird - Defer Replacement

WI96/2018 Stormwater, Waterway and Floodplain Strategy

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

CARRIED UNANIMOUSLY

MOTION
699

Moved: Councillor Suvaal

Seconded: Councillor Dagg

RESOLVED

That the following report be adopted as recommended.

NI6/2018	Notice of Intention to Deal With Matters in Confidential Session PE92/2018 - Minutes of the Confidential Session of the Strategic Property and Community Facilities Committee Meeting held on 13 November 2018
PE86/2018	Development Application Performance Monitoring Report - September 2018 Quarter
PE89/2018	Hebburn Estate Policy
PE91/2018	Parking Fine Concessions
CC91/2018	Tabling of Pecuniary Interest Returns
CC92/2018	Local Government NSW Tourism Conference 2019 - Attendance Request
WI95/2018	Abbotsford Bridge, Bellbird - Defer Replacement
WI96/2018	Stormwater, Waterway and Floodplain Strategy

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI6/2018

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

**PE92/2018 - MINUTES OF THE CONFIDENTIAL SESSION OF THE
STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE
MEETING HELD ON 13 NOVEMBER 2018**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
700
RESOLVED

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

Report No. PE92/2018 – Minutes of the Confidential Session of the Strategic Property and Community Facilities Committee Meeting held on 13 November 2018 as it deals commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

2. That Council request the Mayor in accordance with Section 253 of Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

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

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM13/2018

SUBJECT: NSW LEGISLATION ALLOWING CEMETERY OPERATORS TO REUSE GRAVES

MOTION **Moved:** Councillor Pynsent

701

RESOLVED

1. That Council notes that the Berejiklian Barilaro Government's new Cemetery and Crematoria Regulation 2018 which allows cemeteries to disinter human remains as little as 25 years after the burial and sell the plot to another party;
2. That Council notes that during a recent review of the Cemetery and Crematoria Regulation 2018, a range of church groups, indigenous representatives and the broader community were simply unaware of the new regulation;
3. That Council notes concerns the new laws may create two classes of burial rights in NSW;
4. That Council does not offer renewable interment rights at any of its cemeteries;
5. That Council writes to the Premier, The Hon Gladys Berejiklian MP advising that Council strongly opposes any law change that allows the reuse of burial plots and requests the NSW Government to urgently look for alternate solutions to address the need for more cemetery space.

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

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM14/2018

SUBJECT: CESSNOCK CORRECTIONAL CENTRE ACCESS

That the General Manager meet with the community representatives on the Cessnock Correctional Centre Community Consultative Committee to discuss options and viewpoints of the community representatives relating to access to the Cessnock Correctional Centre and that a report be prepared on the outcomes from the meeting, for Councils consideration, at the first Council meeting in 2019.

Councillor Olsen moved a Point of Order in regard to Councillor Gray misleading Council with his comments.

The Mayor ruled that there was no Point of Order.

Councillor Olsen moved a Motion of Dissent on the Mayor's ruling in regard to a Point of Order.

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

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

MOTION **Moved:** Councillor Pynsent
702
RESOLVED

That the General Manager meet with the community representatives on the Cessnock Correctional Centre Community Consultative Committee to discuss options and viewpoints of the community representatives relating to access to the Cessnock Correctional Centre and that a report be prepared on the outcomes from the meeting, for Councils consideration, at the first Council meeting in 2019.

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

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU21/2018

SUBJECT: MOTIONS OF URGENCY

RECOMMENDATION

That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

Councillor Gray

That the Richmond Main Preservation Co-operative Society Limited (the Society) tenure over the buildings in Precinct B at the Richmond Main Colliery be extended to 28 February 2019 pending the tabling of the progress report as scheduled for a February 2019 Council meeting, and that future occupation of those buildings be considered at that time.

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

CARRIED

The Motion was ruled as Urgent and will be dealt with at the conclusion of the listed items on the Agenda.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU25/2018

SUBJECT: AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
703

RESOLVED

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

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

CARRIED

GENERAL MANAGER'S UNIT NO. GMU26/2018

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 5 NOVEMBER 2018

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
704
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 5 November 2018 be adopted as a resolution of the Ordinary Council.

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

CARRIED

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE79/2018

SUBJECT: SECTION 4.55(2) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT NO. 2011/836 WHICH GRANTED APPROVAL FOR A 62 LOT SUBDIVISION

RUBY STREET, BELLBIRD

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
707

RESOLVED

1. That the Section 4.55(2) Application proposing to modify Development Consent No. 2011/836, seeking to alter the approved phasing and subdivision layout, defer the construction of infrastructure (road and bridge) in Abbotsford Street, and reduce monetary contributions/consider offset for monetary contributions on the basis of material public benefit, at Ruby Street Bellbird, be deferred.
2. That Council note the advice received in relation to prospects of success and costs associated with defending NSW Land and Environment Court Appeal No. 2018/319751.
3. That, in relation to NSW Land and Environment Court Appeal No. 2018/319751, Council authorise the General Manager to defend the appeal and negotiate with the developer, and if in the opinion of the General Manager it is appropriate, enter into a Section 34(3) Agreement.
4. That, in the event Council resolves to defend the appeal, decision-making in respect of the appeal be delegated to the General Manager over the Christmas/New Year (2018/19) recess period.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE83/2018

SUBJECT: CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE LAND AT STONEBRIDGE DRIVE, CESSNOCK FROM RE2 PRIVATE RECREATION TO R2 LOW DENSITY RESIDENTIAL AND INCLUDE MULTI-DWELLING HOUSING AS AN ADDITIONAL PERMITTED USE

Councillor Dunn declared a Non Pecuniary Interest – Significant Conflict for the reason that although not a member of the Board of Stonebridge Golf Club any longer, he still partakes in some of the functions on a voluntary basis. Councillor Dunn left the meeting and took no part in discussion and voting.

Councillor Dunn left the meeting, the time being 7.31pm

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
708

RESOLVED

1. That Council forward the Planning Proposal to the Department of Planning and Environment seeking a 'Gateway determination.'
2. That the Planning Proposal is amended prior to its referral to the Department of Planning and Environment to remove the existing Additional Permitted Use of 'hotel or motel accommodation' from the site the subject of the Planning Proposal.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal if written objections are received during the consultation with the community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting the plan be made.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED

Councillor Dunn returned to the meeting, the time being 7.34pm

PLANNING AND ENVIRONMENT NO. PE84/2018

SUBJECT: AMENDMENT TO CLIFTLEIGH URBAN PRECINCT PLANNING AGREEMENT

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Dagg
709
RESOLVED

That the report be **DEFERRED** to a briefing session prior to exhibition.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE85/2018

**SUBJECT: BRANXTON TOWN CENTRE DRAFT PUBLIC DOMAIN PLAN AND
DRAFT DEVELOPMENT CONTROL PLAN**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
710
RESOLVED

1. That Council place the draft Branxton Town Centre Public Domain Plan and draft Branxton Town Centre Development Control Plan on public exhibition for a minimum of 50 days.
2. That Council receive a briefing and a further report following public exhibition of the draft Branxton Town Centre Public Domain Plan and draft Branxton Town Centre Development Control Plan, detailing the outcomes of the public exhibition.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE86/2018

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - SEPTEMBER 2018 QUARTER**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
711
RESOLVED

That Council receives the report and notes the information.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE87/2018

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 13 NOVEMBER 2018.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
712
RESOLVED

1. That the Minutes of the Strategic Property & Community Facilities Committee meeting of 13 November 2018 be adopted as a resolution of the Ordinary Council.
2. That Council increase the road reserve width to 15-metres for Saxonvale Grove.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE88/2018

SUBJECT: DRAFT CESSNOCK AIRPORT STRATEGIC PLAN

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
713

RESOLVED

1. That Council place the draft Cessnock Airport Strategic Plan 2018 and associated 5 year Business Plan on public exhibition early in 2019 for a period of 28 days.
2. That Council consider the implications of the Draft Strategic Plan in the assessment of Development Application for activities at the Airport.
3. That Council be provided with a report following public exhibition of the draft Cessnock Airport Strategic Plan 2018 detailing the outcomes of the public exhibition.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE89/2018

SUBJECT: HEBBURN ESTATE POLICY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
714

RESOLVED

That Council adopt the amended Licences – Operation of Hebburn Estate Policy.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE90/2018

**SUBJECT: AMENDED PROPERTY INVESTMENT AND DEVELOPMENT POLICY,
PROPERTY MANAGEMENT POLICY AND PROPERTY MANAGEMENT
GUIDELINES**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
715
RESOLVED

That Council adopt the amended Property Investment and Development Policy, the Property Management Policy and the Property Management Guidelines.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE91/2018

SUBJECT: PARKING FINE CONCESSIONS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
716

RESOLVED

1. That Council note that certain parking fine amounts may now be reduced by individual Councils across NSW following legislative changes by the NSW Government
2. That Council 'opt in' to take advantage of parking fine concessions by notifying the NSW Government before 1 January 2019.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC90/2018

SUBJECT: REVOTING OF EXPENDITURE FROM 2017-18 TO 2018-19

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
717

RESOLVED

1. That Council endorse variations to carryover projects and revoted projects totalling \$1,509,618 with no additional general funds, new grant funding totalling \$707,288, section 7.11 funding of \$727,500 and reserve funding of \$74,830 as detailed in the report, inclusive of variation to programs.

Budget Adjustment 30/06/18	General Funds	Section 7.11	Reserves	Grants	Total
Bridges	233,454			(130,908)	102,546
Cemeteries	(10,295)				(10,295)
Parks & Recreation	10,295			224,961	235,256
Pathways	38,775			116,576	155,351
Roads	(232,229)		74,830	496,659	339,260
Strategic Asset Planning	(40,000)				(40,000)
Tourism Signage		727,500			727,500
Grand Total	0	727,500	74,830	707,288	1,509,618

2. That Council authorise the revoting of expenditure from 2017-18 to 2018-19.

Revotes by Asset Class	Council Funds	Loan Funds	Grants	Total Revotes
Buildings	116,391	0	0	116,391
Cemeteries	13,881	0	0	13,881
Parks & Recreation	140,384	0	274,961	415,345
Roads	80,894	0	0	80,894
Stormwater	21,693	5,307	53,000	80,000
Strategic Asset Planning	212,500	0	0	212,500
Total	585,743	5,307	327,961	919,011

3. That Council note that projects as listed in Enclosure 1: Revotes and Carryovers 2017-18 to 2018-19 have been brought forward into the current financial year.

FOR

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

Total (12)**AGAINST**

Councillor Olsen

Total (1)***CARRIED***

CORPORATE AND COMMUNITY NO. CC91/2018

SUBJECT: TABLING OF PECUNIARY INTEREST RETURNS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
718

RESOLVED

That Council note the tabling of the pecuniary interest returns (for the period 1 August 2018 to 31 October 2018) by the General Manager in accordance with the *Local Government Act 1993 (NSW)*.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC92/2018

**SUBJECT: LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2019 -
ATTENDANCE REQUEST**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
719
RESOLVED

That Council endorse the attendance of Councillors Pynsent, Dunn and Gray to the LG NSW Tourism Conference 2019 to be held in Terrigal from 17-19 March 2019.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC93/2018

SUBJECT: INVESTMENT REPORT - NOVEMBER 2018

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
720

RESOLVED

That Council receive the report and note the information.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI95/2018

SUBJECT: ABBOTSFORD BRIDGE, BELLBIRD - DEFER REPLACEMENT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
721

RESOLVED

That Council defer the replacement of Abbotsford Bridge pending the outcome of planning and development control matters related to an adjacent residential subdivision.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI96/2018

SUBJECT: STORMWATER, WATERWAY AND FLOODPLAIN STRATEGY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
722

RESOLVED

1. That Council place the Draft Stormwater, Waterway and Floodplain Strategy on public exhibition for a period of six weeks, commencing in mid-January 2019.
2. That at the end of the exhibition period, following consideration of submissions received, the final Stormwater, Waterway and Floodplain Strategy be reported to Council for adoption.
3. That the General Manager respond to any submissions received.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI97/2018

SUBJECT: AIRVENTURE AUSTRALIA AIR SHOW EVENT - AUDITED FINANCIAL STATEMENTS AND LONG TERM SUSTAINABILITY OF EVENT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
723
RESOLVED

That Council assess future applications for air show events at Cessnock Airport on an individual basis.

Councillor Dagg left the meeting, the time being 8.13pm

Councillor Dagg returned to the meeting, the time being 8.15pm

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

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN36/2018

SUBJECT: DONATION

MOTION **Moved:** Councillor Olsen

That Council donate to Diabetes Australia the cost of the attendance of my wife and I to the Councillors Christmas Party as I won't be in attendance.

The Motion lapsed for want of a seconder.

BUSINESS WITH NOTICE NO. BN37/2018

SUBJECT: COUNCIL MEETING SPEAKERS

MOTION **Moved:** Councillor Olsen

That Council amend its Code Of Meeting Practice, “Part 7.8 Addressing Council”, with time limit for speakers at a Council Meeting reverting back to five minutes with no extensions of time allowed.

The Motion lapsed for want of a seconder.

BUSINESS WITH NOTICE NO. BN38/2018

SUBJECT: SNAPE/VINCENT STREET CESSNOCK

MOTION **Moved:** Councillor Olsen

That the Council Traffic Committee review the changes made to the traffic lanes at the intersection of Snape Street and Vincent Street Cessnock with the view to changing the lanes back to the original layout or at least remove the parking on Snape Street to make safer.

The Motion lapsed for want of a seconder.

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ120/2018

SUBJECT: CHRISTMAS BANNERS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ121/2018

SUBJECT: CHRISTMAS LIGHTS AT MAITLAND RAILWAY STATION

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ122/2018

SUBJECT: CESSNOCK LGA SIGN - BUCHANAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ123/2018

SUBJECT: COUNCILLORS CHRISTMAS FUNCTION

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ124/2018

SUBJECT: RESERVES USAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ125/2018

SUBJECT: BUSH REGENERATION GRANTS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ126/2018

SUBJECT: SANDSTONE KERB AND GUTTER AT BELLBIRD

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

HART ROAD/ORANGE STREET ABERMAIN ROADWORKS

Councillor Sander asked when the proposed roadworks will commence at Hart Road and also the intersection of Orange Street, Abermain.

Councillor Anne Sander

DAMAGED PAVEMENT – GOVERNMENT ROAD

Councillor Sander asked if Council can look at an alternate solution to repair the damaged section of pavement on Government Road, between Mitchell Avenue and the bridge that leads to the HEX at Weston.

Councillor Di Fitzgibbon

CITY WIDE SETTLEMENT STRATEGY

Councillor Fitzgibbon ask what the timeframe is for the completion of the updated City Wide Settlement Strategy.

Councillor Di Fitzgibbon

COMMUNITY AND RECREATION FACILITIES

Councillor Fitzgibbon asked how much does Council spend on marketing for the Community and Recreation Facilities.

Councillor Darrin Gray

KURRI KURRI COMMUNITY CENTRE & AMBULANCE HALL

Councillor Gray asked when work will commence on the Kurri Kurri Community Centre and Ambulance Hall.

Councillor Mark Lyons

SOUTH CESSNOCK DRAINAGE

Councillor Lyons asked whether Council has contacted Hunter Water in regard to fixing the drains in South Cessnock so that they drain properly relieving local flooding.

Councillor Mark Lyons

REMEMBRANCE DAY BANNERS

Councillor Lyons asked when the Remembrance Day Banners were removed by Council in Kurri Kurri and Cessnock.

Councillor Anthony Burke

CHRISTMAS DECORATIONS BUDGET

Councillor Burke asked what Council spent the \$5,000 Christmas decorations budget on.

Councillor Ian Olsen

ANVIL STREET GRETA

Councillor Olsen referred to a GIPA request in regard to Anvil Street, Greta and asked why the applicant could not get all of the information at the same time.

The Director Corporate & Community advised that the information that was supplied in the first instance was all that the applicant had asked for and a further request was lodged for further information and that was also supplied.

Councillor Olsen asked why the drain is not running and what is Council going to do to alleviate the health problem created by this design by Cessnock Council.

Councillor Ian Olsen

COUNCIL MEMBERSHIPS

Councillor Olsen asked for a listing of what memberships Council have and how much does Council pay to be a member.

Councillor Dunn

Councillor Paul Dunn

CREEK AT VARTY PARK

Councillor Dunn advised that the Creek at Varty Park is full of tyres and shopping trolleys and asked who was responsible for cleaning this up and if Council can do this.

COUNCILLORS REPORTS

NIL

Councillor Olsen left the meeting, the time being 8.26pm not to return.

MOTIONS OF URGENCY

MATTER OF URGENCY **Moved:** Councillor Gray
724 **Seconded:** Councillor Dagg

RESOLVED

That the Richmond Main Preservation Co-operative Society Limited (the Society) tenure over the buildings in Precinct B at the Richmond Main Colliery be extended to 28 February 2019 pending the tabling of the progress report as scheduled for a February 2019 Council meeting, and that future occupation of those buildings be considered at that time.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

8.26PM

Confidential reports (closed session)

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

725

RESOLVED

That the meeting move into closed session in order to consider confidential items.

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

	Total (0)
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CARRIED UNANIMOUSLY

8.27PM

Open Session

That the meeting move back into open session and the General Manager reported on the outcome.

PLANNING AND ENVIRONMENT NO. PE92/2018

SUBJECT: MINUTES OF THE CONFIDENTIAL SESSION OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 13 NOVEMBER 2018.

This matter is considered to be confidential under Section 10A(2) (di) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
726

RESOLVED

- 1. That the Minutes of the Confidential Strategic Property & Community Facilities Committee meeting of 13 November 2018 be adopted as a resolution of the Ordinary Council.**
- 2. That Council delegate the General Manager to negotiate the purchase of 2-4 Allandale Road, Cessnock up to the value contained in the report.**

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 8.28pm

CONFIRMED AND SIGNED at the meeting held on 6 February 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**