



9 May 2023

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 17 May 2023 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER** – Reverend Nicole Baldwin, Anglican Parish Cessnock
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
Leave of absence has been granted to:
Councillor Anne Sander - 14 May 2023 to 24 May 2023 Inclusive
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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(17) COUNCILLORS' REPORTS

(18) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 17 MAY 2023

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Code of Conduct

Council adopted its current Code of Conduct on 1 November 2022. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 APRIL 2023, COMMENCING AT
6.30PM**

PRESENT: His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Jurd, Moores, Hawkins, Olsen, Jackson, Watton, Sander, Grine, Hill, Paynter.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Strategic Planning Manager
Economic Development and Tourism Manager
Infrastructure Manager
People and Culture Manager
Chief Financial Officer
Media & Communication Officer
Help Desk Support Officer
Executive Assistant Corporate and Community Services
Executive Assistant to the Mayor

Council Prayer:

Council Prayer was led by Christopher Hawkins from New Gokula.

The Mayor acknowledged the sudden passing of Mrs Dixie Moores, wife of Councillor John Moores and offered Councils condolences.

A minutes silence was held as a mark of respect.

APOLOGY:

MOTION

Moved: Councillor Hill
Seconded: Councillor Sander

447

RESOLVED That the Leave of Absence previously granted submitted by Councillor Dunn be noted.

That an apology from Councillors Burke be accepted.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MOTION **Moved:** Councillor Hawkins
 Seconded: Councillor Grine

448

RESOLVED That a Leave of Absence be granted to Councillor Sander for the period 14 May 2023 to 24 May 2023.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION **Moved:** Councillor Hill
 Seconded: Councillor Sander

449

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 15 March 2023, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (10)	Total (1)

CARRIED

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI3/2023

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.

CC20/2023 MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD ON 15 MARCH 2023

Councillor Hawkins declared a Non Pecuniary Interest - Less Than Significant Conflict for the reason that his child attends one of the schools receiving a grant. Councillor Hawkins advised that he will remain in the Chamber and participate in the discussion and voting as he has no role at the school and is not a member of this committee.

CC20/2023 MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD ON 15 MARCH 2023

Mayor Suval declared a Non Pecuniary Interest - Significant Conflict for the reason that his children attend Cessnock Multipurpose Children's Centre (CMCC) and his wife is a voluntary board director for CMCC.

Mayor Suvaal advised he would leave the chambers and take no part in discussion or voting.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

Nil

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

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter

450

RESOLVED

that having read and considered the reports in the agenda related to items

PE14/2023	Planning Proposal - Reclassify and rezone various lots in Bellbird and Abermain	19
CC18/2023	Councillor training and development.....	27
‡ CC19/2023	Resolutions Tracking Report	28
‡ CC22/2023	Investment Report - March 2023	32
W114/2023	Tender T2023-10 Millfield Rural Fire Service Station Construction	40

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI3/2023

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION - REPORT GMU3/2023 – CODE OF
CONDUCT BREACH BY COUNCILLOR OLSEN - CONSIDERATION
OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF
FORMAL CENSURE**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
451
RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (i) of the *Local Government Act 1993*:
 - Report GMU3/2023 – Code of Conduct Breach by Councillor Olsen - Consideration of Final investigation Report and Recommendation of Formal Censure as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

FOR	AGAINST
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (7)	Total (4)

CARRIED

MAYORAL MINUTES

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU3/2023

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.

A Motion of Urgency relating to DA8/2022/045/1 was put forward and was ruled as unlawful as the consent had already been issued.

RESCISSION MOTIONS

RESCISSION MOTIONS NO. RM1/2023

SUBJECT: PE6/2023 - DEVELOPMENT APPLICATION NO. 8/2022/103/1 PROPOSING CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT COMPRISING THE CONSTRUCTION OF TWO (2) NEW DWELLINGS AT THE REAR OF THE EXISTING DWELLING, FOLLOWED BY A THREE (3) LOT STRATA TITLE SUBDIVISION AT 22 SIXTH STREET, CESSNOCK.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
452

RESOLVED

That Resolution (421) to Report PE6/2023 for refusal of Development Application No. 8/2022/103/1 proposing construction of a multi-dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) Lot Strata Title subdivision at 22 Sixth Street, Cessnock.

be rescinded.

FOR	AGAINST
Councillor Jackson	Councillor Moores
Councillor Grine	Councillor Paynter
Councillor Sander	Councillor Watton
Councillor Hill	Councillor Olsen
Councillor Hawkins	Councillor Jurd
Councillor Suvaal	
Total (6)	Total (5)

CARRIED

MOTION
453
RESOLVED

Moved: Councillor Hill

Seconded: Councillor Grine

1. **That:**

- (i) **Development Application No. 8/2022/103/1 proposing construction of a multi- dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) lot strata title subdivision at 22 Sixth Street Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.**
- (ii) **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
- **The proposal is a permitted land use in the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,**
 - **The proposal is consistent with the objectives of the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,**
 - **The proposal satisfies the provisions of Clause 5.3 of the *Cessnock Local Environmental Plan 2011*,**
 - **The proposal is consistent with the relevant provisions contained within the relevant State Environmental Planning Policies,**
 - **The proposal is generally compliant with the provisions of the Cessnock Development Control Plan 2010, and any variations are considered minor and justified,**
 - **The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the natural and built environments,**
 - **The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the social and economic locality,**
 - **The proposal is suited to the site, having regard to the prevailing character of development in the area, and**
 - **The proposal is considered to be consistent with the public interest.**
- (iii) **In considering community views, the following is relevant:**
- **The development proposed will have an acceptable impact on the amenity of the area,**
 - **The proposed development will provide additional housing stock within the locality, and**

- Some of the concerns in respect to the proposed development can be addressed via the imposition of conditions of consent.
- (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. Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Jackson	Councillor Moores
Councillor Grine	Councillor Paynter
Councillor Sander	Councillor Watton
Councillor Hill	Councillor Olsen
Councillor Hawkins	Councillor Jurd
Councillor Suvaal	
Total (6)	Total (5)

CARRIED

CONDITIONS OF CONSENT

SCHEDULE 1

CONDITIONS OF CONSENT

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2022/103/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No: 1574 Sheets – DA00 – DA08 Rev B	ACM Landmark	10.2.23
Plan of Subdivision Ref: 210124 Sheets 1 and 2	Gregory John Smith	28.1.22

Document Reference	Drawn By	Dated
Noise and Vibration Assessment Ref – 212205R/29845	Spectrum Acoustics	17.8.22

2. General Terms of Approval

All General Terms of Approval issued by the NSW Rural Fire Service dated 16 December 2022 shall be complied with prior, during and at the completion of the development, as required.

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

3. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A *CC* has been issued by a Certifier (being Council or a registered certifier); and
- b) A *PC* has been appointed by the person having benefit of the development consent; and
- c) If Council is not the *PC*, notify Council no later than two (2) days before building work commences as to who is the appointed *PC*; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

4. BCA Compliance

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

5. BASIX Certificate

Development shall be undertaken strictly in accordance with all commitments specified in the current BASIX certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with prior to the issue of a Construction Certificate:

6. Long Service Levy

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

7. Section 7.11 Contributions Payable

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a *CC*:

Fee Type Code	Contribution Type	Amount Payable
810	Open Space and Recreation Facilities	\$15,849.52

Fee
Type
Code
811
812
813
814

Contribution Type	Amount Payable
Community Facilities	\$2,456.69
Cycleway Facilities	\$15,150.49
Roads and Traffic	\$2,819.44
Plan Administration	\$628.05
Total	\$36,904.19

A copy of Council's City Wide Infrastructure Contributions Plan 2020 may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

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

8. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

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

9. Section 50 – Hunter Water Act 1991

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

10. Local Traffic Committee Approval

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

11. Retaining Walls

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

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

12. Road – Construction Requirements

The applicant/developer shall construct the following works for the full frontage of Lot 12 (Evans Street to Sixth Street intersection) in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Construct kerb and gutter along Lot 12 frontage (Evans Street)
- b) Construct 6.0m wide road pavement for approx. 45m
- c) Construct 8.5m radius cul-de-sac pavement
- d) Place Asphalt on new pavement works
- e) Top dress and turf footpath
- f) Construct necessary drainage works\
- g) Install necessary signage to indicate end of road / no through road

13. Road - Fees

The applicant shall lodge payment of fees as follows:-

- a) Road fees - engineering plan checking
- b) Road fees – PC certification of works

Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

The fees shall be payable prior to the issue of a *CC / Section 138* for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

14. Bedroom Windows – First Floor

The *CC* plans are to be amended to identify all north facing bedroom windows on the first floor of the proposed new building (being both Units 1 and 2) as being constructed utilising obscure glazing, along with a minimum sill height of 1500mm above the relative finished floor level.

15. Amended Plans – Obscure glazing of Windows

The *CC* plans are to be amended to identify all bedroom and living room windows for Unit 2 to satisfy the minimum glazing requirements indicated in the submitted acoustic report prepared by Spectrum Acoustics dated 17 August 2022 (Ref: 212205R/29845).

PRIOR TO COMMENCEMENT OF WORKS

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

15. PC Signage and Contact Details

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

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

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

16. Home Building Act Requirements

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979*, where the development involves residential building work for which the Home Building Act 1989 requires a contract on insurance to be in force in accordance with Part 6 of that Act, building work authorised by this consent must not commence until such a contract of insurance has been obtained and is in force.

Residential building work must not be carried out unless the *PC* for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act
- b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

17. 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.

18. Public Liability Insurance

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

19. Section 138 Roads Act

Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

20. Road - Bonds

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *Section 138* approval.

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

21. Tree Removal

No more than one week prior to tree removal, trees must be inspected by a qualified and experienced ecologist to determine whether any nests are present, and if so, what species occupies the nests.

DURING WORKS

The following conditions are to be complied with during works:

22. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

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. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

26. Demolition Works

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 SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

27. Tree Removal

If the trees to be cleared contain active nests, then a qualified and experienced ecologist must supervise the clearing of the tree to ensure that the tree can be lowered slowly and carefully to the ground and care can be given to any fauna present.

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 an Occupation Certificate.

28. All Services Provided

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

29. Roads – Concrete Crossing

The registered proprietors shall construct a concrete access crossing from the kerb and gutter in Sixth Street to the existing dwelling and from the kerb and gutter in Evans Street for proposed units 1 and 2 to the property boundary in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an *OC* for the whole of the building. Where a Partial *OC* is issued the crossing shall be completed within six (6) months from the date of the Partial *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.

30. Drainage Works

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

31. Finish of Excavated &/or Filled Areas Around Site

The excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

32. Completion of Roadworks

Prior to the issue of an OC, the PC must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the approved design and relevant AS, must be provided to Council prior to the issue of an OC.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

33. Drainage Works

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

34. Retaining Walls and Drainage

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

35. Fencing

The following fencing will be required to be constructed prior to issue of the OC:

- 1800mm high solid fencing along the northern and eastern boundaries of the site (height to be measured from the top of the retaining wall/s);
- 1800mm high solid fencing internally to be located on the boundaries between proposed Lots 1, 2 and 3 (excluding the front building setbacks).

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with, prior to issue of a Subdivision Certificate.

36. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision in an electronic format for Council's endorsement.

The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied.
- b) Evidence of payment of all relevant fees.
- c) Lot numbers to correspond with street numbering.
- d) A copy of the final OC for the development.

FOR

Councillor Jackson
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal
Total (7)

AGAINST

Councillor Moores
Councillor Watton
Councillor Olsen
Councillor Jurd

Total (4)

CARRIED

PLANNING AND ENVIRONMENT NO. PE14/2023

SUBJECT: PLANNING PROPOSAL - RECLASSIFY AND REZONE VARIOUS LOTS IN BELLBIRD AND ABERMAIN

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
455

RESOLVED

1. That Council resolves to reclassify Lots 9, 10 and 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land pursuant to Section 33 of the *Local Government Act, 1993*.
2. That Council requests a Gateway determination for a Planning Proposal from the NSW Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* to:
 - a. rezone part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from RE1 Public Recreation to RE2 Private Recreation;
 - b. reclassify part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from Community Land to Operational land; and
 - c. rezone Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from R2 Low Density Residential to RE1 Public Recreation.
3. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
4. That Council undertakes consultation with public authorities and the community as determined by the Gateway Determination.
5. That Council undertake the necessary Public Hearing and public notification requirements for the proposed reclassifications of Council owned land, pursuant to the provisions of Sections 29 and 34 of the *Local Government Act, 1993*.
6. That Council receives a report back on the outcomes of the community consultation and findings of the Public Hearing and any submissions received in response to the notification of the reclassifications.

FOR

Councillor Jackson
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE15/2023

SUBJECT: DCP 2010 - DRAFT CHAPTER E20 HYDRO KURRI KURRI

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
456

RESOLVED

1. That Council place draft Chapter E20 - Hydro Kurri Kurri of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following public exhibition of the draft Chapter E20 - Hydro Kurri Kurri of the Cessnock Development Control Plan 2010.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE16/2023

SUBJECT: POST EXHIBITION COMMUNITY PARTICIPATION PLAN

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
457

RESOLVED

That Council adopt the revised Community Participation Plan.

FOR	AGAINST
Councillor Jackson	Councillor Moores
Councillor Grine	Councillor Paynter
Councillor Sander	Councillor Watton
Councillor Hill	Councillor Olsen
Councillor Hawkins	Councillor Jurd
Councillor Suvaal	
Total (6)	Total (5)

CARRIED

Councillor Hawkins left the meeting, the time being 07:41 pm
Councillor Hawkins returned to the meeting, the time being 07:42 pm

PLANNING AND ENVIRONMENT NO. PE17/2023

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM
2022/2023 ROUND 2 APPLICATIONS**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
458

RESOLVED

That Council endorses the following funding bids to attract events under Round 2 of the Council Visitor Economy Grants and Sponsorship Program:

- a. 2023 Bushland Festival Sponsorship of \$10,000,
- b. 2024 Webex Golf Players Series Hunter Valley Sponsorship of \$10,000,
- c. Monthly Cessnock Markets Sponsorship of \$8,000 to fund family friendly entertainment,
- d. \$1,000 to fund a Cessnock CBD Busking trial,
- e. Marketing support of \$5,000 to promote live music venues located in Abermain, Neath and Weston, and
- f. \$5,000 for 2023 Industrial Relations Society Annual Conference sponsorship.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC15/2023

SUBJECT: DONATIONS UNDER SECTION 356 - RATES SUBSIDY POLICY

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Hawkins
459

RESOLVED

1. That Council applies a 50% Rates Subsidy for the following Assessments in accordance with the Rates Subsidy Policy effective for the 2023-24 rating year.

Assessment	Organisation	Location
5173	Cessnock Masonic Hall	Cessnock
17178	Country Womens Association NSW	Cessnock
59204	Cessnock Homing Pigeon Club	Cessnock
123596	Trustees Masonic Hall	Paxton
139378	Weston Pre-School	Weston
139907	Masonic Holdings Limited	Weston
158337	Cessnock Clay Target Gun Club	Cessnock
198655	Aberdare Pre-School	Aberdare
252916	Richmond Vale Preservation Co-op Society	Kurri Kurri
275529	Cessnock Pistol Club	Cessnock
286674	Branxton Preschool	Branxton
176263	Greta Pre-School Kindergarten	Greta
197467	Cessnock Rifle Club Inc	Cessnock

2. That Council does not apply a rates subsidy for the 2023-24 rating year for the following assessments given the activities of gambling and liquor sales that occur on these premises, and the applications do not meet requirements under the Rates Subsidy Policy, in particular Section 4.1.4 requiring the applicant to demonstrate that its values are compatible with Council's values and Section 3.2.2 that the key objectives of the organisation need to be in accordance with the Community Strategic Plan.

Assessment	Organisation	Location
156810	Bellbird Park Bowling Club Ltd	Bellbird
238824	Branxton Golf Club Ltd	Branxton

3. That the General Manager write to each applicant advising of Council's decision according to the Rates Subsidy Policy.

FOR**AGAINST**

Councillor Jackson

Councillor Moores

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

Total (11)**Total (0)*****CARRIED UNANIMOUSLY***

CORPORATE AND COMMUNITY NO. CC16/2023

SUBJECT: REVISED UNREASONABLE CUSTOMER CONDUCT POLICY

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Hill
460

RESOLVED

1. That Council places the revised Unreasonable Customer Conduct Policy on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Unreasonable Customer Conduct Policy the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the Unreasonable Customer Conduct Policy 2019 from the date the revised Unreasonable Customer Conduct Policy is adopted.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (9)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC17/2023

SUBJECT: APPOINTMENT OF COUNCILLOR MEMBERS TO COMMITTEES

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
461

RESOLVED

- 1. That Council appoints Councillor Jurd as a Delegate to the Aboriginal and Torres Strait Islander Committee for the current Council term;**
- 2. That Council appoints Councillor Sander as a Delegate and appoints Councillor Grine as an Alternate Delegate to the Community Engagement, Awards and Grants Committee for the current Council term.**
- 3. That Council notes the resignation of Councillor Watton from the Roads Review Committee and appoints Councillor Moores as a Delegate and Councillor Hill as an Alternate Delegate.**
- 4. That Council notes the resignation of Councillor Jurd from the Hunter Valley Wine and Tourism Alliance and appoints Councillor Jackson as a Delegate for the remainder of the Council term.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC18/2023

SUBJECT: COUNCILLOR TRAINING AND DEVELOPMENT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
462

RESOLVED

- 1. That Council adopts the revised Councillor Training and Development Policy.**
- 2. That Council notes the Councillor professional development plan template.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC19/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
463
RESOLVED

That Council receives the report and notes the information in the Resolutions Tracking Report.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC20/2023

SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD ON 15 MARCH 2023

Mayor Suvaal declared a Non-Pecuniary Interest - Significant Conflict for the reason that his children attend Cessnock Multipurpose Children's Centre (CMCC) and his wife is a voluntary board director for CMCC. The Mayor left the Chamber and took no part in discussion or voting.

Councillor Hawkins declared a Non Pecuniary Interest - Less Than Significant Conflict for the reason that his child attends one of the schools receiving a grant. Councillor Hawkins remained in the Chamber and took part in discussion and voting.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
464
RESOLVED

1. That the Minutes of the Community Engagement, Awards and Grants Committee Meeting held on 15 March 2023 be adopted as a resolution of the Ordinary Council.
2. That Council provides funds through the Schools Environment Dollar for Dollar Grants Program to:
 - Mount View High School in the amount of \$1,000
 - Stanford Merthyr Infants School in the amount of \$500
 - Holy Spirit Primary School, Kurri Kurri in the amount of \$462.16
 - Kurri Kurri Public School in the amount of \$500
 - St Patrick's Primary School in the amount of \$500
 - Cessnock Public School in the amount of \$500
 - Cessnock Multipurpose Children's Centre (Dudley Street) in the amount of \$200
 - Nulkaba Educational Preschool in the amount of \$200
 - Cessnock Multipurpose Children's Centre (Hall Street) in the amount of \$200
 - Little Treasures Childcare in the amount of \$200
 - Goodstart Early Learning Cessnock in the amount of \$200
3. That Council provides funds through the Sustainable Communities - Tidy Towns Dollar for Dollar Program to:
 - Cessnock Tidy Towns in the amount of \$2,071.66.
 - North Rothbury Tidy Towns Frederick Street Bushcare Sub Committee in the amount of \$5,000.
4. That Council roll forward the remaining funds of \$3,928.34 into the CECI program.
5. That Council provides funds through the Tidy Town Community Environmental Care Initiatives grant scheme to Weston Heritage and Tidy Town in the amount of \$3,897.11.

6. That Council provides funds through the Community Facilities - Dollar for Dollar Grant Scheme – Round 2 to:
 - Branxton Community Hall s355 Committee in the amount of \$2,255.
 - Cessnock Multipurpose Children's Centre in the amount of \$1,270.
 - Kurri Retired Mineworkers Association in the amount of \$2,500.
 - Weston Civic Centre s355 Committee in the amount of \$8,800.
 - Wollombi Community Hall s355 Committee in the amount of \$227.
7. That Council absorbs the surplus funding of \$3,341 into the general fund.
8. That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme – Round 2 to:
 - Abermain Weston Hawks Rugby League Football Club in the amount of \$4,010.
 - Mulbring Tennis Club section 355 Committee in the amount of \$431.
9. That Council absorbs the surplus funding of \$3,169 into the general fund.
10. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's community and sporting facilities.
11. That Council revokes the Dollar for Dollar Grant Guidelines.
12. That Council adopts the Community, Sporting and Environment Grant Guidelines with amendments discussed at the meeting.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

Councillor Jurd left the meeting, the time being 07:59 pm
 Mayor Suvaal left the meeting and vacated the Chair, the time being 07:59 pm
 The Deputy Mayor assumed the Chair, the time being 07:59pm
 The Deputy Mayor vacated the Chair, the time being 08:01pm
 Mayor Suvaal returned to the meeting and assumed the Chair, the time being 08:01 pm
 Councillor Jurd returned to the meeting, the time being 08:01 pm

CORPORATE AND COMMUNITY NO. CC21/2023

SUBJECT: NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD 17 MARCH 2023

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Hill
465
RESOLVED

That the notes of the inquorate meeting of the Aboriginal and Torres Strait Islander Committee held on 17 March 2023 be noted.

FOR	AGAINST
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (7)	Total (4)

CARRIED

CORPORATE AND COMMUNITY NO. CC22/2023

SUBJECT: INVESTMENT REPORT - MARCH 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
466
RESOLVED

That Council receives the Investment Report for March 2023 and notes that:

- **Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council’s month end cash and investments balance was \$75,805,095.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC23/2023

SUBJECT: PLACEMENT OF INTEGRATED PLANNING AND REPORTING DOCUMENTS ON PUBLIC EXHIBITION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander

That Council places the draft 2023-24 Operational Plan, Revenue Policy, and Statement of Fees and Charges on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.

That a briefing be held for Councillors at the next available briefing date.

PROCEDURAL MOTION **Moved:** Councillor Paynter
Seconded: Councillor Moores

That the report be deferred for 7 days.

FOR	AGAINST
Councillor Moores	Councillor Jackson
Councillor Paynter	Councillor Grine
Councillor Watton	Councillor Sander
Councillor Olsen	Councillor Hill
Councillor Jurd	Councillor Hawkins
	Councillor Suvaal
Total (5)	Total (6)

The motion was PUT and LOST

The MOTION was then PUT and CARRIED

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
467
RESOLVED

1. That Council places the draft 2023-24 Operational Plan, Revenue Policy, and Statement of Fees and Charges on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.
2. That a briefing be held for Councillors at the next available briefing date.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (9)	Total (2)

CARRIED

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI10/2023

SUBJECT: MINUTES OF THE ROADS REVIEW COMMITTEE MEETING HELD ON 8 MARCH 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
468
RESOLVED

That the Minutes of the Roads Review Committee Meeting held on 8 March 2023 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI11/2023

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 20 MARCH 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
469

RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 20 March 2023 be adopted as a resolution of the Ordinary Council.

- **TC7/2023 - That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch, in accordance with Various Roads Lovedale _ Lovedale Long Lunch Traffic Control Plans**
- **TC8/2023 - That Council authorises the temporary regulation of traffic on Wine Country Drive, Broke Road, Lovedale Road, De Beyers Road, Col Turnbull Parade and Grady Road, Pokolbin, Lomas Lane Nulkaba, Averys Lane Heddon Greta, and Mount View Road Cessnock for the Hunter Valley Airshow from 7am to 7pm, Saturday 25 March 2023 & Sunday 26 March 2023, in accordance with the Various Roads Pokolbin _ Hunter Valley Airshow Traffic Guidance Schemes.**
- **TC9/2023 - That Council authorises the removal of Bus Zone signage on Minmi Street, Stanford Merthyr, in accordance with the Minmi Street Stanford Merthyr _ Signage Removal Diagram.**
- **TC10/2023 - That Council authorises the installation of regulatory parking controls on Wickham Street, Stanford Merthyr, in accordance with the Wickham Street Stanford Merthyr _ Signage Diagram.**
- **TC11/2023 – That Council authorises the installation of regulatory parking signage on Yango Street, Cessnock in accordance with the Yango Street Cessnock _ Signage & Line Marking Diagram.**
- **TC12/2023 - That Council authorises the installation of regulatory parking signage on Drinan Street, Branxton, in accordance with the Drinan Street Branxton _ Signage Diagram.**
- **TC13/2023 - That Council authorises the installation of a pedestrian refuge and associated signage and line marking on Millfield Road, Millfield in accordance with the Millfield Road Millfield _ Signage & Line Marking Diagram.**
- **TC14/2023 - That Council authorises the installation of regulatory signage and line marking on Bouquet Drive and Mountain Ridge, Bellbird, in accordance with the Bouquet Drive Bellbird _ Signage & Line Marking Diagram.**
- **TC15/2023 - That Council authorises installation line marking on Camp Road, Greta, in accordance with the Camp Road Greta _ Line Marking Diagram.**

FOR**AGAINST**

Councillor Jackson
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (11)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI12/2023

SUBJECT: TENDER Q2022-177 MOUNT VIEW ROAD REHABILITATION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
470
RESOLVED

1. That Council accepts the full scope tender/quote from Woodbury Civil Pty Ltd in the lump sum amount of \$3,823,119.90 (including GST)
2. That Council allocates \$2,665,452.88 excluding GST budget shortfall to the 2023/24 capital works program.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Jackson left the meeting, the time being 08:16 pm
Councillor Jackson returned to the meeting, the time being 08:18 pm

WORKS AND INFRASTRUCTURE NO. WI13/2023

SUBJECT: TENDER T2023-06 CESSNOCK AIRPORT RURAL FIRE SERVICE WORKS

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Hill
471

RESOLVED

1. That Council reject the tender T2023-06 – Cessnock Airport Rural Fire Service in accordance with Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021 (Acceptance of tenders) 3e*, and
2. That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, and.
3. That Council delegate authority to the General Manager to award the project if a suitable outcome is achieved.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI14/2023

SUBJECT: TENDER T2023-10 MILLFIELD RURAL FIRE SERVICE STATION CONSTRUCTION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
472

RESOLVED

That Council accepts the tender (T2023-10) from Precise Build for the lump sum of \$1,018,263.94 (including GST) for the Millfield Rural Fire Service New Station Build.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI15/2023

SUBJECT: NAMING OF BMX FACILITY AT CARMICHAEL PARK

MOTION **Moved:** Councillor Moores **Seconded:** Councillor Hawkins
473

RESOLVED

1. That Council supports the proposal to name the upgraded BMX Facility within Carmichael Park the “Neville Tomlinson BMX Facility”.
2. That Council place the naming proposal “Neville Tomlinson BMX Facility” on public exhibition for 28 days.
3. If no submissions are received, that suitable signage be installed following the completion of the planned upgrade to the BMX Facility.
4. In line with the Geographic Names Board Place Naming Policy, the Board be notified of the BMX Facility name to ensure the name, position and origin is recorded in the Spatial Services’ Digital Topographic Database and the name shown on maps, where relevant.

FOR

Councillor Jackson
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN7/2023

SUBJECT: REMEMBERING OUR COAL MINERS WALK

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Jurd
474
RESOLVED

- That the General Manager investigate the possibility of creating a Coal Miners Memorial Walk between Cessnock and Abermain. The walk should include:
 - 1) A large sign similar to the Aluminium Smelter on Hart Road to show the start of the memorial when entering Cessnock from Neath.
 - 2) Plaques and stories of those that have lost their lives in the industry
 - 3) History of our heritage in the coal mining industry
 - 4) Council will consider consultation with the Sir Edgeworth David Memorial Museum and the Mining and Energy Union.
- The report be returned to Council.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

Councillor Hawkins

BlazeAid Cessnock, February to April 2023.

Situated in Crawfordville Park, Millfield.

Volunteers through camp: 46

Joined and assisted by the Mayor, Jay Suvaal and Ward A Councillor James Hawkins on 30 March, 2023.

Properties Registered: 38

34 properties were completed. 4 properties were unable to be completed due to access or property owners unable to supply materials.

Cumulative work days: 436 day

Fencing: 13.65 kilometres.

Cleared: 11.64 kilometres.

Longest time on any one job: 8 days.

Average Age: 69

The works included:

- Erecting 326 ¼ split post across many properties.
- Installing many strainers of all types.
- Hanging old and new Gates.
- Creek crossing now redesigned and secure.
- Post & Rail fencing.
- Assisting Farmers, primary producers, Vineyards, Hobby Farmers, standard household properties. Many ageing property owners or falling health.

Cessnock Camp closed on 1st April 2023

Special thanks to:

Max and Judy Robbins- Camp Coordinators

CCC for organising infrastructure that enabled the volunteers to be comfortable while staying at camp.

Melissa Boucher, Community Recovery Officer.

- *Worked tirelessly to bring BlazeAid to Cessnock.
- *Coordination of property owners to register for assistance.
- *Overseeing the camp, assisted Judy for the duration of the camp.
- *Continuing to assist in finding suitable permanent HUB for BlazeAid in the Hunter.

Kylie Wallace Singleton Council- liaison with Melissa from Singleton end.

Millfield Hall Committee.

Linda Nairn, Hall Manager.

*excellent assistance- local social media, donations, equipment-freezer for camp.

Local Community Services for their time and camaraderie.

*Red Cross, Cessnock Men's Shed, Rotary Cessnock, Rotary Maitland and Raymond Terrace, Paxton Vegie Hub. And many more...

BlazeAid CEO Melissa Jones, and also Debbie Buttler from BlazeAid head office for their continued support throughout the camp.

BlazeAid are a team of dedicated volunteers who give their time and expertise to assist communities effected by natural disasters, Bushfires, Floods and Droughts. We at Cessnock City Council wish to express our sincere thanks to everyone involved in the Millfield Camp 2023.

Councillor Jurd left the meeting, the time being 08:39 PM

Councillor Jurd returned to the meeting, the time being 08:40 PM

Councillor Hill left the meeting, the time being 08:40 PM

Councillor Hill returned to the meeting, the time being 08:41 PM

8.46PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
475
RESOLVED

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

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (9)	Total (2)

CARRIED

During discussion and debate on Report GMU3/2023 – Code of Conduct Breach by Councillor Olsen – Consideration of final investigation Report and Recommendation of Formal Censure - all staff left the Chambers. Councillor Olsen also left the Chamber and was not involved in debate or voting.

9.31pm

Confidential reports (open session)

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Hill
476
RESOLVED

That the meeting move into open session.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU3/2023

**SUBJECT: CODE OF CONDUCT BREACH BY COUNCILLOR OLSEN -
CONSIDERATION OF FINAL INVESTIGATION REPORT AND
RECOMMENDATION OF FORMAL CENSURE**

*This matter is considered to be confidential under the report contains
alleged contraventions of any code of conduct requirements applicable
under section 440*

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
477

RESOLVED

1. That the investigation report into the Code of Conduct matter concerning Councillor Olsen provided by separate confidential enclosure be received and noted.
2. That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted.
3. That Council adopt the recommendation made by the investigator in the investigation report.
4. That Councillor Olsen be formally censured in accordance with clause 440G of the Local Government Act for breaching clauses 3.1 (a), (e) and (g) of the Cessnock City Council Code of Conduct and that the matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.

FOR	AGAINST
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Grine	Councillor Jurd
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (7)	Total (3)

CARRIED

The Meeting Was Declared Closed at 9.33pm

CONFIRMED AND SIGNED at the meeting held on 17 MAY 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI4/2023

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

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

SUMMARY

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

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

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

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

ENCLOSURES

There are no enclosures for this report.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI4/2023

Corporate and Community Services



SUBJECT: *NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION - REPORT WI18/2023 - ORGANICS RECOVERY CONTRACT*

RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (di) of the *Local Government Act 1993*:
 - Report WI20/2023 – Organics Recovery Contract as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “Confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

ENCLOSURES

Mayoral Minute

Report No. MM1/2023

General Manager's Unit



MAYORAL MINUTE No. MM1/2023

SUBJECT: DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

RECOMMENDATION

1. That Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - a. Expressing Council's strong opposition to the NSW Government's last-minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.8% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. That Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. That Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

Mayoral Minute

Report No. MM1/2023

General Manager's Unit



RATIONALE

I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worse, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/24, and Council's rate increase of 3.8%

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on Councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many Councils, the unexpected cost hit will absorb almost all of their IPART-approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

For Council, the ESL has increased by \$203,436 for 2023/24, bringing the total Council contribution to \$791,401. This amounts to 11.9% of the expected increase in rate income for 2023/24. If the NSW Government's decision is not reversed, the potential impacts on Council's services, infrastructure maintenance and delivery include:

- Reduction in critical funding for the road network, including a diversion of funds for maintenance and renewal for assets already severely affected by recent natural disasters.
- Reduction in open space and recreational facilities funding.
- Continued pressure on Council's long-term financial sustainability position.
- Potential reduction of services to the community including pools, libraries and other community services.
- Impact on customer service levels and the ability to meet agreed timeframes.

The timing of this development is particularly challenging for Councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

Mayoral Minute

Report No. MM1/2023

General Manager's Unit



All Councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are Councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of Councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a. restore the ESL subsidy,
- b. decouple the ESL from the rate peg to enable councils to recover the full cost
- c. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU4/2023

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

RECOMMENDATION

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

SUMMARY

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even *though* due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

There are no enclosures for this report.

Rescission Motions
Report No. RM2/2023
General Manager's Unit



RESCISSION MOTIONS No. RM2/2023

SUBJECT: PE13/2023 18 2020 5 PLANNING PROPOSAL TO GRANT A DWELLING ENTITLEMENT FOR LOT 686 DP 619758, KNOWN AS 0 BLACK HILL ROAD, BLACK HILL

The undersigned lodge the following motion of rescission:

That Resolution (454) to report PE13/2023 18 2020 5 Planning Proposal to grant a dwelling entitlement for Lot 686 DP 619758, Known as 0 Black Hill Road, Black Hill

be rescinded and;

That the report be reconsidered once Councillors are provided with the information requested at the Ordinary Council Meeting on 19 April 2023.

Sgd: Ian Olsen
Sgd: Councillor Watton
Sgd: Councillor Jurd
Date: 26 April 2023
Received: 19 April 2023

ENCLOSURES

There are no enclosures for this report



SUBJECT: *DEVELOPMENT APPLICATION 8/2021/22204/1 PROPOSING THE RESUBDIVISION OF FIVE (5) LOTS INTO TWO (2) LOTS, FOLLOWED BY CONSTRUCTION OF A DETACHED DUAL OCCUPANCY ON EACH PROPOSED LOT*

186 CAMP ROAD GRETA, CAMP ROAD ALLANDALE, LOVEDALE ROAD ALLANDALE AND 34 CAMP ROAD ALLANDALE

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer - Julia Ryl
 Development Services Manager - Janine Maher*

APPLICATION NUMBER:	8/2021/22204/1
PROPOSAL:	Resubdivision of five (5) lots into two (2) lots, followed by construction of a detached dual occupancy on each proposed lot
PROPERTY DESCRIPTION:	Lot 120 DP 1187494, Lot 13 DP 1078153, Lot 1 DP 1207820, Lot 2 DP 1207820, Lot 249 DP 755211
PROPERTY ADDRESS:	186 Camp Road, Greta Camp Road, Allandale Lovedale Road, Allandale 34 Camp Road, Allandale
ZONE:	RU2 Rural Landscape
OWNER:	Ocean Palm Management (Newcastle) Pty Ltd
APPLICANT:	Perception Planning

RECOMMENDATION

1. That:

- (i) Development Application No. 8/2021/22204/1 proposing the resubdivision of five (5) lots into two (2) lots followed by construction of a detached dual occupancy on each proposed lot at 186 Camp Road Greta, Camp Road Allandale, Lovedale Road Allandale and 34 Camp Road Allandale, 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 proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011 (CLEP)*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, and *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- The proposed development is consistent with the objectives of the *Cessnock Development Control Plan 2010 (DCP)*.
- Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the *Cessnock Local Environmental Plan 2011 (CLEP)*.
- The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in any unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest.

(iii) In considering community views, the following is relevant:

- Any issues raised in submissions have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed on the determination. Council has given due consideration to community views when determining the 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.

Planning and Environment

Report No. PE18/2023

Planning and Environment



REASON FOR REPORT

Development Application No. 8/2021/22204/1 is being referred to Council for determination as it has been called-up by three (3) Councillors.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2021/22204/1 seeking approval for the resubdivision of five (5) lots into two (2) lots, followed by construction of a detached dual occupancy on each proposed lot at 186 Camp Road Greta, Camp Road Allandale, Lovedale Road Allandale and 34 Camp Road Allandale.

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

The Development Application was publicly exhibited on two occasions. A total of nine (9) submissions were received in objection, five (5) during the first notification and four (4) during the second. Submissions received represent seven (7) households. The issues and concerns raised in the submissions are addressed in the following report.

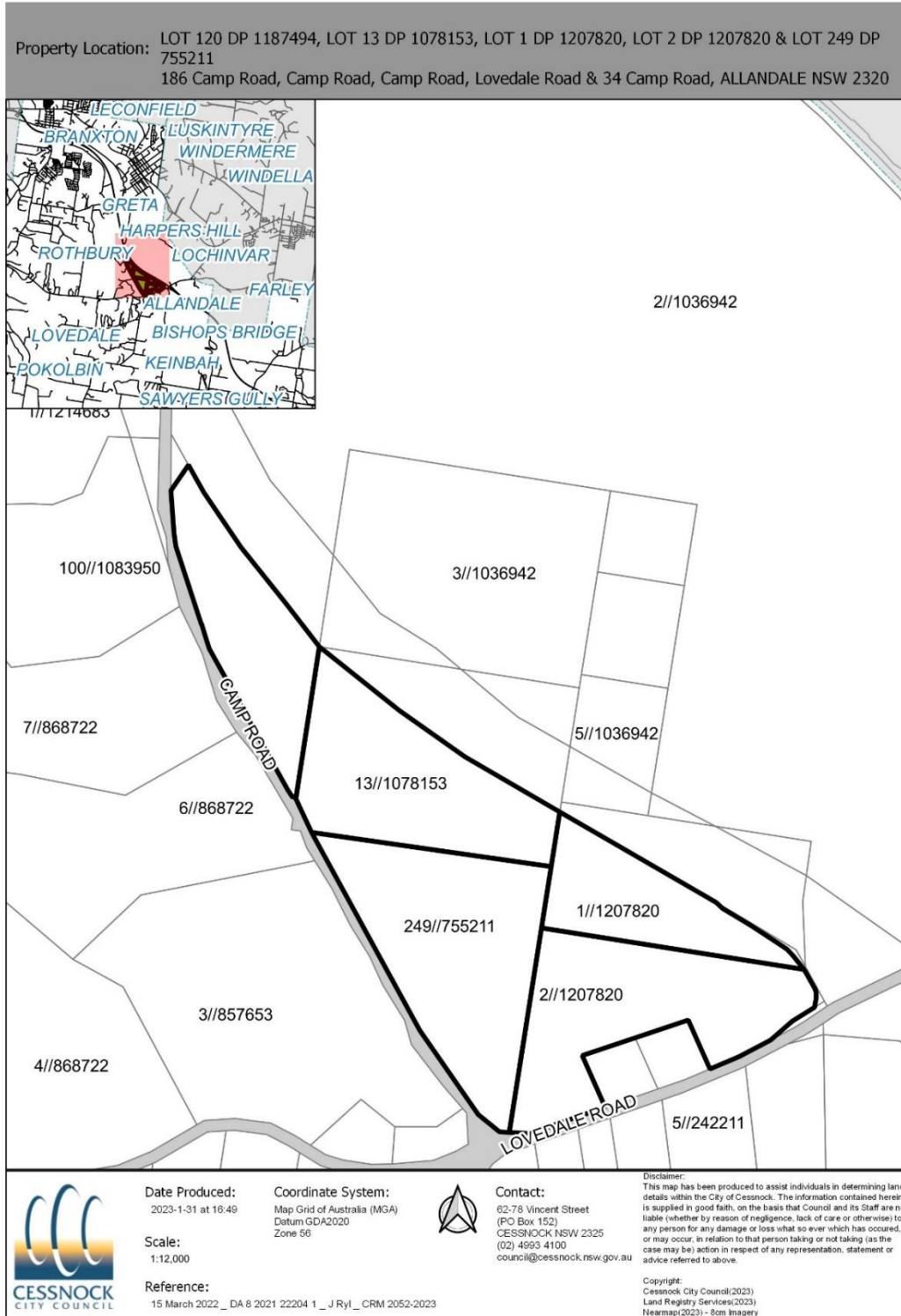
The proposal to resubdivide five (5) lots into two (2) lots will rationalise over 80 hectares (ha) of rural land which is largely vegetated, thereby enabling further development of the land for residential purposes. The five (5) existing lots do not presently benefit from a dwelling entitlement; however, through the resubdivision of the land, two (2) new lots compliant with Council's Minimum Lot Size (being 40 hectares) will be created, thereby establishing a dwelling entitlement over each lot.

The development proposed is permissible in accordance with the provisions of the *Cessnock Local Environmental Plan 2011*. The development will enable the ongoing maintenance of the retained native vegetation through the occupation of the site, and promotes the economic and orderly development of land.

Based on the assessment, it is recommended that Development Application No. 8/2021/22204/1 be approved subject to the conditions of consent included in this report.

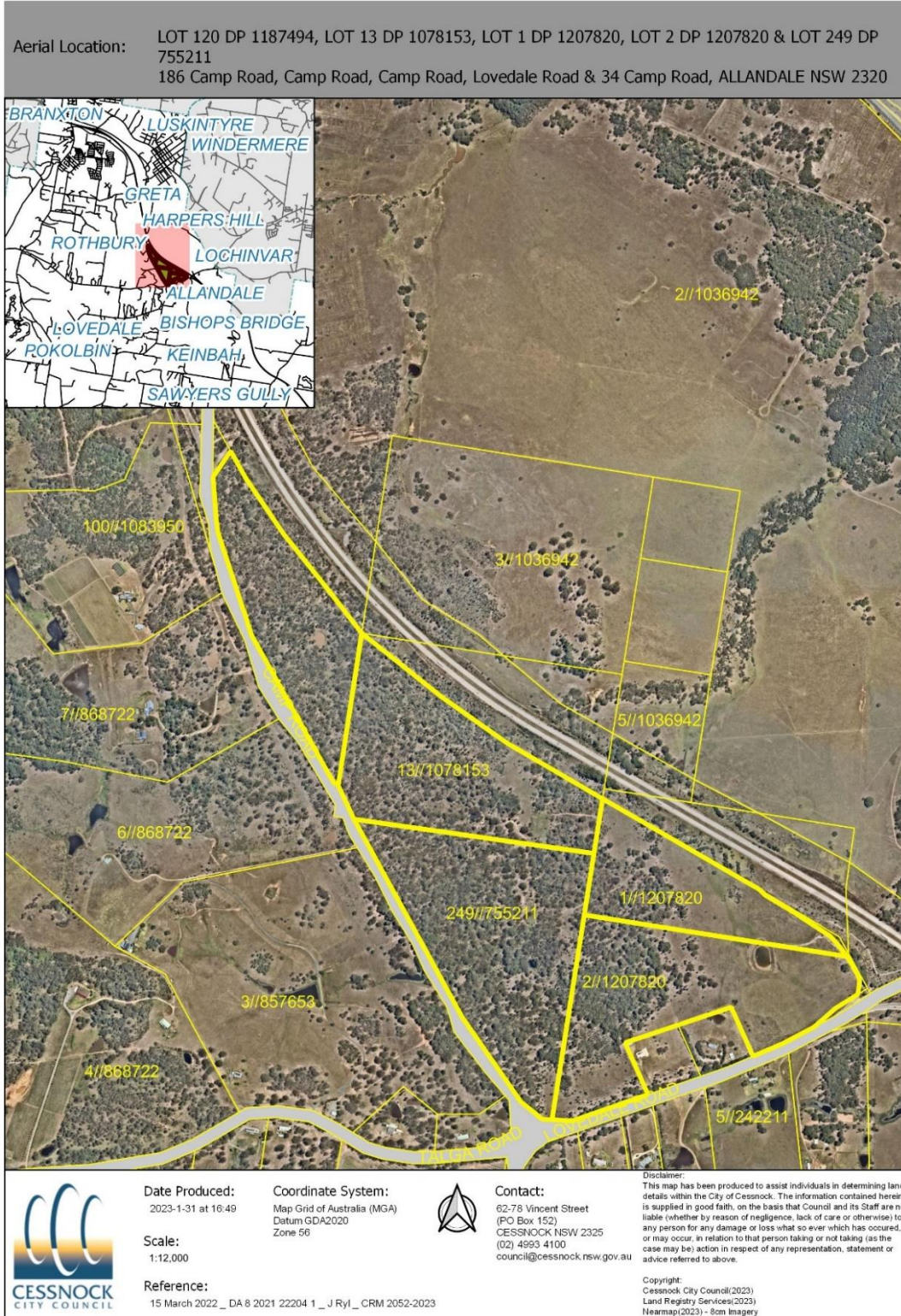


LOCATION MAP





AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 186 Camp Road Greta, Camp Road Allandale, Lovedale Road Allandale, and 34 Camp Road Allandale, and is legally described as Lot 120 DP 1187494, Lot 13 DP 1078153, Lot 1 DP 1207820, Lot 2 DP 1207820 and Lot 249 DP 755211.

The subject site is located on the northern side of Lovedale Road and the eastern side of Camp Road. The site has a combined frontage of approximately 370m to Lovedale Road, with an approximate depth of 1777m and an overall site area of 86.39ha. Vehicular access to the site is currently not provided, however is proposed from the Lovedale Road frontage in conjunction with the application.

The subject site is presently vacant. Historically, a rural dwelling existed on the land; however, the construction of the Hunter Expressway necessitated the demolition of this dwelling.

The below photographs depict the site.



Figure 1: Frontage of proposed lot 1 as viewed from Lovedale Road. Note: the vegetation is predominantly located within the road reserve. The proposed construction site remains visible through the vegetation.



Figure 2: Proposed Lot 1 - construction site as viewed from bus stop at Camp Road and Lovedale Road intersection.



Figure 3: Location of dual occupancy development on Proposed Lot 2 (as indicated by the red arrow).

The surrounding properties are characterised by rural residential and rural pursuits.

Relevant development consents issued in relation to the property include:

Development Consent Reference No.	Date development consent issued	Description of approved development
5/1992/36	31 July 1992	Creation of two (2) additional allotments in accordance with Cl.12(4) of <i>Cessnock Local Environmental Plan 1989</i> .

HISTORY

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

Date	Action
30 November 2021	Development Application lodged with Council.
7 December 2021	DA assigned to assessment officer.
14 December 2021	All fees paid by applicant.
20 January 2022	DA placed on public exhibition.
21 February 2022	Exhibition period concludes.
	Additional information requested.
27 February 2022	NSW RFS issue GTAs.
4 March 2022	Follow-up request issued in respect of additional information previously requested.
10 May 2022	Response to request for information received.
10 May 2022	DA amended – reduction in scale of proposed development.
31 July 2022	NSW RFS referral completed and GTA's issued.
14 September 2022	DA placed on re-exhibition.
26 September 2022	Additional information received.
13 October 2022	Re-exhibition period concludes.
3 November 2022	Natural Resource Access Regulator (NRAR) referral completed.
21 November 2022	Internal referrals completed.
13 March 2023	Request for information issued.
23 March 2023	Information submitted by applicant.
13 April 2023	Assessment completed.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2021/22204/1 seeks approval for the resubdivision of five (5) lots into two (2) lots, followed by construction of a detached dual occupancy on each proposed lot.

The proposed development is to be carried out in three (3) phases as described below:

Phase 1:

Resubdivision of five (5) into two (2) lot Torrens title subdivision creating the following:

- Proposed Lot 1 – 41.6ha
- Proposed Lot 2 – 44.9 ha

Phase 2:

Construction of a detached dual occupancy on Proposed Lot 2 comprising two single-storey dwellings

Phase 3:

Construction of a detached dual occupancy and ancillary development on Proposed Lot 1 comprising a two-storey dwelling, single-storey dwelling, and swimming pool.

ASSESSMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning and Assessment Act 1979*, prescribes as follows:

'This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.'

Biodiversity Conservation Act 2016

The proposed development includes the removal of approximately 2.28ha of native vegetation.

The applicant has submitted a Biodiversity Development Assessment Report (BDAR) prepared by Habitat Environmental Services Pty Ltd in support of the proposed development.

The vegetation proposed to be removed comprises one Plant Type Community (PCT) being the Spotted Gum – Red Ironbark forest. The development site is noted as having an abundance of mature hollow bearing trees. Three (3) hollow bearing trees are located within close proximity to the development footprint, which are proposed to be retained.

The BDAR has been reviewed by Council's Ecologist, who has concluded as follows:

- Native vegetation will be removed to facilitate the establishment of an Asset Protection Zone (APZ). This impact on native vegetation has been assessed in accordance with the *Biodiversity Conservation Act 2016*, with residual impacts being offset via biodiversity credits under the Biodiversity Offset Scheme (BOS).
- The fence line, impact on the road reserve, land application area (LAA) and effluent delivery pipe locations have all been included in the total impact area (ha) assessed in the BDAR. There are no outstanding matters that are required to be addressed.

On the basis of the above, it is considered that the proposed development does not result in a significant impact on flora and fauna, however the vegetation to be removed will trigger the biodiversity offset scheme to be entered into. A condition of consent has been included in the draft notice of determination with regard to biodiversity offsets.

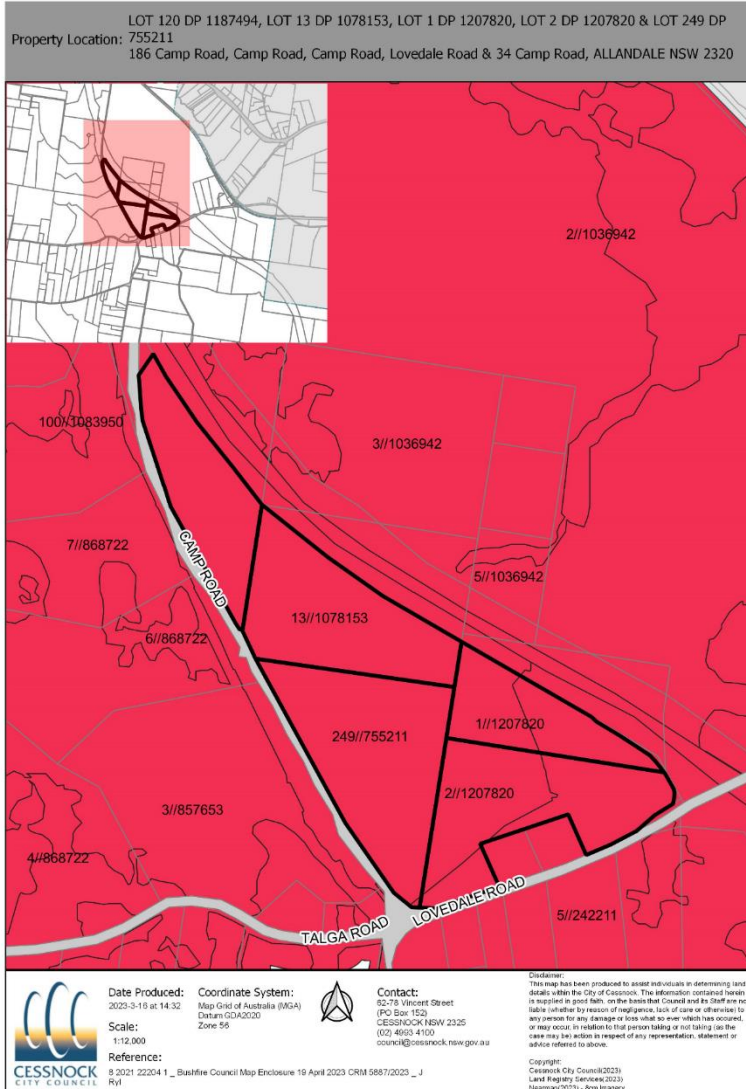
Section 4.14 Consultation and development consent – certain bush fire prone land

S4.14 of the *Environmental Planning and Assessment Act 1979*, prescribes that development consent cannot be granted to the carrying out of development for certain purposes, unless the consent authority is satisfied that the matters outlined in s4.14(1)(a) and (b) have been adequately addressed.

Planning and Environment
 Report No. PE18/2023
 Planning and Environment



The site is identified as being bush fire prone land, as shown below:



In part, the application proposes a residential subdivision as defined under the *Rural Fires Act 1997*. As such an assessment under Section 4.14 is not applicable. Rather, the application was lodged as Integrated Development, and therefore, the application was required to be referred to the NSW Rural Fire Service for assessment and the issuing of General Terms of Approval (GTA's). GTA's were issued by the NSW RFS on 31 July 2022.

Section 4.15 Evaluation

In determining a Development Application, the consent authority is to take into consideration the following matters prescribed within s4.15 of the *Environmental Planning and Assessment Act 1979*, as are of relevance to the development the subject of the development application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

The environmental planning instruments that relate to the proposed development are:

1. *State Environmental Planning Policy (Biodiversity & Conservation) 2021*
2. *State Environmental Planning Policy (Resilience & Hazards) 2021*
3. *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
4. *Cessnock Local Environmental Plan 2011*

An assessment of the proposed development under the environmental planning instruments is provided below:

1. State Environmental Planning Policy (Biodiversity & Conservation) 2021

Koala Habitat Protection 2020 was assessed being the correct provisions for land zoned RU2. One (1) koala feed tree species was found to occur onsite being *Eucalyptus tereticornis*; however, it was found to occur at less than 15% of the total tree component. Therefore, the site does not constitute 'highly-suitable' koala habitat and no further provisions apply.

2. State Environmental Planning Policy (Resilience & Hazards) 2021

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

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

The subject site has historically accommodated a dwelling which was removed to accommodate the construction of the Hunter Expressway (HEX). The site was likely historically utilised for grazing purposes. It is also noted that the site adjoins the historic Greta Army Camp.

No evidence of contamination was observed during inspection of the site. As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The aim of this policy is to encourage sustainable residential development.

A BASIX certificate has been submitted in conjunction with the application. The proposed development meets the requirements in regards to water, thermal comfort and energy. Provided the development is undertaken in accordance with this certificate, it will be consistent with the provisions of this SEPP.

4. Cessnock Local Environmental Plan 2011

4.1 Permissibility

The subject site is zoned RU2 Rural Landscape under the provisions of the Cessnock Local Environmental Plan (CLEP) 2011, as depicted in in Figure 4 below.

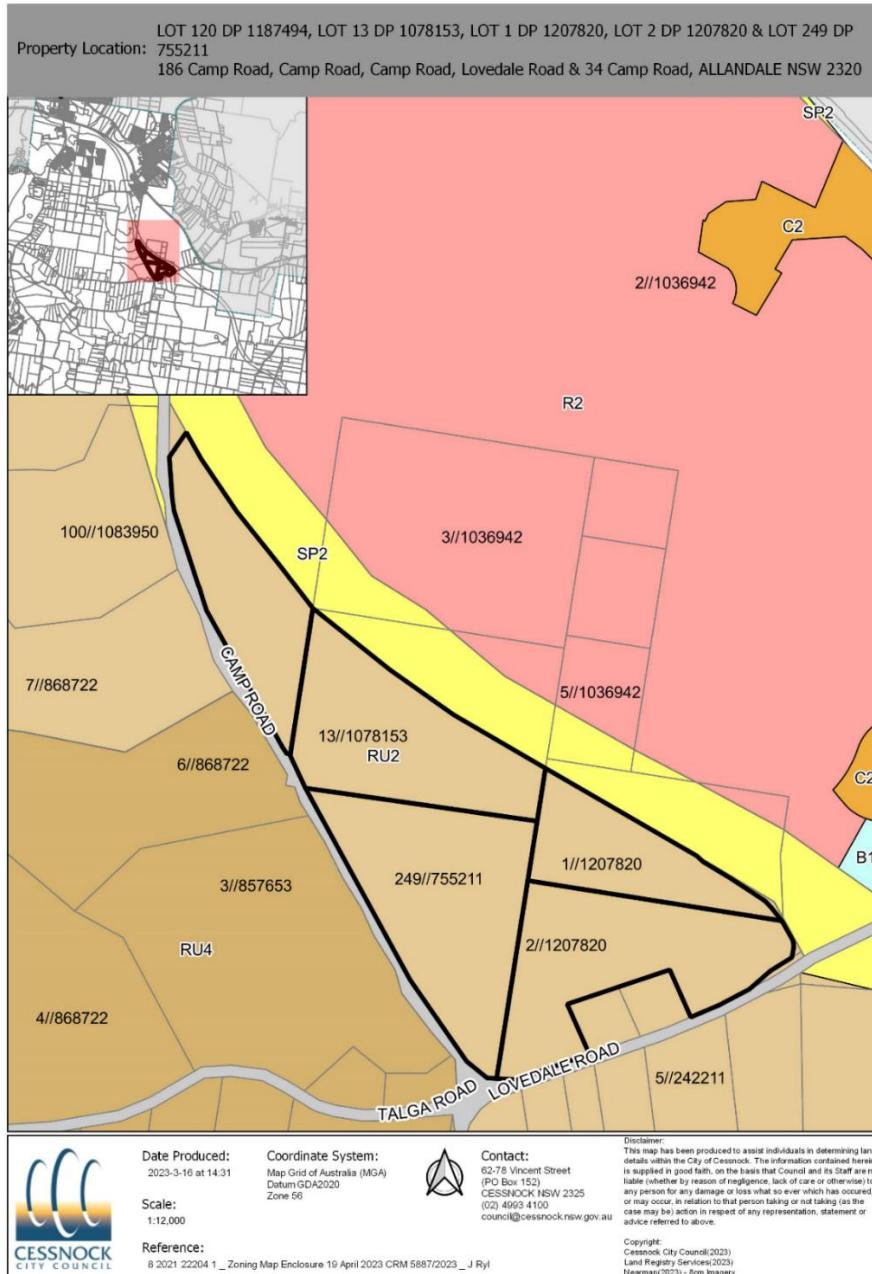


Figure 4: Zoning map Cessnock Local Environmental Plan 2011

The application proposes a resubdivision of land which is a permitted form of development by virtue of Clause 2.6.

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Additionally, the proposed development is defined as ‘dual occupancy (detached)’ under CLEP 2011, which is defined as follows:

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note—

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

The development satisfies the above definition.

Development for the purpose of dual occupancy is a permitted land use in the RU2 Rural Landscape zone, with consent.

4.2 Objectives

The objectives of the RU2 Rural Landscape, and a response to each, are identified in the following table:

Objective	Comment
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The subject land is not currently utilised for agricultural purposes. Proposed Lot 2 could be used for an agricultural pursuit (excluding areas of native vegetation); whilst Proposed Lot 1 is required to protect the retained vegetation and is not considered suitable for an agricultural purpose.
<i>To maintain the rural landscape character of the land.</i>	The proposed development was redesigned during the assessment process, resulting in a development which is consistent with development located within the locality, and the rural landscape character.
<i>To provide for a range of compatible land uses, including extensive agriculture.</i>	The land is capable of being used for other permissible uses; however, the area available for ‘other’ uses is limited as a result of the biodiversity values identified and restrictions on the use of this area.
<i>To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.</i>	The proposal is for a detached dual occupancy. This land use does not require an isolated location nor does it support tourism and recreation.
<i>To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.</i>	<p>The proposed lot sizes are considered to be suitable for the development of a detached dual occupancy. The application is supported by a wastewater report which demonstrates that the developments can be adequately serviced.</p> <p>Given that Proposed Lot 1 will predominantly retain the endangered ecological community, there is no capability for the land to be utilised for agricultural purposes.</p> <p>With the positioning of the proposed development on Proposed Lot 2, the remainder of the lot could be utilised for an agricultural use on the clear portion of land located along the Hunter Expressway boundary.</p>

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<i>To maintain and enhance the scenic character of the land.</i>	The development proposal will require the removal of 2.28ha of native vegetation and the construction of a gravel access road in excess of 400m long. The proposed built form will be visible from Lovedale Road. Notwithstanding, any potential impact is considered to be minor and will not detrimentally impact on the scenic character of the land.
<i>To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.</i>	The proposal will not result in an unreasonable or uneconomic demand for the provision or extension of services. The proposal is located within the vicinity of existing rural dwellings along Lovedale Road. Minimal reticulated services are provided. Therefore, the developments will be required to install onsite measures to service the developments.
<i>To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.</i>	The proposal will result in the clearing of approximately 2.28ha of vegetation in order to facilitate the proposed development. The remainder of the vegetation will be required to be protected and maintained. Given the land area and other constraints over the site, it is considered that the development will have minimal visual impact associated with the clearing of vegetation to facilitate the proposed development.
<i>To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.</i>	The siting of the development has been selected as a result of other environmental constraints observed to impact the site, including acoustic impacts related to the site's proximity to the Hunter Expressway. The locations proposed allow for Asset Protection Zones to be established, thereby creating fire breaks for the proposed dwellings and those dwellings located on adjoining land. The visual impact of the access roads servicing the dual occupancy on Proposed Lot 2 will be constructed at grade using natural materials.
<i>To ensure development does not intrude into the skyline when viewed from a road or other public place.</i>	The proposed development will not intrude into the skyline, with locations chosen on the sites to mitigate visual impacts.

4.3 Relevant Clauses

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

- **Clause 4.1 Minimum Subdivision Lot Size**

In part, Section 4.1 states as follows:

- ‘(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land’*

The application proposes the following lots having areas as specified below:

- Proposed Lot 1 – 41.6ha
- Proposed Lot 2 – 44.9ha

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The minimum lot size prescribed by the CLEP 2011 is 40ha. The proposed development includes the resubdivision of five (5) undersized lots into two (2) compliant lots in excess of 40ha each.

- **Clause 4.2A Erection of Dwelling Houses on Land in Certain Residential, Rural and Environmental Protection Zones**

In part, Clause 4.2A states as follows:

'(2) This clause applies to land in the following zones—

- (a) Zone RU2 Rural Landscape,*
- (b) Zone RU4 Primary Production Small Lots,*
- (c) (Repealed)*
- (d) Zone C2 Environmental Conservation,*
- (e) Zone C3 Environmental Management.*

(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—

- (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map'*

Following the resubdivision of the land to create two (2) proposed lots, both of which will exceed 40ha, the proposed development will be consistent with the requirement of clause 4.2A.

- **Clause 5.16 Subdivision of, or Dwellings on, Land in Certain Rural, Residential or Conservation Zones**

In part, Clause 5.16 states as follows:

'(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling.*

(4) The following matters are to be taken into account—

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).'*

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The development is unlikely to have a significant impact on existing land uses, or approved development in the surrounding area. Land immediately adjoining the site is not currently being used for a rural pursuit. As such, the development will not result in any land use conflict. In consideration of the above, the proposed development is consistent with Clause 5.16.

- **Clause 5.21 Flood Planning**

In part, Clause 5.21 states as follows:

'(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

(a) is compatible with the flood function and behaviour on the land, and

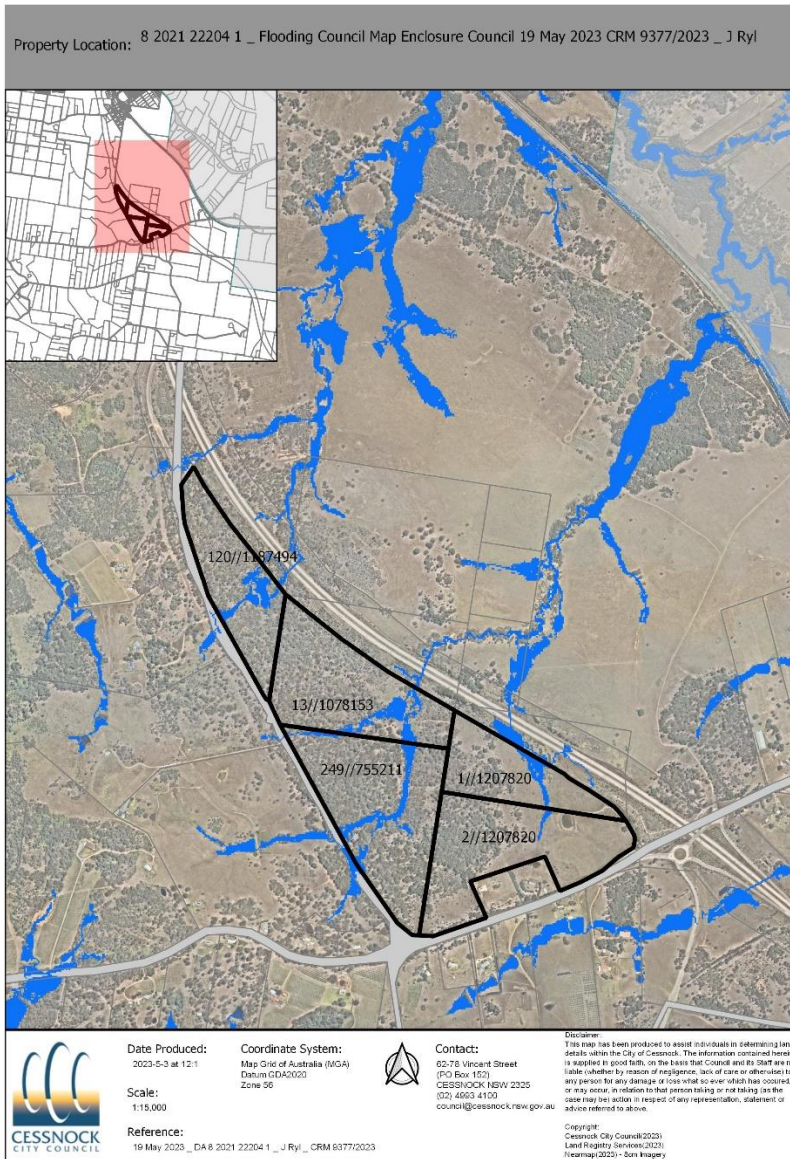
(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses'

The site is identified as being flood prone, as shown below:



Notwithstanding the above, given the size of the land area and the location of the development proposed on the lots to be created, there will be no impact on the development as a result of flooding.

It is noted that the development proposes construction of a loop access road along the boundary between the existing dwellings fronting Lovedale Road which will enable flood safe access to development located on Proposed Lot 2.

- **Clause 7.2 Earthworks**

In part, Clause 7.2 states as follows:

'(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g)'*

Clause 7.2 seeks to ensure that any earthworks do not result in an adverse impact on the environment, neighbouring properties or heritage items. The extent of cut/fill is considered to be reasonable and will not result in any impacts on adjoining land.

- **Clause 7.13 Dual occupancies on Land in Zone RU2**

In part, Clause 7.13 states as follows:

'(2) Development consent must not be granted to development for the purpose of dual occupancies on land in Zone RU2 Rural Landscape unless the consent authority is satisfied that—

- (a) the dwellings are designed and sited to give the appearance of being a single development, and*
- (b) the dwellings will use shared facilities such as a common driveway, fire breaks and essential services, and*
- (c) any ancillary buildings and structures will be situated within close proximity to the dwellings, and*
- (d) the dwellings are designed and sited to avoid significant adverse environmental impacts, and*
- (e) the dwellings are designed and sited to avoid significant adverse impacts on the agricultural potential and capability of the land.'*

The proposed dwellings are located to ensure common infrastructure is able to be shared with the siting of the dwellings within close proximity to each other, thereby avoiding any significant environmental impacts. The proposed dual occupancies are consistent with the requirements outlined above.

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- **Clause 7.14 Essential Services**

In part, Clause 7.14 states as follows:

'(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.'*

The applicant has demonstrated that services can be made available to the subject land. Where reticulated services are unable to be provided, alternative onsite servicing methods have been proposed.

- **Clause 7.15 – Groundwater Vulnerability**

In part, Clause 7.15 states as follows:

'(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.'*

In accordance with the requirements of this clause, the proposed development will not result in the contamination of the groundwater system as a result of the use of the land or an associated on-site disposal system. The development will not impact upon groundwater dependent ecosystems within the vicinity of the site.

The overall cumulative impact of the development will not have a significant impact upon groundwater quality or supply.

4.15(1)(a)(ii) *The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

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Draft EPI

The Cessnock Local Environmental Plan 2011 Rural Land amendment has been publicly exhibited and was endorsed by Council at their meeting of 14 December 2022.

The proposed amendment will result in dual occupancies being prohibited in the RU2 zone. However, a savings provision will be included in conjunction with the amendment, which will preserve development applications lodged but not determined before the finalisation of the amendment. This is consistent with Council’s resolution from their meeting of 14 December 2022.

On this basis, the proposed development the subject of this application is considered capable of being determined by way of approval.

Environmental Planning and Assessment Regulation 2021

It is noted that the *Environmental Planning and Assessment Regulation 2021* came into force on 1 March 2022.

Notwithstanding the commencement of the *Environmental Planning and Assessment Regulation 2021*, Schedule 6 prescribes relevant savings, transitional and other provisions. In particular, the following savings provision is relevant to consideration of this application:

3 Applications submitted before 1 March 2022

The 2000 Regulation continues to apply instead of this Regulation to the following applications submitted but not finally determined before 1 March 2022—

- (a) a development application,
- (b) an application for a complying development certificate,
- (c) a modification application,
- (d) an application to modify a complying development.

It is noted that the subject application was lodged prior to 1 March 2022. Therefore, the provisions of the *Environmental Planning and Assessment Regulation 2000* continue to apply, and the application has been assessed with consideration given to these provisions.

4.15(1)(a)(iii) The provisions of any development control plan

Cessnock Development Control Plan 2010

The following is an assessment of the proposal’s compliance with the relevant numerical standards in the Cessnock Development Control Plan 2010:

Part D: Specific Development			
Chapter 1: Subdivision Guidelines			
Provision	Required	Provided	Complies
1.4.1	Each lot must comply with the minimum area shown on the lot size map of CLEP	<ul style="list-style-type: none"> • Proposed Lot 1 = 41.6ha • Proposed Lot 2 = 44.9ha 	Yes

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Element 1: Lot Size and Shape	2011. In this case, the minimum area is 40ha.		
1.4.2 Element 2: Agriculture	<p>a) Compliance with Part C: General Guidelines, Chapter 4: Land Use Conflict & Buffer Zones.</p> <p>b) Subdivision of land that is classified as 'prime agricultural land' (classes 1, 2 or 3) may require referral to and comment from NSW Industry and Investment (Agriculture). Any prime agricultural land occurring on the subject land is to be identified on the plans submitted.</p> <p>c) Subdivision proposals are not to negatively impact upon sustainable agricultural activities.</p>	<p>The site is not identified as prime agricultural land. The allotments do not adjoin any land engaging in agricultural processes that would necessitate additional buffers.</p> <p>Given the vegetation located on site, it is considered that the subdivision will not negatively impact upon any sustainable agricultural activities.</p>	Yes
1.4.3 Element 3: Effluent Disposal	<p>An effluent disposal / geotechnical report may be required depending upon site requirements and constraints.</p> <p>Disposal of effluent shall not create a health nuisance or pollution, particularly in relation to nutrients infiltrating into bushland and / or watercourses.</p> <p>Where reticulated sewer is not available, effluent will be contained, treated and disposed of totally on the subject site. The disposal of effluent utilising pump-outs for new lots is unacceptable.</p>	<p>A Waste Water Report accompanied the application and has been assessed by Council's Environmental Health Officer's as being suitable to service the development proposed.</p> <p>Onsite sewer management is proposed for the development and as such, a condition of consent requiring approval of a S68 application has been imposed on the draft notice of determination.</p>	Yes
1.4.5 Element 5: Hazards	Subdivision undertaken in accordance with Planning for Bushfire Protection 2019.	The subdivision has been assessed by NSW Rural Fire Service (RFS) pursuant to Section 100B of <i>Rural Fires Act 199,7</i> and will be required to comply with the requirements as specified in the General Terms of Approval issued by the NSW RFS.	Yes
1.4.7	Roads designed in accordance with	The access to each allotment is required to meet Council's	Yes

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<p>Element7: Roads and Access</p>	<p>'Engineering Requirements for Development'.</p>	<p>Engineering Requirements for Development and RFS standards. A condition of consent has been imposed on the draft notice of determination in this regard.</p> <p>Access for Proposed Lot 2 to the west proposes a 20m offset from the existing dwelling on Lot 2552 and a 70m offset from the dwelling on Lot 2551 to the east. Considering the low frequency movements from Proposed Lot 2 on these two access roads, it is considered that the proposals will not generate significant dust, and therefore, will not impact adversely on adjoining properties.</p>	
<p>1.4.8 Element 8: Soil and Water Management</p>	<p>A Soil and Water Management Plan (SWMP) may be required to be prepared by suitably qualified person/s.</p>	<p>Prior to a Subdivision Certificate, the provision of services to each lot will be satisfied.</p> <p>Further provision of services will be established as part of the construction of the dwellings.</p> <p>Relevant sediment and erosion control measures will be required where any civil works/earthworks are proposed.</p>	<p>Yes</p>
<p>1.4.9 Element 9: Stormwater and Drainage</p>	<p>Stormwater runoff from construction of subdivisions and from development resulting from the subdivision is to be adequately detained on site.</p>	<p>Roof water from each dwelling is proposed to drain to a 5kL rainwater tank overflowing to a rainwater garden, thereby allowing excess water to disperse into the natural catchment.</p> <p>Considering the available open space within each lot and site contours, there are no apparent adverse impacts on adjoining properties, and the development is not expected to concentrate flows. The concept stormwater arrangement is satisfactory.</p>	<p>Yes</p>
<p>1.4.10</p>	<p>All lots created shall be provided with utility</p>	<p>Complies, mains electricity will be connected. No</p>	<p>Yes</p>

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Element 10: Utility Services	services. Such services will not result in a detrimental impact on the environment.	reticulated water, sewer or telecommunications are available; however, these services are able to be provided through alternate means.	
1.4.11 Element 11: Visual Amenity	Visual impact rising from development on newly created allotments is minimal.	<p>The subject dwelling designs have been significantly reduced in scale from those originally proposed. The proposed developments are to be constructed at ground level, and will be located in such a way that their visual impact from public viewing locations is considered acceptable.</p> <p>The applicant has justified the selected locations for future built development by arguing that they will have the least impact on vegetation and watercourses; and will reduce impacts on the future occupants from noise generated by the Hunter Expressway.</p>	Yes

Part D: Specific Development

Chapter 2: Urban Housing

Provision	Required	Provided	Complies
2.3.3 Streetscape	Scale and appearance of new development is to be compatible and sympathetic to existing development in the locality.	<p>The scale of the proposed development has been reduced significantly from that originally proposed.</p> <p>The style of dwelling is not dissimilar to other development within the locality. Two-storey and homestead style single-storey dwellings are evident within the Lovedale area.</p> <p>The proposed location of the access required by NSW RFS for development on Proposed Lot 2 will provide a firebreak to adjoining properties.</p>	Yes
2.3.4 Front Setbacks	Setbacks from the street to be consistent with those of adjoining development,	Whilst the setbacks are not identical to those of the adjoining properties,	Yes

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	though not necessarily identical.	sameness is not required in this instance. The proposed setbacks exceed 18 metres from boundaries which is compliant with land use conflict setbacks for the RU2 zone in DCP Chapter C.4 Land use Conflict and Buffer Zones.	
2.3.5 Private Open Space	1-2 bedrooms = 50m ² 3+ bedrooms = 70m ² Principal Area = 4m x 4m	The proposed dual occupancies are to be constructed on lots exceeding 40ha. There is ample private open space provided for each proposed dwelling. The orientation of the proposed dwellings has been designed in such a way to ensure private open space areas of all adjoining/neighbouring properties are not adversely impacted upon.	Yes
2.4.2 External Appearance	New development must consider the existing scale, character and massing of development in the immediate area.	The proposed development has been significantly reduced in scale from that originally proposed and is now of a scale which is consistent with the character of development within the immediate area. Materials proposed provide variation and interest, utilising a neutral colour palette. Whilst adjoining built developments are located on separate lots, the separation of dwellings in the dual occupancy are closer in accordance with the <i>Cessnock Local Environmental Plan 2011</i> requirements and Planning for Bushfire Protection 2019.	Yes
2.4.3 Building Height	Building maximum height - 7.2m (calculated from natural ground level to the underside of the ceiling in the uppermost habitable room).	The proposed two-storey dwelling is to be constructed with an overall maximum height from the finished floor level to the underside of the ceiling of the uppermost	Yes

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		habitable room of 5.8m. The dwelling will not exceed 7.2m from natural ground level.	
2.4.4 Side and Rear Setbacks	Minimum setback 1m - for walls up to 3m high, then an additional 300mm for every metre above 3m.	The side and rear setback requirements are exceeded. Given the rural landscape nature of the locality, larger setbacks are provided.	Yes
2.4.5 Energy Conservation	The provision of adequate solar access to courtyards and living areas.	The dwellings are orientated to provide adequate solar access to each living area.	Yes
2.4.6 Views and Privacy	The development is sited and designed to meet projected user requirements for visual and acoustic privacy.	Each dwelling has been designed to ensure the user requirements for visual and acoustic privacy is attained. This is achieved through the orientation of the dwellings proposed with the habitable rooms orientated away from existing and other proposed dwellings. Private open space areas are provided to the rear of each dwelling.	Yes
2.4.8 Car Parking	Adequate parking spaces provided.	Each proposed dwelling is provided with a carport large enough to accommodate two (2) vehicles. The provision of parking is consistent with the requirements of the DCP.	Yes

The development is compliant with all planning controls contained within the chapters relevant to the application.

4.15(1)(a)(iia) The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No such agreement has been proposed in conjunction with this application.

4.15(1)(a)(iv) The provisions of the regulations

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

4.15(1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

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In particular, consideration has been given to the requirement for the removal of native vegetation. The assessment has concluded that whilst there will be an impact, this impact will not result in serious and irreversible damage, with these impacts able to be offset through the Biodiversity Offset Scheme. Appropriate conditions of consent are proposed to be imposed on the notice of determination in order to limit the extent of impact on vegetation.

4.15(1)(c) The suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. Specifically, appropriate measures have been applied to provide an appropriate firebreak to the proposed development. Although some native vegetation is proposed to be removed, the removal of this vegetation is not considered to result in a significant impact, and suitable offsets are able to be provided.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The Development Application was publicly exhibited on two separate occasions, being:

- 20 January 2022 to 18 February 2022; and
- 14 September 2022 to 13 October 2022.

In total, nine (9) submissions were received - five (5) submissions during the first exhibition period and four (4) submissions during the second exhibition period. Submissions received represent seven (7) households.

All submissions were in objection to the proposal.

The following table outlines the issues raised in the submissions lodged with Council, along with a response to each matter:

The following concerns were raised during the first exhibition period:

Issue	Comment
<p>Traffic and Access</p> <p>We strongly oppose the access road that will border the 2 x 5-acre properties due to total lack of privacy, noise and dust issues.</p> <p>The proposed driveway construction is disturbing and ludicrous at best.</p> <p>The proposed driveway will result in unsafe conditions and dangerous turning in and out of the properties.</p>	<p>Access to proposed Lot 2 incorporates two driveway access points from Lovedale Road.</p> <p>Table 7.4a of Planning for Bushfire Protection 2019 (PBP) requires at least one alternative access road to be provided for dwellings located more than 200 metres from a public road.</p> <p>The driveways are in accordance with the required PBP provisions.</p> <p>Council’s Development Engineers have reviewed the proposed access arrangement. Whilst Lovedale Road has a speed limit of 80km, the portion of the road in the vicinity is relatively straight, and in this regard, issues with sight distance are not envisaged.</p>
<p>Building Design</p>	<p>The application initially proposed a 2 x two-storey dwelling and 2 x single-storey dwellings. The</p>

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<p>Lovedale Road has heavy traffic with fast speed limits. 3 driveways are unsafe.</p> <p>The buildings are not sympathetic to the rural setting and character.</p> <p>Buildings should be restricted to single-storey.</p>	<p>proposed dwellings were considered to be excessive in size and were not suitable given the rural character of the area.</p> <p>In consideration of the concerns raised during the notification period and assessment, a re-design of the proposal was undertaken which significantly reduced the scale of the development.</p> <p>The amended development proposes 3 x single-storey dwellings (reduced in scale), and one two-storey dwelling (significantly reduced in scale).</p> <p>It is considered the amended proposal is in keeping with the rural character of the area.</p>
<p>Visual Impact</p> <p>Visual impact on adjoining properties will be like 'looking at housing development, not rural and natural landscape'.</p>	<p>The visual impact of the proposed development has been considered. The resubdivision of the land enables the construction of a dual occupancy on each resultant lot, which is a permitted form of development under the <i>Cessnock Local Environmental Plan 2011</i>.</p> <p>The locations have been chosen to reduce acoustic impacts on the neighbouring properties and reduce potential environmental impacts.</p>
<p>Definition</p> <p>Buildings are suited to hotel and motel / tourist and visitor accommodation.</p> <p>Buildings will be used as tourist and visitor accommodation.</p>	<p>Whilst the original application was considered excessive in scale, the application has been amended to significantly reduce the scale, design and bulk of the proposed dwellings.</p> <p>The application seeks approval to construct detached dual occupancy developments. The application does not seek to use the dwellings as tourist and visitor accommodation, however it is acknowledged that other planning provisions at the state level relating to short-term rental accommodation, enable this to occur to some degree.</p>
<p>Privacy</p> <p>The proposed development results in a substantial impact on the privacy of the entertaining area and spa area of adjoining property.</p> <p>The proposed development is too close to adjoining boundary resulting in significant reduction on privacy</p> <p>The proposed positioning of the dwellings could not possibly be any more intrusive on the existing residents</p>	<p>The application was redesigned in consideration of concerns raised by the community in respect of privacy.</p> <p>The scale and orientation of the dwellings have been altered to reduce amenity impacts on neighbouring properties, the broader locality and the rural landscape.</p> <p>Private open space has been oriented away from the existing dwellings to minimise privacy impacts.</p>

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<p>Carparking</p> <p>Insufficient carparking proposed.</p>	<p>In accordance with Chapter C.1 of Council's Development Control Plan (DCP), 2 parking spaces are required for 3 bedrooms +; hence, 2 parking spaces for each dwelling are required. The architectural plans show that each dwelling has a separate carport to accommodate 2 on-site car parking spaces. There is ample open space available on site to accommodate more parking if required.</p> <p>Accordingly, parking arrangements are considered satisfactory.</p>
<p>Bushfire risk</p> <p>Concerned that there will be additional bush fire risk to existing houses directly adjacent (new dwellings located on existing/designated firebreak)</p>	<p>The application was accompanied by a BPAD Accredited Bushfire Assessment Report.</p> <p>All dwellings have been designed to comply with the relevant PBP 2019 requirements, relating to access, construction standards, utilities and APZ's. It is not considered that the proposed development would increase bushfire risk to existing development.</p>
<p>Onsite Sewer Management</p> <p>Has there been sufficient examination of the disposal of the treated wastewater? Given the site conditions, soil type (clay) and maintenance of the irrigation area.</p>	<p>Council's Environmental Health Officers have reviewed the proposal and consider that the submitted Wastewater Report has satisfactorily demonstrated that wastewater from the proposed dual occupancies can be managed on-site.</p> <p>A separate S68 Application will be required to be submitted to, and approved by Council in respect of the disposal of wastewater.</p>
<p>Property Value</p> <p>The value of our property would be reduced by having neighbours so close to our own home.</p>	<p>There is no evidence to suggest that adjoining property prices would be impacted by the development.</p> <p>Furthermore, property prices are not a relevant planning consideration.</p>
<p>Increase risk of crime</p> <p>Increase in population will automatically result in crime. It is not reasonable to state that this "will not create any safety, security or crime concerns on or around the site."</p>	<p>There is no evidence to suggest that an increase in residential accommodation would have an immediate increase in crime.</p>
<p>Ecology</p> <p>This proposed development exceeds the limits legislated by the Biodiversity Conservation Regulation 2017. Offsets would have to be implemented. We do not agree with the need to rezone this area and cause the entry into the Biodiversity Offset Scheme.</p> <p>Native birds and animals will be displaced as their habitat is further reduced.</p>	<p>Council's Ecologist has assessed the application in accordance with the legislative requirements of the <i>Biodiversity Conservation Act 2016</i> and <i>SEPP (Biodiversity and Conservation) 2021</i> specifically, <i>Koala Habitat Protection 2020</i>.</p> <p>The application does not propose to rezone the site.</p> <p>Residual impacts are to be offset via biodiversity credits under the Biodiversity Offset Scheme (BOS).</p>

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	<p>Mitigation measures will also be implemented via conditions of consent.</p> <p>No designated environmental protection areas are located onsite.</p>
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In consideration of the above mentioned submissions, along with issues raised by Council officers, the application was amended.

Upon receipt of amended plans, the application was re-exhibited from 14 September 2022 to 13 October 2022.

During the second exhibition period, the following new/additional concerns were raised:

Issue	Comment
<p>Separate DA for further development of lots to be created</p> <p>Complexity of the addition of dual occupancy to each lot should be assessed by future development application.</p>	<p>Combined Development Applications proposing subdivision and construction upon the proposed lots to be created are commonly lodged and assessed as a single development application.</p> <p>The potential impacts associated with each facet/phase of the development have been assessed by Council, and as outlined within this report, the application does not propose any variations to Council's planning controls.</p>

4.15(1)(e) The public interest

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

Based on the above assessment, it is considered that the proposed development is consistent with the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 Contributions are payable for the proposal.

In the event the application is approved, Section 7.11 Contributions totalling \$73,136.00 would be payable, in accordance with the following:

In accordance with the District Catchments Calculator for Cessnock and based upon the creation of two (2) rural lots with dwelling entitlements and the intensification of the land use by way of the construction of a dual occupancy upon each proposed lot, the below details the Section 7.11 Contributions applicable to the entirety of the development.

DISTRICT CATCHMENTS CALCULATOR

DO NOT USE THIS CALCULATOR FOR LOCAL CATCHMENTS, SECONDARY DWELLINGS OR SENIORS LIVING

DA number:	8 2021 22204
Property	Camp Road Allandale
DA Planner:	
Date:	3/05/2023

Locality:	Allandale		
District Catchment:	Cessnock		
Enter Subdivision details:			
How many existing lots/dwellings?	0		
How many lots/dwellings proposed?	4		
Net increase in lots/dwellings	4		
Contributions:			
	per lot		
	Total		
	fee code		
Open Space and Recreation Facilities	\$7,852.57	\$31,410.27	800
Community Facilities	\$1,217.16	\$4,868.62	801
Cycleway Facilities	\$7,506.24	\$30,024.95	802
Roads and Traffic	\$1,396.88	\$5,587.50	803
Plan Administration	\$311.16	\$1,244.66	804
Total contributions	\$18,284.00	\$73,136.01	

INTERNAL REFERRALS

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

Officer	Comment
Development Engineer	Satisfactory subject to conditions of consent.
Ecologist	Satisfactory subject to conditions of consent.
Environmental Health	Satisfactory subject to conditions of consent.
Contributions Planner	Satisfactory subject to conditions of consent.

EXTERNAL REFERRALS

The Development Application was referred to the following external agencies for concurrence:

Agency	Comment or concurrence?	Outcome
NSW RFS	Concurrence	Approved subject to General Terms of Approval (dated 31 July 2022).
NSW DPE- Water	Concurrence	Confirmed that GTAs not required as the proposed works are exempt from requiring a Controlled Activity Approval. Concurrence provided on this basis.

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CONCLUSION



The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant instruments and policies.

The subject site, whilst having a number of identified constraints such as vegetation and bushfire affectation, is considered suitable for the the proposed development sought via the application. As outlined within this report, the application does not seek to vary under planning controls prescribed under either the *Cessnock Local Environmental Plan 2011*, or the *Cessnock Development Control Plan 2010*.

In addition to the above, suitable conditions of consent have been imposed on the draft notice of determination to address matters such as vegetation removal and compliance with *Planning for Bushfire Procetion 2019*.

Based on the assessment, it is recommended that Development Application No. 8/2021/22204/1 be approved, subject to the conditions of consent included in this report.

ENCLOSURES

- 1  8 2021 22204 1 _ Subdivision and Architectural Plans
- 2  8 2021 22204 1 _ Objections Received During Exhibition Periods



CONDITIONS OF CONSENT

SCHEDULE 1

CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

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

A copy of the General Terms of Approval dated 31 July 2022 is attached to this determination notice.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following supplementary documentation, except where amended by the conditions of this consent.

Document Title	Prepared By	Dated
Biodiversity Development Assessment Report Document No.: HBT0096_sBDAR_V1.0 BAAS Case Number: 00034613/BAAS21023/22/00034614 Version 1.1	Habitat Environmental Services	12/09/2022

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

3. CC/SWC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.12, 6.7 and 6.13 of the *EP&A Act 1979*, construction and subdivision works approved by this consent must not commence until:

- a) A *CC/SWC* has been issued by a Certifier (being Council or a registered certifier); and
- b) A *PC* has been appointed by the person having benefit of the development consent; and
- c) If Council is not the *PC*, notify Council no later than two (2) days before building/subdivision work commences as to who is the appointed *PC*; and

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- d) At least two (2) days before commencement of building/subdivision work, the person having benefit of the development consent is to notify Council as to the intention to commence building/subdivision work.

4. No Impact to Retained Vegetation

Stockpiling or storage or mixing of materials (including soil), vehicle parking, disposal of liquids, machinery repairs, refuelling and the siting of any new offices or sheds must not occur within the drip line of retained trees during any stage of the development.

PRIOR TO COMMENCEMENT OF WORKS

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

5. Delineation of Approved Development Site Required

Prior to any clearing works, the approved development site (shown in Figure 2 of the Biodiversity Development Assessment Report by Habitat Environmental Services dated 12 September 2022) must be clearly delineated using temporary protective fencing or brightly coloured tape. Clearing works and other development activities must not occur beyond the boundaries of the approved development site.

6. Marking of Hollow Bearing Trees

Hollow bearing trees (shown in Figure 5 of the Biodiversity Development Assessment Report by Habitat Environmental Services dated 12 September 2022) must be marked using temporary protective fencing or brightly coloured tape, and appropriately marked with signage to inform all works on site that the trees contain native fauna habitat and should not be disturbed or cleared.

7. Public Liability Insurance

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

8. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.



9. 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.

10. Relocation of Services

The person having the benefit of the Development Consent shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

DURING WORKS

The following conditions are to be complied with during works.

11. 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.

12. Site is Securely Fenced

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

13. 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 Environmental Protection Authority document *Noise Guide for Local Government*.

14. Construction Vehicles

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

15. Felling and Lopping of Trees to Protect Nests, Hollows and Trees to be Retained

Tree removal and lopping of branches must be performed under the supervision of a qualified and experienced ecologist to ensure that no nests or hollows are removed.

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Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

16. Delineation of Development Site to Protect Vegetation

The fencing or tape marking the boundaries of the approved development site must remain in place until completion of all development works.

17. Tree Protective Fencing, Tape and Signs

Tree protective fencing or tape and signage required by Condition 8 must remain in place until completion of all construction works.

18. Fencing Line Vegetation Removal Limited

Clearing of native vegetation to facilitate boundary fences must be limited to a total width of 4m.

19. Clearing of Development Footprint

Vegetation must be cleared from the periphery of vegetated areas first, progressing from south to north, to enable resident fauna to relocate to adjacent areas to be retained for conservation purposes.

20. Noxious Weed Control - Vehicles

During construction works all vehicles must be washed before entering the site to prevent the spread of exotic species.

21. 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.

22. 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.

23. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

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24. Building Materials On Site

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

Stage 1 – Subdivision

The following conditions apply to Stage 1, being the resubdivision of five (5) lots into two (2) lots.

CONDITIONS OF CONSENT

25. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Partial Detail Survey of Lot 2 DP 1207820 Project No.: 21369 Sheet: 1 Rev. A	Delfs Lascelles Consulting Surveyors	06.05.21

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

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

26. House Numbering

Prior to the issue of an SC, the PC is to be provided with evidence that an application for house numbering has been submitted to Council.

27. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the EP&A Act 1979 for the services detailed and for the amount detailed must be made to Council prior to the issue of any SC:

Cessnock District Catchment	
Contribution Type	Amount Payable
Open Space and Recreation Facilities	\$15,705.13
Community Facilities	\$2,434.31
Cycleway Facilities	\$15,012.48

Fee Type Code
800
801
802

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Fee Type Code
803
804

Cessnock District Catchment	
Contribution Type	Amount Payable
Roads and Traffic	\$2,793.75
Plan Administration	\$622.33
Total	\$36,568.00

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

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

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

28. Native Vegetation Protected by Restriction on Use of the Land

The area of native vegetation to be retained must be protected in perpetuity by entering into a 88B instrument or positive covenant prior to the issue of any SC.

The applicant shall prepare a suitable 88B instrument which clearly indicates the following with respect to ongoing restrictions on the use of the land:-

- a) Clearing to accommodate boundary fencing is restricted to a total width of 4m for conservation purposes. Any new or replacement boundary fencing must be constructed with plain wire. Barbed wire shall not be used. Fencing must be designed and erected so that native fauna movement is not impaired or restricted to reduce the chance of native fauna being injured.
- b) Any landscaping must use native species of local provenance grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species must be characteristic of Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions.
- c) All native vegetation outside of the approved development site (shown in Figure 2 of the Biodiversity Development Assessment Report by Habitat Environmental Services dated 12 September 2022) must be retained in a natural state and not cleared, (as defined in the *Biodiversity Conservation Act 2016*) picked or disturbed in any way.

Council is to be a party whose consent is needed to release or vary these restrictions.

The endorsed 88B instrument shall be submitted to Council prior to Council's endorsement and release of the surveyor's transparency.



29. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision in an electronic format for Council's endorsement.

The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument
- d) All surveyor's or engineer's certification required by the Development Consent
- e) Lot numbers to correspond with street numbering

30. All Services Provided Within Lots

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

31. Provision of Utilities

The applicant shall submit to Council evidence that the requirements of an energy supplier and telecommunications authority have been met in regard to the provision of these services to each lot within the approved subdivision. Such evidence shall be submitted to Council prior to release of the SC.

Stage 2 – Construction of Dual Occupancy on Proposed Lot 2

The following conditions apply to Stage 2 works, being the construction of a Dual Occupancy on Proposed Lot 2.

CONDITIONS OF CONSENT

32. Stage 1 Works to be Completed

All Consent Conditions as required by Stage 1 of this Development Consent shall be completed prior to the commencement of Stage 2 works.

33. Registration of Subdivision

The two (2) lots created by subdivision in Stage 1 of Development Consent 8/2021/22204/1 must be registered prior to the construction of dual occupancy on the resultant lots. Evidence demonstrating compliance with this requirement is to be submitted to the Certifier prior to the issue of a CC.

34. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Site Plan – Stage 2 Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet 1 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Driveway Plan – Stage 2 Proposed Driveway Plan to Access Proposed Lot 2 File:2103091 Sheet: 2 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Single Storey Ground Floor Stage 2 – Two Single Storey Dwellings to be Constructed to Create Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet:9 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Single Storey Elevations Stage 2 – Two Single Storey Dwellings to be Constructed to Create Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet: 10 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023
Title: Section B-B Stage 2 – Two Single Storey Dwellings to be Constructed to Create Dual Occupancy on Proposed Lot 2 File: 2103091 Sheet: 11 of 12 As amended in Red	Sorensen Design & Planning	22/03/2023

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

35. BCA Compliance

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

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Note: Section 69 of the *EP&A Reg 2021* and Section 19 of the *EP&A (DC&FS) Reg 2021* states 'a reference to the *BCA* is a reference to the *BCA* as in force on the relevant date', which is;

- (a) *the day on which the application for the construction certificate was made, or*
- (b) *if the building is a multi storey building and a construction certificate has been issued under the same development consent for building work involving the entrance floor—the day on which the application for that construction certificate was made*

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

36. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. The Long Service Levy is payable prior to the issue of a CC.

37. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of any CC:

Cessnock District Catchment	
Contribution Type	Amount Payable
Open Space and Recreation Facilities	\$7,852.57
Community Facilities	\$1,217.16
Cycleway Facilities	\$7,506.24
Roads and Traffic	\$1,396.88
Plan Administration	\$311.16
Total	\$18,284.00

Fee Type Code

800

801

802

803

804

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

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

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

38. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

39. Waste Management Plan

A Waste Management Plan is to be provided to the Certifier prior to the issue of a CC. The Waste Management Plan is to be prepared in accordance with the following:

- a) Estimated quantities of materials that are reused, recycled, removed from the site
- b) On site material storage areas during construction
- c) Materials and methods used during construction to minimise waste
- d) Nomination of end location of all waste generated

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

40. Car Parking

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 and submitted to the Certifier prior to the issue of a CC.

41. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of two (2) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

42. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

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

43. Section 68 Approval

Application shall be made to Council under Section 68 of the *Local Government Act 1993* to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

44. Access Roads

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed dwellings as detailed on the Driveway Plan prepared Sorensen Design and Planning dated 22/03/2023. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side. Construct drainage works as necessary. All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

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

45. Ecosystem credit retirement conditions

- a) Prior to issue of CC the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits in (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.
- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of (a) must be provided to the consent authority prior to CC.

Table 1: Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community types that can be used to offset the impacts from development
1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub grass open forest of the lower Hunter.	14	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions. This includes PCT's: 1590, 1592, 1593, 1600 and 1602.
1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrubgrass open forest of the lower Hunter.	9	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Hunter-Macleay Dry Sclerophyll Forests. This includes PCT's: 1178, 1589, 1600 and 1601.

¹ Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

PRIOR TO COMMENCEMENT OF WORKS

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

46. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

47. Inspection for Onsite Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an *OC*, a satisfactory final inspection report from the Council must be received by the *PC*, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

48. Evidence from Supervising Ecologist to be Submitted

Evidence that trees have been removed and lopped in accordance with Condition 15 must be provided by the ecologist who supervised the clearing to the satisfaction of Council's Ecologist prior to issue of *OC*.

49. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Lovedale 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 an *OC* for the whole of the building. Where a Partial *OC* is issued the crossing shall be completed within six (6) months from the date of the Partial *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.

50. All Services Provided

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the dwellings, shall be submitted to the *PC* prior to issue of an *OC*.

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**51. Road – Access Completion**

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an OC.

52. Roof Stormwater – Clear of Buildings, Without Affecting OSSM

Prior to issue of an OC, roof water from the building and any rainwater tank overflow shall be piped clear of all buildings - without creating any nuisance on the property, to the onsite sewage management system, or to adjoining properties.

Stage 3 – Construction of Dual Occupancy on Proposed Lot 1

The following conditions apply to Stage 3 works, being the construction of a Dual Occupancy on Proposed Lot 1.

CONDITIONS OF CONSENT**53. Registration of Subdivision**

The two (2) lots created by subdivision in Phase 1 of Development Consent 8/2021/22204/1 must be registered prior to the construction of dual occupancy on the resultant lots. Evidence demonstrating compliance with this requirement is to be submitted to the Certifier prior to the issue of a CC.

54. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22204/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Site Plan – Stage 3 – Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 1 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Driveway Plan Stage 3 – Proposed Driveway Plan to Access Proposed Lot 1 File: 2103091 Sheet: 2 of 12 As amended in Red	Sorensen Design & Planning	23/03/2023
Title: Two Storey Ground Floor Plan Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to	Sorensen Design & Planning	23/03/2023

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<p>Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 5 of 12 As amended in Red</p>		
<p>Title: Two Storey First Floor Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 6 of 12 As amended in Red</p>	Sorensen Design & Planning	23/03/2023
<p>Title: Two Storey Elevations Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 7 of 12 As amended in Red</p>	Sorensen Design & Planning	23/03/2023
<p>Title: Section A – A Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 8 of 12 As amended in Red</p>	Sorensen Design & Planning	23/03/2023
<p>Title: Single Storey Ground Floor Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 9 of 12 As amended in Red</p>	Sorensen Design & Planning	23/03/2023
<p>Title: Single Storey Elevations Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 10 of 12 As amended in Red</p>	Sorensen Design & Planning	23/03/2023
<p>Title: Section B-B</p>	Sorensen Design & Planning	23/03/2023

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Stage 3 – One Two Storey Dwelling and Swimming Pool and One Single Storey Dwelling to be Constructed to Create Dual Occupancy on Proposed Lot 1 File: 2103091 Sheet: 11 of 12 As amended in Red		
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In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

55. BCA Compliance

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

Note: Section 69 of the *EP&A Reg 2021* and Section 19 of the *EP&A (DC&FS) Reg 2021* states 'a reference to the *BCA* is a reference to the *BCA* as in force on the relevant date', which is;

- (a) *the day on which the application for the construction certificate was made, or*
- (b) *if the building is a multi storey building and a construction certificate has been issued under the same development consent for building work involving the entrance floor—the day on which the application for that construction certificate was made*

56. Swimming Pools and Spas

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

57. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. The Long Service Levy is payable prior to the issue of a CC.

58. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of any CC:

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Fee Type Code

800

801

802

803

804

Cessnock District Catchment	
Contribution Type	Amount Payable
Open Space and Recreation Facilities	\$7,852.57
Community Facilities	\$1,217.16
Cycleway Facilities	\$7,506.24
Roads and Traffic	\$1,396.88
Plan Administration	\$311.16
Total	\$18,284.00

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

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

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

59. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

60. Waste Management Plan

A Waste Management Plan is to be provided to the Certifier prior to the issue of a CC. The Waste Management Plan is to be prepared in accordance with the following:

- a) Estimated quantities of materials that are reused, recycled, removed from the site
- b) On site material storage areas during construction
- c) Materials and methods used during construction to minimise waste
- d) Nomination of end location of all waste generated

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

61. Car Parking

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.

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

62. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of two (2) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

63. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

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

64. Section 68 Approval

Application shall be made to Council under Section 68 of the *Local Government Act 1993* to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

65. Access Roads

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed dwellings as detailed on the Driveway Plan prepared Sorensen Design and Planning dated 22/03/2023. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side. Construct drainage works as necessary. All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

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

PRIOR TO COMMENCEMENT OF WORKS

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

66. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

67. Inspection for Onsite Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an *OC*, a satisfactory final inspection report from the Council must be received by the *PC*, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

68. Evidence from Supervising Ecologist to be Submitted

Evidence that trees have been removed and lopped in accordance with Condition 17 must be provided by the ecologist who supervised the clearing to the satisfaction of Council's Ecologist prior to issue of *OC*.

69. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Lovedale 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 an *OC* for the whole of the building. Where a Partial *OC* is issued the crossing shall be completed within six (6) months from the date of the Partial *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).

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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.

70. All Services Provided

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

71. Road – Access Completion

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an *OC*.

72. Roof Stormwater – Clear of Buildings, Without Affecting OSSM

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

ADVISORY NOTES

A. BEFORE YOU DIG AUSTRALIA

Before any excavation work starts, contractors and others should look up the "Before You Dig Australia" service to access plans/information for underground pipes and cables.
www.byda.com.au

B. Other Approval 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*.

C. 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 NSW must be notified of the discovery.

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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 Heritage NSW.

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.

D. 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 Heritage NSW 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.

E. 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.

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Report No. PE19/2023

Planning and Environment



SUBJECT: *CLIMATE CHANGE RESILIENCE PLAN - POST EXHIBITION REPORT AND ADOPTION*

RESPONSIBLE OFFICER: *Senior Environmental Planner - Mark Manning
Strategic Planning Manager - Martin Johnson*

SUMMARY

Council adopted the Climate Change Policy in 2020 with a commitment to develop a Climate Change Strategy/Plan that would outline actions for reducing greenhouse gas emissions, mitigating the impacts of climate change and building climate resilience.

The draft Climate Change Resilience Plan was publicly exhibited from 13 March to 14 April 2023 with 39 submissions received regarding the plan. A wide variety of issues were raised in the received submissions with many issues outside the influence of Council and the scope of the plan. The Climate Change Resilience Plan has received minor revisions in response to issues raised that are within Council's climate change role. This report also seeks Council's adoption of the revised Climate Change Resilience Plan.

RECOMMENDATION

That Council adopt the Climate Change Resilience Plan, as amended following community consultation.

BACKGROUND

In May 2020 Council adopted its first Climate Change Policy. This policy builds upon the international agreement on climate change by the United Nations (Paris Agreement) and commitments by both the Federal and NSW State Governments. The Climate Change Policy outlines Council's commitment to addressing climate change impacts within the region and assisting the transition to net zero emissions within the community. A key commitment of the Climate Change Policy is:

- Development of a Climate Change Strategy/Plan which identifies actions for reducing greenhouse gas emissions, mitigating the impacts of climate change and building climate resilience.

A draft Climate Change Resilience Plan, addressing the commitments of the Climate Change Policy and providing an initial suite of actions for the following four years to commence Council's sustainability journey, was presented to Council at its meeting on 15 February 2023. Council resolved to place the draft Climate Change Resilience Plan on public exhibition for comment from the community and receive a further report after exhibition of the plan.

This report outlines the outcomes of the public exhibition of the draft Climate Change Resilience Plan. Public submissions have been considered with the plan undergoing minor revision. This report also seeks Council's adoption of the revised plan.

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REPORT/PROPOSAL

The draft Climate Change Resilience Plan was publicly exhibited from 13 March 2023 to 14 April 2023 (33 days). A multi-platform consultation process was undertaken as part of the public exhibition including

- On-line submission through Council's Together Cessnock webpage
- Pop-up information sessions where individuals could provide feedback in an interactive consultation format and discuss or ask questions with Council staff.
- Letter submissions

A total of 39 submissions were received during the public exhibition period from the Together Cessnock webpage and postal submissions. The pop-up information sessions also resulted in Council Officers engaging with 95 people during the five information sessions.

A wide variety of issues were raised in the submissions and through the attended information sessions. A consultation activity report, including feedback provided, is in **Enclosure 1**.

A summary of issues raised in submissions and Council's response and proposed amendments to the Climate Change Resilience Plan have been collated and are included in **Enclosure 2**. The issues raised which have resulted in an amendment to the Plan are detailed below.

Governments should be forcing the responsibility for reuse back onto manufacturers and retailers.

Action W9 has been added to the Plan.

Given that most of the Cessnock LGA is bushfire prone land, it probably warrants a special mention under preparedness for natural disasters. It is another area where householders could use some expert advice as to the best way to protect their house, in the most cost-effective way

Action CR13 outlines initiatives for natural disaster preparedness, but does not specifically mention bushfire.

The Climate Change Resilience Plan has received minor revisions in response to issues raised that are within Council's climate change role. The revised Climate Change Resilience Plan proposed for adoption is provided in **Enclosure 3**.

CONSULTATION

The publicly exhibited plan was informed by community consultation undertaken in January 2022. This consultation included an on-line community survey, which received 84 responses, and two on-line engagement workshops that had 11 attendees.

Consultation with internal stakeholders was undertaken through the Climate Change Working Group in late 2021 and early 2022. Members of the Climate Change Working Group were consulted on the draft Plan in August/September 2022. Additional consultation was also undertaken with internal technical experts to inform the Plan, such as Environment and Waste and Infrastructure.

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The draft Climate Change Resilience Plan was publicly exhibited from 13 March 2023 to 14 April 2023. Consultation activities were undertaken during the public exhibition period of the draft Plan including

- On-line submission through Council's Together Cessnock webpage
- Pop-up information sessions where individuals could provide feedback in an interactive consultation format and discuss or ask questions with Council staff.

STRATEGIC LINKS

a. Delivery Program

3.1.6 Manage the risk and improve resilience to extreme weather events, flooding, bushfires, mine subsidence and land contamination.

b. Other Plans

The Plan is relevant to the following sections of the Cessnock Local Strategic Planning Statement 2036

- Planning Priority 20: Our community adapts to climate change and builds climate resilience.
- Planning Principle 61: Prepare a Climate Change Policy and Strategy.

IMPLICATIONS

a. Policy and Procedural Implications

The adoption of the Plan will meet the commitments of Section 5 of the Climate Change Policy.

The adoption and implementation of actions contained within the Plan will result in procedural changes for various existing Council procedures. For example, actions under the Corporate Planning and Procurement theme will result in changes to the Procurement Procedure including assessment processes for selection of preferred suppliers.

b. Financial Implications

Implementation of actions contained within the Plan will be considered through Council's annual budgeting process (Operational Plan) and allocated operational/staff funding or capital funding. Some actions, such as the implementation of food organics and garden organics processing (Action W2), have already been forecast in the Delivery Program 2022-2026. Other actions will require additional financial or business case assessment and have the potential to attract external grant funding. This is currently relevant for actions in relation to electric vehicle charging infrastructure and renewable energy uptake as Federal and NSW State Government Policy have accelerated grant funding recently. These grant funding streams are focused on infrastructure where community benefits or partnerships can be established or demonstrated and actions within the Plan aim to facilitate and enhance Council's prospects of gaining grant funding.

Ironbark Consulting prepared a Greenhouse Gas Emission Inventory for Council operations and provided potential options for transition to net zero emissions by 2050.

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The transition to net zero emissions by 2050 for Council operations modelling forecasts an additional expenditure of over \$15M over the next 25 years. The modelling also predicts the transition will result in over \$6M of savings, above the additional expenditure, and result in a positive cost-benefit to Council operations. These figures are predicted over a 25-year period and are likely to change, but with advancement of technology in renewable energy systems savings to Council are likely to increase.

Estimated cost figures have been provided within the Plan where available. However, economic modelling by Deloitte Access Economics and industry bodies such as the Australian Business Roundtable have shown the impacts from climate change are likely to cost Australia up to \$73bn a year by 2060 if emissions continue. The cost of implementation of the strategy is likely to be a more cost-effective approach for Council to mitigate potential impacts and contribute to the transition to net zero emissions.

The adoption of the Plan will also enhance Council's ability to attract grant funding for climate change resilience projects. The Plan will significantly assist Council's competitiveness in the rapidly evolving climate change policy landscape and grant funding streams attached to these policy changes.

c. Legislative Implications

The adoption of the Plan will enhance Council's capacity to demonstrate the principles of ecologically sustainable development as required by the Local Government Act 1993. The plan will assist Council in meeting the objectives of the Community Strategic Plan (CSP) under the LG Act 1993.

The Council operational actions of the Plan are likely to have implications on various legislative Acts that are relevant to the six themes. For example, actions under the Development Planning theme are likely to have implications on development assessment under the Environmental Planning and Assessment (EP&A) Act, 1979 while waste theme actions may have implications under the Protection of the Environment Operations (POEO) Act, 1997 or Waste Avoidance and Resource Recovery Act 2001.

d. Risk Implications

The adoption of the Plan is low risk and meets the commitments of the adopted Climate Change Policy. The actions contained within the Plan may be managed by the existing Council risk framework.

e. Environmental Implications

The adoption of the actions contained within the Plan are likely to result in positive environmental outcomes for both Council operations and the wider Cessnock community.

f. Other Implications

The adoption of the Plan will result in a positive social and reputational outcome for Council by demonstrating a commitment to act upon the Climate Change Policy and commit to the challenge of addressing climate change within Council's realm of influence.

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The Plan signals to other government departments and the wider community Council's intent to contribute to addressing the impacts of climate change and enhances the ability to attract grant funding for Council operations and community-driven programs.

Non-action on Council's commitments within the Climate Change Policy may result in negative implications from a social and reputation standpoint within the community. If the Plan is not adopted this may significantly hinder Council's abilities to implement climate change mitigation or adaptation actions and result in wider social, economic and environmental impacts.

CONCLUSION

Council adopted the Climate Change Policy in 2020 with a commitment to develop a Climate Change Strategy/Plan that would outline actions for reducing greenhouse gas emissions, mitigating the impacts of climate change and building climate resilience.

The draft Climate Change Resilience Plan was publicly exhibited from 13 March to 14 April 2023 with 39 submissions received regarding the plan. The Climate Change Resilience Plan has received minor revisions in response to the submissions.

The revised Climate Change Resilience Plan provides an initial plan to commence the journey to the long-term commitments made within the adopted Climate Change Policy and it is recommended that the Plan be adopted by Council.

ENCLOSURES

- [1](#) ➡ Public Consultation Activity Report
- [2](#) ➡ Summary of Public Submissions
- [3](#) ➡ Revised Climate Change Resilience Plan

Planning and Environment

Report No. PE20/2023

Planning and Environment



SUBJECT: *LOCAL INFRASTRUCTURE CONTRIBUTIONS UPDATE*
RESPONSIBLE OFFICER: *Senior Infrastructure Contributions Planner - Karen Forsyth*
Strategic Planning Manager - Martin Johnson

SUMMARY

The purpose of this report is to provide Council an update regarding local infrastructure contributions in accordance with Notice of Motion BN22/2022.

Between 1 July 2022 and 31 March 2023, Council received approximately \$6 million in development contributions and spent approximately \$900,000. As at 31 March 2023, a total of approximately \$28 million was held by Council in development contributions.

RECOMMENDATION

That Council notes the information contained within this report.

BACKGROUND

On 20 July 2022, under Notice of Motion BN22/2022, Council requested half-yearly updates in relation to local infrastructure contributions. Local infrastructure contributions provide Council a partial source of funding for the delivery of public services and infrastructure required as a result of new development in the Cessnock Local Government Area (LGA). Any balance of funding is the responsibility of Council.

The administration of development contributions must comply with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000*, ministerial directions, practice notes and relevant Council policies. There have been no further outcomes from the contributions reforms package exhibited by the NSW Department of Planning and Environment (DPE) in 2021.

REPORT/PROPOSAL

Between 1 July 2022 and 31 March 2023, Council received approximately \$6 million in development contributions and spent approximately \$900,000. As at 31 March 2023, a total of approximately \$28 million was held by Council in development contributions, as detailed below and within the body of this report.

	Development contributions held by Council, as at 1 July 2022	\$ 22,945,315.80
1	Contributions payments received (1 July 2022 to 31 March 2023)	\$ 6,038,399.49
2	Contributions spent (1 July 2022 to 31 March 2023)	(\$ 887,777.66)
3	Development contributions held by Council, as at 1 March 2023	\$ 28,095,937.63

1. Contribution payments received (1 July 2022 to 31 March 2023)

As at 1 July 2022, Council held \$22,945,315.80 in development contributions.

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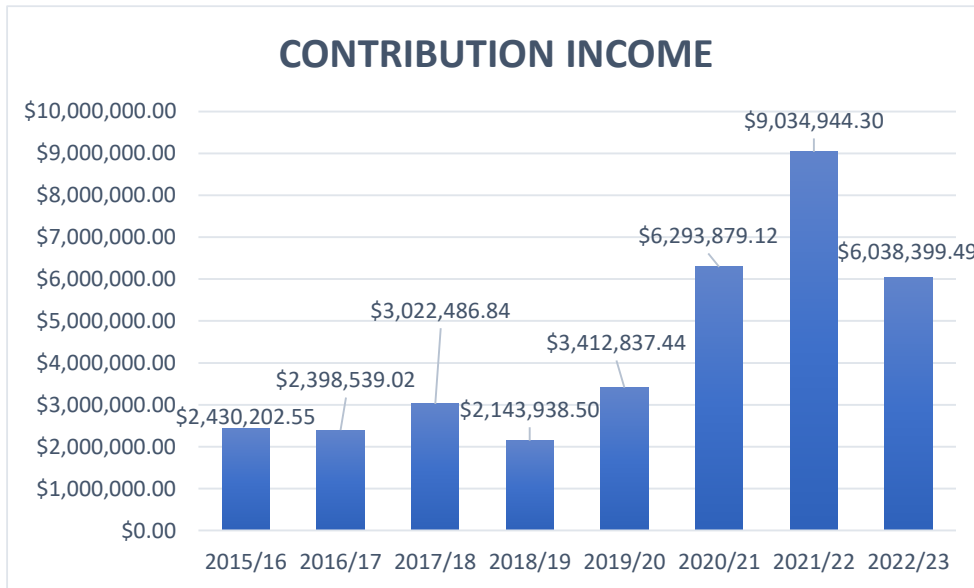
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From 1 July 2022 to 31 March 2023 Council collected \$6,038,399.49 in development contributions. The majority of contributions collected in the current financial year are attributable to development at Averys Village (\$1.18m), Huntlee (\$1.23m) and Bellbird Heights (\$0.87m). A further \$1.8m is attributable to development levied under the City Wide Infrastructure Contributions Plan 2020.

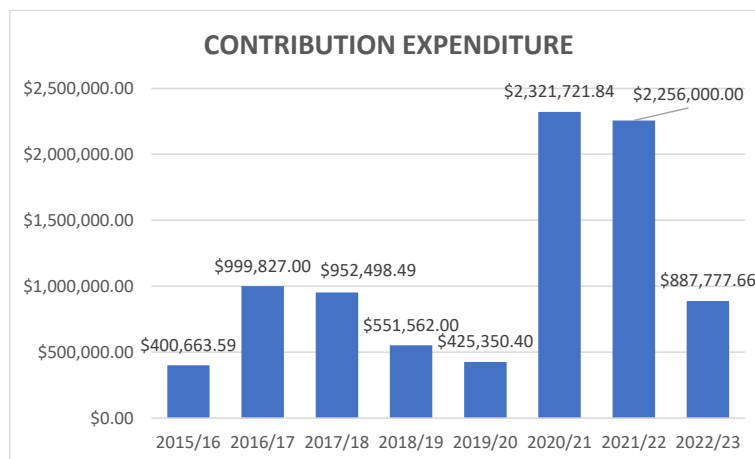
The below graph details contributions payments collected from 2015 to 31 March 2023.



2. Contribution spent (1 July 2022 to 31 March 2023)

From 1 July 2022 to 31 March 2023 Council spent \$887,777.66 in development contributions to fund various works schedule items across the Cessnock LGA, including works associated with road infrastructure (\$454,062.06), open space (\$157,158), commercial precincts (\$27,956.00) and various other works schedule items (\$248,601.60).

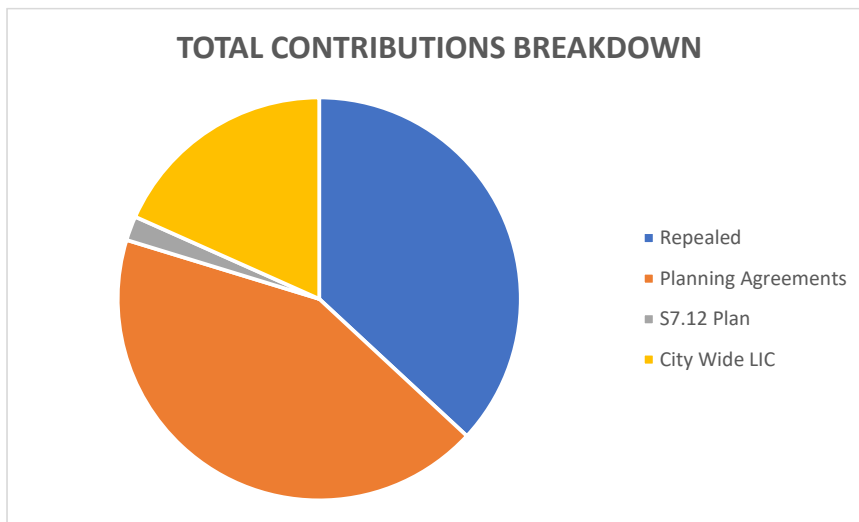
The below graph indicates the expenditure of development contributions from 2015 to 31 March 2023.





3. Development contributions held by Council, as at 1 March 2023

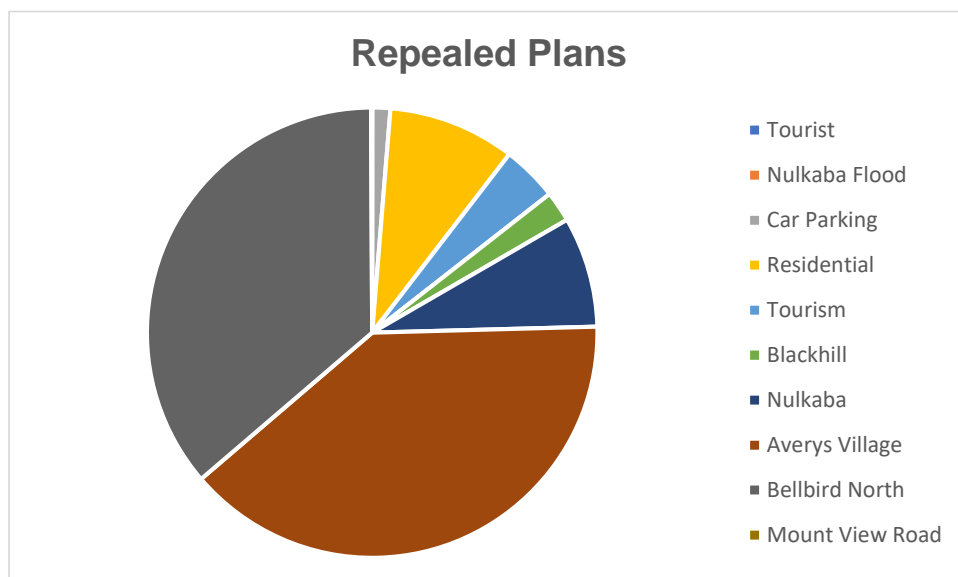
As at 31 March 2023, Council held \$28,095,937.63 under its contribution plans (repealed and current) and planning agreements (concluded and current). These contributions are broken down as follows.



	PLANNING AGREEMENTS	TOTAL CONTRIBUTIONS	Percentage
	Repealed Contributions Plans	\$10,370,339.15	37%
	Planning Agreements	\$12,029,969.83	43%
	S7.12 Levy Contributions Plan	\$549,254.96	2%
	City Wide Infrastructure Contributions Plan	\$5,146,373.70	18%
	TOTAL CONTRIBUTIONS:	\$28,095,937.63	100%

This can be further broken down into the following plans and planning agreements.

Council's Repealed Contributions Plans



Planning and Environment

Report No. PE20/2023

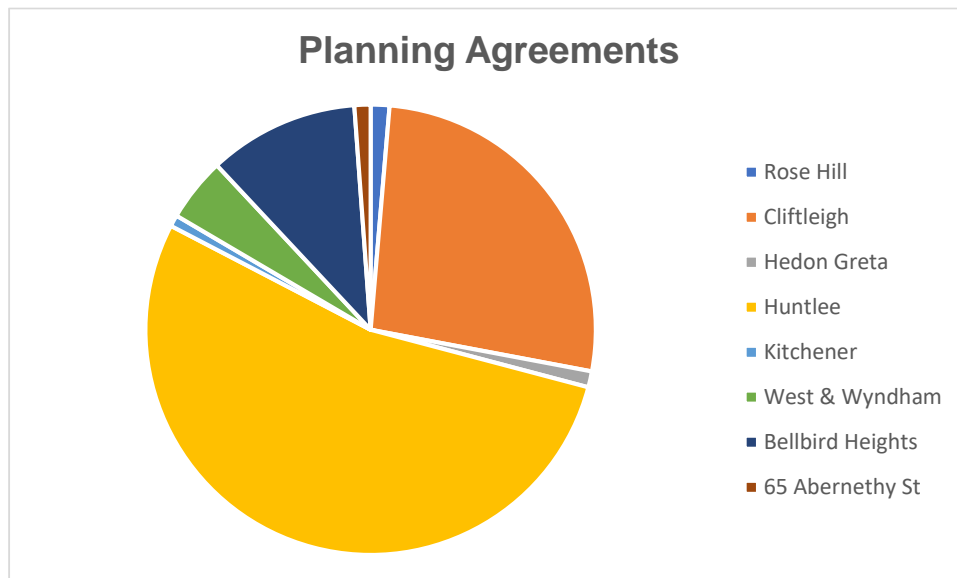
Planning and Environment



	REPEALED PLANS	TOTAL CONTRIBUTIONS
	Repealed Nulkaba Plan	822,889.46
	Repealed Averys Village Plan	4,060,826.75
	Repealed Bellbird North Plan	3,752,855.04
	Repealed Residential Plan	946,373.14
	Repealed Tourism Plan	415,764.30
	Repealed Blackhill Quarry Plan	228,464.96
	Repealed Carparking Cessnock CBD Plan	133,822.93
	Repealed Tourist Plan	878.79
	Repealed Nulkaba Flood Plan	167.35
	Repealed Mount View Road	8,296.43
	TOTAL CONTRIBUTIONS:	\$10,370,339.15

In relation to the repealed plans all contributions collected from Nulkaba, Averys Village, Bellbird North and Mount View Road will be allocated against the namesake Local Catchment areas within the City Wide Local Infrastructure Contributions Plan. These plans account for approximately 79% of the contributions collected in this category.

Planning Agreements



	PLANNING AGREEMENTS	TOTAL CONTRIBUTIONS
	Cliftleigh Planning Agreement	3,202,264.23
	Huntlee Planning Agreement	6,438,537.10
	Bellbird Heights Planning Agreement	1,300,033.87
	Heddon Greta Planning Agreement	138,148.33
	West & Wyndham Street Planning Agreement	550,705.53
	Rose Hill Planning Agreement	162,013.29
	Kitchener Planning Agreement	98,983.94
	65 Abernethy Street Planning Agreement	139,283.54
	TOTAL CONTRIBUTIONS:	12,029,969.83

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In relation to planning agreements, Huntlee accounts for approximately 53% of all contributions collected. Many of the works within the Huntlee Planning Agreement have triggers in accordance with dwelling/lot delivery. For example, the Huntlee Community Hub is required to be delivered when the total dwellings/lots at Huntlee reach 2,200, or as otherwise agreed in accordance with a Deed of Variation to the Planning Agreement. This is true for other planning agreements to which Council is a party.

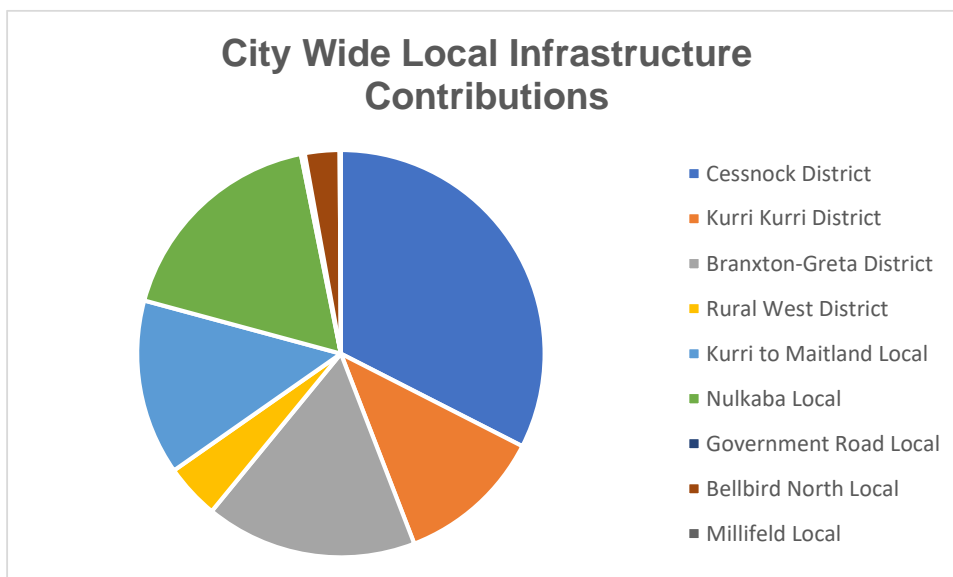
s7.12 Levy Contributions Plan

As at 31 March 2023, the available balance of Council's s.7.12 Levy Contributions Plan was \$549,254.96. The works schedules appended to the Plan list the various works these funds may be used for, including funding part of Council's adopted commercial centre masterplans, Council's street tree planting program, pathways construction program, cycling improvements and public art program.

From 1 July 2022 to 31 March 2023 Council collected \$110,021 in development contributions under its s.7.12 Levy Contributions Plan. This is consistent with the amount collected under the s.7.12 plan during the same period in the previous financial year, being \$120,558.

City Wide Infrastructure Contributions Plan 2020

From 1 July 2022 to 31 March 2023 Council collected \$1,803,262 in development contributions under its City Wide Infrastructure Contributions Plan. Most of the contributions collected under this plan will require a co-contribution from Council to finalise a project in the works schedule.



DISTRICT/LOCAL CATCHMENT AREA	TOTAL CONTRIBUTIONS
Cessnock District Catchment	\$1,672,919.85
Branxton-Greta District Catchment	864,197.78
Kurri Kurri District Catchment	598,502.06
Rural West District Catchment	224,085.31
Kurri Kurri to Maitland Local Catchment	716,495.30
Bellbird North Local Catchment	141,370.81
Millifield Local Catchment	5,172.95

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Nulkaba Local Catchment	907,888.10
Government Road Local Catchment	15,741.54
TOTAL CONTRIBUTIONS:	\$5,146,373.70

Continuous Improvements

All funds within contributions plans and planning agreements have been allocated in accordance with the works schedule within the plans or planning agreements. These plans and planning agreements were endorsed by Council previously. In relation to the repealed plans the expenditure for these contributions are in accordance with the endorsement from Council in 2020.

Most of the contributions collected under plans and planning agreements will require a Council contribution to assist in the finalisation of the works. These works must be included in Council's Capital Works Program to ensure contributions are allocated to each project, this will ensure the works will be completed in accordance within the thresholds/timeframes within each plan.

Strategic Planning staff are working with Council's Works and Infrastructure directorate and Community and Culture to ensure all works schedule items are listed in Council's Capital Works Program. Moving forward this will ensure that all works will be delivered.

Infrastructure Planning

In light of the increase cost of providing infrastructure and concerns from councillors over the total cost of infrastructure to be delivered in the City Wide Local Infrastructure Contributions Plan, the Strategic Planning Team is undertaking a full review of the plan. It is anticipated that this review will be completed by June 2024.

OPTIONS

N/A

CONSULTATION

In preparing this report, consultation has occurred with the Council's Contributions Steering Group and Financial Services Team.

STRATEGIC LINKS

a. Delivery Program

The contribution plans and planning agreements aligns with the following:

- Delivery Program 2022-2026
- Operational Plan 2022-23

The contribution plans and planning agreements also aligns with the following objectives of the Cessnock 2036 Community Strategic Plan:

- Objective 1.1 - Promoting social connections
- Objective 1.2 - Strengthening community culture

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- Objective 1.3 - Promoting safe communities
- Objective 1.4 - Fostering an articulate and creative community
- Objective 2.1 - Diversifying local business options
- Objective 2.2 - Achieving more sustainable employment opportunities
- Objective 2.3 - Increasing tourism opportunities and visitation in the area
- Objective 3.2 - Better utilisation of existing open space
- Objective 4.1 - Better transport links
- Objective 4.2 - Improving the road network
- Objective 5.2 - Encouraging more community participation in decision making
- Objective 5.3 - Making Council more responsive to the community.

b. Other Plans

The contribution plans and planning agreements are directly linked to:

- Hunter Regional Plan 2036 and draft Hunter Regional Plan 2041
- State and Regional Environmental Planning Policies
- Cessnock Local Strategic Planning Statement (LSPS)
- Cessnock Urban Growth Management Plan (UGMP)
- Cessnock Housing Strategy
- Cessnock 2036 Community Strategic Plan
- Cessnock Community Infrastructure Strategic Plan
- Cessnock Recreation and Open Space Strategy 2018 (as amended)
- Cessnock LGA Traffic and Transport Strategy, as amended
- Cessnock City Library Services Review Report and Strategy
- Cessnock Economic Development Strategy
- Cessnock Cycling Strategy 2016
- Aquatic Needs Analysis 2014
- Skate and BMX Facilities Needs Assessment 2020
- Council's Masterplans
- Disability Inclusion Action Plan (2017 – 2020)
- Cessnock City Council Cemetery Strategy and Masterplan
- Pedestrian Access and Mobility Plan (PAMP) 2016

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Financial implications are as outlined in the report.

Note that while Developer Contributions contribute towards building capital infrastructure, ongoing maintenance and depreciation is required to be funded from Council's General Fund.

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c. Legislative Implications

Local Infrastructure Contributions and Planning Agreements are delivered in accordance with the *Environmental Planning and Assessment Act 1979, Part 7* and *Environmental Planning and Assessment Regulation 2000, Part 4*.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

This report provides information in accordance with Notice of Motion BN22/2022.

ENCLOSURES

There are no enclosures for this report

Planning and Environment

Report No. PE21/2023

General Manager's Unit



SUBJECT: ***GREATER CESSNOCK JOBS STRATEGY 2036 PROGRESS REPORT***

RESPONSIBLE OFFICER: ***Economic Development & Tourism Manager - Tony Chadwick***

SUMMARY

The purpose of this report is to provide Council with an update on the progress/delivery of identified opportunities outlined in the Greater Cessnock Jobs Strategy 2036 and the Economic Growth Agenda.

RECOMMENDATION

That Council notes the progress achieved against opportunities outlined in the Greater Cessnock Jobs Strategy 2036 and the Economic Growth Agenda.

BACKGROUND

At its Ordinary Meeting of 21 July 2021, Council resolved (GMU12/2021):

- 1. That Council adopts the Greater Cessnock Jobs Strategy 2036, as exhibited, with the amendments outlined in this report.***
- 2. That Council adopts the Economic Growth Agenda, as exhibited, with the amendments outlined in this report.***
- 3. That the General Manager bring a report back to Council every 6 months on the progress/delivery of identified opportunities outlined in the Greater Cessnock Jobs Strategy 2036 and the Economic Growth Agenda.***

This report addressed item 3 of the above resolution by providing an update against objectives identified in the Greater Cessnock Jobs Strategy 2036 and Economic Growth Agenda.

REPORT/PROPOSAL

The economic outlook for the Cessnock Local Government Area (LGA) is positive, with jobs growth and increased gross regional product underpinned by high population growth, development approvals maintaining a high level and being part of Australia's largest regional economy in the Hunter.

The Cessnock LGA population is forecast to grow from 67,118 in 2023, to 99,119 by 2041 or 2.2% annual growth. As a comparison Australia's population is predicted to grow by 1.1% and New South Wales by 1.0%.

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General Manager's Unit

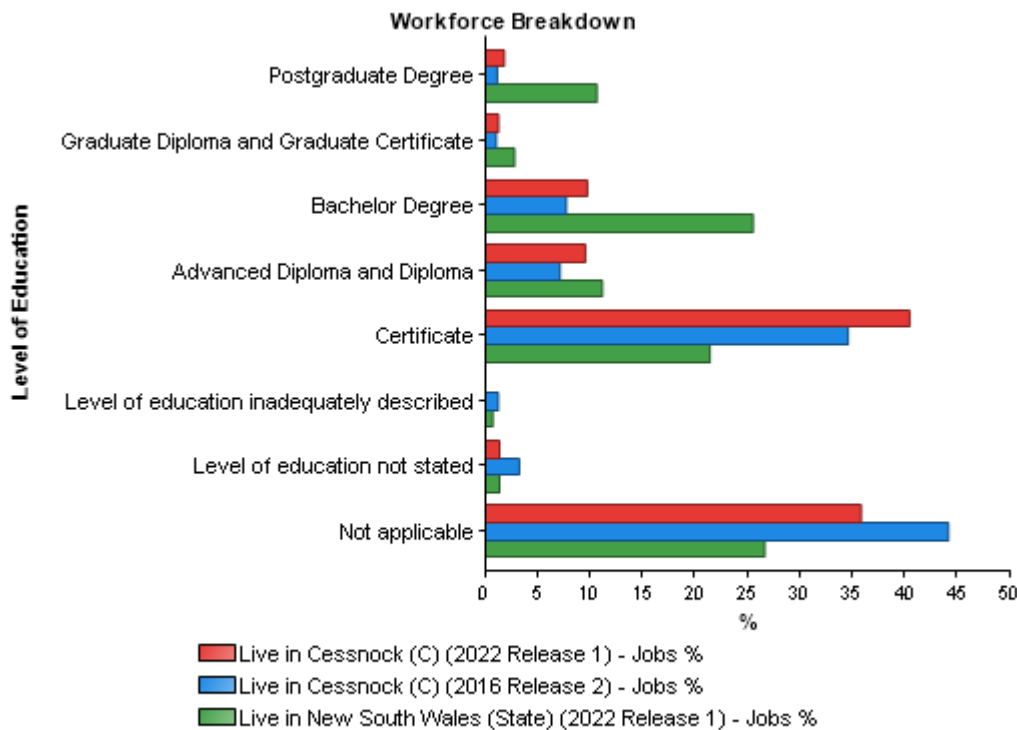


Jobs within the Cessnock LGA have grown annually by 2.6% from 15,670 in 2016 to 18,242 in 2022. Health Care and Social Assistance industry jobs have grown by 37% since 2016 to become the highest employing industry with 2,647 jobs. Strong growth has also occurred in Public Administration, Education and Training, Construction and Manufacturing.

Census data shows that the median weekly household income has increased from \$1,264 in 2016 to \$1,493 in 2021.

The Cessnock LGA has also seen an increase in the percentage of residents with post school qualifications but still have lower bachelor degree and postgraduate degree qualifications compared to the NSW average (refer **Figure 1**).

Figure 1 - Cessnock LGA residents' level of education



Many actions within the Greater Cessnock Jobs Strategy 2036 and the Economic Growth Agenda are constrained by funding availability and staff resources. Council is seeking every possible funding source as a means to accelerate the delivery of projects and programs that have a positive economic outcome for the Cessnock LGA.



Greater Cessnock Jobs Strategy 2036 Progress Update

Progress achieved against Greater Cessnock Jobs Strategy 2036 objectives are listed in **Table 1**.

Table 1 – Progress achieved against the Greater Cessnock Jobs Strategy 2036

#	Objective	Progress Achieved
1	Improve education and training	<ul style="list-style-type: none"> - The mayoral scholarship program has been reinvigorated with a total of 235 students assisted since 2002. - Council participates in work experience programs, offers traineeships and apprenticeships as dedicated positions within Council, and ensures that all staff have access to ongoing training and development opportunities. - The Advance Greater Cessnock Jobs Portal provides free job vacancy information and profiles businesses. - 1454 hours of driver training has been delivered via the Youth Driver Training Program.
2	Provide infrastructure that supports economic development	<ul style="list-style-type: none"> - The \$8.8M Airport Upgrade Project was completed in January 2023. - \$2.2M in tourism signage and infrastructure has been constructed since 2019. - An advocacy agenda has been created to attract government funding. - \$352 million in construction value was approved by Council in 2021/2022. - Record levels of capital expenditure is forecast for completion in 2022/2023.
3	Retain and grow existing businesses	<ul style="list-style-type: none"> - Council developed a 'Support Local' program with \$5,000 in annual prizes for people who support local business. - Support Local promotional material and other resources have been created to facilitate local business promotion with a \$150,000 grant received to boost the program. - Support for local suppliers is provided via the 'Doing Business with Council' program. - The Advance Greater Cessnock website is updated with current business support information and training opportunities. - Annual grants and sponsorships are provided to Business Chambers and Tourism Associations to support their activities. - An image library has been created to support local business promotion. - \$221,000 was received in bushfire recovery grants to support business training and events.

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General Manager's Unit



#	Objective	Progress Achieved
		<ul style="list-style-type: none"> - Investment attraction material and resources have been developed to assist business growth. - The Visitor Economy Grants and Sponsorship Program has been created with \$75,000 in funding awarded. - Council has taken part in the Hunter Joint Organisation \$860,000 Accelerating Events Economies Project aimed at attracting events to the Hunter.
4	Support and grow agricultural industries	<ul style="list-style-type: none"> - \$1.7 million in grant applications submitted to grow the agriculture industry. All 3 applications were unsuccessful.
5	Develop Cessnock Airport into a general aviation hub	<ul style="list-style-type: none"> - The \$8.8M Airport Upgrade Project was completed in January 2023. - A \$1.65 million grant has been received to establish a Cessnock Airport RFS Aviation Fire Base to support regional firefighting. - The Hunter Joint Organisation of Councils has received a \$500,000 grant to develop an integrated airports strategy for the region including assessments of passenger, airfreight and transport links across the region.
6	Grow the Visitor Economy	<ul style="list-style-type: none"> - A tourism partnership has been created between Council and Hunter Valley Wine and Tourism Association (HVWTA) to deliver improved visitor services. - \$350,000 in bushfire recovery grant funding has been provided for Hunter Valley destination marketing, tourism signs, Tourist Drive 33 branding/marketing and walking track signs. - Additional land has been acquired at the Hunter Valley Visitor Information Centre (HVVIC) with landscaping designs completed to create an outdoor cinema and amphitheatre. \$602,421 in grant funding has been awarded to construction the outdoor cinema and amphitheatre. - HVVIC upgrades include a new video conference room, tourism projector, sandstone entryway, boundary fence and new imagery have been completed. - Shop Hunter Valley online store has been launched and a new range of hampers created. - The new Hunter Valley Destination Management Plan 2022 – 2030 has been adopted. - A Cycle Hunter Valley and Werakata National Park Map has been created in consultation with the local cycling community.

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General Manager's Unit



#	Objective	Progress Achieved
		<ul style="list-style-type: none"> - Council has developed a Hunter Valley Monopoly Board Game that will be released on 23 September 2023. - Council has received \$341,249 in grant funding to build the first all abilities hot air balloon in NSW. The balloon will be operated by Balloon Aloft. - The Visitor Economy Grants and Sponsorship Program has been created with \$75,000 in funding awarded. - An image library has been created to support tourism promotion. - Council has taken part in the Hunter Joint Organisation \$860,000 Events Economies Project aimed at attracting events to the Hunter.
7	Be a leader in economic development	<ul style="list-style-type: none"> - Economic and infrastructure growth agendas have been created to attract government funding. - The Greater Cessnock Jobs Strategy 2036 has been adopted. - Council is an active participant in the Hunter Valley Tourism Alliance with Singleton Council and HVWTA. - Annual grants and sponsorships are provided to Business Chambers and Tourism Associations to support their activities. - Council coordinates and administers the Mayoral Scholarship Program which has awarded 235 scholarships since 2002. - Council successfully advocated to NBN Co to build two new fixed wireless broadband towers within the Cessnock LGA.
8	Strengthen strategic alliances and partnerships	<ul style="list-style-type: none"> - A tourism partnership has been created between Council and HVWTA to deliver improved visitor services. - Council is an active participant in the Hunter Valley Tourism Alliance with Singleton Council and HVWTA. - Council is an active participant in the Hunter Joint Organisation of Councils and leverages the resources and networks within Local Government NSW.
9	Facilitate new investment	<ul style="list-style-type: none"> - Council have created an Investment Attraction Suite that includes an investment brand, industry data, demographic information and an Investment Prospectus. - Council offers an investment attraction concierge service as detailed in the Greater Cessnock Investment Prospectus to facilitate and accommodate investment leads and to



#	Objective	Progress Achieved
		<ul style="list-style-type: none"> assist businesses in establishing a new business. - Council provides free economic and social demographic data to the community via the Advance Greater Cessnock website, idcommunity website and REMPAN website.
10	Create vibrant centres	<ul style="list-style-type: none"> - The Apex Park Concept Masterplan has been adopted by Council. - Council is working with Hunter Water on a pilot program to naturalise concrete drainage channels. - Council has undertaken significant strategic planning work to improve the amenity and function of the Commercial Centre. These plans include new pedestrian routes, landscaping and public open space. - Council runs the annual Tidy Towns dollar for dollar grant program. - Council runs the annual heritage project dollar for dollar grant program.
11	Build a strong, positive profile for the Cessnock LGA	<ul style="list-style-type: none"> - The new Investment Attraction Prospectus and Brand has been created. - Council created a Support Local Campaign with \$5,000 in annual prizes for people who support local business. - \$287,582 in grant funding was received and distributed to boost and deliver 12 community events. - A \$150,000 grant was received to promote local business and to encourage buying local products. - A high-quality image library has been created to assist Council and the community in promoting the Cessnock LGA.
12	Encourage and support entrepreneurial activity	<ul style="list-style-type: none"> - The Advance Greater Cessnock website contains links to business support resources and business advisors that can assist entrepreneurs to develop their business. - Council provides fortnightly business eNews information to over 6,000 business contacts regarding grants, government assistance, emergency support and training opportunities.
13	Create value from waste	<ul style="list-style-type: none"> - Council is investigating a tool that assists business to finding a use for commercial waste. This is aimed to reduce waste and increase profitability.
14	Create value from biodiversity and green initiatives	<ul style="list-style-type: none"> - Biodiversity mapping has been completed. - A review of the environmental planning zones has been undertaken and the Environmental Zoning Framework adopted.

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General Manager's Unit



#	Objective	Progress Achieved
		- The Hunter Joint Organisation of Councils has received a \$878,600 grant to create a concept plan and strategy for Circular Economy Precincts and a Futures Hub.
15	Grow the creative industries sector	- The Cessnock Community Performing Arts Centre offers an excellent venue for the local and regional creative community. - The planned \$2 million refurbishment of the Performing Arts Centre will transform the centre into a working 'cultural hub' by creating a new exhibition space and artist studio.
16	Harness the digital economy	- Council is advocating to government and the telecommunications industry to reduce mobile blackspots within the Cessnock LGA. - Council successfully advocated to NBN Co to build two new fixed wireless broadband towers within the Cessnock LGA.

Economic Growth Agenda Progress Update

Progress achieved against Economic Growth Agenda objectives are listed in **Table 2**.

Table 2 – Progress achieved against the Economic Growth Agenda

#	Objective	Progress Achieved
1	Create jobs via the Hydro Kurri Kurri Planning Proposal	- The Hydro Kurri Kurri Planning Proposal has been included in the Hunter Regional Plan 2041. Development proposal 18/2015/2 completed the public exhibition period on 8/2/2021. - A 660MW Gas Power Station is proposed to be built at Kurri Kurri
2	Beautify and naturalise Cessnock CBD drainage channels	- The Apex Park Masterplan was adopted on 19/10/2022 which includes naturalising the drainage channel. - Council is working with Hunter Water to complete detailed flood modelling and to identify funding sources.
3	Richmond Vale Rail Trail and Shiraz to Shore Cycle Trail Project	- A \$387,000 grant has been received for a Shiraz to Shore concept plan with communication and engagement plan. - A \$75,000 grant has been received to progress the Richmond Vale Rail Trail Project development application.
4	Create jobs via the Black Hill Industrial Precinct	- The Black Hill development application was determined by Council on 13/4/2017. Staged development may occur in 2023/2024.
5	Grow the Hunter Valley Visitor Economy	- \$900,000 in grant funding has been awarded to HVWTA for a Recovery & Resilience Marketing Program.

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General Manager's Unit



#	Objective	Progress Achieved
		<ul style="list-style-type: none"> - \$861,476 Hunter Event Economies Project has been completed which developed plans and tools to attract large events to the Hunter. - The Hunter Valley Destination Management Plan 2030 was adopted on 15/3/2023. - The Visitor Economy Grants and Sponsorship Program has been created with \$75,000 in funding awarded. - A \$341,249 grant has been received to build and operate an all abilities hot air balloon in the Hunter Valley (first of its type in NSW). - \$602,421 in grant funding has been received to build an outdoor cinema and amphitheatre at the HVVIC.
6	Future Proof Greater Cessnock's Transport Network	<ul style="list-style-type: none"> - Council is advocating for support and investment in 10 key infrastructure projects that will transform Greater Cessnock. - Council is committed to developing concept plans for the Cessnock CBD Bypass that will ensure traffic moves efficiently throughout the city. - \$16.8 million in grant funding as has been received to upgrade Wollombi Road.
7	Grow Hunter Valley Conference and Meeting Revenue	<ul style="list-style-type: none"> - HWVTA has employed a full-time conference coordinator. - A new wedding planner's guide has been produced and promoted. - The annual \$50,000 Visitor Economy Grants and Sponsorship Program has been created to grow conferences and mid-week visitation.
8	Reduction of Mobile Blackspots across the LGA and improve data transfer capacity	<ul style="list-style-type: none"> - Following advocacy, NBN Co will build two new fixed wireless broadband towers within the Cessnock LGA, boosting internet connectivity with a faster and more reliable service.
9	Establish a Newcastle Fast Rail Station at the M15 and M1 Interchange	<ul style="list-style-type: none"> - Nil progress.
10	Modify Resources for Regions Funding Program Guidelines	<ul style="list-style-type: none"> - Feedback has been provided to the program manager following Rounds 7 and 8. - \$50,000 to \$200,000 in business case funding was added in Round 8. - Total program funding was increase from \$75 million in Round 8 to \$140 million in Round 9.
11	Improved Government Delivered Grant Programs	<ul style="list-style-type: none"> - Council has advocated for improvements to NSW Government grant programs. <ul style="list-style-type: none"> o Increase notification times for grant opportunities o Open grant funds at set and consistent intervals

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General Manager's Unit



#	Objective	Progress Achieved
		<ul style="list-style-type: none"> ○ Provide a fair and equitable distribution of funds ○ Increase the number of funds that offer funding allocations to minimise staff workload and to increase application success rates <p>- Council has advocated for more favourable funding under the Stronger Country Community and Resources for Regions Programs.</p>
12	Grow Hunter Valley Agricultural Production	- \$1.7 million in grant applications were submitted to grow the agriculture industry. All 3 applications were unsuccessful.
13	Newcastle Airport Code E Runway	- The Australian Government has committed \$121 million to the Code E Runway and terminal upgrade.
18	Newcastle Multi-Purpose Deep Water Terminal	- Nil progress.

OPTIONS

Nil

CONSULTATION

Director Planning and Environment
 Economic Development Officer
 Hunter Valley Visitor Information Centre Coordinator

STRATEGIC LINKS

a. Delivery Program

This report aligns with the following Delivery Program 2022 – 2026 actions:

- A Sustainable and Prosperous Economy;
 - 2.1 Diversifying and growing our economy
 - 2.2 Achieving more sustainable employment opportunities
 - 2.3 Increasing tourism opportunities and visitation in the area

b. Other Plans

This report aligns with the following plans:

- A 20-Year Economic Vision for Regional NSW
- Hunter Regional Plan 2041
- Greater Newcastle Metropolitan Plan 2041
- Hunter Region Economic Development Strategy
- Hunter Valley Destination Management Plan 2022 - 2030

Planning and Environment

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General Manager's Unit



IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Risk	Risk Ranking	Proposed Treatment	Proposed Risk Ranking
Reputation – Low progress against planned objectives	D4 Medium	Identify funding sources to progress objectives	D2 Low

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Council has made steady progress towards the Greater Cessnock Jobs Strategy 2036 and Economic Growth Agenda priorities, actions and opportunities. Faster progress is constrained by funding availability, external organisation approval and staff resources. Council is seeking external funding sources as a means to accelerate the delivery of projects and programs that will have a positive economic outcome for the Cessnock LGA.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC24/2023

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Chief Financial Officer - Matthew Plumridge*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 11 April 2023 to 8 May 2023.

RECOMMENDATION

That Council receives the report and notes the information in the Resolutions Tracking Report.

ENCLOSURES

- [1](#) ⇨ Outstanding Actions
- [2](#) ⇨ Completed Actions - 11 April to 8 May 2023

Corporate and Community

Report No. CC25/2023

Corporate and Community Services



SUBJECT: ***MARCH 2023 QUARTER 3 REVIEW OF THE 2022-26 DELIVERY PROGRAM***

RESPONSIBLE OFFICER: ***Principal Integrated Planning & Reporting Officer - Belinda Dupille***
Chief Financial Officer - Matthew Plumridge

SUMMARY

The purpose of this report is for Council to note the Quarterly update on the progress against Council's 2022-26 Delivery Program and the Operational Plan 2022-23 (incorporated into the 2022-26 Delivery Program).

RECOMMENDATION

- 1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 March 2023.**
- 2. That Council approves changes to the Operational Plan actions and targets as outlined in the report.**

BACKGROUND

Section 404(5) of the *Local Government Act 1993* requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports to be provided at least every six months.

The Quarterly Budget Review Statement required under clause 203 of the *Local Government (General) Regulation 2021*, provides financial information in regards to estimates of income and expenditure and is separately reported to Council.

Council adopted the 2022-26 Delivery Program and incorporated Operational Plan 2022-23 in June 2022. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

At the end of each quarter a report is prepared to assess Council's progress against 2022-26 Delivery Program actions and the Capital Works Program.

REPORT/PROPOSAL

The 2022-23 Operational Plan is a one-year plan and was developed to implement the adopted actions from the 2022-26 Delivery Program.

Corporate and Community

Report No. CC25/2023

Corporate and Community Services



Some of the highlights for the third quarter are provided below:

- The Branxton Cemetery Columbarium Wall is now complete.
- The new grandstands for the Miller Park netball courts are complete and installed.
- The inclusive playspace upgrade for Maybury Peace Park, which includes all play equipment, landscaping and the safety fence is now complete.
- Lighting upgrades were completed at Varty Park and Greta Central Oval.
- Preliminary designs being considered for road rehabilitation at Sandy Creek Road Quorrobolong.
- Camp Road, Greta (Mansfield to CH1320) road rehabilitation works completed.
- The first Development Consultation Forum of 2023 is scheduled to be held in 3 May 2023. External speaker topics include 'Recent Developments from the Land and Environment Court' and 'Implementation of the Regional Plan'.
- Council is undertaking a review and update of the current Customer Service Strategy into a more holistic Customer Experience Strategy.
- A Submissions Report has been finalised following the public exhibition of the Richmond Vale Rail Trail Review of Environmental Factors (REF) and stakeholder engagement. This will be reported to Council in the Fourth Quarter.

2022-26 Delivery Program

At the conclusion of the Third Quarter 25 (15%) of the 176 Actions from the 2022-23 Operational Plan were Completed with 144 (81%) currently In Progress. The 'In Progress' Actions will continue to be monitored and reported as part of the quarterly review process. There were no Actions at Risk, with 1 (1%) Carried Forward and 6 (3%) Not Due to Start.

Table 1 shows the overall status of actions at 31 March 2023.

Table 1

	A connected, safe, and creative community	A sustainable and prosperous economy	A sustainable and healthy environment	Accessible infrastructure, services and facilities	Civic leadership and effective governance	Total	%
Not Due to Start	0	0	3	2	1	6	3
In Progress	44	17	36	13	34	144	81
Carried Forward	0	0	1	0	0	1	1
Complete	5	7	6	3	4	25	15
At Risk	0	0	0	0	0	0	0
	49	24	46	18	39	176	100

2022-26 Delivery Program



Details of the projects have been included in **Enclosure 1**.

2022-23 Capital Works Program

At 31 March 2023, 51 of the 197 projects from the 2022-23 Capital Works Program were Completed, 37 were Not Progressing, 100 were In Progress and 9 projects Not Due to Start.

Table 2 shows a summary the overall status of projects at 31 March 2023.

Table 2

Program	Complete	On Track	Carry forward/Not Progressing	Not due to Start	Total
Community Buildings Construction (CBC/WDC)	-	1	-	2	3
Bridge Construction Program (CBS)	1	1	1	-	3
Drainage Construction Program (CDR)	4	9	2	-	15
Cemeteries Facilities Construction (CFC)	-	4	-	-	4
Recreation Facilities Construction (CFR)	9	6	4	1	20
Traffic Facilities Program (CFT)	2	14	2	-	18
Waste Facilities Construction (CFW)	-	3	-	1	4
Library Books (CL)	-	1	-	-	1
Pathway Construction (CPW)	-	8	3	-	12
Local Road Construction (CRL)	-	3	2	-	5
Safer Roads (CRR/CLS)	1	2	3	-	6
Signage/Vineyard Roads (CRV)	1	-	-	-	1
Branxton Town Centre (CTB)	-	-	1	-	1
Kurri Kurri Town Centre (CTK)	-	2	-	-	2
Pre-Construction Design (DCP)	-	1	1	-	2
Natural Disaster Capital (NDC)	-	4	-	-	4
Other Fixed Assets (OFA)	-	1	-	2	3
Airport Construction (PCA)	4	4	3	-	11
Plant and Fleet Acquisition (PFA)	-	2	-	-	2
Floodplain Management (PMF)	-	7	1	-	8
Airport Renewal (PRA)	1	-	-	-	1

Corporate and Community

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Corporate and Community Services



Program	Complete	On Track	Carry forward/Not Progressing	Not due to Start	Total
Cultural and Community Buildings (RBC)	5	6	4	-	15
Recreation Buildings Renewal (RBR)	-	1	-	-	1
Cessnock Civic Revitalisation (RCC)	-	1	-	-	1
Pools Facilities Renewal (RFP)	1	1	-	-	2
Recreation Facilities Renewal (RFR)	7	2	-	-	9
Recreation Pre-Construction Design (RPC)	-	1	-	-	1
Gravel Rehab & Re-sheeting (RRG)	-	1	-	-	1
Local Road Renewal (RRL)	2	10	8	2	22
Regional Road Renewal (RRR)	12	2	2	-	16
Recreation Services Administration (RSA)	-	-	-	1	1
Waste Plant Management (WPM)	-	2	-	-	2
Total	50	101	37	9	197

Detailed information on the Capital Works Program is included in **Enclosure 1**.

OPTIONS

N/A

CONSULTATION

The General Manager, Directors, Managers and Coordinators provided the information for this report and its enclosures.

STRATEGIC LINKS

a. Delivery Program

This report is part of the organisation’s governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community’s desired outcome of: *“Civic Leadership and Effective Governance.”*

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The quarterly budget review forecasts are reported separately to Council.

c. Legislative Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

Corporate and Community

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Corporate and Community Services



d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The review of the 2022-26 Delivery Program against the Operational Plan 2022-23, for the Quarter ended 31 March 2023, is submitted for Council's consideration.

ENCLOSURES

[1](#) Quarter 3 2022-23 Operational Plan Report_26042023

Corporate and Community

Report No. CC26/2023

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - APRIL 2023*
RESPONSIBLE OFFICER: *Management Accountant - Kim Fatcher*
Chief Financial Officer - Matthew Plumridge

SUMMARY

Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

RECOMMENDATION

That Council receives the Investment Report for April 2023 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$71,320,636.

BACKGROUND

The *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

The Responsible Accounting Officer has certified that this report is produced in accordance with Clause 212 of the *Local Government (General) Regulation 2021* and that all investments have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy.

General Investment Commentary

Council officers monitors and manages the cash and investment portfolio by taking into consideration credit ratings of financial institutions, interest rates offered for periods of investment, counterparty exposures and cash flow requirements.

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of April 2023 are exceeding both original and revised budgets and closing the gap towards the benchmark rate. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Interest rates have been increasing monthly since May 2022 compared to previous unprecedented low levels in recent years. The official cash rate of the Reserve Bank of Australia (RBA) was once again increased by 0.25% to 3.85% in May 2023.

Corporate and Community

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Corporate and Community Services



Returns will continue to be monitored and any adjustment to budgeted income will be reported in future quarterly budget reviews.

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 30 April 2023

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			3.25%	10,882
	Commonwealth Bank	At Call			3.60%	41
1243	AMP Bank	At Call			0.50%	502
1472	AMP Bank	TD	735	14-Sep-23	0.75%	1,000
1478	Suncorp Bank	TD	518	15-Jun-23	0.90%	3,000
1480	Commonwealth Bank	TD	441	11-May-23	1.05%	3,000
1481	AMP Bank	TD	490	13-Jul-23	1.35%	4,000
1483	Commonwealth Bank	TD	533	12-Oct-23	2.81%	4,000
1484	Suncorp Bank	TD	504	21-Sep-23	2.85%	4,000
1486	Commonwealth Bank	TD	365	08-Aug-23	3.98%	5,000
1487	Commonwealth Bank	TD	323	27-Jun-23	3.86%	5,000
1489	Westpac Bank	TD	365	27-Sep-23	4.66%	4,000
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
1495	Westpac Bank	TD	365	24-Jan-24	4.46%	5,000
1496	National Australia Bank	TD	363	29-Jan-24	4.62%	5,000
1475a	Westpac Bank	TD	306	12-Dec-23	4.70%	4,000
1497	Westpac Bank	TD	356	19-Mar-24	4.99%	3,000
1463	Treasury Corporation	Growth Fund				3,895
TOTAL						71,320

Table 2 Level of funds held and the percentage invested with financial institutions

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Commonwealth Bank	AA-	40%	17,000	28.38%
Westpac Bank	AA-	40%	20,000	33.39%
National Australia Bank	AA-	40%	5,000	8.35%
Suncorp Bank	A+	40%	9,000	15.03%
AMP Bank	BBB	5%	5,000	8.35%
Treasury Corporation	Unrated	10%	3,895	6.5%
TOTAL			59,895	100.00%

In accordance with the current Investment Policy, figures in Table 2 above exclude cash and at call balances in Council's main operating account held with Commonwealth Bank of Australia and AMP Bank.

In November 2021, AMP Bank's rating was downrated and Council still was treating these investments at their previous rating. As per the Investment Policy, Council can now only hold 5% of our portfolio in AMP investments nor for any longer than 12 months. The current investments are covered by the grandfathering provisions of the Policy with no more investments able to be made at this level of rating. As investments mature and/or total quantum of investments rise then Council will return to its agreed investment limits.

Investment in NSW Treasury Corporation (TCorp)

TCorpIM Funds are unit trusts. Distributions are made annually and are automatically reinvested into the fund to buy additional units. As this investment is held for medium to long-term capital appreciation, gains or losses will only be realised on redemption of the investment. However due to accounting requirements any unrealised gains or losses will be processed between investments and the operating statement.

The final April unrealised return was a gain of \$33,035 or 0.86%, bringing the Year to Date (YTD) returns to a net gain of \$227,971 or 6.22%. Rates of return will fluctuate each month and possibly be negative from time to time with the medium-term investment horizon. The benchmark used by TCorp is CPI + 2.00% p.a. (over rolling 7 years).

Table 3 NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
TCorpIM Medium Term Growth Fund	4.41	3.78	3.62	0.40	5.33	1.39
Benchmark: CPI + 2.0% p.a. (over rolling 7 years)	4.57	4.70	5.99	9.07	6.84	0.71
Return above benchmark p.a.	(0.16)	(0.92)	(2.37)	(8.67)	(1.51)	0.68

Table 4 Investment types, risk assessment, amount and percentage invested compared to the total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	56,000	78.52%
Cash/At Call Deposits	Low	Low	11,425	16.02%
Capital Growth Fund	Medium	Medium	3,895	5.46%
TOTAL			71,320	100.00%

Table 5 Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	3.92%	0.42%
Annualised Bank Bill Index (last 3 months) *	3.77%	0.09%
Actual Investment Interest Earned (for the current month)	\$194,344	\$30,639
Actual Investment Interest Earned (year to date) ^	\$1,520,185	\$217,093
Revised Budget Investment Interest (year to date)	\$716,770	\$175,000
Original Budget Investment Interest (annual)	\$380,122	\$210,000
Revised Budget Investment Interest (annual)	\$780,122	\$210,000
TCorp unrealised movement (year to date)	6.22%	-5.17%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,415,666	\$54,388,548
Closing Balance as at 30 April	\$71,320,636	\$76,952,346

* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ Excludes TCorp unrealised returns

Excludes Section 355 Committee cash held



Graph 1 Actual interest earned compared to revised budget and actual interest last year

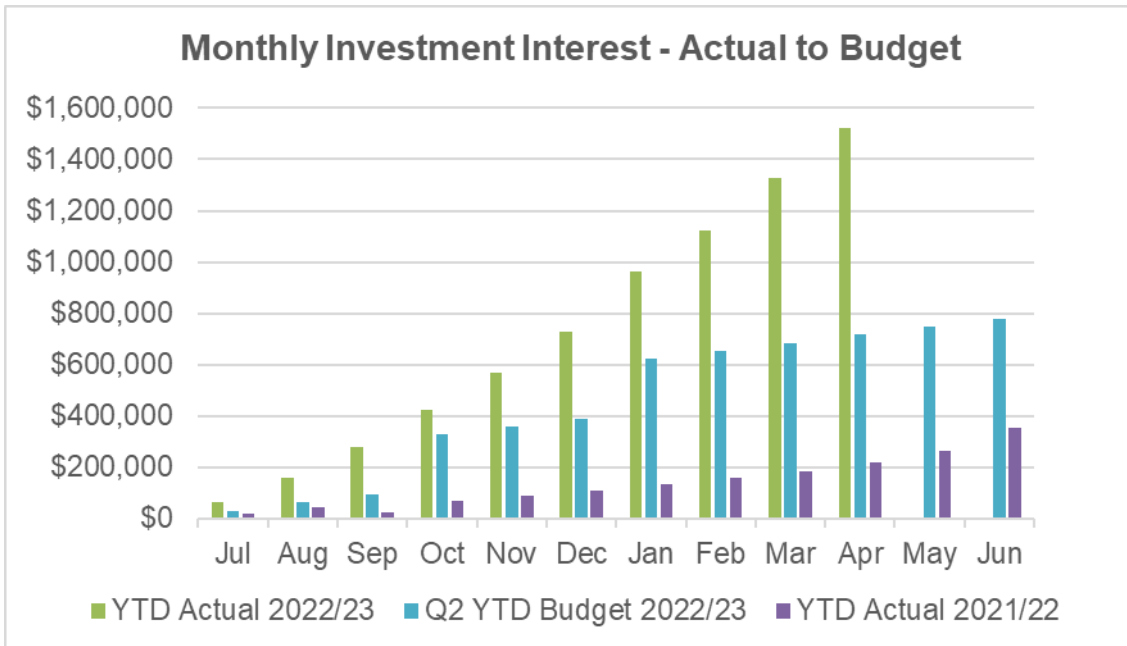


Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	April 2023	March 2023	February 2023	January 2023	December 2022	November 2022
Developer contributions	28,479	28,095	25,644	25,252	25,017	25,012
Committed developer contributions	2,711	3,592	3,684	3,499	3,443	3,605
RMS contributions	182	182	182	182	163	247
Specific purpose unexpended grants	8,489	8,359	6,507	7,007	5,896	4,940
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	922	923	1,004	962	966	1,013
External Restrictions	41,213	41,581	37,451	37,332	35,915	35,247
Month End Totals \$'000	April 2023	March 2023	February 2023	January 2023	December 2022	November 2022
Plant and vehicle replacement	2,949	3,016	3,582	3,336	3,582	3,410
Employees leave entitlement	2,446	2,446	2,446	2,446	2,446	2,446
Carry over works	783	934	956	984	1,000	1,028
Bridge replacement	118	372	440	456	456	471

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Month End Totals \$'000	April 2023	March 2023	February 2023	January 2023	December 2022	November 2022
Insurance provisions	896	896	896	896	907	948
Miscellaneous and property	862	857	857	857	857	857
Grant Fund Leverage	90	90	90	90	90	90
Energy efficiency	94	89	84	-	-	-
Operations and programs	429	431	412	417	392	365
Property investment fund	3,041	3,056	3071	3,085	3,108	3,122
Civil Works	748	716	743	882	963	428
Waste depot and rehabilitation	9,454	9,454	9,454	9,454	9,454	9,454
Committed projects (SRV)	747	889	1,000	1,374	1,496	1,469
Security deposits and bonds	4,060	4,085	4,171	4,158	4,203	4,219
Internal Restrictions	26,717	27,331	28,202	28,435	28,954	28,307
Unrestricted	3,390	6,893	14,592	9,089	12,098	17,074
Total Cash & Investments	71,320	75,805	80,245	74,856	76,967	80,628

External and internal cash restrictions remained stable between March and April with slight reductions in infrastructure reserves aligned with expenditures in both maintenance and capital works programs.

Unrestricted funds decreased by \$3.5m compared to last month as a result of cash flows associated with the provision of services and delivery of the capital works program.

Increases to cash balances can be expected during months when rate instalments are due (August, November, February and May). Monthly expenditure is relatively static throughout the year, with the exception where major payments are made for such things as contracts, insurances or other significant items.

Restrictions over cash and investments are subject to change and will only be final once audited and published in the annual financial statements.

CONSULTATION

Director Corporate and Community Services
 Chief Finance Officer
 Management Accountant
 Finance staff

STRATEGIC LINKS

a. Delivery Program

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan. This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance*" and more specifically links to strategic direction:

- 5.3.2: Our Council's processes are efficient and transparent
- 5.3.3: Our Council is financially sustainable.

IMPLICATIONS

a. Policy and Procedural Implications

Investments are held in accordance with Council's Investment Policy.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

c. Legislative Implications

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

The report details investments held at month end and meets Council's reporting obligations.

ENCLOSURES

- [1](#) Economic and Investment Portfolio Commentary April 2023

Corporate and Community

Report No. CC27/2023

Corporate and Community Services



SUBJECT: *QUARTERLY BUDGET REVIEW STATEMENT - Q3 MARCH 2023*

RESPONSIBLE OFFICER: *Management Accountant - Kim Fatcher
Chief Financial Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to present the Quarterly Budget Review Statements (QBRS) for Q3 March 2023 for Council's consideration and approval.

RECOMMENDATION

1. That Council receives the Quarterly Budget Review Statement Q3 March 2023 in accordance with Clause 203 of the *Local Government (General) Regulation 2021*.
2. That Council notes that the Quarterly Budget Review Statement Q3 March 2023 reflects a forecast operating surplus for the year of \$32.4m or a forecast net operating deficit of \$1.7m excluding capital income.
3. That Council notes that the Quarterly Budget Review Statement Q3 March 2023 reflects a forecast capital expenditure budget of \$54.4m.
4. That Council approves proposed changes to the 2022-23 operating and capital budgets as presented in the Quarterly Budget Review Statement Q3 March 2023.
5. That Council notes that the Quarterly Budget Review Statement forecasts five of the six key performance indicators will exceed Office of Local Government benchmarks.

BACKGROUND

Clause 203 of the *Local Government (General) Regulation 2021* requires the Quarterly Budget Review Statement (QBRS) to be prepared and submitted to Council. A separate report to Council contains information in regard to Council's Delivery Program and reporting under Integrated Planning and Reporting requirements.

The QBRS for Q3 March 2023 is presented to Council for consideration and contains all necessary disclosures.

REPORT/PROPOSAL

The budget review process involved responsible budget managers reviewing income and expenditure patterns and, after consultation with finance staff, proposing any required changes. Changes may have been from unforeseen circumstances or elements beyond the control of Council, additional funding opportunities, or from Council resolutions.

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Corporate and Community Services



General Budget Commentary

The QBRS Q3 March 2023 is provided to the Council at **Enclosure 1** and shows a projected operating surplus of \$32.4m for the year ending 30 June 2023, or a forecast net operating deficit of \$1.7m excluding capital grants and contributions income.

The QBRS also shows a revised capital works program forecasting changes that decrease the current program by \$2.4m, from \$56.7m to \$54.4m.

For details on all proposed budget changes please refer to the notes in the QBRS.

Key Performance Indicators

Council's QBRS forecasts that five out of six key performance indicators will exceed Office of Local Government (OLG) benchmarks. Due to the revised net operating position forecasting a deficit, the Operating Performance Ratio is no longer meeting the benchmark to break even. A listing of the key performance indicators (ratios) is included in the QBRS suite of reports.

Responsible Accounting Officer Statement

Section 203 (2) of the *Local Government (General) Regulation 2021* requires that the budget review statement include, or be accompanied by, a report from the Responsible Accounting Officer. This report is required to indicate whether the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and, if that position is unsatisfactory, recommendations for remedial action.

In the QBRS Q3 March 2023, the RAO has further noted that the forecast deficit is primarily caused by timing differences of expenditure incurred in the current financial year, as opposed to the income being recognised prior to 30 June 2022, in addition to increasing depreciation costs. Council's cash position remains strong at this point in time though further investigation will be needed as part of the upcoming budget process to determine future requirements around ongoing financial sustainability. This will include considerations of future income needed and or cuts to council services.

CONSULTATION

The following staff provided input in the preparation of this report and its enclosures:

- General Manager
- Directors
- Managers
- Senior finance staff

STRATEGIC LINKS

a. Delivery Program

This report is a crucial part of the organisation's governance framework – providing feedback on the progress against the budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The QBRS is presented in accordance with the adopted budget strategy. The detailed review of all operational and capital budgets is a continuous process. The objective is to improve Council's current and future financial position while continuing to deliver programs and infrastructure to meet community needs.

c. Legislative Implications

Clause 203 of the *Local Government (General) Regulation 2021* requires the Responsible Accounting Officer to prepare and submit to Council a QBRS that shows revised estimates of income and expenditure for the year within two months of the end of each quarter.

d. Risk Implications

The following are some of the risks that may impact the projected full year operating statement result:

- Losses on disposal of asset values as a result of assets being upgraded or renewed prior to the end of their effective lives;
- Unrealised losses associated with the managed fund held with TCorp;
- Changes in estimates for future remediation of landfill sites;
- Increased operational employee costs due to lower capitalisation of labour; and
- Increased costs associated with electricity and fuel.

Furthermore, the achievement of the planned operating result will most likely be impacted by any changes to the early prepayment of the Financial Assistance Grant. Over recent years, approximately 50% of the Financial Assistance Grant has been prepaid early in the year prior to which it relates and this consistent process has resulted in a smoothing of the payments each financial year. Council's budget assumptions are consistent with this trend however 75% was prepaid in 2021-22. Should these prepayments cease or return to a 50% prepayment arrangement, then the gap year will suffer a reduction to income.

Additionally, there is an ongoing review of the system for distribution of parts of the grants, and Cessnock has been advised that this is likely to reduce the total amount of the grant to be received, but is not expected to impact until the 2023-24 financial year.

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e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

The Quarterly Budget Review Statement for Q3 March 2023 is submitted for council's approval. It is highlighted that the forecast deficit is primarily caused by timing differences of expenditure incurred in the current financial year, as opposed to the income being recognised prior to 30 June 2022, in addition to increasing depreciation costs. Council's cash position remains strong at this point in time.

ENCLOSURES

[1](#) Quarterly Budget Review Statement - Quarter 3, March 2023

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Report No. CC28/2023

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTERESTS IN WRITTEN RETURNS*

RESPONSIBLE OFFICER: *Senior Governance and Finance Officer - Eliza Spooner
Chief Financial Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to table returns received from designated persons for the period 1 February – 30 April 2023.

RECOMMENDATION

That Council notes the tabling of the disclosures of interests written returns for the period 1 February – 30 April 2023 in accordance with Council's Code of Conduct.

BACKGROUND

Part 4 of the Code of Conduct (the Code) governs matters concerning disclosures of interests in written returns. Clause 4.24 of the Code requires the General Manager to keep a register of returns lodged by Councillors and designated persons and to table them at a meeting of Council. Clause 4.21 requires that such returns are to be lodged with the General Manager within 3 months after becoming a Councillor or designated person.

REPORT/PROPOSAL

In accordance with the Code, Councillors and designated persons are required to lodge a written return in the form set out in schedule 2 of the Code within three months after becoming a Councillor or a designated person.

Clause 4.8 of the Code provides that designated persons are:

- (a) *The General Manager;*
- (b) *Senior staff for the purposes of section 332 of the Act;*
- (c) *A person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;*
- (d) *A person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

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Returns in this period have been received from:

Designated Staff	Return
Jules Bosco – Acting Infrastructure Manager	Commencing
John Latter – Works & Operations Manager	Commencing

The register of returns is available for public inspection at Council’s Administration Centre at 62-78 Vincent St, Cessnock in accordance with the *Government Information (Public Access) Act 2009* (NSW). To book an appointment to view the register, please e-mail council@cessnock.nsw.gov.au with your requested inspection time.

OPTIONS

N/A

CONSULTATION

Designated persons were provided the Self-Help Guide from the Office of Local Government to assist them in the completion of their returns.

STRATEGIC LINKS

a. Delivery Program

Completion of the written returns for the period links to the community’s desired outcome of “*Civic Leadership and Effective Governance*”, and in particular, it links to:

- strategic direction 5.3.7 within the Delivery Program 2017-2021 – *continue to educate staff on statutory compliance obligations*, and
- strategic action 5.3.7 within the Operational Plan 2020-2021 – *continue to educate staff on statutory compliance obligations*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Clause 4.24 of the Code requires the General Manager to keep a register of returns lodged and clause 4.25 requires the General Manager to table such returns at the first meeting of Council after the last day the returns are required to be lodged.

On the day following the meeting, the register of returns may be accessed by members of the public (at Council’s Administrative Centre) during business hours.

At all other times, the register of returns is available for inspection in accordance with the *Government Information (Public Access) Act 2009* (NSW). To book an appointment to view the register, please e-mail council@cessnock.nsw.gov.au with your requested inspection time.

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Corporate and Community Services



b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

Failure to table the register of written returns could constitute Council not meeting its legislative obligations.

e. Environmental Implications

N/A

f. Other Implications

Tabling the register of returns and allowing access to it demonstrates Council's commitment to openness and transparency, and is a crucial element of Council's civic leadership and effective governance.

CONCLUSION

Tabling of the register of returns satisfies requirements under the Code of Conduct.

ENCLOSURES

There are no enclosures for this report

SUBJECT: *LAND ACQUISITION - SOUTH CESSNOCK BUND WALL*
RESPONSIBLE OFFICER: *Principal Property Specialist - Peter Waghorn*
Chief Financial Officer - Matthew Plumridge

SUMMARY

This report seeks Council authorisation to purchase Crown-owned and private land and/or property rights required for the South Cessnock Bund Wall Flood Mitigation Scheme. Required land will be acquired in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

RECOMMENDATION

That Council authorise purchase of land required for the South Cessnock Bund Wall Flood Mitigation Scheme being:

With regard to Crown-owned land lot 1 DP 1134371:

- That Council proceed with the compulsory acquisition of the land for the purpose of flood mitigation works in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- That Council make an application to the Minister and the Governor for approval to acquire the land by compulsory process under section 186(1) of the *Local Government Act*.
- That the land will be classified as operational land.
- That Council requests the Minister for Local Government approve a reduction in the notification period from 90 days to 30 days.

With regard to private land (part) lots 34;35;36 DP 755215 and (part) lot 1 DP 1145540:

- That Council authorises acquisition of the land and/or easements for the purpose of drainage.
- That Council delegates authority to the General Manager to extend a Letter of Offer to the landowner and negotiate voluntary agreement to purchase the land and/or easements in accordance with independent valuation.
- That Council delegates authority to the General Manager to execute all relevant documentation to effect the transaction.

BACKGROUND

At the 20 May 2020 Ordinary Council meeting, Council adopted the South Cessnock Flood Mitigation Scheme (The Project). The Project will address adverse flooding impacts in South Cessnock brought on by mine subsidence in the 1980s and involves construction of an earth bund wall, channel diversion and widening downstream from the junction of the Kearsley and Oliver Street Channels. The scope of these capital works requires acquisition of land and/or easements from three separate landowners:

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- State of New South Wales - lot 1 DP 1134371 (Crown land);
- Austar Coal Mine Pty Ltd - lots 34, 35 & 36 DP 755215 (Austar land); and
- White Energy Company Limited – lot 1 DP 1145540 (WEC land).

Council is an authority of the State (Acquiring Authority) under the Just Terms Act, however councils are empowered to acquire land by s.377(1)(h) of the *Local Government Act 1991*. This power cannot be delegated and a resolution of Council is required authorising the General Manager to effect the transaction.

REPORT/PROPOSAL

The Project will involve construction on Crown land. Department of Planning and Environment – Crown Lands (CLD) have advised no objection to a public purpose acquisition by Council and the intention is to acquire the entire Crown land parcel. CLD further advised the land must be acquired with Ministerial approval and by compulsory process in accordance with the Just Terms Act.

The Project will also construct a large earth bund wall and detention basin along the western edge of the WEC land. With Council authorisation, Officers will continue to negotiate voluntary agreement to acquire only the portion of land to be permanently impacted by the bund wall. While still subject to further landowner negotiations, it is expected that any WEC land impacted by projected increases in flood water inundation and storage can be resolved with additional acquisition of a drainage easement.

Recent design amendments indicate the Austar land will be partially impacted by channel construction or installation of underground drainage pipes. While also subject to further landowner negotiations, it is expected the council work encumbrances affecting Austar land can be resolved with voluntary acquisition of drainage easements.

OPTIONS

No alternative options are considered economically viable to reduce the flood risk in South Cessnock. If the subject land parcels and/or easements are not approved for acquisition, there will be no legal property and rights in place to construct critical infrastructure and the Project cannot proceed.

CONSULTATION

A public consultation process commenced in 24 July 2020 with issue of a Community Newsletter informing the South Cessnock community of an upcoming Information Meeting and providing preliminary plans for the South Cessnock Flood Mitigation Scheme. The newsletter was followed up in July 2020 with a Public Information Meeting which explained how the Project would benefit the South Cessnock Community and was attended by representatives from the following organisations and groups:

- State Emergency Services;
- Subsidence Advisory NSW;
- Department of Planning, Industry and Environment;
- Hunter Water Corporation; and
- Cessnock Floodplain Management Committee.

Corporate and Community

Report No. CC29/2023

Corporate and Community Services



If authorised, compulsory acquisition of Crown land involves mandatory public notification and Ministerial approval. Discussions with affected private landowners on the eastern side of the former rail line commenced in March 2020 and will continue until final terms and nature of land or easement acquisitions by voluntary agreement are successfully negotiated. Council's contribution to project funding was publicly exhibited in the 2017-21 Delivery Program.

STRATEGIC LINKS

a. Delivery Program

The acquisitions are linked to the Delivery Program 2017-21 and specifically aligned with Sustainable & Healthy Environment Objective 3.1.9 - 'Commence implementation of the priority recommendations from flood studies and risk management plans for major catchments in the local government area.'

The Project is included for in the Operational Plan 2002-2023 Capital Works Program - Flood Management Program: Project ID PMF-2022-006.

b. Other Plans

- Black Creek (Cessnock City) Floodplain Risk Management Study and Plan, Cardno 2016
- Detailed Hydraulic Modelling and Flood Mitigation Options Analysis for South Cessnock, Royal Haskoning 2016
- South Cessnock Mine Subsidence Flood Investigation, Royal Haskoning 2019
- South Cessnock – Flood Mitigation Options and Cost Benefit Assessment, Royal Haskoning 2020

IMPLICATIONS

a. Policy and Procedural Implications

- Property Management Policy 2018
- Flood Prone Land Policy 2005 - Whilst the flooding issues experienced in South Cessnock are primarily related to subsidence, management of flood prone land is, primarily the responsibility of councils. Council has undertaken investigations, prepared Flood Studies and a Risk Management Plan in accordance with the NSW Floodplain Management Manual.

b. Financial Implications

Financial implications of the acquisitions cannot be quantified at this time because the Just Terms Act stipulates that councils, in their capacity as an Acquiring Authority, are authorised to acquire land by the *Local Government Act 1993*. However, obtaining Ministerial approval to acquire Crown land involves making application to acquire land by compulsory process under s39 of the Just Terms Act. The application must confirm the Valuer General department (VG) has been engaged to value the Crown land and the date of the Council resolution, both of which are subject to adoption of the recommendations of this report.

Corporate and Community

Report No. CC29/2023

Corporate and Community Services



If authorised, purchase of the Crown land will be in accordance with the VG valuation and negotiations to purchase private WEC and Austar land and/or easements will be guided by land valuation assessments provided by an independent Certified Practising Valuer. Project funding is allowed for in the Operational Plan 2002-2023 Capital Works Program.

c. Legislative Implications

Council's authority to acquire land in accordance with the Just Terms Act is subject to s.377(1)(h) of the *Local Government Act 1993* which states the compulsory acquisition or purchase of land cannot be delegated and a resolution of Council is required authorising the transaction.

d. Risk Implications

Failure to acquire the required land and/or easements will negate or delay Council's efforts to secure legal access and rights to construct critical infrastructure, placing at risk previously arranged grant funding and extending the period of heightened flood risk for South Cessnock residents.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Acquisition of the land will facilitate major works required to mitigate the impact of flooding on South Cessnock residential properties and private land on the eastern side of the former railway line.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI16/2023

Works and Infrastructure



SUBJECT: *RICHMOND VALE RAIL TRAIL - STOCKRINGTON TO KURRI KURRI REVIEW OF ENVIRONMENTAL FACTORS*

RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Kate Harris*

SUMMARY

This report seeks Council's endorsement of the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors and the associated Determination Report.

RECOMMENDATION

1. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.
2. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Determination Report.
3. That Council notifies those who made submissions, along with key stakeholders, of Council's decision.
4. That Council continues to investigate external funding opportunities to support the construction phase of the project including the development of detailed designs.

BACKGROUND

At its meeting of 20 April 2022, Council resolved:

1. That Council place the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors on Public Exhibition for a 6 week period and invite public submissions.
2. That a report on the outcomes of the exhibition period be provided to Council prior to Council endorsing the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.

This report addresses each of the items above.

The Review of Environmental Factors (REF) is available on Council's website.

REPORT/PROPOSAL

The proposed Richmond Vale Rail Trail (RVRT) is a 32km cycling and walking track along the former Richmond Vale railway between Kurri Kurri and Hexham/Shortland (**Enclosure 1**). The trail traverses the three Local Government Areas of Newcastle (14.9km), Lake Macquarie (2.7km) and Cessnock with 14.4km of the trail located in the Cessnock City Council area.

Works and Infrastructure

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Works and Infrastructure



To seek relevant development approvals the RVRT has been divided into two sections, Shortland to Tarro and Pambalong (Newcastle LGA), and Stockrington to Kurri Kurri (Lake Macquarie and Cessnock LGA). The Stockrington to Kurri Kurri Section of the rail trail is the focus of this report.

Key Objectives

The RVRT aims to enhance active transport and create connectivity between communities with the key objectives of the project being:

- To support future growth by connecting local and regional users at key access points including Kurri Kurri, Buchanan and Stockrington;
- Provide commuters and recreational users with a safe alternative route to the local road network, including the New England Highway and the M1 Pacific Motorway;
- Provide better recreational access to the Pambalong Nature Reserve and the Werakata and Stockrington State Conservation Areas;
- Protect and maintain natural conservation values of adjacent lands including conservation areas; and
- Generate healthier, more active lifestyles and opportunities for public appreciation and enjoyment of the local natural environment.

Key Features

The RVRT is a regionally significant infrastructure project and there are numerous key features within the Lake Macquarie and Cessnock sections of the trail. These include:

- Construction of over 17km of shared pathway between three to four metres wide;
- Restoration and repair of three existing railway tunnels (one tunnel is within the Cessnock LGA);
- Construction of a 15m two-span concrete bridge at Surveyors Creek and demolition of the existing timber bridge;
- Construction of a new 70m single span bridge at Wallis Creek and demolition of the existing timber bridge;
- Construction of a new short bridge at Werekata Creek; and
- Construction of four new parking facilities at various access points along the proposal route (three of the parking facilities are within the Cessnock LGA).

Public Exhibition

The REF was publicly exhibited for 8 weeks from 12 May 2022 to 3 July 2022 and was accessible on Council's website, at Council's Administration Building and Cessnock and Kurri Kurri Libraries.

Council received 127 submissions during the exhibition period including one submission each from National Parks and Wildlife Service, Richmond Vale Rail Trail Inc., and the Donaldson Conservation Trust and 124 from the community. Based on their intricate knowledge of the project and to assist in evaluating responses, Council engaged planning consultants GHD to prepare a Formal Submissions Report where each submission is addressed (please refer to **Enclosure 2**). Note, submissions in full can be found under separate cover.

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Of the 124 community responses provided, 121 were in support of the proposal and three were in opposition. The three submissions from an organisation are all in support, albeit raising several issues for further investigation and consideration. The issues raised and responses to these issues are provided in Section 3.2 of the Formal Submissions Report.

A summary of issues raised is outlined below:

- Amenities (supporting infrastructure)
- Trail width greater than three metres
- Retain railway infrastructure in the trail
- Anti-social behaviour and security
- Noise
- Flooding
- Additional approvals and NPWS Policies
- Cumulative impacts
- E-bikes and scooters
- Dogs
- Dedicated regional planning and management committee
- Bush fire risk
- Permissibility of the trail
- Operational Issues
- Slope Stability
- Outside the scope of the REF
- Cost of Construction
- Loss of potential for working railway
- Design features
- Property impacts
- Ecology
- Ongoing consultation
- Proposal Objective and road networks reference

Additional/modified Environmental Safeguards and Measures

Prior to Public Exhibition, the REF identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts. After consideration of the issues raised in the public submissions, the environmental management measures for the proposal (refer to Chapter 7 of the REF) have been revised. Should the proposal proceed, the environmental management measures will guide the subsequent phases of the proposal.

Additional and/or modified environmental safeguards and management measures to those presented in the REF are provided in Table 1 below:

Table 1 – Additional Safeguards and Environmental Measures

Impact	Environmental Safeguards
Noise and vibration	Additional measures to reduce the potential for noise impacts at key locations, such as landscaped barriers, would be investigated during detailed design
Traffic and access	The location of e-bike infrastructure would be investigated during development of the detailed design
Biodiversity	Once the footprint and construction methodology are confirmed during detailed design, the need for additional ecological survey will be determined. Appropriate measures in response to the outcomes of additional investigations will be incorporated into the detailed design, and construction and operation of the proposal as relevant

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Socio-economic	<p>Measures to manage issues raised by impacted landowners during consultation would be incorporated into the detailed design where relevant. This could include security, fencing, lighting, signage, provision of water for stock, illegal dumping, illegal access (in particular Lot 103 DP810221) etc.</p> <p>An agreement will be entered into between Council and affected landowners to ensure the onus of fencing repairs etc. is borne by Council.</p>
Cultural Heritage	<p>Further investigation of the sites located at the carpark between tunnels 1 & 2 (within the Lake Macquarie LGA) will be undertaken. This would include additional heritage survey and assessment as required and could include relocation of the car park.</p>
Cumulative impacts	<ul style="list-style-type: none"> • Construction planning would consider avoiding known heavy tourism periods, such as school holidays. • Ongoing coordination and consultation would be undertaken with stakeholders (including internally in Council) to ensure cumulative amenity impacts are appropriately assessed, avoided where possible and managed. The Construction Environmental Management Plan would be revised to consider potential cumulative impacts from surrounding development activities if and as they become known. • Traffic management measures would consider other traffic generating developments and activities where relevant. • Noise management measures would consider the cumulative noise impacts from other construction activities occurring in the vicinity of the proposal. <p>• An operational management plan and/ or procedures would be developed for the proposal to manage ongoing maintenance and day-to-day management of the proposal following construction. This would be prepared in consultation with relevant stakeholders such as landowners and managers.</p>

Based on the assessments in the REF and a review of the submissions received from the community and stakeholders, it is recommended that the Proposed Activity be approved, subject to the mitigation measures included in the REF, amended measures in the Formal Submissions Report and the proposed Conditions of Approval outlined within the Determination Report (**Enclosure 3**). Council will continue to liaise with the community and other stakeholders as the Proposed Activity progresses through detailed design and into the construction phase.

OPTIONS

Nil

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CONSULTATION

The REF prepared for the proposal was placed on public display for eight weeks between 12 May 2022 and 3 July 2022 at Cessnock City Council administration building and Cessnock and Kurri Kurri libraries. The REF was also placed on the Council website via a dedicated 'Have Your Say' page and made available for download.

The public display period was advertised in the following publications:

- Cessnock Advertiser – 25 May 2022, 15 June 2022, 29 June 2022
- Greta Branxton News – 26 May 2022, 9 June 2022, 23 June 2022
- Newcastle Herald – 21 May, 25 June

A copy of the REF was sent to the following key stakeholders in March 2021 prior to the public display:

- Landowners - Lot 32 DP1085798, Lot 103 DP810221, Lot 4 DP1000943, Lot 18 & 19 DP1061633
- Mindaribba Local Aboriginal Land Council
- Yancoal
- Crown Lands
- National Parks and Wildlife Service (NPWS)

A reminder email was also sent to the above stakeholders just prior to the public display period in May 2022.

Council has undertaken a range of engagement activities following preparation of the REF which has included:

- A presentation and meeting of affected landowners.
- Individual site meetings with a number of landowners.
- Regular liaison with RVRT Inc.
- Briefing to the Buttai Quarry Consultative Committee.

STRATEGIC LINKS

a. Delivery Program

This report aligns to Objective 4.1 within the Delivery Program 'Better transport links' and the specific action of 4.1.5 – Contribute to the investigations and planning for the Richmond Vale Rail Trail.

b. Other Plans

- Hunter Regional Plan 2041
- Greater Newcastle Metropolitan Plan 2036
- Cessnock Community Strategic Plan 2036
- Cessnock Local Strategic Planning Statement 2020
- Cessnock Trails Strategy 2020
- Recreation and Open Space Strategic Plan 2019
- Cessnock Cycling Strategy 2016

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IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

A project budget estimate for design and construction of the RVRT (within the Lake Macquarie and Cessnock LGA's) was last completed in July 2020. Design costs at that time were estimated to be \$1,667,847 with construction costs (including property acquisitions) to be \$22,237,958.

The total estimated budget to complete the project was estimated at \$26,193,534. Whilst a contingency of 30% has been added to the design and construct figures provided, these costings do not take into account the current property market and other escalations in costs which may have occurred since the estimate was provided.

There is currently no funding available to continue to progress the project to the detailed design stage. Council staff will continue to investigate external funding opportunities including grants.

c. Legislative Implications

There are a number of legislative implications in regards to the construction of the RVRT which can be viewed within Chapter 4 of the REF. These will be addressed during detailed design.

d. Risk Implications

Land Tenure

Outlined within **Enclosure 4** are the 25 parcels of land along the RVRT that are located within the Cessnock LGA (with five of these parcels being private landowners). Council is not the landowner for any of the parcels that intersect the trail and it should be highlighted that some private landowners and stakeholders are not supportive of the project with concerns around privacy, perceived increased access to their properties and safety/vandalism concerns.

Land tenure issues are also required to be resolved during the detailed design stage (following the surveying of the route and further detailed reports being completed). Potential acquisition of land, lease/licence agreements and/or easements could pose a sizeable delay to the delivery of the project.

Time Sensitive Reports

Reports completed to support the REF (e.g. Flora and Fauna Report) can become outdated following legislative changes. Should a substantial period of time lapse prior to the commencement of detailed design, these documents will need to be reviewed and updated with cost implications to Council.

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Delivery of the Project

As illustrated within **Enclosure 4**, there are three land parcels located within the Lake Macquarie LGA. These parcels are a critical component as they contain two out of the three railway tunnels and are located between the Newcastle and Cessnock portions of the trail.

Council's ability to complete the trail (and connect with the Newcastle end) will be dependent upon Lake Macquarie's progress and is a risk to the project.

e. Environmental Implications

The project as outlined within the REF will provide a continuous shared pathway from Stockrington to Kurri Kurri and is a critical component of the RVRT. The key benefits of the project include improved and more sustainable transport choices, increased visitation to the locality and region, additional recreational opportunities and the growth of bicycle-tourism industries.

The project will also improve the safety of pedestrians and cyclists who currently have to continue their journey from one pathway to the next along busy roads. The proposal will also provide opportunities for healthier active lifestyles for both residents and tourists and allow users to experience the amenity of the route as it travels through various landscapes and environments.

These benefits have been quantified and exceed the cost of the proposal by an estimated two and half times.

The key impacts of the proposal are considered minor in comparison and include:

- Minor amenity impacts during construction due to increased traffic and activity, visual changes, noise and dust;
- Potential water quality impacts due to pollutant runoff, sedimentation, and disturbance of acid sulphate soils;
- Minor changes to surface water flows due to increased permeable surfaces and construction of new bridges and boardwalks;
- Removal of native vegetation, which would result in a negligible loss of habitat for native (and threatened) flora and fauna;
- Potential for injury, mortality and disturbance of native fauna during construction and operation of the proposal;
- Potential introduction and spread of weeds and pathogens;
- Permanent visual changes and impacts to a small number of residents and national park visitors due to increased visitation. Impacts could include noise, inappropriate use and loss of privacy;
- Potential and actual impacts to Aboriginal and non-Aboriginal cultural heritage values;
- Impacts to a small number of landowners due to temporary or long-term use or acquisition of property for the proposal.

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f. Other Implications

As outlined within the Hunter Regional Plan 2041, the Richmond Vale Rail Trail forms a critical component of the 'Shiraz to Shore' project. Endorsement of the REF for the Stockrington to Kurri portion of the trail as outlined within this report, will assist in seeing this significant trail established.

Whilst the REF incorporates sections of the trail within the Lake Macquarie and Cessnock LGA's, it is important to note that Council's endorsement is only being sought for the Cessnock component of the trail. Lake Macquarie City Council will be required to determine their own process in regards to approval/endorsement of the REF.

CONCLUSION

The RVRT is a regionally significant infrastructure project traversing three LGAs. The trail will provide numerous benefits to local residents and visitors to the Cessnock LGA.

ENCLOSURES

- 1 ➡ Richmond Vale Rail Trail Route
- 2 ➡ Formal Submissions Report
- 3 ➡ Richmond Vale Rail Trail Stockrington to Kurri Kurri Determination Report
- 4 ➡ Map of Impacted Property Owners
- 5 ➡ Richmond Vale Rail Trail _ Public Submissions _ Provided under Separate Cover

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 17 APRIL 2023*

RESPONSIBLE OFFICER: *Principal Engineer - Traffic and Transport - Warren Jeffery
Infrastructure Manager - Cameron Clark*

RECOMMENDATION

That the Minutes of the Cessnock Local Traffic Committee Meeting of 17 April 2023 be adopted as a resolution of the Ordinary Council.

- **TC16/2023** - That Council notes the installation of signage and line marking on Mount View Road, Cessnock and a pedestrian refuge on Barrett Avenue, Cessnock in accordance with the Mount View Road Cessnock _ Signage & Line Marking Diagrams.
- **TC17/2023** - That Council notes the installation of regulatory parking signage on Mount View Road & Links Avenue Cessnock in accordance with the Links Avenue Cessnock _ Signage Diagram.
- **TC18/2023** – That Council notes the installation of regulatory parking signage on Scholey Street, Cessnock in accordance with the Scholey Street Cessnock _ Signage & Line Marking Diagram.
- **TC19/2023** - That Council notes the adjustment of existing line making, and installation of signage on West Avenue, Cessnock in accordance with the West Avenue Cessnock _ Signage & Line Marking Diagram.
- **TC20/2023** - That Council notes the installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury Stages 43 & 44 _ Signage & Line Marking Diagrams.
- **TC21/2023** - That Council notes the installation of signage and line marking on Broke Road, Pokolbin, in accordance with the Broke Road Pokolbin _ Line Marking Diagrams.
- **TC22/2023** - That Council notes the installation of intersection controls at Averys Lane, Heddon Greta, in accordance with the Averys Lane Heddon Greta _ Signage & Line Marking Diagram.
- **TC23/2023** - That Council notes:
 - The current intersection treatment complies with all relevant Australian Standards, and is the most appropriate road safety treatment to address the crash history at the intersection;
 - There have been no recorded crashes at the subject intersection since completion of the improvements;
 - Minor maintenance and rectification works have been identified to further enhance the effectiveness of the intersection.

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**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 17 APRIL 2023**

- OPENING:** The meeting was opened at 9:32am
- PRESENT:** Councillor James Hawkins (Chairperson)
Senior Constable Cassie Barg – NSW Police
Linda Makejev – TfNSW
- IN ATTENDANCE:** Richard Ingall - Rover Coaches
Warren Jeffery – Principal Engineer, Traffic & Transport
Nathan Goodbun – Engineering Officer, Traffic & Transport
Alison Shelton – Road Safety Officer
Britt Barlow – Senior Business Support Officer, Infrastructure

APOLOGIES

RESOLVED that the apologies tendered for unavoidable absence be accepted on behalf of:
Senior Constable Amy Sweeney - NSW Police

CONFIRMATION OF MINUTES

MINUTES: **RECOMMENDED** that the Minutes of the Cessnock Local Traffic Committee held on 20 March 2023, as circulated, be taken as read and confirmed as a correct record.

DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



LISTED MATTERS

SUBJECT: *MOUNT VIEW ROAD & BARRETT AVENUE, CESSNOCK CHANNELISED RIGHT (CHR) TREATMENT & PEDESTRIAN REFUGE*

REPORT NO.: *TC16/2023*

REFERENCE: *RRL 2018 010*

MATTER: Council has received funding under the Fixing Local Roads Program to upgrade Mount View Road. Included in this work is the construction of a new Channelised Right (CHR) intersection treatment at Barrett Avenue, and the construction of a pedestrian refuge on Barrett Avenue.

Approval is sought for the regulatory signage and line marking associated with the upgrade.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the GIVE WAY controls on Stonebridge Drive do not include TB1 Line Marking. The approved treatment is to include TB1 line marking.
- It was also noted that the pedestrian refuge on Barrett Avenue would be located to accommodate swept paths for bus movements, and would have regulatory controls as required by TfNSW Technical Direction TDT 2011/01a *Pedestrian Refuges*.

RECOMMENDATION

That Council authorises installation of signage and line marking on Mount View Road, Cessnock and a pedestrian refuge on Barrett Avenue, Cessnock in accordance with the Mount View Road Cessnock _ Signage & Line Marking Diagrams.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: *LINKS AVENUE, CESSNOCK
REGULATORY PARKING CONTROLS*

REPORT NO.: *TC17/2023*

REFERENCE: *CRM 25468/2022*

MATTER: Residents in the vicinity of Mount View High School have raised concerns regarding a lack of parking discipline in Links Avenue Cessnock near the intersection of Mount View Road during school pick up and drop off times, causing traffic congestion and road safety concerns.

DISCUSSION: The matter was described as per the report. General parking availability around the Mt View High School was reviewed and it was acknowledged that the proposed changes will not create a shortfall.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage on Mount View Road & Links Avenue Cessnock in accordance with the Links Avenue Cessnock _ Signage Diagram.

SUPPORT: Unanimous

Works and Infrastructure

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Works and Infrastructure



SUBJECT: **SCHOLEY STREET, CESSNOCK
REGULATORY PARKING CONTROLS**

REPORT NO.: **TC18/2023**

REFERENCE: **CRM 6802/2023**

MATTER: Recent complaints regarding angle parking in Scholey Street Cessnock identified that a previously constructed angle parking area lacks the appropriate regulatory parking signage.

Council officers have identified that the area of angle parking was constructed by the then Roads and Traffic Authority to offset parking losses related to an upgrade of Aberdare Road. It is not known whether the appropriate signage was installed at the time of construction, however an inspection shows that no such signage is currently in place, although there is evidence of previously installed marked parking bays remaining on the pavement.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises the installation of regulatory parking signage on Scholey Street, Cessnock in accordance with the Scholey Street Cessnock _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: WEST AVENUE, CESSNOCK
CYCLE LANE SIGNAGE & LINE MARKING

REPORT NO.: TC19/2023

REFERENCE: 11/2023

MATTER: Council has received a customer complaint regarding conflicting cycle line marking and regulatory parking control signage on West Avenue Cessnock. The installed L7 bicycle lane line conflicts with the existing default parallel parking on West Avenue between Alfred Street and Wollombi Road, guiding cyclist into the kerbside parking area.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that Council is currently constructing an off-road shared path from West Avenue to West Cessnock Public School, via laneways parallel to Alfred Street.

RECOMMENDATION

That Council authorises the adjustment of existing line making, and installation of signage on West Avenue, Cessnock in accordance with the West Avenue Cessnock – Signage & Line Marking Diagram.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: **VARIOUS ROADS, NORTH ROTHBURY
STAGES 43 & 44
REGULATORY PARKING & INTERSECTION CONTROLS**

REPORT NO.: **TC20/2023**

REFERENCE: **CRM 5284/2023**

MATTER: Approval is sought for installation of regulatory parking, line marking, and intersection controls, in association with the ongoing Huntlee development.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury Stages 43 & 44 _ Signage & Line Marking Diagrams.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: *BROKE ROAD, POKOLBIN
CHANNELISED RIGHT (CHR) & AUXILIARY LEFT (AUL)
TREATMENT*

REPORT NO.: *TC21/2023*

REFERENCE: *110/2023/3/1*

MATTER: Development consent (8/2021/21587/1) has been granted for alterations to an existing tourist venue. Included in the conditions of consent is the construction of a new Channelised Right (CHR) and Basic Left (BAL) intersection treatment on Broke Road to access the development.

Approval is sought for the regulatory signage and line marking associated with the new intersection.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that a further development consent is conditioned to construct a CHR treatment for a venue opposite the subject location, however the applicant has not progressed the works at this time.

RECOMMENDATION

That Council authorises installation of signage and line marking on Broke Road, Pokolbin, in accordance with the Broke Road Pokolbin _ Line Marking Diagrams.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: AVERYS LANE, HEDDON GRETA
INTERSECTION CONTROLS

REPORT NO.: TC22/2023

REFERENCE: 110/2023/1/1

MATTER: Development consent (8/2017/147/1) has been granted for a 32-lot subdivision and associated roads. Included in the conditions of consent is the upgrade of the relevant section of Averys Lane, and the construction of a new intersection with Heddon Street.

DISCUSSION: The matter was described as per the report, without further discussion.

RECOMMENDATION

That Council authorises installation of intersection controls at Averys Lane, Heddon Greta, in accordance with the Averys Lane Heddon Greta _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

Works and Infrastructure

Report No. WI17/2023

Works and Infrastructure



SUBJECT: *ELEVENTH AVENUE & MILLFIELD ROAD, MILLFIELD
TECHNICAL REVIEW OF INTERSECTION*

REPORT NO.: *TC23/2023*

REFERENCE: *BN5/2023*

MATTER: At its meeting of 15 March 2023, Council considered Notice of Motion BN5/2023 and resolved as follows:

That the General Manager forward a request to the Traffic Committee to reassess the Intersection of Millfield Road and 11th Avenue for safety concerns that residents have over the position of the stop sign, the vegetation and the speed of traffic.

- 1. Stop sign moved from Millfield Road to 11th Avenue*
- 2. Safety barrier around the intersection to protect residents and their property*

DISCUSSION: The matter was described as per the report, and discussed as follows:

- The intersection crash history, both pre and post intersection upgrade was noted.
- It was also noted that the treatments proposed by the Notice of Motion would be contrary to Australian Standards and the Austroads guide to Road Design.

RECOMMENDATION

That Council notes:

- **The current intersection treatment complies with all relevant Australian Standards, and is the most appropriate road safety treatment to address the crash history at the intersection;**
- **There have been no recorded crashes at the subject intersection since completion of the improvements;**
- **Minor maintenance and rectification works have been identified to further enhance the effectiveness of the intersection.**

SUPPORT: Unanimous

CLOSURE

The Meeting Was Declared Closed at 10:37am

Works and Infrastructure

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Works and Infrastructure



ENCLOSURES

- [1](#) ⇨ Mount View Road Cessnock _ Signage and Line Marking Diagrams
- [2](#) ⇨ Links Avenue Cessnock _ Signage Diagram
- [3](#) ⇨ Scholey Street Cessnock _ Signage and Line Marking Diagram
- [4](#) ⇨ West Avenue Cessnock _ Signage and Line Marking Diagram
- [5](#) ⇨ Various Roads North Rothbury Stages 43 & 44 _ Signage & Line Marking Diagrams
- [6](#) ⇨ Broke Road Pokolbin _ Line Marking Diagrams
- [7](#) ⇨ Averys Lane Heddon Greta _ Signage & Line Marking Diagram
- [8](#) ⇨ Eleventh Avenue & Millfield Road Millfield _ Signage and Line Marking Diagram
- [9](#) ⇨ Eleventh Avenue & Millfield Road Millfield _ Updated Line Marking Diagram
- [1](#) ⇨ Eleventh Avenue & Millfield Road Millfield _ Crash Maps
- [0](#)

Notices Of Motion

Report No. BN8/2023

General Manager's Unit



NOTICES OF MOTION No. BN8/2023

SUBJECT: *PROPOSAL FOR KURRI CURRY FESTIVAL*

COUNCILLOR: *Rosa Grine*

MOTION

That Council seeks grant funding to activate the Kurri Kurri Town Centre by:

- 1. Creating and delivering a new event called the Kurri Curry Festival, and**
- 2. Designing and installing 3D public street art that compliments the Kurri Kurri Murals.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 May 2023.

RATIONALE

A new public event held annually in Rotary Park will help to boost the profile of Kurri Kurri and to attract visitors to the Town Centre. The new event and additional public art will attract new visitors to Kurri Kurri and encourage repeat visitation by showcasing community spaces and local businesses.

SOURCE OF FUNDING:

100% grant funded via the Stronger Country Communities Fund, Resources for Regions Fund or other suitable grant fund.

DELIVERY PROGRAM:

This motion aligns with the following Delivery Program 2022 – 2026 actions:

A Sustainable and Prosperous Economy;

- o 2.1 Diversifying and growing our economy,
- o 2.2 Achieving more sustainable employment opportunities, and
- o 2.3 Increasing tourism opportunities and visitation in the area.

Sgd: Rosa Grine

Date: 27 April 2023

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Directors Commentary

There are no concerns with this Notice of Motion. If Council is successful in applying for the grant, because it is for a minimum amount of \$100,000, events are likely to be spread over 2 years.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN9/2023

General Manager's Unit



NOTICES OF MOTION No. BN9/2023

SUBJECT: *STRONGER ADVOCACY WITH STATE AND FEDERAL MEMBERS*

COUNCILLOR: *Rosa Grine*

MOTION

That Council invites our State representative Clayton Bar and our Federal Members, Meryl Swanson and Dan Repacholi, to a proposed workshop held at Council with all Councillors and relevant staff to outline a stronger advocacy proposal to cover a broad range of local issues.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 May 2023.

RATIONALE

I believe that we need to have stronger relationships with our State and Federal counterparts to ensure that we provide a cohesive approach for our communities, knowing that 50% of our budget is solely reliant on State and Federal funding. It is of the utmost importance that we are all aiming for better services, roads, healthcare, education, housing and recreational spaces.

1. Creating and delivering new projects across our LGA
2. To collectively work on the housing crisis issues
3. Discuss future infrastructure projects

SOURCE OF FUNDING:

State and Federally funded.

DELIVERY PROGRAM:

N/A

Sgd: Rosa Grine

Date: 2 May 2023

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN10/2023

General Manager's Unit



NOTICES OF MOTION No. BN10/2023

SUBJECT: *JACARANDA GROVE AND CAMELLIA CLOSE*

COUNCILLOR: *Jessica Jurd*

MOTION

That the General Manager start negotiations with the road owner of Jacaranda Grove and Camellia Close, about taking over the ownership.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 May 2023.

RATIONALE

Residents on these roads, have been maintaining these two roads, since their homes were built there. They have been maintaining the road, which they do not own and legally are not meant to do. Residents have been told owner of the road, would transfer the road to council, if they could avoid the fees. The residents, would just like the road to be on the council list for when there is a pot hole, it can be fixed rather than them have to do it.

SOURCE OF FUNDING:

N/A

DELIVERY PROGRAM:

Our community vision: Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by effectively meet the community needs.

Sgd: Jessica Jurd

Date: 5 May 2023

Directors Commentary

The residents of Jacaranda Grove and Camellia Close (known as the Elrington Subdivision) petitioned Council in June 2016 requesting Council take ownership of the subject roads within the subdivided land. Subsequently Works and Infrastructure provided a report (WI97/2017) to the Ordinary Meeting of Council held on 13 December 2017.

Notices Of Motion

Report No. BN10/2023

General Manager's Unit



The recommendation of this report was:

1. That Council note the petition received from residents of Elrington Subdivision;
2. That Council respond to the signatories of the petition to advise it will not take ownership of the private roads servicing Elrington Subdivision.

The justification for this recommendation is highlighted within the report. In summary the implications identified to Council are:

- a. Policy and Procedural
 - I. The existing roads do not comply with Council's engineering standards or requirements.
 - II. There is currently no policy to communicate and guide the public interest and consideration on transfer of private roads.
- b. Financial
 - I. Cost of ownership over the next 24 years being and estimate \$1.2M (in 2017 dollars).
 - II. There is no provision in Council's adopted budgets for reconstruction, operation and maintenance for these private roads.
- c. Legislative
 - I. In accordance with Part 2, Division 1 of the Roads Act 1993, the methods of opening public roads is dependent on ownership.
 - II. Jacaranda Grove and Camellia Close are over Lot 28 DP844871 which is privately owned by Prodom Pty Ltd.
- d. Risk
 - I. For Council to accept dedication roads are required to be of an acceptable standard. These roads are not to Council's Engineering Standards and therefore represent a potential ongoing financial risk.
 - II. There are (at the time the report was written) 46 private roads and a number of R.O.Cs in the Cessnock Local Government Area of which dedication would need to be considered if Jacaranda Grove and Camellia Close were to be dedicated.

Each resident of Jacaranda Grove and Camellia Close has been notified of Council's decision not to accept the change of ownership or responsibility for maintenance of the roads. The decision flowed from three significant issues:

- a) The resolution of previous Council,
- b) The current ownership of the road, and
- c) The cost to maintain the roads now and into the future.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN11/2023

General Manager's Unit



NOTICES OF MOTION No. BN11/2023

SUBJECT: *WEBPAGE UPGRADE FOR SUBMISSIONS*

COUNCILLOR: *Jessica Jurd*

MOTION

That Council create a category on the home page of its Council Webpage, listing items requiring a submission from the residents on council's projects.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 May 2023.

RATIONALE

All too often residents find out about projects requiring a submission too late or not at all. If this motion were to be passed, it would make it easier on staff, Councillors and residents to be able to directly find the upcoming projects that require submissions for their perusal and reasonable time to make a submission on issues that may concern them. Our code of our council is to be transparent and this would there for any resident to be able to see.

SOURCE OF FUNDING:

Not required.

DELIVERY PROGRAM:

Our community vision: Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by effectively meet the community needs.

Sgd: Jessica Jurd

Date: 5 May 2023

Notices Of Motion

Report No. BN11/2023

General Manager's Unit



Directors Commentary

The feature described in the motion currently exists on the homepage of the Council website (www.cessnock.nsw.gov.au). Projects open for public submission are readily accessible via the 'Have Your Say' feature on the homepage, which is found at the second tab under the primary header.

On mobile view, the Have Your Say tab is found in the equivalent page location with the word description replaced by two overlapping speech bubbles (more commonly recognised as text message dialogue boxes).

When a user clicks on the Have your Say tab, 3 projects currently open for comment are displayed as well as a 'View More Consultations' button. Users either click on any of the displayed projects to directly enter the relevant project page that includes key project details, timelines, documents, an easy submission portal and other avenues for feedback, or click the "View More Consultations" button to enter the homepage of the 'Together Cessnock' microsite.

The homepage of the Together Cessnock (<https://together.cessnock.nsw.gov.au/register>) microsite chronologically lists projects currently open for feedback. Residents can also subscribe to Together Cessnock to get monthly updates of projects on exhibition.

Planning related applications including Development Applications and S4.55 Applications (Modifications), are currently exhibited on Council's 'Application Tracker'. The link to 'Application Tracker' can be accessed via the 'Development Application' tab on Council's home page. Strategic Planning matters that require community consultation and engagement are listed on the "Have Your Say", this includes but is not limited to; policies, planning proposals, DCP/CLEP amendments strategies and master plans.

The proposed Notice of Motion may be considered to be seeking a list view on the Council homepage, presumably in place of the list view already available on the Together Cessnock microsite. This may have a deleterious impact on customer experience, particularly mobile users, and make it harder to access other features on the Together Cessnock microsite. Such a change is not recommended to be made in isolation.

With the recent commencement of the Communications and Engagement Manager, the Media and Communications unit is exploring opportunities to improve the functionality and user experience of Councils website.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN12/2023

General Manager's Unit



NOTICES OF MOTION No. BN12/2023

SUBJECT: ***ADVOCATION FOR HEDDON GRETA - CLIFBLEIGH CORRIDOR PLAN SOLUTIONS***

COUNCILLOR: ***Mitchell Hill***

MOTION

That Council write to the NSW Minister for Regional Transport and Roads, The Hon. Jenny Aitchison MP and Member for Cessnock, Clayton Barr MP requesting an update on Transport for NSW's plans for improvement of the State road corridor between Kurri Kurri & Maitland with reference to the solutions identified in Council's 'Heddon Greta – Clifbleigh Corridor Structure Plan'.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 May 2023.

RATIONALE

This month saw the turning on of traffic lights in Heddon Greta after almost 4 years of work along Main Road at the Heddon Street intersection. The numerous delays related to developer works, water main upgrades, COVID, and inclement weather have caused major disruptions for the residents of Heddon Greta and Clifbleigh as well as all who use this route for daily travel.

This motion aims to query Transport for NSW via the new Minister for Transport and Regional Roads about plans for continued upgrades to the state road, particularly between the Hunter Expressway and Tester's Hollow. In 2022, Council adopted the Heddon Greta – Clifbleigh Corridor Structure Plan which outlines several preferred traffic solutions along Main Road to help improve access and safety and we are now responsible for advocating for the implementation of these solutions for the benefit of the community.

SOURCE OF FUNDING:

N/A

DELIVERY PROGRAM:

This motion aligns with the following Delivery Program 2022 – 2026 actions:

A Connected, safe, and creative community:

- 1.3.5 – Improve the safety of the road network.

Notices Of Motion

Report No. BN12/2023

General Manager's Unit



Accessible infrastructure, services and facilities:

- 4.1.1 – Advocate for increased funding for road and community transport and associated infrastructure.
- 4.2.4 – Continue to work with the State Government to manage the traffic effects of the Hunter Expressway

Sgd: Mitchell Hill

Date: 8 May 2023

ENCLOSURES

There are no enclosures for this report