

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 FEBRUARY 2022, COMMENCING AT 6.30PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Acting Director Works and Infrastructure (Acting Infrastructure Manager)  
Development Services Manager  
Strategic Planning Manager  
Human Resource Manager  
Economic Development & Tourism Manager  
Chief Finance and Administration Manager  
Information Technology Manager  
Senior Legal and Governance Officer  
Senior Media & Communication Officer  
Corporate Governance Officer

**LEAVE OF ABSENCE:**

**MOTION** **Moved:** Councillor Sander  
**Seconded:** Councillor Moores

8

**RESOLVED** that the Leave of Absence tendered on behalf of Councillor Jackson from 17 February 2022 to 17 May 2022, for unavoidable absence, be accepted and leave of absence granted for the Council Ordinary Meetings in March and April 2022.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

**Moved:** Councillor Burke  
**Seconded:** Councillor Dunn

9

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 17 November 2021, as circulated, be taken as read and confirmed as a correct record.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI1/2022**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**PE65/2021 - Development Application No. 8/2020/20819/1 proposing establishment of a new cemetery - 64 Wine Country Drive, Nulkaba** – Councillor Burke declared a Pecuniary Interest for the reason that as a funeral celebrant he has financially gained from the funeral industry. Councillor Burke advised that he would leave the chamber and take no part in discussion and voting.

**BN1/2022 - Town Coordinator Funding** – Councillor Burke declared a Pecuniary Interest for the reason that he has a contract with the Cessnock Business Chamber as the Town Coordinator. Councillor Burke advised that he would leave the chamber and take no part in discussion and voting.

**PE65/2021 - Development Application No. 8/2020/20819/1 proposing establishment of a new cemetery - 64 Wine Country Drive, Nulkaba** – Councillor Grine declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that she has a close personal friend employed. Councillor Grine advised that she will remain in the chamber and take part in discussion and voting as the conflict has not influenced her in carrying out her public duty.

**GMU7/2022 - Consideration of Final Investigation Report - Code of Conduct Complaint** – Councillor Jurd declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that the matter involves a family relation. Councillor Jurd advised that she will remain in the chamber and take part in discussion and voting as the conflict has not influenced her in carrying out her public duty because there is no financial gain for herself listening and voting.

## PETITIONS

NIL

### ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Deliece Robbs		Against	PE64/2021 - Development Application 8/2021/21283/1 proposing the extension of trading hours of a McDonalds restaurant - 12-14 Allandale Road, Cessnock	55	3 mins

### DEFERRED BUSINESS NO. PE64/2021

**SUBJECT:** *DEVELOPMENT APPLICATION 8/2021/21283/1 PROPOSING THE EXTENSION OF TRADING HOURS OF A MCDONALDS RESTAURANT - 12-14 ALLANDALE ROAD, CESSNOCK*

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**MOTION**      *Moved:* Councillor Burke      *Seconded:* Councillor Dunn  
10  
**RESOLVED**

1. That:

- (i) Development Application No. 8/2021/21283/1 proposing the extension of trading hours of a McDonalds restaurant from 6:00am to midnight, 7 days a week; to 5:00am to 1:00am, 7 days a week, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the reasons for refusal contained in (ii) below.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  - The proposed extension of trading hours is likely to have a significant impact on the amenity of adjoining residential properties with respect to acoustic privacy, traffic, security and safety.
  - The proposed development does not adequately address potential adverse social impacts such as increases in anti-social behaviour, criminal activity and public order incidents.
  - The subject land is not considered to be suitable for extended trading hours given the site's location adjacent to an established residential area and motel development.
  - The proposal is not considered to be in the public interest.

- (iii) In considering community views, the following is relevant:
- The issues and concerns raised by the community in relation to amenity impacts, noise impacts, traffic impacts, light spill and social impacts (including potential for crime and anti-social behaviour), have been taken into consideration in the assessment of the application; and the subsequent determination to refuse the application is consistent with the community's concerns.
- (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.

FOR	AGAINST
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Shayne Herring		Against	PE1/2022 - Development Application 8/2021/21250/1 - Construction of Information and Education Facility - 150 Wills Hill Road, Lovedale	226	3 mins
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**EXTENSION OF TIME**

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

Councillor Dunn  
Councillor Hawkins

11

**RESOLVED**

**That an extension of 1 minute be given to Mr Herring to complete his address.**

**FOR**

Councillor Suvaal  
Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
**Total (12)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE1/2022**

**SUBJECT: DEVELOPMENT APPLICATION 8/2021/21250/1 - CONSTRUCTION OF INFORMATION AND EDUCATION FACILITY - 150 WILLS HILL ROAD, LOVEDALE**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
12  
**RESOLVED**

That report PE1/2022 be deferred to a future Council meeting to allow for further discussion between Council officers and the Applicant to consider alternate access options and appropriate signage that take into consideration the heritage significance of Wills Hill Road.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Councillor Burke declared a Pecuniary Interest for the reason that he has a contract with the Cessnock Business Chamber as the Town Coordinator. Councillor Burke left the meeting and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 6.54pm

Mr Allan Davies	Cessnock Business Chamber	Against	BN1/2022 - Town Coordinator Funding	742	3 mins
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### **BUSINESS WITH NOTICE NO. BN1/2022**

**SUBJECT: TOWN COORDINATOR FUNDING**

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

1. That Council ceases funding to all Chamber of Commerces in the Cessnock LGA.
2. The money saved be placed in the Operational Plan for Economic Development to assist any Business Chamber, Individual or Business that approaches council when applying for permission to set up events.
3. The Economic Development group report back to council annually on the assistance provided.

#### **FOR**

Councillor Olsen  
Councillor Jurd

**Total (2)**

#### **AGAINST**

Councillor Suvaal  
Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton

**Total (10)**

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

Councillor Burke returned to the meeting, the time being 7.11pm



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

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
13

### **RESOLVED**

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

‡ GMU2/2022	Audit and Risk Committee Independent Member .....	165
GMU3/2022	Minutes of the Audit and Risk Committee meeting held 9 November 2021 .....	168
‡ GMU6/2022	Greater Cessnock Jobs Strategy 2036 Progress Report.....	216
PE4/2022	18 2020 5 - Planning Proposal to Grant a Dwelling Entitlement for Lot 686 DP 619758, Known as 0 Black Hill Road, Black Hill.....	349
PE5/2022	Council endorsement of Contributions Reform submission .....	396
PE6/2022	Amendment to the Cessnock Development Control Plan 2010 - Development on Flood Prone Land .....	431
PE7/2022	Adoption of Cessnock Planning Proposal Policy .....	449
‡ CC7/2022	Council Recess Period - Decisions Made Under Delegated Authority.....	458
CC11/2022	Rent Relief - Cessnock Airport .....	614
‡ CC12/2022	Investment Report - November 2021.....	616
‡ CC13/2022	Investment Report - December 2021.....	624
‡ CC14/2022	Investment Report - January 2022 .....	632
WI1/2022	Cessnock Netball Complex.....	694
‡ WI2/2022	Tender T2021-06 - Electricity Supply Contracts – Results .....	698
WI3/2022	Minutes of Local Traffic Committee Meeting of 15 November 2021 .....	701
WI6/2022	Tender T2022-004 Miller Park Tennis & Netball Courts .....	735
‡ CO1/2022	UB2/2021 - Urgent Business - Response Standing Down of Paxton Fire Station .....	747
‡ CO2/2022	BN22/2021 - Request for Additional Mental Health Funding for Regional Areas .....	750
‡ CO3/2022	MM9/2021 - Vaccination Rates.....	758
‡ CO4/2022	BN27/2021 - Cessnock Hospital Upgrade and Resources.....	762
‡ CO5/2022	BN31/2021 - Traffic concerns at Traders Way and Main Road, Heddon Greta .....	766

***Council adopt the recommendations as printed for those items.***

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

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

## **NOTICE OF INTENTION NO. NI1/2022**

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

**REPORT GMU7/2022 - CONSIDERATION OF FINAL INVESTIGATION  
REPORT - CODE OF CONDUCT COMPLAINT**

**REPORT PE9/2022 – CLASS 1 APPEAL (2021/344193) IN THE NSW  
LAND AND ENVIRONMENT COURT AGAINST THE DEEMED  
REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2021/21076/1  
PROPOSING CAFE, SELF-STORAGE UNITS, MANAGERS  
RESIDENCE AND ASSOCIATED CIVIL WORKS AND LANDSCAPING  
- 184 WINE COUNTRY DRIVE, NULKABA**

**MOTION**            **Moved:**    Councillor Sander            **Seconded:**    Councillor Dunn  
14

**RESOLVED**

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (g) & (i) of the *Local Government Act 1993*:

Report GMU7/2022 – Consideration of Final Investigation Report - Code of Conduct Complaint as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.

Report PE9/2022 – Class 1 Appeal (2021/344193) in the NSW Land and Environment Court against the Deemed Refusal of Development Application No. 8/2021/21076/1 proposing Cafe, Self-Storage Units, Managers Residence and Associated Civil Works and Landscaping - 184 Wine County Drive (Lot 10 DP 251809 & Lot 16 DP 1126449), Nulkaba as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	Councillor Paynter
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
<b>Total (9)</b>	<b>Total (4)</b>

**CARRIED**



# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM1/2022

**SUBJECT: ESTABLISHING COUNCIL COMMITTEES**

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**MOTION**      *Moved:* Mayor Suvaal

15

**RESOLVED**

1. That Council establishes a Community Engagement, Awards and Grants Committee with a membership including the Mayor, General Manager (or their delegate) and 4 Councillors.
2. That Council establishes a Councillor Roads Review Committee with membership including the Mayor, General Manager (or their delegate) and 4 Councillors.
3. That Council establishes a Councillor Strategic Property and Community Facilities Committee with membership including the Mayor, General Manager (or their delegate) and 4 Councillors.
4. That Council requests the General Manager assist the Committee with the establishment of the Terms of Reference.
5. That Council determines the Councillors to be elected as delegates to the Community Engagement, Awards and Grants Committee be the Mayor, Councillors Watton, Jurd, Burke and Moores with Councillors Sander and Jackson as alternates.
6. That Council determines the Councillors to be elected as delegates to the Strategic property Committee membership include the Mayor, Councillors Dunn, Olsen, Paynter and Sander with Councillors Burke and Moores as alternates.
7. That Council determines the Councillors to be elected as delegates to the Roads Review Committee membership include the Mayor, Councillors Olsen Watton, Dunn and Burke and Councillors Moores and Grine as alternates.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM2/2022**

**SUBJECT: REQUEST FROM ABERDARE PRE-SCHOOL INC.**

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**MOTION Moved:** Mayor Suvaal

16

**RESOLVED**

1. That Council notes the request from Aberdare Pre-School Inc. regarding the donation or discount on the purchase of 62 Cessnock St Aberdare.
2. That Council requests the General Manager prepare a report for the Strategic Property and Community Facilities Committee with information on the following:
  - a. The formal details of the request from Aberdare Pre-School Inc.
  - b. The current ownership of the land on which Aberdare Pre-School Inc. is situated.
  - c. The options available to Council in considering the request.
3. That Council requests the General Manager not enter into a contract for sale of 62 Cessnock St Aberdare, which is the block neighbouring Aberdare Pre-School, until after the Strategic Property and Community Facilities Committee and Council have had time to consider the request.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU1/2022**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

**DEFERRED BUSINESS NO. PE65/2021**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2020/20819/1 PROPOSING ESTABLISHMENT OF A NEW CEMETERY - 64 WINE COUNTRY DRIVE, NULKABA**

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Councillor Grine declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that she has a close personal friend employed. Councillor Grine remained in the chamber and participated in discussion and voting.

Councillor Burke declared a Pecuniary Interest for the reason that as a funeral celebrant he has financially gained from the funeral industry. Councillor Burke left the chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.26pm

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Grine  
17

**RESOLVED**

1.     **That:**

- (i)     **Development Application No. 8/2020/20819/1 proposing establishment of a cemetery and associated ancillary development at 64 Wine Country Drive, Nulkaba, 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 RU2 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;**
  - **The proposal is consistent with the objectives of the RU2 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;**
  - **The proposal is compliant with the relevant provisions under *Cessnock Development Control Plan 2010*;**
  - **The proposal does not result in any unacceptable adverse impacts on the natural and built environment;**
  - **The proposal will not result in any unacceptable adverse social or economic impacts;**
  - **The site is considered suitable and appropriate within the existing setting with minimal impacts on the surrounding locality; and**
  - **The proposal is considered to maintain the public interest.**
  
- (iii)   **In considering community views, the following is relevant:**
  - **Amenity and social impacts (including potential for crime and anti-social behaviour), have been taken into consideration in the assessment of the application, and the determination addresses the community's concerns.**



- (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.

FOR	AGAINST
Councillor Suvaal	Councillor Jurd
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

*Councillor Burke returned to the meeting, the time being 7.29pm*

**CONDITIONS OF CONSENT**

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**SCHEDULE 1**

**TERMS OF CONSENT**

**1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2020/20819/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan Job No.: NL201474 Drawing No.: DA-C2-2 Revision 4	Northrop Pty Ltd	23 March 2021
Maintenance Shed Plan and Elevations Job No.: NL201474 Drawing No.: DA-C06.00 Revision 2	Northrop Pty Ltd	23 March 2021
Rotunda Plan and Elevations Job No.: NL201474 Drawing No.: DA-C07.00	Northrop Pty Ltd	23 March 2021

Revision 2		
Landscape Plan – Site Plan Job No.: 13354.5 Drawing No.: L010 Revision B	Terras Landscape Architects	16 June 2021
Landscape Plan – Detail Plan Job No.: 13354.5 Drawing No.: L101 Revision B	Terras Landscape Architects	16 June 2021
Landscape Plan - Details (Planting Schedule and Memorial Wall Details) Job No.: 13354.5 Drawing No.: L102 Revision B	Terras Landscape Architects	16 June 2021
Fencing Detail Job No.: 13354.5 Drawing No.: L01 Revision A	Terras Landscape Architects	26 June 2021
Civil Works Intersection Layout CSK01 and CSK02, Revision 1	Northrop	30 July 2021

Document Title	Prepared By	Dated
Geotechnical and Groundwater Investigation EP2062.001 Version 2	EP Risk	15 June 2021
Crime Risk Report	Stevens Group	October 2020
Geotechnical and Groundwater Investigation	EP Risk	June 2021

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

## 2. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by 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.

## 3. BCA Compliance

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

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

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

### **4. Cessnock Section 7.12 Levy Development Contributions Plan**

A total monetary contribution of \$17,535.93 is to be paid to Council, pursuant to Section 7.12 of the *EP&A Act 1979*, such contribution is to be paid prior to the issue of any *CC*.

- i) This condition is imposed in accordance with the provisions of *Cessnock Section 7.12 Levy Contributions Plan 2017 (as amended)*. A copy of the document is available on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au) or may be inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) 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 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.

### **5. 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*.

### **6. Retaining / Memorial Wall**

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

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

### **7. Car Parking**

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

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

## **8. Disabled Car Parking Spaces**

A total of one (1) car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the Certifier prior to the issue of a CC.

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

## **9. Parking – Minimum Requirement**

Onsite car parking shall be provided for a minimum of thirty-four (34) 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.

## **10. TfNSW Approval Required – Roadworks on Wine Country Drive**

Approval must be obtained from TfNSW for the roadworks on Wine Country Drive, as identified in Plans CSK01 Rev 1 and CSK02 Rev 1, and as amended by any requirements specified by TfNSW. These works include all roadworks/intersection (BAL/BAR) treatment/s, along with any required vehicular access crossing from Wine Country Drive to the site.

The developer is required to enter into a Works Authorisation Deed (WAD) with TfNSW for these works, and evidence of the WAD must be submitted to the Certifier prior to the issue of a CC.

All roadworks under the WAD shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements.

A concept design is to be provided by the developer when requesting commencement of the WAD process with TfNSW and is to include (but not be limited to) the following:

- Proposed sign posting and line marking, pavement markings, hold lines, W/shoz/SA kerb near power poles, footway/batter slope along the frontage of the development, and the 10m future road widening setback.
- It is noted that right turn vehicles from Wine Country Drive appear to contact the centre median. Consideration to be given to adjusting the centre median and replacing with BB line marking.
- Discharged storm water from the development shall not exceed the capacity of Wine Country Drive storm water drainage system and details should be provided for review under the WAD.

The developer is advised that the subject property is affected by a road widening proposal having a depth of 10 metres across the frontage of the property. The road widening proposal is subject to final survey and the width is indicative at this time until further investigations can determine an ultimate width of road reserve sufficient to incorporate a future dual four land corridor.

All works shall be undertaken at full cost to the developer.

#### **11. Stormwater – Detailed Design Requirements**

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

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

#### **12. 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](http://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.

#### **13. Crime Prevention through Environmental Design**

It is required that the following Crime Prevention through Environmental Design (CPTED) principles be incorporated into the development.

- a) Install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. CCTV cameras should also cover the common areas. The associated warning signage should also be installed.
- b) Recordings should be made twenty-four (24) hours a day, seven (7) days a week. The time and date must automatically be recorded. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- c) Appropriate lighting, combined with CCTV coverage, will reduce opportunities for crime within the development.

Lighting is required to be designed in accordance with the Australian and New Zealand *Lighting Standard AS 1158*. A lighting maintenance policy should be established. Security lighting should be installed in and around the buildings and

car park areas, and such shall not impact on any adjoining premises. The lighting should be vandal resistant - especially external lighting

- d) Security patrols to provide occasional, visible presence throughout the carparks and around the buildings.
- e) Provision of secure fencing/boundaries between the development and adjoining properties.
- f) Installation of wayfinding signage to assist in locating specific areas on the site.

The plans and details must 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/**

### **14. 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.

### **15. Construction and Traffic Management Plan**

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

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.

- v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
  - c) All site works must comply with the work health and safety requirements of SafeWork NSW.
  - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
  - e) All traffic control plans must be in accordance with the TfNSW publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

## **16. 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.

## **17. 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.

## **18. Soil and Water Management Plan Implemented**

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

## **19. 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. 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.

## **20. Bushfire Protection**

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

### a) Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

At the commencement of building works, and in perpetuity, the entire property shall be managed as an 'Inner Protection Area' in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

### b) Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:



i) The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

c) Access

The intent of measures is to provide safe operational access on property access roads for emergency services personnel in suppressing a bush fire, and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

i) Access roads must comply with the requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*.

d) Landscaping

The intent of measures is for landscaping to be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions. To achieve this, the following conditions shall apply:

Landscaping to the site is to comply with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

## **DURING WORKS**

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

### **21. 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.

### **22. Construction Noise**

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

### **23. 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.

### **24. Site is Securely Fenced**

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

### **25. Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PC and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

## **26. 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.

## **27. 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.

## **28. Virgin Fill To Be Used**

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

## **29. Excavations and Backfilling**

All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a professional engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage

- b) If necessary, underpin and support the building in a manner certified by a professional engineer.
- c) Give at least seven (7) days' notice to the adjoining owner before excavating, of the intention to excavate

The principal contractor, owner builder, or any person who needs to excavate and undertake building work, must first contact "Dial Before You Dig" and allow a reasonable period of time for the utilities to provide locations of their underground assets.

### **30. Implementation of Soil and Water Management Plan**

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

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

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

### **31. Stormwater – Impact on Adjoining Land – Natural Drainage**

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

### **32. Stormwater – Impact on Adjoining Land – Surface Water**

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

## **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):**

### **33. Roadworks – Wine Country Drive**

All roadworks on Wine Country Drive the subject of the WAD between the developer and TfNSW shall be completed to the satisfaction of TfNSW and at full cost to the developer.

Evidence of final approval and sign-off from TfNSW for these works shall be submitted to the *PC*, prior to issue of an *OC*.

### **34. Completion of Landscape Works**

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an *OC*.

### **35. Roads Works – Completion**

Construction of all internal 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*.

### **36. Disabled Access/Parking**

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with *AS 1428.1* and *AS 2890.6*. The access shall be provided prior to issue of an *OC*.

### **37. Completion of Car Park**

Prior to the issue of an *OC*, the *PC* must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant *AS* and the following have been implemented within the property, where applicable:

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) A notice has been clearly displayed at the road frontage to indicate that visitor parking is available within the property.
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles, both on and off the property, which driveway they are to use to enter or leave the subject land.
- d) Sign(s) have been erected that clearly indicate to the drivers of vehicles, both on and off the property, the location and means of access to the car parking area(s).

Certification by a qualified practising Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above and relevant *AS*'s must be provided to the *PC* prior to the issue of an *OC*.

### **38. Plan of Management**

Prior to issue of an *OC*, a Plan of Management (PoM) shall be submitted to, and approved by Council. The PoM is to give consideration to the relevant legislation, guidelines and code of practice documents and must:

- a) Address all operational aspects of the development;
- b) Recommend any system/s controls to be implemented to minimise the potential for any adverse operational / environmental impacts that could be caused by the development; and;
- c) Incorporate a program for ongoing monitoring of all elements of the plan, and review process to ensure that the PoM remains contemporary with relevant standards.

The PoM should include but is not limited to the following:

- All operational matters; including day to day works, grave-side service details, grave excavation details);

- Monitoring program to be established for predevelopment ground and surface water quality;
- Soil and water management including groundwater;
- Landscape maintenance;
- Noise control;
- Waste management, including litter patrols (frequency and operational aspects);
- Dangerous/hazardous goods storage;
- Unexpected finds protocol.

#### **39. New Stormwater System Proposed**

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

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

#### **40. 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*.

#### **41. Fencing**

The proposed front fencing as detailed within the approved plans shall be constructed along the length of the Wine Country Drive boundary prior to the issue of an *OC*.

The fencing along the southern and eastern boundaries are to be rural style, of either post and wire or timber construction. The fencing on the remainder of the northern boundary is to be undertaken in consultation with the adjoining land owner.

Refer to Point D in the 'Advisory Notes' section pertaining to dividing fences.

#### **42. 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.

### **ONGOING USE**

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

**43. Operation of the Cemetery**

The use and operation of the premises shall comply with the requirements of *Cemeteries and Crematoria Act 2013*, *Public Health Act 2010*, *Public Health Regulation 2012*, the approved Plan of Management and any other relevant guidelines or codes of practice documents.

**44. Burial and Memorial Wall Capacity**

The maximum number of burials on the site in the areas marked for 'burials' must not exceed 2135 and the number of interments within the memorial walls must not exceed 2286.

**45. Front Gate Opening Hours**

The front gates of the cemetery are to be open only between the hours of 5.30am and 8.30pm Monday to Sunday inclusive.

**46. Visiting Hours**

Visiting hours shall be between the hours of 5.30am to 8.30pm Monday to Sunday inclusive.

**47. Grave-side Services**

Grave-side services are only to be conducted between the hours of 9.00am and 5.00pm Monday to Sunday inclusive.

**48. Operational Use**

All grave digging and any work associated with the use/operation of the site (including but not limited to maintenance, mowing etc), shall be conducted between the hours of 8.00am to 6.00pm Monday to Sunday inclusive. The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

**49. Public Health Regulation 2012**

All bodies are to be interred in coffins in accordance with the *Part 8 Disposal of Bodies* of the *Public Health Regulation 2012*.

No exemptions will be granted without the prior approval from the Secretary of the Ministry of Health.

**50. Amplified Music / Musical Instruments**

No amplified equipment or musical instruments are to be used at graveside burials or interments.

**51. Maintenance of Landscaping**

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

**52. 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.

**53. Contamination**

The proposal shall be undertaken in accordance with the recommendations of the Geotechnical and Groundwater Investigation prepared by EP Risk dated June 2021.

**54. Storage of Hazardous Goods**

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

**55. Outdoor Lighting**

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

**56. Litter Control**

Management must ensure that site and the surrounds are kept clean and free of any litter created from the operation of the cemetery.

**57. Toilets**

The proposed toilets on the site must only be for private use and must not be used at any time by the general public.

**58. Graffiti and Vandalism**

Graffiti is to be removed and any vandalism or burnt out lighting is to be fixed or replaced within 48 hours.

**59. Anti-Graffiti Coating of Front Fence**

The front fence along Wine Country Drive is to be treated with an anti-graffiti coating, which is to be maintained in perpetuity.

**60. Use of the Rotunda**

The rotunda is only to be used as a place for quiet reflection. No services are permitted to be conducted in the rotunda, and groups of mourners are not permitted to gather in the rotunda.

#### **61. On-Site Car Parking**

A minimum of 34 on-site car parking spaces shall be provided on the site.

#### **ADVISORY NOTES:**

##### **A. “DIAL BEFORE YOU DIG” DIAL 1100**

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

##### **B. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the 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.

##### **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.

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

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

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





## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU2/2022**

**SUBJECT:     AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER**

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**MOTION**       **Moved:**   Councillor Dunn       **Seconded:**   Councillor Burke  
18  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU3/2022**

**SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 9 NOVEMBER 2021**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
19  
**RESOLVED**

**That the Minutes of the Audit and Risk Committee Meeting held 9 November 2021 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU4/2022**

**SUBJECT: PROPOSED APEX PARK GATEWAY SITE VISION**

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**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Moores  
20

**RESOLVED**

1. That Council endorses the concept of turning Apex Park into an iconic gateway site.
2. That Council places the Concept Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.
3. That this report be returned to Council for endorsement at the completion of public exhibition.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU5/2022**

**SUBJECT: EXPRESSION OF INTEREST T2022-03 BRANXTON RV PARK**

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**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Grine  
21

**RESOLVED**

**That the report be deferred for a briefing or workshop to allow for further discussion.**

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU6/2022**

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

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
22

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE2/2022**

**SUBJECT:** **DEVELOPMENT APPLICATION 8/2021/21076/1 - FOR A CAFÉ, SELF-STORAGE UNITS WITH AN OFFICE AND MANAGER'S RESIDENCE, AND ASSOCIATED CIVIL WORKS AND LANDSCAPING - 184 WINE COUNTRY DRIVE NULKABA**

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**MOTION**      **Moved:**    Councillor Moores      **Seconded:**    Councillor Sander  
23  
**RESOLVED**

1.      **That:**

- (i)      **Development Application No. 8/2021/21076/1 proposing café, self-storage units with an office and manager's residence, and associated civil works and landscaping at 184 Wine Country Drive Nulkaba be refused pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* for the reasons contained in this report.**
  
- (ii)      **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
  - **Insufficient information has been submitted in order to undertake a full assessment of the development;**
  - **The proposal is inconsistent with the objectives of the RU2 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;**
  - **The proposal is inconsistent with Clause 5.21 Flood planning of the *Cessnock Local Environmental Plan 2011*;**
  - **The proposal is inconsistent with Clause 7.2 Earthworks of the *Cessnock Local Environmental Plan 2011*;**
  - **The proposal is inconsistent with Clause 7.15 Groundwater vulnerability of the *Cessnock Local Environmental Plan 2011*;**
  - **The proposal is inconsistent with the Assessment Criteria in Schedule 1 of *State Environmental Planning Policy No. 64 Advertising and signage*;**
  - **The proposal is inconsistent with the provisions of Chapter C.9 Development on flood prone land of the *Development Control Plan 2010*;**
  - **The proposal will result in an unacceptable impact on the natural and built environment and will have a negative social impact;**
  - **The site is not considered suitable and will result in an unacceptable impact on the surrounding locality; and**
  - **The proposal is not in the public interest.**

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

- The application was notified in accordance with Council's Community Participation Plan on two occasions resulting in multiple submissions being received, the proposal is not considered to be in the public interest.

(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.

FOR	AGAINST
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## REASONS FOR REFUSAL

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An assessment of the application has been carried out in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The proposal is considered to be inconsistent with the matters for consideration under the Act. Accordingly, the application is recommended for refusal based on the reasons outlined below:

1. Insufficient information has been submitted to allow a full assessment of the application including:
  - a. Suitable Visual Impact Assessment to determine the visual impact of the proposed development when viewed from surrounding areas and Wine Country Drive,
  - b. Suitable Biodiversity Assessment Report considering all clearing associated with the development and associated earthworks,
  - c. A suitable LUX Plan considering the impact of lightspill from the development, and
  - d. Suitable Acoustic Report addressing all impacts on surrounding residential receivers.



2. The proposed development is inconsistent with the objective of the RU2 Rural Landscape zone of the *Cessnock Local Environmental Plan 2011* for the reasons outlined below:
  - a. The proposed development is not associated with a primary industry or primary production and does not encourage the use of the land for these purposes,
  - b. The proposed development is inconsistent with the rural landscape character of the land,
  - c. The proposed development is not associated with a rural activity,
  - d. The proposed development does not require an isolated location to operate,
  - e. The proposed development does not support tourism or recreation,
  - f. The proposed development does not maintain the agricultural capability of the land,
  - g. The proposed development does not support the scenic character of the area, and
  - h. The proposed development requires significant earthworks which will require majority of the site to be disturbed (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
3. The proposed development is inconsistent with Clause 5.21 Flood planning of the *Cessnock Local Environmental Plan 2011* specifically the cumulative impact of the development will result in changes to flood behaviour causing flood waters being redirected to downstream properties, with suitable evacuation measure not having been provided (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
4. The proposed development is inconsistent with Clause 7.2 Earthworks of the *Cessnock Local Environmental Plan 2011* specifically the extent of fill and the impact of the fill in redirecting flood waters (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
5. The proposed development is inconsistent with Clause 7.15 Groundwater vulnerability of the *Cessnock Local Environmental Plan 2011* specifically the impact of the proposed development on groundwater (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
6. The proposed development is inconsistent with the Assessment Criteria in Schedule 1 of *State Environmental Planning Policy No. 64 Advertising and signage* specifically:
  - a. Signage proposed is inconsistent with the established character of the area,
  - b. Does not reflect the character of the locality and will detract from the rural landscape character of the locality, and
  - c. Is located within a floodway (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
7. The proposed development is inconsistent with the natural and built environment and will result in a negative impact on the established rural character of the locality and will result in an impact on the social environment (Section 4.15(1)(b) *Environmental Planning and Assessment Act 1979*).
8. The subject site is not considered suitable for the following reasons:
  - a. The proposed development is inconsistent with the established rural character of the area (Section 4.15(1)(c) *Environmental Planning and Assessment Act 1979*), and

- b. The proposed development will result in the redirection of flood waters and impact on downstream properties.
9. The proposed development is not in the public interest (Section 4.15(1)(e) *Environmental Planning and Assessment Act 1979*).

**PLANNING AND ENVIRONMENT NO. PE3/2022**

**SUBJECT: HEDDON GRETA - CLIFBLEIGH URBAN CORRIDOR PROJECT  
UPDATE**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
24  
**RESOLVED**

**That Council notes the update regarding the Heddon Greta - Clifbleigh Urban Corridor Project.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE4/2022**

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

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**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
25  
**RESOLVED**

1.    That Council requests a Gateway determination for the Planning Proposal – Dwelling Entitlement for Lot 686 DP619758 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2.    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.
3.    That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4.    That Council be provided with a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the Plan be made.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE5/2022**

**SUBJECT: COUNCIL ENDORSEMENT OF CONTRIBUTIONS REFORM SUBMISSION**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
26  
**RESOLVED**

**That Council endorses the staff submission to the Department of Planning, Industry and Environment in relation to the proposed contributions reforms.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE6/2022**

**SUBJECT: AMENDMENT TO THE CESSNOCK DEVELOPMENT CONTROL PLAN  
2010 - DEVELOPMENT ON FLOOD PRONE LAND**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
27  
**RESOLVED**

**That Council, pursuant to clause 21 of the Environmental Planning and Assessment Regulation 2000, adopts the amended Development on Flood Prone Land chapter of the Cessnock Development Control Plan 2010.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE7/2022**

**SUBJECT: ADOPTION OF CESSNOCK PLANNING PROPOSAL POLICY**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
28

**RESOLVED**

**That Council adopts the Cessnock Planning Proposal Policy.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC7/2022**

**SUBJECT: COUNCIL RECESS PERIOD - DECISIONS MADE UNDER DELEGATED AUTHORITY**

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**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
29  
**RESOLVED**

That Council notes that during the recess period of Council, the Mayor and General Manager under delegated authority exercised the following decisions of Council:

- **Development Application No. 8/2021/21394/1 proposing a change of use from barn to function centre, 423 Wilderness Road, Lovedale.**
  - **Decision: determined to refuse the development application for the reason that insufficient information had been submitted by the applicant to enable a full and comprehensive assessment of the proposal.**
- **Development Application No. 8/2021/21300/1 proposing alterations and additions to an existing two-storey dwelling, swimming pool, pool house, utilities shed, pergola and pathways, 46 Station Street, Branxton.**
  - **Decision: determined to refuse the development application for the reason that insufficient information had been submitted by the applicant to enable a full and comprehensive assessment of the proposal.**
- **Community and Cultural Development Dollar for Dollar Grant Scheme – Application from Central Hunter Community Broadcasters**
  - **Decision: That the application submitted to the Community and Cultural Development Dollar for Dollar Grant Scheme by Central Hunter Community Broadcasters be awarded funding in the amount of \$3,000.**
- **Development Application No. 8/2021/21309/1 proposing a subdivision (boundary adjustment between 2 lots), 57 Emily Road and 15 Q8 Private Access, Mount Vincent.**
  - **Decision: determined to refuse the development application for the reason that the proposed boundary adjust results in a lot under the minimum lot size prescribed in the *Cessnock Local Environmental Plan 2011* (being minimum 40 hectares), and insufficient justification has been provided by the applicant as to the reasoning behind this.**



**FOR****AGAINST**

Councillor Suvaal  
Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
**Total (13)**

**Total (0)**

***CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC8/2022**

**SUBJECT: DRAFT COUNCILLORS EXPENSES AND FACILITIES POLICY**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
30  
**RESOLVED**

1. That Council place the draft Councillor Expenses and Facilities Policy on public exhibition for a period of 28 days with the following amendments:

a. A new clause be added after 4.1.5 and other clauses reordered as required:

On request Council will supply Councillors with a mobile phone (with a Council supplied phone number) and iPad (or equivalent). The mobile phone and iPad are for use when exercising the Councillor's official functions and may also be used for private purposes subject to proper payment where appropriate. Council may reduce the councillor allowance for the cost of calls made in relation to use of the mobile phone and iPad that are for private purposes and not incidental to the Councillor's official functions.

b. Clause 4.2.1 be amended to read:

Council will provide the Mayor a maintained vehicle to a similar standard of other Council senior staff vehicles, with a fuel card. The vehicle will be supplied for use when exercising the Mayor's official functions (e.g. official business, professional development and attendance at the Mayor's office) and may also be used for private purposes subject to proper payment where appropriate.

c. Clause 4.2.3 be amended to read:

The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set out in the NSW Treasury Salary packaging motor vehicle charges "Running Costs" which are also provided by LGNSW.

d. A new clause be added after 4.2.3 and other clauses reordered as required:

Given the public nature of the role and regular interaction with local residents in relation to Council matters, all travel within the Cessnock LGA is to be deemed as travel relating to the Mayor's official functions unless otherwise specified by the Mayor. For example, if the Mayor is travelling in the Council area for work associated with their personal employment, such travel is unlikely to be related to or incidental to work as a Council official and should, for the purpose of the Policy, be regarded as private use of the vehicle.

2. That a further report be presented to Council following the public exhibition period for consideration of any submissions received prior to the Policy being adopted and the current version of the Policy being revoked.

**FOR**

Councillor Suvaal  
Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd

**Total (12)****AGAINST**

Councillor Olsen

**Total (1)*****CARRIED***

**CORPORATE AND COMMUNITY NO. CC9/2022**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2021**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dunn  
31

**RESOLVED**

1. That Council notes that the Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$2,382,706.
2. That Council notes the December 2021 Quarterly Budget Review Statement forecasts all six key performance indicators (including the key financial sustainability ratios of Operating Performance and Own Source Operating Revenue) will exceed Office of Local Government benchmarks.
3. That Council approves the variations to the income, expenditure and capital budgets as detailed in the December 2021 Quarterly Budget Review Statement.
4. That the General Manager hold a briefing in March and that a report comes back to Council at its March Ordinary meeting in relation to 2021/2022 capital works projects and progress.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC10/2022**

**SUBJECT: DECEMBER 2021 REVIEW OF THE 2017-21 DELIVERY PROGRAM**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
32  
**RESOLVED**

**That Council notes the progress in implementing the 2017-21 Delivery Program as at 31 December 2021.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC11/2022**

**SUBJECT: RENT RELIEF - CESSNOCK AIRPORT**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
33  
**RESOLVED**

**That Council approve rent relief to existing Airport licence and lease holders for a total of two months for a total of \$20,845**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC12/2022**

**SUBJECT: INVESTMENT REPORT - NOVEMBER 2021**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
34

**RESOLVED**

That Council receives the Investment Report for November 2021 and notes that:

- **Investments are held in accordance with Council's Investment Policy, which accords with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$69,451,254.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC13/2022**

**SUBJECT: INVESTMENT REPORT - DECEMBER 2021**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
35

**RESOLVED**

**That Council receives the Investment Report for December 2021 and notes that:**

- **Investments are held in accordance with Council's Investment Policy, which accords with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$68,977,794.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC14/2022**

**SUBJECT: INVESTMENT REPORT - JANUARY 2022**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
36

**RESOLVED**

That Council receives the Investment Report for January 2022 and notes that:

- Investments are held in accordance with Council's Investment Policy, which accords with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$68,009,225.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC15/2022**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
37

**RESOLVED**

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

*Councillor Hawkins left the meeting, the time being 7.59pm*

2. **That a briefing be held to discuss the progress of the Molly Worthington netball courts.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillor Hawkins returned to the meeting, the time being 8.00pm*

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI1/2022**

**SUBJECT: CESSNOCK NETBALL COMPLEX**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
38  
**RESOLVED**

**That Council notes the information provided in regards to the condition of Cessnock Netball Courts including upgrades and repairs, costs associated with these works and potential funding options.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI2/2022**

**SUBJECT: TENDER T2021-06 - ELECTRICITY SUPPLY CONTRACTS - RESULTS**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
39

**RESOLVED**

1. That Council notes the outcome of the electricity supply contracts tender.
2. That Council notes the General Manager signed Council's acceptance of Mojo Powers offer for large sites and street lighting on 8 November 2021 with the contract to commence from 1 January 2022 for a ten year term.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI3/2022**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF 15 NOVEMBER 2021**

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**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke

40

**RESOLVED**

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 November 2021 be adopted as a resolution of the Ordinary Council.

1.    **TC47/2021 - That Council authorises the installation of a pedestrian refuge and associated signage and line marking on Stanford Street, Kurri Kurri in accordance with the Stanford Street Kurri Kurri \_ Signage & Line Marking Diagram.**
2.    **TC48/2021 - That Council authorises the installation of a pedestrian refuge, childrens crossing, and associated signage and line marking on Barton Street, Kurri Kurri in accordance with the Barton Street Kurri Kurri \_ Signage & Line Marking Diagram.**
3.    **TC49/2021 - That Council authorises the installation of a childrens crossing, kerb extensions, and associated signage and line marking on Wickham Street, Stanford Merthyr in accordance with the Wickham Street Stanford Merthyr \_ Signage & Line Marking Diagram.**
4.    **TC50/2021 - That Council authorises the installation of a children's crossing, kerb extensions, and associated signage and line marking on Anderson Avenue, Paxton in accordance with the Anderson Avenue Paxton \_ Signage & Line Marking Diagram.**
5.    **TC51/2021 - That Council authorises the installation of kerb extensions, and associated signage and line marking on Fifth Street, Weston in accordance with the Fifth Street Weston \_ Signage & Line Marking Diagram.**
6.    **TC52/2021 - That Council authorises the installation of signage and line marking on Miller Street, Cessnock in accordance with the Miller Street Cessnock \_ Signage & Line Marking Diagram.**
7.    **TC53/2021 - That Council authorises the installation of signage and line marking for a new intersection with Maitland Street, Branxton, in accordance with the enclosed Maitland Street Branxton \_ Signage & Line Marking Diagram.**
8.    **TC54/2021 - That Council authorises the removal of intersection controls and the installation of line marking at Swanson & Varty Streets, Weston, in accordance with the enclosed Swanson Street Weston \_ Signage & Line Marking Diagram.**

9. **TC55/2021 - That Council resolves that, in accordance with the Cessnock Local Traffic Committee Terms of Reference, the 2022 meeting dates for the Cessnock Local Traffic Committee are:**

- **21 February 2022**
- **21 March 2022**
- **18 April 2022**
- **16 May 2022**
- **20 June 2022**
- **18 July 2022**
- **15 August 2022**
- **19 September 2022**
- **17 October 2022**
- **21 November 2022**
- **19 December 2022**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI4/2022**

**SUBJECT: RETAINING WALL BEHIND CLARK STREET WESTON**

---

**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Sander  
41

**RESOLVED**

1. That Council notes the information contained within the report regarding repair or replacement of the retaining wall located on behind Clark Street Weston.
2. That Council allocate \$50,000 in the 2022/2023 Operational Plan to fund the Geotechnical investigation for the retaining wall

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI5/2022**

**SUBJECT: KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2022**

---

**MOTION**      **Moved:** Councillor Hawkins      **Seconded:** Councillor Paynter  
42

**RESOLVED**

**That Council supports the Kurri Kurri Nostalgia Festival on 26 and 27 March 2022, by providing in-kind support valued at \$10,400, as detailed in the report for the following service: waste management, park management and amenity management.**

*Councillor Jurd left the meeting, the time being 8.04pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI6/2022**

**SUBJECT: TENDER T2022-004 MILLER PARK TENNIS & NETBALL COURTS**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
43

**RESOLVED**

**That Council accepts the tender (T2022-004) from Bolla Contracting Pty Ltd for the lump sum of \$601,851.49 (including GST) for the Miller Park Tennis & Netball Courts.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN2/2022**

**SUBJECT: COOPER STREET/CHARLTON AVENUE INTERSECTION**

---

**MOTION**      **Moved:**    Councillor Olsen      **Seconded:**    Councillor Watton  
44  
**RESOLVED**

- 1)    **The General Manager bring a report back to council with the reasons for the major failure of the above intersection and a briefing be held prior.**
  
- 2)    **The report is to contain the following information:-**
  - **Was the intersection built to council specifications?**
  - **Was there any pipe work under the road that caused the issue and if so a plan showing where this pipe works run to be provided with the report?**
  - **If it was pipes that caused the issue why wasn't this an issue prior to the works being completed?**
  - **How council plans to rectify the problem and when this will be done?**
  - **Estimated cost and timeframe to fix the problem?**

*Councillor Jurd returned to the meeting, the time being 8.06pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN3/2022**

**SUBJECT: FRAME DRIVE AND GINGERS LANE ROADWORKS**

---

**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Hawkins  
45  
**RESOLVED**

1. That the General Manager brings a report back to council outlining why so many parts of these 2 roads have been repaired. The report is to contain the following:-
  - When is the dip at the bridge going to be repaired, cost and timeframe?
  - Why have so many sections failed on both roads?
  - How does council plan to rectify this issue on future projects?
  - Are we using best practice compared to other road builders?
  - Do we use the best products for road building?
2. That a briefing be held prior to the report coming back to Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN4/2022**

**SUBJECT: CESSNOCK POOL - FAMILY FREE DAYS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dunn  
46

**RESOLVED**

1. That the General Manager reintroduce one family free Sunday within the remainder of the 2021/2022 summer season at Cessnock, Branxton and Kurri Kurri Pools if COVID-19 restrictions allow, with funding of \$5000 from savings within the civic expenses funding allocation and \$2000 from the elected members conference allocation.
2. That the General Manager bring back a report to council with a program to include the Family Free Day program into future operations of the pool.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN5/2022**

**SUBJECT: COMMUNITY AND CULTURAL PRECINCT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Moores  
47  
**RESOLVED**

That the General Manager bring back a report to the April Council meeting outlining;

1. Any current plans in place covering the gateway area surrounding the Cessnock Performing Arts Centre(CPAC); and
2. The steps required to develop a community and cultural precinct plan for the gateway area surrounding the CPAC.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**COUNCILLOR REPORTS**

NIL

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO1/2022**

**SUBJECT: UB2/2021 - URGENT BUSINESS - RESPONSE STANDING DOWN OF PAXTON FIRE STATION**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
48  
**RESOLVED**

**That Council notes the correspondence received from the Parliamentary Secretary to the Premier and Western Sydney, Ray Williams MP, on behalf of the Premier and from the Member for Cessnock Clayton Barr MP, regarding the Standing Down of Paxton Fire Station.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO2/2022**

**SUBJECT: BN22/2021 - REQUEST FOR ADDITIONAL MENTAL HEALTH FUNDING FOR REGIONAL AREAS**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
49

**RESOLVED**

That Council notes the correspondence received from the Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor MLC, the Member for Cessnock, Clayton Barr MP, and the Chief of Staff for the Minister for Health and Aged Care, the Hon Greg Hunt MP regarding the request for additional mental health funding for regional areas.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO3/2022**

**SUBJECT: MM9/2021 - VACCINATION RATES**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
50  
**RESOLVED**

**That Council notes the correspondence received from the Chief of Staff, the Office of the Minister for Health and Aged Care, the Hon Greg Hunt MP, regarding Vaccination Rates – MM9/2021.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORRESPONDENCE NO. CO4/2022**

**SUBJECT: BN27/2021 - CESSNOCK HOSPITAL UPGRADE AND RESOURCES**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
51

**RESOLVED**

**That Council notes the correspondence received from the Chief Executive of Hunter New England Health, Mr Michael DiRienzo and the Minister for Health and Medical Research, the Hon Brad Hazzard MP.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO5/2022**

**SUBJECT: BN31/2021 - TRAFFIC CONCERNS AT TRADERS WAY AND MAIN ROAD, HEDDON GRETA**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
52

**RESOLVED:**

That Council notes the correspondence received from Transport for New South Wales, Regional Director North, regarding traffic concerns at Traders Way and Main Road Heddon Greta and the request for changes to the traffic movements at this intersection.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

8.37PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Sander  
53

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*During discussion and debate on GMU7/2022 - Consideration Of Final Investigation Report - Code Of Conduct Complaint the following staff left the Chambers:-*

*General Manager*

*Director Planning and Environment*

*Director Corporate and Community Services*

*Acting Director Works and Infrastructure (Acting Infrastructure Manager)*

*Complaints Coordinator – Human Resources Manager – stayed to provide information as to the process of dealing with the matter and then left.*

*Development Services Manager*

*Information Technology Manager*

*Senior Media & Communication Officer*

*Corporate Governance Officer*

*Councillor Olsen left the Chamber and was not involved in debate or voting on GMU7/2022 - Consideration Of Final Investigation Report - Code Of Conduct Complaint :-*

9.34PM

**Open Session**

The meeting moved back into open session and the Mayor reported on the outcomes.

**GENERAL MANAGER'S UNIT NO. GMU7/2022**

**SUBJECT: CONSIDERATION OF FINAL INVESTIGATION REPORT - CODE OF CONDUCT COMPLAINT**

*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 Sander            **Seconded:**    Councillor Hill  
54

**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 440(g) of the Local Government Act for breaching Clauses 3.1 (a) and (c) and Clause 7.6(h) of the Cessnock City Council Code of Conduct and the matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE8/2022**

**SUBJECT: CLASS 1 APPEAL (2021/344193) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2021/21076/1 PROPOSING CAFE, SELF-STORAGE UNITS, MANAGERS RESIDENCE AND ASSOICATED CIVIL WORKS AND LANDSCAPING**

**184 WINE COUNTY DRIVE (LOT 10 DP 251809 & LOT 16 DP 1126449), NULKABA**

*This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**MOTION Moved:** Councillor Dunn **Seconded:** Councillor Paynter

55

**RESOLVED**

1. That Council notes:
  - a. Receipt of an appeal (Reference No. 2021/344193), in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2021/21076/1.
  - b. The attached prospects of success prepared by Council's solicitors in respect of the appeal (Reference No. 2021/344193), relating to Development Application No. 8/2021/21076/1.
  - c. The options identified in the report in respect of the appeal (Reference No. 2021/344193), relating to Development Application No. 8/2021/21076/1.
2. That Council delegates the management of the appeal (Reference No. 2021/344193), relating to Development Application No. 8/2021/21076/1, to the General Manager, including to defend the appeal and if appropriate, enter into Consent Orders or a Section 34 agreement.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 9.38pm*

**CONFIRMED AND SIGNED** *at the meeting held on 16 March 2022*

.....**CHAIRPERSON**

.....**GENERAL MANAGER**