

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 MARCH 2022, COMMENCING AT
6:30PM**

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

IN ATTENDANCE: Acting General Manager (Director Corporate and Community Services)
Director Planning and Environment
Director Works and Infrastructure
Development Services Manager
Strategic Planning Manager
Information Technology Manager
Economic Development & Tourism Manager
Acting Infrastructure Manager (Open Space & Community Facilities Manager)
Help Desk Support Officer
Media & Communication Officer
Corporate Governance Officer

APOLOGY:

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

56

RESOLVED that the Leave of Absence previously submitted by Councillor Jackson be noted.

That a Leave of Absence be granted to:

Councillor Paynter for the period 14 April 2022 to 28 April 2022.

Councillor Dunn for the period 8 April 2022 to 25 April 2022.

FOR

AGAINST

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Burke
Seconded: Councillor Dunn

57

RESOLVED that the Minutes of the Extraordinary Meeting held on 8 February 2022 and the Ordinary Meeting of Council held on 16 February 2022, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI2/2022

SUBJECT: DISCLOSURES OF INTEREST

NIL

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
58

RESOLVED

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

GMU8/2022	Cessnock Airport Aviation Fire Base Grant.....	110
PE12/2022	Amendment to the Cessnock Development Control Plan 2011 - Social Impact Assessment and Crime Prevention Through Environmental Design.....	221
PE13/2022	Planning Proposal Administrative Amendments	247
PE15/2022	Proposed Amendment to the City Wide Infrastructure Contributions Plan 2020	264
‡ PE18/2022	Development Application Performance Monitoring Report - December.....	294
‡ CC17/2022	Benchmarking and Comparative Information	317
‡ CC19/2022	Investment Report - February 2022	359
CC20/2022	Fees and Charges Amendment - Development Services	367
WI12/2022	Minutes of Cessnock Local Traffic Committee Meeting held 21 February 2022.....	2

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI2/2022

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

REPORT MM4/2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Moores
59
RESOLVED

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

Report MM4/2022 as the report deals with personnel matters concerning particular individuals.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM3/2022

**SUBJECT: MINUTES OF THE ORGANISATION AND GENERAL MANAGERS
REVIEW COMMITTEE MEETING HELD ON 23 FEBRUARY 2022**

MOTION **Moved:** Councillor Suvaal
60

RESOLVED

That the Minutes of the Organisation and General Managers Review Committee of 23 February 2022 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Suvaal	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Dunn	Councillor Olsen
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Total (8)	Total (4)

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2022

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU7/2022

SUBJECT: MINUTES OF THE COUNCIL INITIATED AWARDS COMMITTEE MEETING OF 4 NOVEMBER 2021

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
61
RESOLVED

That the minutes of the meeting of the Council Initiated Awards Committee held on 4 November 2021 be received and noted.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU8/2022

SUBJECT: CESSNOCK AIRPORT AVIATION FIRE BASE GRANT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
62

RESOLVED

1. That Council endorses the creation of an Aviation Fire Base at Cessnock Airport using 100% grant funding;
2. That Council delegates authority to the General Manager to sign the funding agreement with the Department of Industry, Science, Energy and Resources acting on behalf of the Commonwealth; and
3. That Council delegates authority to the General Manager to sign funding deed variations, airport use agreements, project reports, correspondence and other documentation required to create the Aviation Fire Base at Cessnock Airport.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU9/2022

SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
63
RESOLVED

That Council notes the Annual Code of Conduct Complaints Report for the period 1 September 2020 to 31 August 2021.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE10/2022

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21041/1 PROPOSING
CONSTRUCTION OF A DWELLING HOUSE**

12 QUORROBOLONG ROAD, CESSNOCK

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
64
RESOLVED

1. **That:**

- (i) **Development Application No. 8/2021/21041/1 proposing construction of a dwelling house at Lot 508, DP755215, 12 Quorrobolong Road Cessnock, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to 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:**
 - **The measures proposed for the disposal of waste water from the dwelling are contrary to the provisions contained within the Environment and Health Protection Guidelines: On-site Sewage Management for Single Households (DLG Guidelines), pursuant to Clause 29 of the *Local Government (General) Regulation 2021*, as the application proposes a pump out waste water disposal service.**
 - **The proposal does not provide certainty regarding the likely future impacts of the development on the natural and built environments, and the social and economic impact on future residents. In this regard, satisfactory operation of the waste water system relies upon the financial capability of future occupants to maintain a full pump out waste water disposal service.**
 - **The site is considered unsuitable for the development as the design, scale and siting of the proposed dwelling does not have due regard for the constraints of the land, and does not proposed to accommodate a sustainable on-site waste water system commensurate with the dwelling proposed.**
 - **Approval of a pump out waste water disposal service is not considered to be in the public interest.**
- (iii) **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***

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

REASONS FOR REFUSAL

1. The development is contrary to the provisions of the Environment and Health Protection Guidelines: On-site Sewage Management for Single Households (DLG Guidelines), pursuant to Clause 29 of the *Local Government (General) Regulation 2021*, as the application proposes a pump out waste water disposal service (*Section 4.15 (1)(a) (iv) of the Environmental Planning and Assessment Act 1979*).
2. The development does not provide certainty regarding the likely future impacts of the development on the natural and built environments, and the social and economic impact on future residents. In this regard, satisfactory operation of the waste water system relies upon the financial capability of future occupants to maintain a full pump out waste water disposal service (*Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979*).
3. The site is considered unsuitable for the development as the design, scale and siting of the proposed dwelling does not have due regard for the constraints of the land, and does not propose to accommodate a sustainable on-site waste water system commensurate with the dwelling proposed (*Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979*).
4. Approval of a pump out waste water disposal service is not considered to be in the public interest (*Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979*).

PLANNING AND ENVIRONMENT NO. PE11/2022

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

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
65
RESOLVED

1. **That:**

- (i) **Development Application No. 8/2021/21250/1 proposing construction of information and education facility comprising a museum, associated roadworks, civil works and vegetation removal at 150 Wills Hill Road Lovedale, 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:**
- **There are no matters contained within any relevant State Environmental Planning Policies that preclude the granting of development consent;**
 - **The proposed development has been assessed against Section 7.3 of the *Biodiversity Conservation Act 2016*, the proposed development is not considered to have a significant effect on threatened species or ecological communities, or their habitats.**
 - **The proposed development is consistent with the provisions of Cessnock Local Environmental Plan 2011. In particular, the proposal is a permitted form of development and is consistent with the relevant objectives of the RU4 zone;**
 - **The proposal has been assessed against the requirements of the Cessnock Development Control Plan 2010 and is consistent with the prescriptive provisions;**
 - **The proposal demonstrates high-quality architectural merit, which is consistent with the provisions of Chapter E.3 of Cessnock Development Control Plan 2010;**
 - **The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;**

- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural environment having specific consideration for the *Biodiversity Conservation Act 2016*;
- Satisfactory measures are proposed with respect to the nature and capacity of infrastructure. The development includes the upgrading of the road network within the vicinity of the development which will improve drainage and road safety;
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of noise and odour by proposing standard operating hours, and suitable waste management practices;
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area;
- The proposal is in the public interest as the development will result in increased employment opportunities and positive economic impacts.

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

- The application was notified in accordance with Council's Community Participation Plan.
- Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:
 - Council Officers have assessed the development application in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2018*, *State Environmental Planning Policies*, *Cessnock Local Environmental Plan 2011* and *Cessnock DCP 2010*.
 - The proposal seeks development consent for the land use and not the items to be displayed within the development. The items to be displayed within the proposed museum are not a consideration for Council to consider under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(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 Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Total (11)	Total (1)

CARRIED

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by NSW Rural Fire Service dated 22 December 2021 and Natural Resources Access Regulator dated 26 May 2021 shall be complied with prior, during and at the completion of the development, as required.

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

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/21250/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
On-site Works		
Drawing: Master Plan & Location Plan Project No: GA2020-047 DWG No: DA100 Issue: C As amended in Red	Group Architects	September 2021
Drawing: Site Plan Project No: GA2020-047 DWG No: DA101 Issue: C	Group Architects	September 2021

Drawing: Floor Plan Project No: GA2020-047 DWG No: DA102 Issue: C	Group Architects	September 2021
Drawing: Elevations Project No: GA2020-047 DWG No: DA200 Issue: C	Group Architects	September 2021
Drawing: Sections Project No: GA2020-047 DWG No: DA300 Issue: C	Group Architects	September 2021
Drawing: Site plan with Proposed Fill Project No: GA2020-047 DWG No: DA900 Issue: C	Group Architects	September 2021
Title: Cover Sheet & Drawing Schedule Job No: 2117 Sheet: L-100 Revision: D	MARA Consulting	10 September 2021
Title: Hardworks Plan Job No: 2117 Sheet: L-101 Revision: D	MARA Consulting	10 September 2021
Title: Hardworks Plan Job No: 2117 Sheet: L-102 Revision: D	MARA Consulting	10 September 2021
Title: Hardworks Plan Job No: 2117 Sheet: L-103 Revision: D	MARA Consulting	10 September 2021
Title: Hardworks Plan Job No: 2117 Sheet: L-104 Revision: D	MARA Consulting	10 September 2021
Title: Softworks Plan Job No: 2117 Sheet: L-201 Revision: D	MARA Consulting	10 September 2021
Title: Softworks Plan Job No: 2117 Sheet: L-202 Revision: D	MARA Consulting	10 September 2021
Title: Softworks Plan Job No: 2117 Sheet: L-203 Revision: D	MARA Consulting	10 September 2021
Title: Softworks Plan Job No: 2117 Sheet: L-204 Revision: D	MARA Consulting	10 September 2021
Title: Details Job No: 2117	MARA Consulting	10 September 2021

Sheet: L-301 Revision: D		
Title: Specification Job No: 2117 Sheet: L-401 Revision: D	MARA Consulting	10 September 2021
Title: Maintenance Specification & Schedules Job No: 2117 Sheet: L-402 Revision: D	MARA Consulting	10 September 2021
Off-site Works		
Drawing Title: Cover Sheet Drawing Schedule and Locality Plan Job Number: NL210356-00 Drawing Number: C10.01 Revision: 2	Northrop	9 September 2021
Drawing Title: General Arrangement Plan Job Number: NL210356-00 Drawing Number: C11.01 Revision: 3	Northrop	12 January 2022
Drawing Title: Grading and Stormwater Plan – Sheet 1 Job Number: NL210356-00 Drawing Number: C12.01 Revision: 2	Northrop	9 September 2021
Drawing Title: Grading and Stormwater Plan – Sheet 2 Job Number: NL210356-00 Drawing Number: C12.02 Revision: 2	Northrop	9 September 2021
Drawing Title: Grading and Stormwater Plan – Sheet 3 Job Number: NL210356-00 Drawing Number: C12.03 Revision: 3	Northrop	12 January 2022
Drawing Title: Typical Road Cross Section Job Number: NL210356-00 Drawing Number: C13.01 Revision: 1	Northrop	5 August 2021

Document Title	Prepared By	Dated
Biodiversity Assessment Report 150 Wills Hill Road, Lovedale NSW Ref: EC067 Version: Final V03	de Witt Ecology Alan Midgley	4 November 2021
Aboriginal Due Diligence Assessment Report – Wonnarua Madoo Museum Project Number: HN000225-A	Heritage Now	8 April 2021
Site Waste Minimisation and Management Plan	de Witt Consulting Town Planning	15 March 2021

Proposed Information and Education Facility Madoo Museum		
Flood Management Plan Proposed Information and Education Facility Madoo Museum	de Witt Consulting Town Planning	1 April 2021
Statement of Environmental Effects Proposed Information and Education Facility Madoo Museum	de Witt Consulting Town Planning	1 April 2021

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

3. Separate Approval for Signs

A separate DA for any proposed signs must be submitted to and approved by Council prior to the erection or display of any such signs.

4. 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.

5. 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.

6. Protection and Management of Aboriginal Cultural Heritage

All recommendations of the *Aboriginal Due Diligence Assessment Report – Wonnarua Madoo Museum* (Heritage Now, April 2021) to be fully implemented to the satisfaction of Council's Heritage Advisor prior to the issue of any *CC*.

7. Local Traffic Committee Approval

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

8. 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.

9. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of \$61,290.00 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 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.

10. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and if to be located on the roof is to be appropriately screened. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

11. Retaining 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.

12. Car Parking – Commercial/Industrial

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, AS

2890.2-2002 *Parking Facilities – Off-Street commercial vehicles facilities, and AS 2890.3-1993 Parking Facilities – Bicycle parking facilities.* Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

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

13. Disabled Car Parking Spaces

A total of four (4) 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.*

14. Parking – Delivery Vehicles

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

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.

15. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of thirty (30) vehicles and such being set out generally in accordance with Council's Development Control Plan.

The car parking spaces are to be provided as follows:

- Visitor – 20 spaces (minimum)
- Staff – 10 spaces
- Disabled – 4 spaces
- Bus – 2 spaces

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.

16. Road - Fees

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

Based on a road length of approximately 1400 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment.
- b) Road fees – PC supervision in accordance with Councils adopted fees and charges current at the time of payment.

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

17. Road – Engineering Requirements

All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & AS2890.2 - Parking Facilities.

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*.

18. Road – Road Widening Requirement

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

- a) Wills Hill Road – Construct a 7m wide sealed pavement for a distance of approx. 1400m
- b) Construct 0.5m gravel shoulders on each side of the road
- c) Place two (2) coat hot bitumen seal on new works
- d) Construct drainage works as necessary
- e) Install a left turn only sign at the entrance to the development to direct patrons back to Wine Country Drive
- f) Submit a turning path template for the intersection of Wine Country Drive and Wills Hill Road demonstrating the largest vehicle turning onto Wills Hill Road
- g) Construct any additional requirements on Wills Hill Road to facilitate the intersection treatment approved under a Works Authorisation Deed (WAD) with Transport for NSW (TfNSW)

19. TfNSW Approval Required

Approval must be obtained from Transport for New South Wales *TfNSW* for the proposed works in the public road reserve.

Specifically, a Works Authorisation Deed (WAD) shall be entered into with TfNSW for:

- The design and construction of a Channelised Right Turn (CHR) intersection treatment.

Evidence of the executed WAD approval must be submitted to the Certifier prior to the issue of a civil CC. All requirements of *TfNSW* are to be complied with.

20. 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.

21. Flood Risk Management Report

A Flood Risk Management Report, prepared by a qualified practising Civil Engineer and satisfying all the following requirements must be provided to the Certifier prior to the issue of a CC. The report must be prepared / amended to make provision for the following:

- a) The report must be generally in accordance with the recommendations of the Flood Risk Management Plan prepared by de Witt Consulting and dated 1 April 2021.
- b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include, but not be limited, to the following:
 - i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris
 - ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections
 - iii) Flood warning signs / depth indicators for areas that may be inundated
 - iv) A flood evacuation strategy
 - v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level
- c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The design must make provision for the structural integrity of all structures from immersion and/or impact of velocity and debris and waterproofing works where applicable.

22. Food Premises

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

- a) *Food Act 2003*
- b) *Food Regulation 2015*
- c) *Food Standards Australia and New Zealand – Food Standards Code 2003*
- d) AS 4674-2004 for Design, Construction and Fit out of Food Premises
- e) AS 1668.2-2002 – The use of ventilation and air conditioning in buildings
- f) *BCA*.

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

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

The details are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

23. Outdoor Lighting

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

24. Waste Management Plan

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

- a) Estimated quantities of materials that are reused, recycled, removed from the site

- b) On site material storage areas during construction
- c) Materials and methods used during construction to minimise waste
- d) Nomination of end location of all waste generated

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

25. Section 68 Approval

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

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

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

26. Crime Prevention Through Environmental Design

It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building.

- a) Back to base alarm systems
- b) CCTV for the ground level, entry/exit points, car parks, and the exterior of the building
- c) 'Way finding' signage should be utilised
- d) 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 building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant - especially external lighting
- e) Glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders

In the event these recommendation/s are implemented, plans and details submitted in association with the CC application are to reflect this. The plans and details must be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

27. Access Roads

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed development. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side. All works are to be in accordance with Council's 'Engineering Requirements for

Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

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

28. Private Water Supply – Safe Supply

If the proposed development cannot be connected to a potable water supply then the applicant must demonstrate that the drinking water supplied to the premises will consistently meet the *Australian Drinking Water Guidelines 2011* and any subsequent amendments to the Guidelines.

29. Vegetation Management Plan

Prior to the issue of any CC, the applicant must prepare, submit to Council, and obtain approval for a Vegetation Management Plan (VMP) for the revegetation of the native vegetation corridor, on the lot, adjoining Wills Hill Road. The revegetation is to restore the native vegetation corridor and replace the 0.41 ha of native vegetation removed. The VMP is to achieve the DCP objectives of ensuring that only limited amounts of remaining vegetation are cleared in the Vineyards District.

The VMP must be for a minimum of five years. The primary objective of the plan must be weed management, regeneration of native vegetation and replanting of native vegetation. Implementation of the VMP must commence immediately following the issue of the Construction Certificate. Council will require the establishment of the required native vegetation and any associated fencing to be constructed prior to the issue of an Occupational Certificate for the development.

In preparing and implementing the VMP the following criteria must be addressed:

- a. A suitably qualified and experienced professional bush regeneration contractor must be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel).
- b. A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation and extent of dominant weed infestations.
- c. A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided.
- d. A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, revegetation and maintenance works. Targets for native canopy, midstorey and ground layer in the primary, secondary and maintenance phases of VMP are to be at least:

VMP Phase	Native canopy	Native midstorey	Native ground layer
Primary	At least 10%	At least 10%	At least 40%

Secondary	At least 15%	At least 15%	At least 50%
Maintenance	At least 20%	At least 20%	At least 50%

If targets are not met by the end of the VMP phase, additional works are required so that targets are achieved before works can progress to the next phase.

- e. Primary weed control must be undertaken within two years following commencement of the VMP, with secondary weed control undertaken in the second year following commencement of the VMP.
- f. Plant species should be selected from those contained within Appendices 2 of the Cessnock Development Control Plan E.3: Vineyards District as relevant and as specified. A minimum of 90% survival rate of plantings is required, with replacement planting to occur if required to achieve this.
- g. Maintenance weed control must continue for the duration of the VMP. Targets for primary, secondary and maintenance phases of the VMP for exotic cover must be at least:

VMP Phase	Exotic cover
Primary	Less than 25%
Secondary	Less than 10%
Maintenance	Less than 5%

If targets are not met by the end of the VMP phase, additional works are required so that targets are achieved before works can progress to the next phase.

- h. The location and type of fencing or other suitable method of restricting access into the area to which the VMP applies must be identified.

Photo monitoring points, details of plan survival, occurrence of natural regeneration and weed density must be used as part of the monitoring of the area and included in each monitoring report.

30. Amended Landscaping Plan – Native Species of Local Provenance Required

The Landscape Plan by Mara Consulting Pty Ltd (10 September 2021) must be updated so that only native species of local provenance grown by a specialist native plant nursery are used for landscaping. Native species are to be characteristic of Lower Hunter Spotted Gum - Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions. Evidence of this must be submitted to and approved by Council's Ecologist prior to issue of a CC.

31. Marking of Asset Protection Zone

Evidence that boundaries of the Asset Protection Zone have been marked as required by Condition 41 must be provided to Council's Ecologist prior to a CC being issued.

32. Nest Boxes

Nest boxes must be installed if hollow bearing trees are removed, at a ratio of at least 2 boxes per hollow. Nest boxes must be installed in mature retained trees on the lot. Evidence that this has occurred must be provided to Council's Ecologist for approval prior issue of the CC.

33. Section 50 – Hunter Water Act 1991

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

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works associated with the development consent

34. Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the 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.

35. 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.

36. Soil and Water Management Plan

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

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean-runoff around disturbed areas
 - ii) Minimises slope gradient and flow distance within disturbed areas

- iii) Ensures surface run-off occurs at non erodible velocities
- iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

37. Soil and Water Management Plan Implemented

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

38. 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.

39. 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.

40. Protection of Vegetation – Asset Protection Zone

The boundaries of the Asset Protection Zone within the areas of native vegetation on the site must be clearly delineated using temporary protective fencing or brightly coloured tape. Clearing works or other development activities must not occur beyond the boundaries of the approved Asset Protection Zone.

41. Protection of Hollow Bearing Trees

Hollow bearing trees to be retained on the lot, as shown on Figure 3.1 of the Biodiversity Assessment Report by De Witt Ecology (15 December 2021), must be fenced prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy. Tree protection signage must be attached to the fencing surrounding the trees.

42. Nominated Location of Waste

The location and facilities for the collection, storage and disposal of waste generated within the premises shall be submitted to the *PC*, prior to the commencement of works.

43. Toilet Facilities

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

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

44. 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.

45. Soft-felling of Hollow Bearing/Habitat Trees

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

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

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

46. Care of Native Fauna Found in Felled Trees

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

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

47. Protection of Trees - Roadworks

Native vegetation in the road reserve, outside of the external works marked on the Civil Engineering Plan (Revision 3) by Northrop (9 September 2021) must be retained and protected by the establishment of a vegetation protection zone. The vegetation protection zone must be installed before any site works begin, maintained for the duration of works, and implemented as follows;

- a) The area beneath the canopies of trees to be retained must be clearly delineated using protective fencing. Where practical, fencing must encompass the maximum possible area covered by the drip line of the canopy.
- b) Services should be located to avoid disturbing tree roots of the retained trees. Trenches required for the installation of services should be located outside of the fenced area.
- c) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with *AS4970-2009: Protection of Trees on Development Sites*.

48. Pre-clearance Fauna Search Prior to Works within Road Reserve

Prior to works commencing in the road reserve, a pre-clearance search must be undertaken for Grey-crowned Babbler (*Pomatostomus temporalis temporalis*) nests within any areas of native vegetation on the site that will be impacted. The search will need to confirm whether the 4 nests previously located within the area to be cleared are still present. The location of all nests to be removed must be provided to Council's Ecologist in the form of a map and a list of nests with GPC coordinates. Suitable areas for nest relocation are to be determined prior to removal of any nests. Where the removal of nests is unavoidable, nests are to be assessed for usage. If nests are found to be active (including if eggs or young are present), nests are not to be removed until all young have fledged the nest. Once a nest is found to be inactive, the nest must be carefully removed by a suitably qualified ecologist and relocated nearby within the site. A report detailing pre-clearance search results and nest relocation must be provided to Council's Ecologist.

49. Road - Bonds

The applicant shall pay the following:-

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

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

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

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

50. Notification Requirements for Use of Crane and/or Boom

Where a crane and/or boom is utilised for construction within a 2.5km radius of the Cessnock Airport, notification must be given to the Cessnock Airport Manager at least 14 days prior to commencement of works detailing the following information:-

- a. Property address and location of work site illustrated on a suitably scaled and legible site plan
- b. The maximum crane/boom height (to AHD)
- c. The scheduled date(s) and duration of crane/boom activity

Notification is to be in the form of an email sent to the following address council@cessnock.nsw.gov.au

DURING WORKS

The following conditions are to be complied with during works.

51. 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.

52. Site is Securely Fenced

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

53. Approved Plans Kept On Site

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

54. 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*.

55. 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.

56. 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.

57. Soil and Water Management Plan Requirements Maintained

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.

58. 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.

59. 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.

60. 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.

61. Floor Level Certification

The floor level of the proposed building shall be certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval (ARI) flood level.

The floor level shall therefore be certified as being not less than RL 50.60m Australian Height Datum (AHD).

The evidence shall be submitted to the *PC* prior to construction works proceeding beyond floor level stage.

62. Tree Protection

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

63. Clearing of Development Footprint

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

64. Protective Fencing for Asset Protection Zone

The fencing or tape required by Condition 41 must remain in place until completion of construction works.

65. Protective Fencing of Hollow-Bearing Trees

The fencing and signage required by Condition 42 must remain in place until completion of construction works.

66. Boundary of Vegetation Protection Zone Adhered to During Construction

Clearing works and civil works in the road reserve must not extend into the boundaries of the vegetation protection zone required by Condition 48.

67. Ecologist to be Present for any Clearance of Trees Associated with Roadworks

A suitably qualified and experienced ecologist must be present during the clearance of any trees in the road reserve to ensure that any native fauna present are able to be appropriately cared for.

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):

68. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Wills Hill Road to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an *OC* for the whole of the building. Where a Partial

OC is issued the crossing shall be completed within six (6) months from the date of the Partial OC.

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

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

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

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

69. Certification of Fire Services

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

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

70. All Services Provided

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

71. Completion of Landscape Works

All landscape works, including the removal of 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.

72. Street Numbering

A street number must be clearly displayed at the street frontage of the Lot prior to the issue of an OC. A separate application must be made to Council if new street numbers or a change to street numbers is required.

73. Parking – Completion

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

74. Parking – Loading Facility Requirement

Loading/unloading facilities shall be constructed prior to the issue of an *OC*.

75. 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*.

76. Road – Access Completion

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

77. Waste Disposal

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

78. Trade Waste Disposal

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

79. 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*.

80. Drainage Works

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

81. Certification of Electrical Fittings

All electrical fittings and electrical outlets are to be installed and certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval flood level. The fittings / outlets are to therefore be installed at a level of RL 51.10m Australian Height Datum or higher. The certification shall be submitted to the *PC* prior to issue of an *OC*.

82. Flooding – Evacuation Management Plan

The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation

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

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

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

83. Completion of External Road Works – Wine Country Drive

A copy of the TfNSW Practical Completion acceptance for the works on Wine Country Drive shall be provided to CA prior to the issue of any OC for the development.

84. Completion of External Road Works – Wills Hill Road

A copy of the Practical Completion acceptance for the works on Wills hill Road shall be provided to CA prior to the issue of any OC for the development.

85. Vegetation Management Plan

An area of at least 0.03 ha on the lot, within the vegetated riprain zone mapped on Figure 3.1 of the Biodiversity Assessment Report by De Witt Ecology (15 December 2021) but outside of the Asset Protection Zone, must be revegetated with native shrubs and small trees via planting with native species to replace the 0.03 ha of the outer vegetated ripraian zone impacted by the approved Asset Protection Zone. The density of planting must be atleast 1 shrub or small tree per square metre. The plants used for planting are to be only native species of local provenance grown by a specialist native plant nursery to enhance foraging oppuruntities for native fauna. Native species are to be characterisitc of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions. The area must be fenced if livestock are kept on the lot. Evidence that this has occured is to be provided to Counil's Ecologist prior issue of the OC.

86. 88B Instrument to Protect Area Subject to Vegetation Management Plan

An 88B instrument must be created for the area required to be revegetated in Condition 30 and must state that the area is not to be grazed or cleared (as defined under Section 60C of the Local Land Services Act 2013). Evidence that this has occoured must be provided to Councils Ecologist prior to the issue of an OC.

87. Operational Plan of Management

An Operational Plan of Management is to be formulated and a final copy provided to Council prior to the issue of an OC.

As a minimum, the Operational Plan of Management shall address the following:

- a) The approved hours of operation;
- b) Proposed staffing arrangements, including contact details of manager, and local emergency services;
- c) A procedure for ensuring that items on display are appropriately cared for;

- d) A procedure for accessing the site and maintaining security; and
- e) A procedure for documenting complaints, to be made available to all adjoining neighbours.

ONGOING USE

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

88. Maintenance of Vegetation

The native vegetation planted as a requirement of Condition 86 must be maintained in good health for the life of the development. Any native vegetation that dies must be replaced with the same species and be of local provenance grown by a specialist native plant nursery.

89. Further Consent Required for a Change of Use

The Information and Education Facility - Museum shall not be adapted nor used for any other purpose without the prior consent of Council.

90. Trees Not to be Modified

Retained trees on the lot are not to be modified for creative purposes for the life of the development.

91. Number of Employees

The number of people employed on the premises must not exceed twelve (12) at any given time.

92. Maneuvering of Vehicles

All vehicles must enter and exit the site in a forward direction.

93. Submission of Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the New South Wales Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued.

94. Hours of Operation

The Information and Education Facility - Museum is to be open for business and used for the purpose approved only between the hours 9 am – 6pm, on any day of the week.

95. Loading to Occur on Site During Hours of Operation

All loading and unloading operations are to be carried out wholly within the site, from the approved loading/unloading area for the life of the development.

All loading and unloading operations must be carried out during the approved operating hours only.

96. Operational Plan of Management

The Operational Plan of Management is to remain current and enforced whilst ever the property is operated for the purposes of an Information and Education Facility - Museum. A copy of the Operational Plan of Management is to be submitted to Council on an annual basis when submitting an Annual Fire Safety Statement to Council.

97. Driveways to be Maintained

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

98. Waste Water Treatment Devices

All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management which is kept onsite at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation.

99. Noise Complaints

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

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

100. 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.

An annual report shall be submitted to Council, for the three (3) years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

101. Certain Vegetation to be Kept in Natural State

All native vegetation on the site, outside of the approved Asset Protection Zone and development footprint as shown in Figure 2.1, 2.2 and 2.3 of the Biodiverse Assessment Report by De Witt Ecology (15 December 2021) must be retained in a natural state and not cleared, picked (as defined in the Biodiverse Conservation Act 2016) or disturbed in any way.

102. Fencing

Any new fencing using wire must be constructed with plain wire. Barbed wire must not be used in any new fencing on the site. Any new fencing must be designed and erected so that native fauna movement is not impaired or restricted to reduce the chance of native fauna being injured.

ADVISORY NOTES

A. Disability Inclusion Act

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

B. "DIAL BEFORE YOU DIG" DIAL 1100

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

C. Salinity Levels

The Cessnock City Council Local Government area soils and ground water may be subject to varying levels of salinity. Whilst Council may require applicants to obtain salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent enquiries as to appropriate protection against the current and future potential effect of salinity, to ensure the ongoing structural integrity of any work undertaken. Cessnock City Council will not accept any liability for damage occurring to any construction of any type affected by soil and/or ground water salinity.

D. Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

E. Responsibility for Other Consents/Agreements

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

F. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is

likely to have a significant impact on a matter of national environmental significance (NES) matter, or Commonwealth land, without an approval from the Commonwealth Environment Minister.

- b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application in accordance with the Commonwealth legislation. It is the applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need, or otherwise, for Commonwealth approval, and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

G. Site Contamination Issues During Construction

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

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

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

I. Aboriginal Heritage

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

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

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

PLANNING AND ENVIRONMENT NO. PE12/2022

SUBJECT: AMENDMENT TO THE CESSNOCK DEVELOPMENT CONTROL PLAN 2011 - SOCIAL IMPACT ASSESSMENT AND CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
66
RESOLVED

That Council adopts the amendments to Cessnock Development Control Plan 2010 pursuant to clause 16 of the Environmental Planning and Assessment Regulation 2021.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE13/2022

SUBJECT: PLANNING PROPOSAL ADMINISTRATIVE AMENDMENTS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
67

RESOLVED

1. That Council endorses the Planning Proposal as an amendment to the Cessnock Local Environmental Plan 2011.
2. That Council notifies submission makers of Council's decision.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE14/2022

**SUBJECT: DRAFT HEDDON GRETA - CLIFBLEIGH URBAN CORRIDOR
STRUCTURE PLAN**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
68

RESOLVED

1. That Council places the draft Heddon Greta – Clifbleigh Urban Corridor Structure Plan on public exhibition for a minimum period of 28 days.
2. That Council receives a further report following public exhibition of the draft Heddon Greta – Clifbleigh Urban Corridor Structure Plan.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE15/2022

SUBJECT: PROPOSED AMENDMENT TO THE CITY WIDE INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
69

RESOLVED

1. That Council places the draft City Wide Infrastructure Contributions Plan 2020, as amended, on public exhibition for a minimum period of 28 days.
2. That Council receives a further report following public exhibition of the draft City Wide Infrastructure Contributions Plan 2020, as amended.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE16/2022

SUBJECT: CESSNOCK CITY COUNCIL COMPANION ANIMALS MANAGEMENT PLAN 2022 - 2026

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Hill
70
RESOLVED

1. That Council adopts the 2022-2026 Companion Animal Management Plan.
2. That the General Manager write to the Minister for Local Government the Hon Wendy Tuckerman MP and the State Member for Cessnock Mr Clayton Barr requesting a State Government review of the Companion Animals Act 1998 and the Companion Animals Regulation 2018 in order to ensure the document remains up-to-date so as to reflect all NSW Local Government Areas Companion Animals Management Plans. The review should include the fees and charges to register dogs over 6 months of age due to the number of dogs being rehomed over the age of 6 month.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE17/2022

SUBJECT: CESSNOCK CITY COUNCIL COMPANION ANIMAL MANAGEMENT AGREEMENT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
71

RESOLVED

1. That Council notes the arrangement with Maitland City Council for the period of the agreement.
2. That any savings out of this agreement annually be put in the 2022 – 2023 Tourism Related Activity fund.

FOR

Councillor Suvaal
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton

Total (8)

AGAINST

Councillor Moores
Councillor Paynter
Councillor Olsen
Councillor Jurd

Total (4)

CARRIED

PLANNING AND ENVIRONMENT NO. PE18/2022

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - DECEMBER**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
72
RESOLVED

That Council receives and notes the Development Performance Monitoring Report for the December quarter 2021/22.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC14/2022

**SUBJECT: 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT -
COUNCILLOR ATTENDANCE AND CONSIDERATION OF MOTIONS**

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Paynter
73

RESOLVED

That Council endorses the attendance of the Mayor at the 2022 National General Assembly of Local Government.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC15/2022

SUBJECT: HER MAJESTY, THE QUEEN - PLATINUM JUBILEE

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
74

RESOLVED

1. That Council notes the proposed list of events to celebrate the Platinum Jubilee of Her Majesty, The Queen including submission of an expression of interest application seeking funding to deliver a community tree planting event at Bridges Hill Park, Cessnock.
2. That the General Manager proceed with the planning and delivery of events listed in this report.

Councillor Jurd left the meeting, the time being 7.14pm

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC16/2022

**SUBJECT: COUNCILLOR SUPERANNUATION - DETERMINATION OF
APPLYING SUPERANNUATION TO COUNCILLOR ALLOWANCES**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
75
RESOLVED

That Council approves for the Mayor and Councillors to receive superannuation at the Federal Superannuation Guarantee rate from 1 July 2022 in accordance with the provisions of section 254B of the Local Government Act 1993 and that the appropriate allocation be provided as part of the draft Operational Plan 2022-23.

Councillor Jurd returned to the meeting, the time being 7.15pm

FOR	AGAINST
Councillor Suvaal	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Total (9)	Total (3)

CARRIED

CORPORATE AND COMMUNITY NO. CC17/2022

SUBJECT: BENCHMARKING AND COMPARATIVE INFORMATION

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
76
RESOLVED

That Council receives the report and notes the information relating to Benchmarking and Comparative Information for 2019/20.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC18/2022

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
77
RESOLVED

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

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC19/2022

SUBJECT: INVESTMENT REPORT - FEBRUARY 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
78
RESOLVED

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

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$71,193,592.**

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC20/2022

SUBJECT: FEES AND CHARGES AMENDMENT - DEVELOPMENT SERVICES

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
79

RESOLVED

1. That Council adopts the updated fees that are prescribed by the *Environmental Planning and Assessment Regulation 2021*.
2. That the fees become effective from Monday 21 March 2022.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI7/2022

SUBJECT: DRAFT AMENDED CESSNOCK CITY COUNCIL CEMETERY POLICY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
80

RESOLVED

- 1. That Council adopts the draft Cessnock City Council Cemetery Policy 2022.**
- 2. That Council revokes the Cessnock City Council Cemetery Policy 2011 C10.12.**

FOR

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

AGAINST

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI8/2022

SUBJECT: ASSET MANAGEMENT POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
81

RESOLVED

1. That Council adopts the Asset Management Policy
2. That Council revokes the previous Asset Management Policy F22.1 adopted in November 2013.

Councillor Hawkins left the meeting, the time being 7.37pm

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI9/2022

SUBJECT: UPDATE ON IMPLEMENTATION OF WASTE POLICY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
82

RESOLVED

That Council receives and notes the information.

Councillor Hawkins returned to the meeting, the time being 7.39pm

FOR	AGAINST
Councillor Suvaal	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Dunn	Councillor Olsen
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Total (8)	Total (4)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI10/2022

SUBJECT: INFRASTRUCTURE 2021 - 2022 CAPITAL WORKS PROGRAM CHANGES

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
83

RESOLVED

That Council notes the information within the report regarding changes to the 2021-22 Capital Works Program.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI11/2022

SUBJECT: CONCEPT PLAN FOR CARMICHAEL PARK BMX FACILITY

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Dunn
84

RESOLVED

That Council notes the information provided in the report in regards to the concept plan for the Carmichael Park BMX Facility.

FOR	AGAINST
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Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	

	Total (0)
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CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI12/2022

**SUBJECT: MINUTES OF CESSNOCK LOCAL TRAFFIC COMMITTEE MEETING
HELD 21 FEBRUARY 2022**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Moores
85
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 21 February 2022 be adopted as a resolution of the Ordinary Council.

1. **TC1/2022 - That Council notes the Terms of Reference for the operation of the Cessnock Local Traffic Committee.**
2. **TC2/2022 - That Council notes the deferral of the proposed treatment pending further legal advice from Transport for NSW**
3. **TC3/2022 - That Council authorises the temporary regulation of traffic for the Sunset Sounds event on Broke Road and McDonalds Road, Pokolbin in accordance with Various Roads Pokolbin _ Sunset Sounds Traffic Control Plans.**
4. **TC4/2022 - That Council authorises the temporary regulation of traffic for the Winery Running Festival on Lovedale Road, Wilderness Road, and Talga Road, Lovedale in accordance with Various Roads Lovedale _ Winery Running Festival TCP's.**
5. **TC5/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with various Roads Huntlee _ Signage & Line Marking Diagrams.**
6. **TC6/2022 - That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri _ Nostalgia Festival TCP's.**
7. **TC7/2022 - That Council notes the Transport for NSW approval of temporary regulation of traffic for the SummerSalt event on Broke Road and Wilderness Road, Pokolbin, in accordance with Various Roads Pokolbin _ SummerSalt Approval.**
8. **TC8/2022 - That Council authorises the installation of signage and line marking at the intersection of Quarrybylong Street & Edgeworth Street, Cessnock, in accordance with the enclosed Quarrybylong Street Cessnock _ Signage & Line Marking Diagram.**
9. **TC9/2022 - That Council authorises installation of signage and line marking on Camp Road, Greta, in accordance with the Camp Road Greta _ Signage & Line Marking Diagram.**
10. **TC10/2022 - That Council authorises installation of intersection controls on various roads within Abernethy, in accordance with Various Roads Abernethy _ Signage & Line Marking Diagram.**

FOR**AGAINST**

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

Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN6/2022

SUBJECT: WASTE VOUCHERS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Jurd
86

RESOLVED

That the General Manager organise a briefing/workshop to discuss the best way to move forward with our current waste voucher system. The briefing would be to discuss the following but not limited to these suggestions:

- 1 Possible introduction of kerb side pick up and how it could work
- 2 Introduction of a card system that totals weight dropped compared to using our current voucher system of one voucher per delivery.
- 3 Costings for any changes to improve the system
- 4 Any suggestions supplied by other Councillors or staff.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN7/2022

SUBJECT: PARKS

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Hawkins

That the General Manager prepare a report to the Strategic Property Review Committee to consider the implications of the reclassification of part of the following parks to allow for the sale of the land and the money raised used to upgrade the remaining balance of these parks. Any money left over from the improvements to be used on Margaret Park.

- 1) O'Neill Park Macquarie Avenue West Cessnock,
- 2) Hall Park, Stephen Street West Cessnock,
- 3) Margaret Street Park, West Cessnock

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

The Mayor used his casting vote and the Motion was **LOST**.

BUSINESS WITH NOTICE NO. BN8/2022

SUBJECT: DRY CREEK ROAD ELLALONG

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hawkins
87

RESOLVED

1. That the General Manager prepare a report for the Road Review Committee with respect to the ownership and maintenance of the whole of Dry Creek Road Ellalong
2. That the report consider;
 - 2.1 The current status of the entire length of the road.
 - 2.2 The current public use of the entire length of the road.
 - 2.3 The current engineering standard of both the council and crown owned parts of the road.
 - 2.4 Council's obligations with respect to triggers of transfer from crown, specifically but not limited to any DA's that fall in the zone of crown road.
 - 2.5 Any policies or schedules that relate to these types of roads.
 - 2.6 Options for a resolution to any issues that arise with regard to council's obligation to provide access to property and possible maintenance, including initial serviceability, addition to any schedules or programs, external sources of funding, and costing for any associated upgrades or repairs.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN9/2022

SUBJECT: BELLAMY STREET MILLFIELD

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hawkins
88

RESOLVED

1. That the General Manager prepare a report for the Road Review Committee with respect to the maintenance of the Council owned portion of Bellamy Street Millfield.
2. That the report consider;
 - 2.1 The current standard of both the maintained and un-maintained sections of the council owned portion of the road.
 - 2.2 The engineering standards of the road and obligations to land owners when the road was transferred from crown lands and upon issuing of occupation certificates.
 - 2.3 The current public use of the council owned portion of the road.
 - 2.4 The current maintenance schedule of the council owned portion of the road, and possible future plans to add the entirety of the council owned portion of the road to the maintenance schedule.
 - 2.5 Any other policies or schedules that relate to these types of roads.
 - 2.6 Options for a resolution to any issues that arise with regard to council's obligation to provide access to property and possible maintenance, including initial serviceability, addition to any schedules or programs, external sources of funding, and costing for any associated upgrades or repairs.
 - 2.7 What developments have been approved along Bellamy Street Millfield.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN10/2022

SUBJECT: RV DUMPING POINT - TURNER PARK

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hawkins
89

RESOLVED

- 1) That the General Manager bring back a report and costing for the installation of an RV Dumping Point at Turner Park to the May Council Meeting.
- 2) That the report include potential funding options including grants and support from Caravan and Motorhome Clubs.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN11/2022

**SUBJECT: FLOODING ISSUES APPLETON AVENUE AND HOSPITAL ROAD,
WESTON**

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Grine
90

RESOLVED

1. That the General Manager bring back a report to Council regarding the ongoing flooding issues in Appleton Avenue and Hospital Road Weston.
2. That the report include investigations into the overland flooding issues, drainage options and costings for these works.

FOR

Councillor Suvaal
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Total (10)

AGAINST

Councillor Olsen
Councillor Jurd

Total (2)

CARRIED

BUSINESS WITH NOTICE NO. BN12/2022

SUBJECT: KURRI KURRI RUGBY LEAGUE SPORTING GROUND

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
91

RESOLVED

1. That the General Manager prepare a report for council with respect to the current operational maintenance and possible future upgrades or expansion of the Kurri Kurri Sports Ground (Hopetoun Street, Kurri Kurri).
2. That the report consider;
 - a. The current procedures, council or otherwise, surrounding regular maintenance undertaken on this site and the cost (if any) to council for this.
 - b. The existence of any ongoing drainage issues on the grounds created by inadequate drainage systems and runoff from the neighbouring cricket oval and RV Park. This should include any estimated costs to resolve these issues.
 - c. The current suitability of the existing storage and amenities facilities at the sports ground with consideration towards the growth of the junior and senior football clubs in recent years.
3. Any existing master plan for this sporting ground and surrounding amenities be provided at the same council meeting.

Councillor Watton left the meeting, the time being 8.41pm

Councillor Watton returned to the meeting, the time being 8.44pm

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED

BUSINESS WITH NOTICE NO. BN13/2022

SUBJECT: DOMESTIC VIOLENCE STRATEGIES AND POLICIES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
92

RESOLVED

- 1) That the General Manager bring back a report to council outlining the following:
 - a) What strategies and policies does council have relating to Domestic Violence for staff and within the community?
 - b) Does Council have a Gender Equity strategy within Council? If not is there a plan for council to undertake one.
 - c) What programs does council have or are involved in that support the community regarding Domestic Violence?
 - d) What strategies does council have in place to support someone who is experiencing domestic violence in the community?
- 2) That the General Manager provide a report to the Strategic Property and Community Facilities Committee outlining:
 - a) What vacant land does Council have that could be identified to be used for support services involving Domestic Violence?
 - b) Any recent requests to Council from Domestic Violence support services requesting council assistance with obtaining land for their services.
 - c) What options are available to Council to work with Domestic Violence support services to provide land if requested?

Councillor Hill left the meeting, the time being 8.47pm

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

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN14/2022

SUBJECT: RICHMOND VALE RAIL TRAIL

Councillor Hill returned to the meeting, the time being 8.48pm

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

93

RESOLVED

That Council acknowledges:-

- 1A The Richmond Vale Rail Trail is a significant economic opportunity for the region. A 42-kilometre cycling and walking track along the former rail line between Kurri & Hexham, Chichester to Newcastle former water pipeline, between Shortland & Tarro through the Hunter Wetlands National Park.**
- 1B The significant work already completed by Newcastle and Lake Macquarie towards to Richmond Vale Rail Trail Project and reaffirms our commitment to the project and acknowledges the economic benefit.**
- 2 That the General Manager is to provide a report & brief to councillors within three months outlining –**
- A progress CCC has made in last 12 months on this project**
 - B studies needed to be completed so works can commence**
 - C the relevant costs to complete studies and DA**
 - D Commitment to the completion of the environmental assessment & concept design of the trail to ensure we can secure future funding for investigation, design & construction**

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

Councillor Sander left the meeting, the time being 8.53pm

CORRESPONDENCE

CORRESPONDENCE NO. CO6/2022

SUBJECT: ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
94
RESOLVED

That Council notes the correspondence received from Kirsten Fishburn, Secretary of the (then) Department Planning, Industry & Environment advising that the Minister for Planning and Public Spaces and Minister for Transport and Roads has made the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*.

Councillor Moores left the meeting, the time being 8.54pm

Councillor Sander returned to the meeting, the time being 8.55pm

Councillor Jurd left the meeting, the time being 8.55pm

Councillors Moores and Jurd returned to the meeting, the time being 08:57 PM

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

Councillor Grine Left The Meeting, The Time Being 8.57pm

COUNCILLOR REPORTS

Mayor – NSW Local Government Conference

The Mayor reported on his attendance at the NSW Local Government Conference with Councillors Burke, Paynter and Sander, the General Manager and Director Corporate and Community Services.

The Mayor advised that it was a good conference, a good networking ability for Councillors across the State as well as through our local Hunter JO and a good opportunity to hear about what was going on with regard to the Motions from other Council's as well as Cessnock's and he encourages other Councillors to attend future conferences.

Councillor Grine returned to the meeting, the time being 8.59pm

8.59PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
95

RESOLVED

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

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

During discussion and debate on MM4/2022 – all staff left the Chambers

9.37PM

Open Session

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

MAYORAL MINUTE

MM4/2022 - PERSONNEL MATTER RELATING TO THE GENERAL MANAGER'S CONTRACT OF EMPLOYMENT

MOTION *Moved:* Councillor Suvaal

96

RESOLVED

1. That Council notes the confidential correspondence from Ms Lotta Jackson, General Manager to Councillor Jay Suvaal (Mayor) dated 10 March 2022, approves Ms Jackson's request for leave and accepts her resignation as General Manager of Cessnock City Council with effect from Friday, 6 May 2022.
2. That council conveys its sincere thanks to Ms Jackson for her service to the Council and for leading the organisation through a period of unprecedented challenges which catastrophic bushfires, major flooding and a once in 100 year Pandemic.
3. That pursuant to Sections 336 and 351 of the *Local Government Act, 1993* Council appoints Mr Robert Maginness to be the Council's Acting General Manager when Ms Jackson is on leave and for such person to remain Council's Acting General Manager until the commencement of an Interim General Manager or new General Manager, whichever occurs first.
4. That the Mayor, following consultation with the Deputy Mayor, be authorised to:-
 1. Temporarily appoint a suitable person to be the Interim General Manager of the Council pursuant to Section 351 of the *Local Government Act, 1993* with such person to remain Council's Interim General Manager until the commencement of a new General Manager or for a maximum period of 12 months, whichever occurs first.
 2. Invite suitably experienced Recruitment Consultants to submit proposals to recruit a new General Manager for Council.

FOR	AGAINST
Councillor Suvaal	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Dunn	Councillor Olsen
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Total (8)	Total (4)

CARRIED

The Meeting Was Declared Closed at 9.40pm

CONFIRMED AND SIGNED at the meeting held on 20 April 2022

.....**CHAIRPERSON**

.....**GENERAL MANAGER**