

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

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Acting Director Works and Infrastructure (Infrastructure Manager)
Development Services Manager
Strategic Planning Manager
Chief Finance Officer
Help Desk Support Officer
Media & Communication Coordinator
Corporate Governance Officer

Pastor Amanda Francis – New Vine Church Branxton delivered the Prayer.

**APOLOGY/LEAVE
OF ABSENCE:**

MOTION

Moved: Councillor Burke
Seconded: Councillor Hawkins

328

RESOLVED that the Leave of Absence granted to Councillor Watton be noted.

That a Leave of Absence be granted to Councillor Jackson from 1 December 2022 to 14 February 2023.

FOR

AGAINST

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Burke
Councillor Sander

Seconded:

329

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 19 October 2022 and the Minutes of the Extraordinary Meeting held on 12 October 2022, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI10/2022

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI73/2022 Minutes of Local Traffic Committee Meeting held 17 October 2022 – Councillor Hawkins declared a Non Pecuniary Less Than Significant Conflict for the reason that he lives in the vicinity of the school in Item TC40/2022. Councillor Hawkins advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because the matter does not affect his ability to carry out his public duty.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	Report	Page No.	Duration
Cameron Hume - Representative – NSW Audit Office	CC86/2022 - Annual Financial Statements for the Year Ended 30 June 2022	198	7 mins
Jennifer Hayes – Independent Chair Audit & Risk Committee	CC86/2022 - Annual Financial Statements for the Year Ended 30 June 2022		

CORPORATE AND COMMUNITY NO. CC86/2022

SUBJECT: ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
330
RESOLVED

1. That the Annual Financial Statements, incorporating the Auditor's Reports for the year ended 30 June 2022, be received and the information be noted.
2. That Council notes the Audit Office of NSW issued a qualified audit opinion with respect to the year ended 30 June 2022 due to Council not recognising Rural Fire Service fleet assets in the General Purpose Financial Statements, which aligns to the existing Policy Position and Council resolution relating to this matter
3. That Council reaffirms its position in regards to not recognising RFS fleet assets; that RFS fleet assets are not controlled by Council; that rural firefighting equipment is vested in, under the control of and the property of the State and notes the significant sector wide campaign on this issue.
4. That Council reaffirms its complete support of and commitment to local RFS brigades and that Councils position in regards to asset recognition does not impact on that support or the volunteers within the LGA.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (10)	Total (2)

CARRIED

Councillor Jurd left the meeting, the time being 7.21pm

Councillor Jurd returned to the meeting, the time being 7.22pm

Speakers	Report	Page No.	Duration
Jennifer Hayes – Independent Chair Audit & Risk Committee	GMU30/2022 - Audit and Risk Committee Annual Report 2021-22	116	7 mins

GENERAL MANAGER'S UNIT NO. GMU30/2022

SUBJECT: AUDIT AND RISK COMMITTEE ANNUAL REPORT 2021-22

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
331
RESOLVED

That Council receives and notes the Audit and Risk Committee's Annual Report for the period from 1 July 2021 to 30 June 2022.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (10)	Total (2)

CARRIED

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

All reports were considered individually.

MAYORAL MINUTES

MAYORAL MINUTES NO. MM15/2022

SUBJECT: ANZ BRANCH CLOSURE - CESSNOCK

MOTION **Moved:** Councillor Suvaal

332

RESOLVED

1. **That Council condemns the decision by ANZ to close its Cessnock Branch in April 2023;**
2. **That Council notes the significant impact this will have on their customers in the Cessnock LGA, especially the elderly and disabled;**
3. **That Council calls on ANZ to reverse this decision and commit to keeping the Cessnock Branch open;**
4. **That Council writes to ANZ notifying them of this request; and**
5. **That Council writes to Dan Repacholi MP, Federal Member for Hunter, seeking advice on what more can be done to stop big banks from closing branches in regional communities.**

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

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM16/2022

SUBJECT: MODIFICATION 20 TO THE HUNTLEE MAJOR PROJECT APPROVAL

MOTION Moved: Councillor Suvaal
333

RESOLVED

- 1. That Council write to the Minister for Planning outlining its frustration with the Department of Planning and Environment for having approved the ‘Urban One’ allotments under Modification 20 to the Huntlee Stage 1 Major Project and that the Minister reverse the Department’s decision, as outlined in this Mayoral Minute;**
- 2. That Council forwards a copy of the correspondence to the State Member, Mr Clayton Barr MP, with a request for him to make representations to the NSW Minister for Planning, on Council’s behalf.**

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

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU11/2022

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU31/2022

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 27 OCTOBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
334
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 31 August 2022 be adopted as a resolution of the Ordinary Council.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE65/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2022/113/1 PROPOSING ALTERATIONS AND ADDITIONS TO THE 'BELLBIRD HOTEL'

388 WOLLOMBI ROAD, BELLBIRD

MOTION

335

RESOLVED

Moved: Councillor Dunn

Seconded: Councillor Burke

1. That:

- (i) Development Application No. 8/2022/113/1 proposing alterations and additions to the 'Bellbird Hotel' at 388 Wollombi Road, Bellbird, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
 - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - The proposal is a permitted land use in the B1 zone under the *Cessnock Local Environmental Plan 2011*,
 - The proposal is consistent with the objectives of the B1 zone under the *Cessnock Local Environmental Plan 2011*,
 - The proposal is consistent with the relevant provisions contained within the relevant State Environmental Planning Policies,
 - The proposal is generally compliant with the provisions of the *Cessnock Development Control Plan 2010*,
 - The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the natural and built environments,
 - The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the social and economic locality,
 - The proposal is suited to the site, having regard to the prevailing character of development in the area, and
 - The proposal is consistent with 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*.
2. That the General Manager hold discussions with the applicant/owner of the site, as part of the section 138 process, with a view to increasing the provision of on street parking in Waratah Street.

Councillor Mitchell Hill left the meeting, the time being 07:42 PM

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

CARRIED UNANIMOUSLY

CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2022/122/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Ground Floor Plan, Project No. 649, Drawing No. DD201, Revision 10	Skelcon	26/07/2022
First Floor Plan, Project No. 649, Drawing No. DD202, Revision 5	Skelcon	26/07/2022
Elevations – Sheet 1, Project No. 649, Drawing No. DD300, Revision 4	Skelcon	26/07/2022
Elevations – Sheet 2, Project No. 649, Drawing No. DD301, Revision 4	Skelcon	26/07/2022
Sections – Sheet 1, Project No. 649, Drawing No. DD400, Revision 4	Skelcon	26/07/2022
Kitchen Elevations, Project No. 649, Drawing No. DD401, Revision 4	Skelcon	26/07/2022
Bar Area, Project No. 649, Drawing No. DD402, Revision 3	Skelcon	26/07/2022
TAB, Project No. 649, Drawing No. DD403, Revision 3	Skelcon	26/07/2022

Corridor, Project No. 649, Drawing No. DD404, Revision 3	Skelcon	26/07/2022
Bistro, Project No. 649, Drawing No. DD405, Revision 3	Skelcon	26/07/2022
Kitchen, Project No. 649, Drawing No. DD406, Revision 3	Skelcon	26/07/2022
Kids Play, Project No. 649, Drawing No. DD407, Revision 3	Skelcon	26/07/2022
Bistro Hallway, Project No. 649, Drawing No. DD408, Revision 1	Skelcon	26/07/2022
Landscape Plan L02, Project No. GSP210297-DA, Revision C	GSP	January 2022
Plant Schedule, Project No. GSP210297-DA, Revision C	GSP	January 2022

Document Title	Prepared By	Dated
Statement of Environmental Effects	Insite	06/06/2022
Noise Impact Assessment	Reverb Acoustics	June 2022
Statement of Heritage Impact	Contemporary Heritage	May 2022
Waste Management Plan	Insite	10/01/2022
Traffic and Parking Assessment	Intersect Traffic	December 2021
Plan of Management	Bellbird Hotel	December 2021
BCA Report	SureScope Building Certifiers	-
Bushfire Assessment Report	Newcastle Bushfire Consulting	25/01/2022
Access Report	Lindsay Perry Access	16/12/2021

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

2. CC, PC & Notice Required

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

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

3. Compliance with the BCA

Any building works required to ensure compliance with the *BCA* or current building and construction standards not specified in the submitted/approved plans, must not result in material affectation to existing heritage fabric and building features.

If such upgrading works are likely to impact existing fabric and features, further approval from Council is required.

4. 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*.

5. Bushfire Protection

The development shall be constructed/completed in accordance with the Bushfire Assessment Report prepared by Newcastle Bushfire Consulting dated 25 January 2022 which forms part of this consent.

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. Local Traffic Committee Approval

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

7. Amended Plans Required

Details and location of the proposed garbage room are to be provided to the Certifier prior to the issue of a CC. Rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, are to be constructed of solid material, cement rendered and trowelled to a smooth even surface, and subject to the following requirements:

- a) The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room
- b) Garbage rooms must be vented to the external air by natural or mechanical ventilation

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

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 \$7,500.00 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. 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.

11. Disabled Car Parking Spaces

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

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

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

12. 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.

13. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of seven (7) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

14. Road – Fees

The applicant shall lodge payment of fees as follows:-

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

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

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

15. 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 / *Section 138* for the civil works.

- a) Construct 8.5 metre wide road pavement within Waratah Street reserve from Abbotsford Street to subject Lot 200 DP: 1243053 for approx. 138 metres
- b) Construct rolled kerb and gutter
- c) Construct a minimum of 8.5 metre radius turning head at the termination of Waratah Street
- d) Place Asphalt on new works
- e) Construct indented parking bays along Lot 100 DP 1243811 frontage
- f) Construct drainage works as necessary
- g) Construct necessary concrete vehicular access crossovers to property boundary
- h) Construct concrete footpath 1.2 metre wide, 100mm thick with SL72 reinforcement from Abbotsford Street to subject Lot 200 DP: 1243053
- i) All new works to neatly merge with existing infrastructure
- j) Topdress and turf footpath

16. OSD System

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

- a) The design must be generally in accordance with the stormwater drainage concept plan SY21-038, prepared by SKY Engineering & Project Management and dated 05/05/2022
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with *AS 3500.3.2003 Plumbing and Drainage – Stormwater Drainage*
- d) Overflow pipeline(s) must be provided for any rainwater tank(s) to discharge by gravity to the Council drainage system. Where OSD facilities are required by this consent, the overflow pipelines must be discharged by gravity to the OSD storage tank(s)
- e) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets
- f) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system
- h) Stormwater must be discharged by gravity to the kerb and gutter of a public road or to Council's piped drainage system
- i) Stormwater must be discharged by gravity directly into Council's piped drainage system
- j) All redundant stormwater pipelines within the footpath area must be removed, and the footpath and kerb reinstated
- k) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm

Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

17. 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.

18. Stormwater – Detention Requirement

The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include onsite storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the 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.

19. 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.

20. Building works to comply with BCA - Heritage Buildings or Buildings Within Conservation Area

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features.

If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

21. External colour scheme for heritage building

The external colour scheme is to be both sympathetic and appropriate to the architectural style and period of the building.

Prior to the issue of any Construction Certificate, a schedule of colours is to be submitted to and approved by Council's Heritage Advisor.

22. Retention of original detail and fabric

The existing original door opening and associated brick archway (inclusive of the lintel bar, bricks, profile, timber jamb and opening dimensions) to the new hallway (i.e. situated between the existing internal stairs and the proposed bar extension), shall be retained.

Prior to the issue of any Construction Certificate, amended plans demonstrating compliance with this condition shall be submitted to the satisfaction of Council's Heritage Advisor.

23. Acoustic Report and Acoustic Fencing

Prior to the issue of a CC, plans and documentation shall be submitted to, and approved by the Certifier confirming that the recommendations specified in the Acoustic Report prepared by Reverb Acoustics, dated June 2022, have been implemented in the final design of the proposed development.

PRIOR TO COMMENCEMENT OF WORKS

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

24. 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.

25. Demolition Proposed

Consent is granted for the demolition, subject to strict compliance with the following conditions:

- (a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- (b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- (c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- (d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- (e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: Demolition of structures.
- (f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- (g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- (h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- (i) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- (j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- (k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- (l) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.

(m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.

(n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of AS 2601:2001 Demolition of structures by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.

(o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:

- (i) A SafeWork licensed contractor must undertake removal of all asbestos.
- (ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and AS 2601:2001: Demolition of structures.
- (iii) Waste disposal receipts must be provided to Council as proof of correct disposal of asbestos laden waste.
- (iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to Council at the completion of the demolition works.

26. Site is to be Secured

The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

27. Erection of Signs

Prior to the commencement of building work, subdivision work or demolition work, a sign must be erected in a prominent position on the site on which the work is being carried out. The sign must state:

- a) the name, address and telephone number of the principal certifier for the work;
- b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside of working hours; and
- c) state that unauthorised entry to the work site is prohibited.

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

28. 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.

29. Road Opening Permit

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

30. 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.

31. 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.

32. 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.

33. 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*.

34. Inspection of Vegetation to be Removed

No more than one week prior to tree removal, trees are to be inspected to ensure that there are no nests or hollows present. If nests or hollows are present, a qualified and experienced ecologist is to inspect the nest/hollow before tree removal to determine if it is active.

35. Removal of Street Trees

Any works associated with tree removal and/or relocation must be approved and undertaken by Council or its approved contractors. Any such works are subject to additional fees and charges in accordance with Council's adopted fees and charges.

36. Heritage site induction ('toolbox talks')

Prior to the commencement of any works, all contractors, tradesmen and the like, shall be given a heritage site induction ('toolbox talk').

The heritage site induction shall be delivered by a suitably qualified Heritage Consultant and shall ensure that all contractors, tradesmen and the like, are made aware that:

- i) The site contains an item of heritage significance.
- ii) All conservation works to the heritage item are to be undertaken in accordance with the Schedule of Conservation Works and undertaken by suitably qualified tradesmen.
- iii) There are statutory obligations under the *National Parks and Wildlife Act 1974* and *Heritage Act 1977* for all works to cease and Council notified of any unexpected built archaeological or Aboriginal archaeological finds during works.

37. Photographic Archival Recording

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken of the interior and exterior of the building and submitted to Council.

Written confirmation must also be obtained from Council's Heritage Advisor, confirming that the Photographic Archival Recording is of an acceptable quality that satisfies the requirements of this condition.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Council of NSW.

One complete copy of the Photographic Archival Recording shall be submitted to Council and should contain (for digital projects):

- a) A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- b) Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- c) The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- d) Catalogue sheets, photographic plan, supplementary maps;
- e) Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- f) One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- g) A CD or DVD containing electronic image files saved as RAW and JPEG files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

DURING WORKS

The following conditions are to be complied with during works.

38. 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.

39. Site is Securely Fenced

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

40. 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.

41. 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*.

42. Road – Obstruction of Footpath Restriction

No obstruction is to be caused to Council's footpaths, roads and/or other public areas during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

43. 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.

44. 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.

45. 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.

46. Building Materials on Site

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

47. Demolition

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

48. Clearing of Development Footprint

Vegetation must be cleared from the periphery of vegetated areas first, progressing from east to west, to enable any resident fauna to relocate to adjacent areas of retained vegetation.

49. Ecologist Onsite

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

50. Reduction of Rising Damp and Salt Attack in Buildings Constructed Prior to 1920

To avoid potential damage caused by rising damp and migrating salt, no concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.

51. Conservation works to be overseen by Heritage Consultant

A Heritage Consultant experienced in conserving buildings of significance is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project.

The Heritage Consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The Heritage Consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

52. General Heritage

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter (2013).
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on significant heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

53. No Demolition of Extra Fabric

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition may result in the Council instituting legal proceedings.

54. Uncovering of Concealed Architectural Features or Detailing

Should any concealed architectural features or detailing, not previously noted in the DA documentation, be discovered during demolition or building works, all works are to immediately cease and the architectural features or detailing to be photographically recorded and Council's Heritage Advisor is to be contacted for advice.

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):

55. Roads – Concrete Crossing

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

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

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

56. 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.

57. Parking – Completion

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

58. Parking – Loading Facility Requirement

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

59. 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.

60. Parking – Kerb/Dwarf Wall

Kerbing or dwarf walls, having a minimum height of 100mm, shall be constructed along the edge of all garden areas, or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon.

Construction shall be completed prior to the issue of an OC.

61. Parking – Maintenance

All parking and loading bays shall be permanently marked out on the pavement surface, prior to issue of an OC. All loading bays and visitor parking facilities shall be clearly indicated by signs.

62. Completion of Car Park

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

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

- d) Sign(s) have been erected that clearly indicate to the drivers of vehicles, both on and off the property, the location and means of access to the car parking area(s)

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

63. Completion of Road Works

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

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

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

64. Completion of Landscape Works

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

65. Positive Covenant – OSD

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

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

- a) The proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the onsite stormwater detention facilities ("OSD").
- b) The proprietor shall have the OSD inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times, to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures which comprise the OSD, or which convey stormwater from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

66. New Stormwater System Proposed

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

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

67. Works-As-Executed Plan

Two (2) copies of a *WAE* plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, the *PC*, clearly showing all aspects of the constructed drainage and / or *OSD*. The plan must include:

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb
- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to and approved by *PC* prior to the issue of an *OC*.

68. Compliance with Acoustic Report

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics Pty Ltd, dated June 2022.

Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Certifier prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

ONGOING USE

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

69. Operational Procedure Requirements

All operational procedures as outlined in the approved Plan of Management (dated December 2021), are to be adhered to in perpetuity.

70. 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.

71. Outdoor Lighting

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

72. No painting or rendering of masonry or stone

No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered

73. Loading to Occur on-site

All loading and unloading operations are to be carried out wholly within the site, and not from the footpath or roadway for the life of the development.

The loading dock must be used in connection with the approved use.

All loading and unloading operations must be carried out via the entrance in Waratah Street.

74. 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.

75. Hours of Operation

The use of the outdoor dining area/beer garden is subject to the following hours of operation:

- Monday to Sunday: 7:00am to midnight

76. Plan of Management

The Plan of Management is to be a working document which is required to be reviewed on an annual basis.

The Plan of Management is to be kept onsite and provided to Council Officers for review, upon request.

77. Complaint/Incident Register Kept Onsite

Formulation and implementation of a complaints/incident handling register detailing the following (at a minimum):

- Name of the person responsible for the overall management of the site and their contact mobile phone number;
- Confirmation that the mobile phone of the person responsible for the overall management of the site will remain switched on during extended trading hours;
- Details of each complainant including name, address, contact details, time and nature of the complaint;
- Action undertaken to address the complaint;
- Follow up contact with the complainant to advise of outcome of action taken to address the complaint;
- All incidents of damage to property;
- All incidents involving criminal/antisocial behaviour on the site; and
- Implementation of any relevant actions to ensure similar issues do not re-occur.

In the event the register is updated, this is to be done within seven (7) days of the complaint / incident occurring.

The complaints handling register is to be kept on the site at all times, and made available to Council officers for inspection, if required.

78. Orderly Dispersal of Patrons

The proprietors of the venue are responsible at all times for the orderly dispersal of patrons from the venue.

79. Management Responsibilities for Patron Behaviour

Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. Management is responsible for the control of noise and litter generated by patrons of the premises, and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.

80. No Amplified Music/Entertainment in Outdoor Area

No amplified music/entertainment is permitted to be played in the outdoor area.

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) Other Approval and Permits

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

(d) 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.

(e) 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 OEHL 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.

(f) 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. PE66/2022

**SUBJECT: OUTCOME OF PUBLIC EXHIBITION - PLANNING PROPOSAL
18/2021/6 TO AMEND CESSNOCK LEP CONSERVATION ZONES**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
336

RESOLVED

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

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE67/2022

SUBJECT: URBAN GROWTH MANAGEMENT PLAN - INTERIM REVIEW

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
337

RESOLVED

1. That Council notes and adopt the issues raised in the submissions received during the exhibition period.
2. That Council notes and adopts the Urban Growth Management Plan.
3. That Council amend table 2 and the associated calculation in table 9 of the Revised Urban Growth Management Plan to indicate that in 21/22 there is 15 years supply in Commuter Urban Category.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE68/2022

SUBJECT: HUNTLEE PLANNING AGREEMENT DRAFT DEED OF VARIATION 3

Councillor Hill returned to the meeting, the time being 7.44pm

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
338

RESOLVED

- 1. That Council publicly notify the Draft Third Deed of Variation to the Planning Agreement for Huntlee Stage 1 for a minimum period of 28 days.**
- 2. That Council delegate authority to the General Manager to execute the Deed of Variation unless unresolved written objections are received during the notification period.**

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE69/2022

SUBJECT: AGRITOURISM PLANNING REFORMS

Councillor Hawkins left the meeting, the time being 7.46pm

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
339

RESOLVED

1. That Council advise the Department of Planning and Environment that Council:
- (a) confirms the inclusion of “agritourism” as a permissible land use within the RU2 Rural Landscape and RU4 Primary Production Small Lots zones within *Cessnock Local Environmental Plan 2011*;
 - (b) no longer seeks to incorporate optional Clause 5.24 within *Cessnock Local Environmental Plan 2011*; and
 - (c) seeks the entirety of the RU4 Primary Production zone to be mapped on the Agritourism and Farm Stay Accommodation Exempt and Complying Development Map to prohibit exempt and complying development for the purposes of Agritourism within the zone.

FOR

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

Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC87/2022

SUBJECT: ANNUAL REPORT 2021-22

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
340

RESOLVED

1. That Council receives and notes the Annual Report for 2021-22.
2. That Council notes the Annual Report has been posted on Councils website.
3. That Council notes the link to the Annual Report has been forwarded to the Minister for Local Government as required by Section 428 of the *Local Government Act 1993*.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC88/2022

SUBJECT: SEPTEMBER 2022 REVIEW OF THE 2022-26 DELIVERY PROGRAM

Councillor Hawkins returned to the meeting, the time being 7.487pm

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
341

RESOLVED

- 1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 30 September 2022.**
- 2. That Council approves changes to the Operational Plan actions and targets as outlined in the report.**

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC89/2022

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
342
RESOLVED

1. That Council receives the September 2022 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council notes that the September 2022 Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$39.7m or \$14,393 excluding capital income.
3. That Council notes that the September 2022 Quarterly Budget Review Statement reflects a forecast capital expenditure budget of \$73.5m.
4. That Council approves proposed changes to the 2021-22 operating and capital budgets as presented in the Quarterly Business Report September 2022.
5. That Council notes that the Quarterly Budget Review Statement forecasts five of the six key performance indicators will exceed Office of Local Government benchmarks.

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC90/2022

SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
343
RESOLVED

That Council adopts the schedule of Ordinary Meetings of Council for 2023:

15 February 2023	15 March 2023	19 April 2023
17 May 2023	21 June 2023	19 July 2023
16 August 2023	20 September 2023	18 October 2023
15 November 2023	13 December 2023	

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC91/2022

SUBJECT: WARD BOUNDARIES - VARIATION IN ENROLMENTS - UPDATE

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
344

RESOLVED

1. That Council acknowledges that an elector enrolment variation of greater than 10% currently exists with the variation as at 20 September 2022 being 18.82%.
2. That Council keeps the elector enrolment variation under review and if the variation still exists at the end of the first year of the new Council term (December 2022) Council then commence the process to alter the ward boundaries for effect at the 2024 Council election.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC92/2022

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 26 OCTOBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
345

RESOLVED

1. That the Minutes of the Strategic Property and Community Facilities Committee of 26 October 2022 be adopted as a resolution of the Ordinary Council.
2. That Council enters into an in-principle agreement expiring 31 December 2023 to sell lots 14, 15 and 16 in DP15069 to the proponent subject to the successful grant funding submission by the proponent.
3. That Council defer the sale of properties in Cessnock Street, Aberdare to allow for further discussion around affordable housing options.
4. That the General Manager provide a report to the Strategic Property & Community Facilities Committee outlining the options and funding opportunities to provide affordable housing on Council owned land within the Cessnock Local Government Area.
5. That Council subject to completion of any action detailed in the report to Strategic Property & Community Facilities Committee to prepare property for sale, authorise the sale by private treaty of the following land:
 - Lot 8 DP 255269 - 10 Redgrove Court East Branxton;
 - Lot 9 DP 253077 - 1A Lee-ann Crescent Cessnock;
 - Lot 1 DP 38256810 - Embelton Street Weston;
 - Lot 20 Sec D DP 1846 - 45 Yates Street East Branxton.
6. That authority is granted to the General Manager to negotiate the sale of Lot 8 DP 255269 - 10 Redgrove Court East Branxton; Lot 9 DP 253077 - 1A Lee-ann Crescent Cessnock; Lot 1 DP 38256810 - Embelton Street Weston; and Lot 20 Sec D DP 1846 - 45 Yates Street East Branxton, for not less than 95% of a current market valuation prepared by a certified practicing valuer and execute all relevant documentation to effect the transaction.
7. That the net proceeds of the sales of Lot 8 DP 255269 - 10 Redgrove Court East Branxton; Lot 9 DP 253077 - 1A Lee-ann Crescent Cessnock; Lot 1 DP 38256810 - Embelton Street Weston; and Lot 20 Sec D DP 1846 - 45 Yates Street East Branxton are to be credited to the Property Investment Fund and allocated in accordance with the Property Investment & Development Policy.

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC93/2022

SUBJECT: INVESTMENT REPORT - OCTOBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
346
RESOLVED

That Council receives the Investment Report for October 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 \$79,515,632.**

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC94/2022

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
347
RESOLVED

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

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI71/2022

SUBJECT: TENDER T2023-05 CAMP ROAD GRETA - ROAD CONSTRUCTION

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
348
RESOLVED

1. That Council declines to accept any Tender for the construction of 410m of Camp Road Greta.
2. That Council notes the proposed adjustment of the pavement design that will allow the works to be delivered internally providing the most cost effective outcome based on the approved project budget.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI72/2022

SUBJECT: NOTES OF THE INQUORATE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD 20 OCTOBER 2022

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

1. That the notes from the inquorate meeting of the Community Engagement, Awards and Grants Committee held on 20 October 2022 be noted.
2. That the Dollar for Dollar Grant Scheme Guidelines be reviewed in preparation for the 2023-2024 funding round and to be considered includes in-kind contributions and application funding amount limits.
3. That Council provides funds through the Community Facilities - Dollar for Dollar Grant Scheme to:
 - Abermain Plaza Hall Section 355 Committee in the amount of \$6,522
 - Branxton Community Hall Section 355 Committee in the amount of \$186
 - Coalfields Local History Association Inc. in the amount of \$886
 - Crawfordville Community Hall, Millfield Section 355 Committee in the amount of \$3,000.
 - Wollombi Valley Progress Association in the amount of \$1,047
4. That Council advertises a second round of the Community Facilities Dollar for Dollar Grant Scheme in early 2023 with the surplus funding of \$18,359.
5. That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme to:
 - Cessnock Dog Club in the amount of \$3,474
 - Cessnock Rugby League Football Club in the amount of \$9,091
 - Greta Branxton Colts Rugby League Football Club in the amount of \$3,636
 - Wollombi Valley Pony Club in the amount of \$3,636
 - Wollombi Valley Tennis & Sports Association in the amount of \$2,553
6. That Council advertises a second round of the Sporting Facilities - Dollar for Dollar Grant Scheme in early 2023 with the surplus funding of \$7,610
7. That Council provides funds through the Community and Cultural Development - Dollar for Dollar Grant Scheme to:
 - Central Hunter Community Broadcasters (2CHR) in the amount of \$1,400
 - The Spirit of Giving Fundraising Hub Inc in the amount of \$3,000
 - Rotary Club of Cessnock in the amount of \$2,111.14
 - Cessnock Seniors Citizens Association in the amount of \$800
 - Cessnock District Rescue Squad in the amount of \$2,836.37
 - Early Links Inclusion Support Service in the amount of \$1,467.27
 - Abermain Eisteddfod Society in the amount of \$3,000

- Richmond Vale Railway Museum in the amount of \$900
 - Sculpture in the Vineyards in the amount of \$3,000
8. That the remaining \$15,170.22 funds from the Community and Cultural Development - Dollar for Dollar Grant Scheme be allocated at the next Quarterly Budget Review to Council's 2022-2023 community and cultural development programs supporting for example Seniors Festival, NAIDOC Week, Youth Week, Reconciliation Week, Carols in the Park.
 9. That the Committee undertake a review of the Dollar for Dollar Grant Scheme Guidelines for Community and Cultural Development to enhance opportunities for local community groups to make an application for project funding.
 10. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their contribution, ongoing support and commitment to the enhancement of community facilities, sporting facilities, community, arts and culture, in the Cessnock Local Government Area.

AMENDMENT Moved: Councillor Olsen **Seconded:** Councillor Jurd

That the report be sent back to the Committee for a full quorum to consider.

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

The Amendment was PUT and LOST.

The Motion was then PUT and CARRIED.

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

349

RESOLVED

1. That the notes from the inquorate meeting of the Community Engagement, Awards and Grants Committee held on 20 October 2022 be noted.
2. That the Dollar for Dollar Grant Scheme Guidelines be reviewed in preparation for the 2023-2024 funding round and to be considered includes in-kind contributions and application funding amount limits.
3. That Council provides funds through the Community Facilities - Dollar for Dollar Grant Scheme to:
 - Abermain Plaza Hall Section 355 Committee in the amount of \$6,522

- Branxton Community Hall Section 355 Committee in the amount of \$186
 - Coalfields Local History Association Inc. in the amount of \$886
 - Crawfordville Community Hall, Millfield Section 355 Committee in the amount of \$3,000.
 - Wollombi Valley Progress Association in the amount of \$1,047
4. That Council advertises a second round of the Community Facilities Dollar for Dollar Grant Scheme in early 2023 with the surplus funding of \$18,359.
 5. That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme to:
 - Cessnock Dog Club in the amount of \$3,474
 - Cessnock Rugby League Football Club in the amount of \$9,091
 - Greta Branxton Colts Rugby League Football Club in the amount of \$3,636
 - Wollombi Valley Pony Club in the amount of \$3,636
 - Wollombi Valley Tennis & Sports Association in the amount of \$2,553
 6. That Council advertises a second round of the Sporting Facilities - Dollar for Dollar Grant Scheme in early 2023 with the surplus funding of \$7,610
 7. That Council provides funds through the Community and Cultural Development - Dollar for Dollar Grant Scheme to:
 - Central Hunter Community Broadcasters (2CHR) in the amount of \$1,400
 - The Spirit of Giving Fundraising Hub Inc in the amount of \$3,000
 - Rotary Club of Cessnock in the amount of \$2,111.14
 - Cessnock Seniors Citizens Association in the amount of \$800
 - Cessnock District Rescue Squad in the amount of \$2,836.37
 - Early Links Inclusion Support Service in the amount of \$1,467.27
 - Abermain Eisteddfod Society in the amount of \$3,000
 - Richmond Vale Railway Museum in the amount of \$900
 - Sculpture in the Vineyards in the amount of \$3,000
 8. That the remaining \$15,170.22 funds from the Community and Cultural Development - Dollar for Dollar Grant Scheme be allocated at the next Quarterly Budget Review to Council's 2022-2023 community and cultural development programs supporting for example Seniors Festival, NAIDOC Week, Youth Week, Reconciliation Week, Carols in the Park.
 9. That the Committee undertake a review of the Dollar for Dollar Grant Scheme Guidelines for Community and Cultural Development to enhance opportunities for local community groups to make an application for project funding.
 10. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their contribution, ongoing support and commitment to the enhancement of community facilities, sporting facilities, community, arts and culture, in the Cessnock Local Government Area.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Suvaal

Total (9)**AGAINST**

Councillor Paynter
Councillor Olsen
Councillor Jurd

Total (3)***CARRIED***

WORKS AND INFRASTRUCTURE NO. WI73/2022

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 17 OCTOBER 2022.

Councillor Hawkins declared a Non Pecuniary Less Than Significant Conflict for the reason that he lives in the vicinity of the school in Item TC40/2022. Councillor Hawkins remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
350
RESOLVED

1. **That the Minutes of the Cessnock Local Traffic Committee Meeting of 17 October 2022 excluding TC40/2022 be adopted as a resolution of the Ordinary Council.**
 - **TC39/2022 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin _ A Day on the Green Traffic Control Plans.**
 - **TC41/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads Huntlee Stages 32 – 33 – 34 - 42 _ Signage & Line Marking Diagrams.**
 - **TC42/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads Huntlee Stage 4 _ Signage & Line Marking Diagrams.**
2. **That Council not endorse TC40/2022 noting concerns around the one way street and revert to previously approved TC49/2021.**

Councillor Jackson left the meeting, the time being 8.18pm

Councillor Jackson returned to the meeting, the time being 8.25pm

Councillor Paynter left the meeting, the time being 8.26pm

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Suvaal

Total (9)**AGAINST**

Councillor Olsen
Councillor Jurd

Total (2)***CARRIED***

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN31/2022

SUBJECT: GROWING TEMPORARY EVENTS

WITHDRAWN

BUSINESS WITH NOTICE NO. BN32/2022

SUBJECT: MAYORAL CAR

Councillor Paynter returned to the meeting, the time being 8.30pm

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

When the Mayor is performing his duties in another role other than Mayor of Cessnock, the Mayoral Car is passed onto the Deputy Mayor to fulfil the roles required as Acting Mayor.

FOR

Councillor Olsen
Councillor Jurd

Total (2)

AGAINST

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

Total (10)

The Motion was PUT and LOST.

BUSINESS WITH NOTICE NO. BN33/2022

SUBJECT: PERMANENT SECURITY CCTV CAMERAS - HUNTLÉE DISTRICT PARK

Councillor Jurd sought leave to move the Motion on behalf of Councillor Watton.

The Mayor advised that leave was granted to do that.

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Olsen
351
RESOLVED

That the General Manager:

- 1. Liaise, support and work alongside LWP (Huntlee), to install a fully operational, CCTV Security Camera System within the new Huntlee District Park (similar to Bridges Hill Park);**
- 2. Research appropriate, relevant grants that may be able to assist in further protecting this community asset with said surveillance technology**

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

CARRIED UNANIMOUSLY

CORRESPONDENCE

CORRESPONDENCE NO. CO21/2022

SUBJECT: CC58/2022 - ACCOUNTING TREATMENT - RURAL FIRE SERVICE FLEET

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
352
RESOLVED

That Council notes the correspondence received from the Hon. Wendy Tuckerman MP, Minister for Local Government and Jamie Parker, MP – Greens Spokesperson for Local Government, in response to Council’s request to support NSW Councils’ call to amend the *Rural Fires Act 1997*.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO22/2022

SUBJECT: BN21/2022 - ADDRESSING HOMELESSNESS AND BASIC SERVICES FOR THE NEEDY IN CESSNOCK LGA

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
353
RESOLVED

That Council notes the correspondence received from the Hon Natasha Maclaren-Jones MLC, Minister for Families and Communities, Disability Services.

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

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

The Meeting Was Declared Closed at 8.57pm

CONFIRMED AND SIGNED at the meeting held on 14 December 2022

.....**CHAIRPERSON**

.....**GENERAL MANAGER**