

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 APRIL 2022, COMMENCING AT
6.30PM**

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

IN ATTENDANCE: Acting General Manager (Director Corporate and Community Services)
Acting Director Planning and Environment (Strategic Planning Manager)
Acting Director Corporate and Community Services (Human Resources Manager)
Director Works and Infrastructure
Acting Development Services Manager (Team Leader Development Services)
Economic Development & Tourism Manager
Information Technology Manager
Chief Finance and Administration Manager
Help Desk Support Officer
Corporate Governance Officer

The Mayor acknowledged the sudden passing of Mrs Christine Olsen, wife of Councillor Ian Olsen and offered Councils condolences.

The Mayor also acknowledged the passing of former Mayor of Cessnock, the Hon. Bob Brown AM, and offered Councils condolences.

A minutes silence was held as a mark of respect.

**LEAVE OF
ABSENCE:**

MOTION **Moved:** Councillor Burke
Secinded: Councillor Hawkins

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RESOLVED that the Leave of Absence previously submitted by Councillors Jackson, Dunn and Paynter be noted.

That a Leave of Absence be granted to Councillor Olsen for the period 19 April 2022 to 8 May 2022.

FOR

AGAINST

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Sander
Seconded: Councillor Moores

57

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

FOR

AGAINST

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI3/2022

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.

WI26/2022 - Minutes of the Community Engagement, Awards and Grants Committee – Councillor Burke declared a Non pecuniary Interest – Less Than Significant Conflict for the reason that he is a sponsor of one of the recipients. Councillor Burke 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 it will not affect the way he votes.

PE19/2022 - Development Application 8/2020/20942/1 Proposing the Phased Construction of an Animal Boarding and Training Establishment for One-Hundred (100) Dogs - 1 Neath Road, Neath – Councillor Hill declared a Non Pecuniary Interest – Significant conflict for the reason that the applicant is a work colleague/close acquaintance. Councillor Hill advised that he would leave the Chamber and take no part in discussion and voting.

PE24/2022 - Draft Local Planning Framework for the Cessnock LGA Vineyards District – Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property within the Vineyards District. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

PETITIONS

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Simon Rofe	Against	PE20/2022 - Development Application 8/2021/21319/1 proposing Phased Development - Phase 1: Use of Existing Open Air Structure as Function Centre, Change of Use of Existing Shed to Amenities Building, and Construction of Storage Shed Phase 2: Enclosure of Open Air Function Centre 469 Lovedale Road, Lovedale	171	3 mins

EXTENSION OF TIME

58

Moved:
Seconded:

Councillor Hawkins
Councillor Sander

RESOLVED

That an extension of 1 minute be granted to Mr Rofe to complete his presentation.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Mr Stephen Sefton	Against	PE20/2022 - Development Application 8/2021/21319/1 proposing Phased Development - Phase 1: Use of Existing Open Air Structure as Function Centre, Change of Use of Existing Shed to Amenities Building, and Construction of Storage Shed Phase 2: Enclosure of Open Air Function Centre 469 Lovedale Road, Lovedale	171	3 mins
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EXTENSION OF TIME

Moved:
Seconded:

Councillor Hawkins
Councillor Sander

59

RESOLVED

That an extension of 1 minute be granted to Mr Sefton to complete his presentation.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd
Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE20/2022

SUBJECT: DEVELOPMENT APPLICATION 8/2021/21319/1 PROPOSING PHASED DEVELOPMENT - PHASE 1: USE OF EXISTING OPEN AIR STRUCTURE AS FUNCTION CENTRE, CHANGE OF USE OF EXISTING SHED TO AMENITIES BUILDING, AND CONSTRUCTION OF STORAGE SHED PHASE 2: ENCLOSURE OF OPEN AIR FUNCTION CENTRE

469 LOVEDALE ROAD, LOVEDALE

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

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RESOLVED

1. That:

- (i) Development Application No. 8/2021/21319/1 proposing a phased development comprising Phase 1: use of existing open air structure as function centre, change of use of existing shed to amenities building, and construction of storage shed and Phase 2: enclosure of open air function centre at Lot 1, DP1176752, 469 Lovedale Road, Lovedale be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - The proposal is permitted in the RU4 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;
 - The proposal is consistent with the objectives of the RU4 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;
 - The proposal is generally compliant with the relevant provisions under Cessnock Development Control Plan 2010, with any variations considered to be acceptable;
 - The proposal does not result in any unacceptable adverse impacts on the natural and built environment;
 - The proposal will not result in any unacceptable adverse social or economic impacts;
 - The site is considered suitable and appropriate within the rural landscape setting with minimal impacts on the surrounding locality; and
 - The proposal is considered to maintain the public interest.
- (iii) In considering community views, the following is relevant:
 - The issues and concerns raised by the community regarding noise impacts, traffic impacts, environmental impacts, and amenity impacts have been taken into consideration in the assessment of the application and the determination addresses the community's concerns.

- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CONDITIONS OF CONSENT

STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, 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 RU4 – Primary Production Small Lots zoned under Cessnock Local Environmental Plan 2011.
- The proposal is consistent with the objectives of the RU4 – Primary Production Small Lots zoned under Cessnock Local Environmental Plan 2011.
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality.
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area.
- The proposed development is considered to maintain the public interest.

CONSIDERATION OF SUBMISSIONS

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:

- Suitable conditions of consent have been imposed to ensure the development will not adversely affect the amenity of surrounding properties including noise amelioration measures and operational constraints.

SCHEDULE 1

Within twelve (12) months from the date of determination the proponent shall submit the following information/documentation, to the satisfaction of Council:

- Provide documentary evidence that formal legal access is obtained from Lovedale Road to the property 469 Lovedale Road, Lovedale.

This consent will not operate until the applicant satisfies Council that the matter/s listed above have been complied with. Upon satisfactory evidence being provided that the matter/s listed above have been satisfied, Council will give notice to the applicant of the date from which the consent operates.

Note: Pursuant to section 4.53 of the *Environmental Planning and Assessment Act 1979*, this consent will lapse if the Applicant fails to satisfy the Council as to the matters listed in this deferred commencement condition within twelve (12) months from the date of determination.

SCHEDULE 2

CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITION IN SCHEDULE 1

TERMS OF CONSENT

This is a two (2) phased development with the conditions under headings for Phase 1 and Phase 2 applying to the phases respectively. Phase 2 is reliant upon the completion of the Phase 1.

All Phases
Conditions under this heading apply to all phases of the development

1. Approved Plans and Documents

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

Plan Reference	Drawn By	Dated
Context Plan Sheet No. DA00 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Overall Site Plan Sheet No. DA01 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Part Site Plan A Sheet No. DA02 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021

Part Site Plan D Sheet No. DA03 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Part Site Plan C Sheet DA04 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Function Centre Plan Sheet DA05 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
North Function Plan Sheet No. DA06 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
East Function Sheet No. DA07 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
South Function Sheet No. DA08 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
West Function and Materials Sheet No. DA09 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Amenities Floor Plan, Loft Floor Plan Sheet No. DA10 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Amenities Elevations Sheet No. DA11 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Shed Plan and Materials Sheet No. DA12 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
North and East Shed Elevation Sheet No. DA13 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
South and West Shed Elevation Sheet No. DA14 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Phasing Plan Sheet No. DA15 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Streetscape Perspective	ACM Landmark	01.06.2021

Sheet No. DA16 of 16 Drawing No. 1542-A201 Revision E		
Binet Family Wines Chapel Drawing No. 106718 Sheets 1 and 2 of 2 Revision 3	Alfabs	26.10.2020

Document Title	Prepared By	Dated
Noise Assessment Project No. 202024R- verii_Aug21	Spectrum Acoustics	August 2021

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

2. Separate Approval for Signs

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

3. 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.

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. Access and Facilities for People with a Disability

The development is to be provided with access and facilities for people with disabilities in accordance with the provisions of the Disability (Access to Premises – Buildings) Standard 2010.

6. Operating Hours and Function Frequency

The following operating hours and frequency must be adhered to:

- a) No more than three (3) events are to be held each month.
- b) The function centre is to only operate between the hours of 10am to 10:30pm.
- c) The use of the amenities building must only be used in conjunction with the function centre operations.

7. Occupant Capacity

The capacity of the function centre and associated amenities building must not exceed 100 patrons at any one time.

8. Prohibition of Functions in Storage Shed

Functions or events are strictly prohibited within the storage shed. The storage shed is to only used for storage and rural purposes.

9. Restriction of Parking and Stopping in Right of Way

The applicant must ensure at all times that vehicles do not park in the public road reserves or the right of way as defined by DP1176752 and DP810564.

10. Patron Management

The person having benefit of the consent, shall ensure sufficient security is made available at all times to monitor and control patron activity, including unnecessary noise, and to ensure patrons enter and exit the premises in an orderly manner.

11. Private Water Supply – Safe Supply

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

PRIOR TO COMMENCEMENT OF WORKS

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

12. PC Signage and Contact Details

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

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

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

13. 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.

14. 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.

15. 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.

16. 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.

DURING WORKS

The following conditions are to be complied with during works.

17. 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.

18. 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*.

19. 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.

20. Site is Securely Fenced

The area of construction work must be appropriately secured and fenced at all times during works.

21. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

22. 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.

23. Bushfire Protection

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

a) Water and Utilities

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

- i) The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
- ii) A 20,000 litre water supply tank (manufactured from concrete or metal) shall be provided for fire fighting purposes. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure.
- iii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.

- iv) All associated fittings to the tank shall be non-combustible.
- v) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- vi) Unobstructed access to the water supply shall be provided at all times.
- vii) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.
- viii) All exposed water pipes external to the building shall be metal, including any fittings.
- ix) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for fire fighting shall be provided for connection to the pump.
- x) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

d) Access

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

- i) Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

ONGOING USE

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

24. 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*.

25. Flood Lighting

Flood lighting on any building, along pathways or in the carpark is strictly prohibited at all times.

26. Driveways to be Maintained

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

27. Maintenance of Landscaping

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

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

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

28. 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.

29. Maximum Occupancy

A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

30. Food Premises

The food premises is to be placed upon Council's food inspection register and may be subject to regular Council inspections as per Council's *Routine Inspection Program*.

31. Plan of Management

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

32. Validation Report

A *Validation Report* must be obtained from a suitably qualified acoustic consultant, within three (3) months after the development commences operation. The report must be submitted to Council within 28 days of the noise measurements. It must verify compliance with the recommendations within the *Noise Assessment* as submitted by Spectrum Acoustics, dated August 2021. Noise measurements must be conducted in accordance with the guidelines contained in the Environment Protection Authority's *Noise Policy for Industry*.

Any recommendations contained in the validation report must be implemented in accordance with the report to the satisfaction of Council.

PHASE 1
Use of Existing Structure as Function Centre;
Alterations and Additions to Existing Shed to Create Amenities Building;
And Construction of Storage Shed

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.

33. 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.

34. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of \$5,991.79 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 Council's 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.

35. Plan of Management for Premises

A *Plan of Management* is to be lodged and approved by Council prior to the issue of a CC. The *Plan of Management* is to include, but not be limited to, noise management issues as follows:

- a. checklist of actions for control of/routine monitoring of noise generated at the venue;
- b. a documented complaint process and response procedures;
- c. a register for the documenting of complaints received, details of investigation and corrective actions undertaken;
- d. details of staff responsible for noise control; and
- e. noise management training records of new staff.

Noise Control Actions to be included within the Plan of Management

- Any marquees set up for wedding receptions should be located to the north of the function centre such that speakers for any entertainment can be positioned within 10m of the building.
- Any food vans should be located on the driveway to the east of the function centre. Food vans should be oriented such that the noise source on the van faces to the east, away from the closest receivers. This recommendation may be ignored if there is documentation that the van has an accurately determined sound power level of less than 88 dB(A) Leq.
- If it is impractical to orient the van away from receivers, temporary shielding must be erected in the noise path (line of sight) between the van and receiver. Any temporary shielding must be capable of acting as an acoustic barrier constructed of material with minimum surface density of 15kg/m². It must be solid from ground level to a height that effectively breaks the line of sight between the noise source and the receiver.
- Mobile cool rooms can be located anywhere near the function centre.
- There is to be an event manager on site for wedding receptions and this person will be responsible for ensuring the music/PA system is turned off by 10:00pm and that guests leave the premises in a prompt and orderly manner;
- Prior to booking the venue the hirer should be made aware of the requirement to limit noise emissions to an appropriate level;
- Entertainment at the venue must cease by 10.30pm;
- All entertainment must set up in a marquee with speakers facing to the north;
- Staff at the venue should be made aware of the need to maintain noise at acceptable levels and also of the consequences of non-compliance with this recommendation;
- Where possible the bass noise component of the entertainment (125Hz and below) should be monitored and kept at low levels. By way of practical explanation this means that the bass guitar and drum noise should be kept down. It is, typically, the low frequency noise which can be the cause of complaint in relation to noise from entertainment venues; and

- The entertainment cannot include subwoofers or electric drum kits.

The Plan of Management is to be submitted to Council prior to the issuing of a *Construction Certificate*.

36. Noise Management Plan

Prior to issue of the *CC*, the applicant shall engage a suitably qualified acoustic consultant to prepare a "*Noise Management Plan*" for submission to and approval by Council. This plan shall contain the following details at a minimum:

- (i) (Confirmation that an event manager will be in attendance at each function for its duration to ensure the orderly behaviour of guests.
- (ii) The erection of signage in the carpark reminding patrons and staff that the site is located within a rural environment and that noise levels are to be kept to a minimum.
- (iii) Formulation and implementation of a complaints handling register detailing the following (at a minimum):
 - Name of the person responsible for the overall management of the site and their contact telephone number (landline in the event of no mobile coverage);
 - Confirmation that the phone of the person responsible for the overall management of the site will remain available/switched on during any event held on the site
 - 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; and
 - Implementation of any relevant actions to ensure similar issues do not re-occur.

37. Smoke Alarms

The smoke alarm system must be installed on or near the ceiling in accordance with Part 3.7.2.3 of the *BCA*. The smoke alarm system must be connected to the mains electrical power supply and must have a stand-by (battery backup) power supply.

Plans demonstrating compliance with this requirement is to be submitted to, and approved by, the Certifier prior to the issue of a *CC*.

38. Accessibility Management Plan

An Accessibility Management Plan must be prepared for the proposed building demonstrating compliance with *BCA* Part D3 "Access for People with a Disability" and the *BCA* adopted version of *AS1428*. The report and any relevant plans and specifications are to be submitted with the application for a *CC* and approved by the Certifier as complying with the *BCA* and *AS*'s prior to the issue of a *CC*.

39. 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.

40. Smoke Free Premises

The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2016*. Details demonstrating compliance with this condition are to be provided to the Certifier prior to the issue of a CC.

41. Mechanical Exhaust System

Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the *BCA* and *AS 1668 Parts 1 and 2* (including exhaust air quantities and discharge location points) are to be provided to the Certifier prior to the issue of a CC.

42. Garbage Room

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 covered 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.

43. BCA Upgrade of Existing Building

Pursuant to Clause 94 of the *Environmental Planning & Assessment Regulation 2000*, the existing shed shall be upgraded as follows to comply with the *BCA* and adopted *AS*:

- a) Comply with the performance requirements relevant to the building's intended use as a public building (amenities building):-
 - i) Section C of the *BCA* 2019;
 - ii) Section D of the *BCA* 2019;
 - iii) Section E of the *BCA* 2019;
 - iv) Section F of the *BCA* 2019.

Plans and specifications demonstrating compliance with these requirements are to be submitted to and approved by the certifier prior to issue of a CC for this building.

44. Structural Adequacy of Existing Building

Pursuant to the provisions of Clause 94 of the *Environmental Planning & Assessment Regulation 2000*, the structural adequacy of the existing shed for its intended use as a public building (amenities building) is to be assessed by a professional engineer.

A report from the engineer detailing the structural adequacy of the building for its proposed use is to be submitted to and approved by the certifier prior to issue of a CC for this building.

45. Local Traffic Committee Approval

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

46. 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.

47. 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.

48. 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.

49. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of twenty eight (28) 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.

50. Road - Fees

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

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

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

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

51. Road – Engineering Requirements

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

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

52. Roadworks

The registered proprietors 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 the release of the S138 Roads Act Approval.

- a) Construct a Channalised Right turn (CHR(s)) and Auxillary left turn (AUL(s)) in accordance with Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings.
- b) Construct drainage works as necessary.

53. Stormwater – Discharge (General)

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

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

54. Access Roads

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

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

55. Section 68 Approval

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

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

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

56. Landscaping Plan

The applicant shall prepare, to Council's Ecologists satisfaction, a landscaping plan which, upon Council approval, will be incorporated into this application. Landscaping will be undertaken and maintained in accordance with that landscaping plan. The Landscaping Plan must be submitted to, and approved by Council's Ecologist prior to the issue of a CC.

57. Accessible toilet facilities

Prior to the issue of the CC, plans and details of the accessible toilet(s) complying with the relevant Australian Standards, the Building Code of Australia (National Construction Code) and with regard to the *Disability Discrimination Act 1992*, shall be provided to and approved by the PC.

PRIOR TO COMMENCEMENT OF WORKS

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

58. 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.

59. 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*.

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):

60. Parking – Completion

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

61. Parking – Loading Facility Requirement

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

62. 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.

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. Drainage Works

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

65. Food Premises

Council must be notified that the premises is being used for the preparation, manufacture, or storage of food for sale, and an inspection of the completed fit out is to be conducted by Council prior to the issue of an OC.

66. Inspection for On-Site Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PCA verifying that the associated on-site wastewater management

system has been supplied and installed in accordance with the approval under Section 68 of the Local Government Act 1993.

67. Certification of Fire Services

The buildings 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 buildings or issue of an OC.

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

68. BCA Upgrade of Existing Building

The BCA upgrade requirements for the shed conversion to an amenities building, as required by conditions of this consent are to be completed and certified prior to issue of an OC.

PHASE 2

Enclosure of Open Air Function Centre

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.

69. Amended Plans Required

The plans submitted in association of the CC application must incorporate the following amendments:

- a) Engineering plans detailing the structural adequacy of the function center frame and roof to support necessary loads to enable the enclosure of the structure.

The plans must be submitted to and approved by the Certifier as satisfying these required amendments prior to the issue of the CC.

70. Structural Engineers Report

A certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the frame of the function centre and its ability to withstand the proposed additional, or altered structural loads, must be provided to the Certifier prior to the issue of a CC.

71. Smoke Alarms

The smoke alarm system must be installed on or near the ceiling in accordance with Part 3.7.2.3 of the *BCA*. The smoke alarm system must be connected to the mains electrical power supply and must have a stand-by (battery backup) power supply.

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

72. Upgraded Windows

All windows associated with the function centre is to achieve a minimum RW30 rating and detailed on the CC plans. The PC is to verify compliance with this condition prior to the issue of the CC for the enclosure of the function centre.

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):

73. 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.

74. All Services Provided

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

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 Approvals and Permits

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

D. Responsibility for Other Consents/Agreements

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

E. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter, or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application in accordance with the Commonwealth legislation. It is the applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need, or otherwise, for Commonwealth approval, and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

F. 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.

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

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

G. 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.

Mr Simon Fowler	Against	PE21/2022 - Development Application 8/2021/21548/1 - Alterations to an existing dwelling and change of use of the existing dwelling to an attached secondary dwelling - 33 Water Street, Mulbring	247	3 mins
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Mr Fowler withdrew his request to address Council.

PLANNING AND ENVIRONMENT NO. PE21/2022

SUBJECT: DEVELOPMENT APPLICATION 8/2021/21548/1 - ALTERATIONS TO AN EXISTING DWELLING AND CHANGE OF USE OF THE EXISTING DWELLING TO AN ATTACHED SECONDARY DWELLING - 33 WATER STREET, MULBRING

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

That Report PE21/2022 be deferred until the next available Ordinary Council Meeting, if required, to allow for further discussion between the proponent and council regarding onsite sewage management options. Should an option for on-site wastewater disposal, to the satisfaction of Council Offices, be agreed upon, that the application can be approved under delegation.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

Mr Brian Hones	Against	PE22/2022 - Development Application 8/2021/21939/1 Proposing a 336 lot subdivision to occur in 3 phases - 33 Government Road, Cessnock	264	3 mins
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EXTENSION OF TIME

Moved:

Councillor Hawkins

Seconded:

Councillor Sander

62

RESOLVED

That an extension of 1 minute be granted to Mr Hones to complete his presentation.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE22/2022

SUBJECT: DEVELOPMENT APPLICATION 8/2021/21939/1 PROPOSING A 336 LOT SUBDIVISION TO OCCUR IN 3 PHASES

33 GOVERNMENT ROAD, CESSNOCK

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

1. That:

- (i) Development Application No. 8/2021/21939/1 proposing a 336 lot subdivision to occur in 3 phases at Lot 33, DP 1004648, 33 Government Road Cessnock, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.**
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**

 - **Insufficient information has been submitted in order to undertake a full assessment of the development; and**
 - **The proposal is inconsistent with the provisions of Chapter D.1 Subdivision guidelines of the Cessnock Development Control Plan 2010.**
- (iii) In considering community views, the following is relevant:**

 - **The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in one (1) submission being received.**
 - **The issues raised in the submission may be relevant to the proposal, however, insufficient information has been submitted to enable a comprehensive assessment of the application. Accordingly, it has not been possible to draw informed conclusions as to the relevance of the issues identified by the objector.**
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979***

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

PROCEDURAL MOTION *Moved:*
Seconded:

Councillor Hawkins
Councillor Jurd

63

RESOLVED

That the report be deferred to the next available meeting to allow for further discussion between the applicant and Council staff.

FOR

Councillor Suvaal
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (5)

AGAINST

Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander

Total (4)

CARRIED

Mr Stephen Sefton	Against	WI25/2022 - Minutes of Cessnock Local Traffic Committee Meeting held 21 March 2022	623	3 mins
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EXTENSION OF TIME

Moved:

Councillor Hawkins

Seconded:

Councillor Sander

64

RESOLVED

That an extension of 1 minute be granted to Mr Sefton to complete his presentation.

FOR

AGAINST

Councillor Suvaal
 Councillor Moores
 Councillor Burke
 Councillor Grine
 Councillor Sander
 Councillor Hill
 Councillor Hawkins
 Councillor Watton
 Councillor Jurd
Total (9)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI25/2022

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hawkins
65
RESOLVED

1. That the Minutes of the Cessnock Local Traffic Committee Meeting of 21 March 2022 be adopted as a resolution of the Ordinary Council.
 - i. TC11/2022 - That Council authorises the temporary regulation of traffic on various roads within the Cessnock Local Government Area, for the Magic Ride charity cycle event in accordance with the Various Roads Cessnock LGA _ Traffic Control Plans.
 - ii. TC13/2022 - That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch in accordance with Various Roads Lovedale _ Lovedale Long Lunch Traffic Control Plans.
 - iii. TC15/2022 - That Council authorises installation of signage and line marking on Oakey Creek Road, Pokolbin, in accordance with the Oakey Creek Road Pokolbin _ Signage & Line Marking Diagram.
2. That Council notes that item TC12/2022 - temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Traffic Control Plan, was determined under delegated authority by the Mayor, as outlined in a separate report to Council CC26/2022 Decisions Made Under Delegated Authority.
3. That Council notes that Item TC14/2022 - installation of signage and line marking on McDonalds Road and Palmers Lane, Pokolbin, in accordance with the McDonalds Road Pokolbin _ Signage & Line Marking Diagram, was determined under delegated authority by the Mayor, as outlined in a separate report to Council CC26/2022 Decisions Made Under Delegated Authority.

FOR	AGAINST
Councillor Suvaal	Councillor Watton
Councillor Moores	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Total (7)	Total (2)

CARRIED

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
66

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

GMU11/2022	Minutes of the Audit and Risk Committee meeting held 23 February 2022.....	116
PE23/2022	Proposed Amendments to the Cessnock Local Environmental Plan 2011 to include Agritourism and Optional Clause for Farm Gate Premises	292
CC21/2022	Additional Special Rate Variation	402
CC23/2022	Adoption of Records Management Policy	436
CC25/2022	Minutes of the Strategic Property & Community Facilities Committee meeting held 30 March 2022	456
CC26/2022	Donations under Section 356 - Rates Subsidy Policy	460
‡ CC27/2022	Decisions Made Under Delegated Authority	464
‡ CC28/2022	Disclosures of Interests in Written Returns	472
‡ CC29/2022	Bi-Annual Compliments and Complaint Handling Report - July - December 2021.....	475
‡ CC30/2022	Investment Report - March 2022	482
‡ CC31/2022	Resolutions Tracking Report	490
CC32/2022	Draft Councillors Expenses and Facilities Policy	527
WI14/2022	Tender T2022-06 Millfield Skatepark Extension.....	553
‡ WI16/2022	Regional Recycling Solution	569
‡ WI17/2022	Frame Drive & Gingers Lane Roadworks	572
WI23/2022	Main Road LED Replacement Program.....	611
WI24/2022	Heavy Vehicle Safety & Productivity Program for Camp Road, Greta.....	618

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM5/2022

SUBJECT: SUPPORT FOR HART ROAD, NORTHERN RAMPS - HUNTER EXPRESSWAY

MOTION **Moved:** Councillor Suvaal
67

RESOLVED

1. **That Council supports the fast tracking of the Hart Road Northern Ramps infrastructure additions to the Hunter Expressway, to support the increase of permanent local jobs within our Local Government Area.**
2. **That Council writes to the Prime Minister, Federal Leader of Opposition, Premier Perrottet and State Leader of Opposition Chris Minns, in support of fast-tracking this project, at no cost to Council.**

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM6/2022

**SUBJECT: MINUTES OF THE ORGANISATION AND GENERAL MANAGERS
REVIEW COMMITTEE MEETING HELD ON 9 MARCH 2022**

MOTION **Moved:** Councillor Suvaal
68

RESOLVED

That the Minutes of the Organisation and General Managers Review Committee of 9 March 2022 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM7/2022

**SUBJECT: AMENDMENTS TO THE ORGANISATIONAL AND GENERAL
MANAGER'S PERFORMANCE REVIEW COMMITTEE CHARTER AND
MEMBERSHIP**

MOTION **Moved:** Councillor Suvaal
69

RESOLVED

- 1. That Council amends the Organisational and General Manager's Performance Review Committee and Charter to update the membership of the committee to include the Mayor and five (5) Councillors.**
- 2. That Council appoints the Mayor, Councillor's Dunn, Paynter, Olsen, Grine and Burke as members of the Committee.**

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM8/2022

SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - FEDERAL ELECTION FUNDING CAMPAIGN

MOTION *Moved:* Councillor Suvaal

70

RESOLVED

1. That Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and

2. That Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
 - a. express support for ALGA's funding priorities;

 - b. to advise that Council's priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA are as outlined in the Greater Cessnock Infrastructure Priorities and Cessnock City Council Economic Growth Agenda documents; and the Hart Road Northern Ramps Hunter Expressway as outlined in MM5/2022.

 - c. seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

Councillor Watton left the meeting, the time being 7.22pm

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Jurd	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

Councillor Watton returned to the meeting, the time being 7.24pm

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU3/2022

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU10/2022

SUBJECT: EXPRESSION OF INTEREST T2022-03 BRANXTON RV PARK

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
71

RESOLVED

1. That Council endorses Campervan & Motorhome Club of Australia LTD as the preferred applicant to manage Branxton RV Park subject to community consultation;
2. That Council gives public notice of the Branxton RV Park Management proposal for a period of 28 days;
3. That Council provides public notice of the intention to engage Campervan & Motorhome Club of Australia LTD as the Branxton RV Park Manager subject to consideration of submissions received; and
4. That the General Manager negotiate a licence agreement for Branxton RV Park Management after considering the public submissions received.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU11/2022

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 23 FEBRUARY 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
72

RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 23 February 2022 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE19/2022

SUBJECT: DEVELOPMENT APPLICATION 8/2020/20942/1 PROPOSING THE PHASED CONSTRUCTION OF AN ANIMAL BOARDING AND TRAINING ESTABLISHMENT FOR ONE-HUNDRED (100) DOGS

1 NEATH ROAD, NEATH

Councillor Hill declared a Non Pecuniary Interest – Significant conflict for the reason that the applicant is a work colleague/close acquaintance. Councillor Hill left the chamber and took no part in discussion and voting.

Councillor Hill left the meeting, the time being 7.26pm

MOTION **Moved:** Councillor Moores **Seconded:** Councillor Sander
73

RESOLVED

1. That:

- (i) Development Application No. 8/2020/20942/1 proposing phased construction of an animal boarding and training establishment for one hundred (100) dogs at 1 Neath Road, Neath be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - There are no matters contained within any relevant State Environmental Planning Policies that preclude the granting of development consent;
 - The proposed development is consistent with the provisions of Cessnock Local Environmental Plan 2011. In particular, the proposal is a permitted form of development and is consistent with the relevant objectives of the RU2 zone;
 - The proposal has been assessed against the requirements of the Cessnock Development Control Plan 2010 and is consistent with the prescriptive provisions;
 - The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
 - Satisfactory measures are proposed with respect to the nature and capacity of infrastructure. The development includes the upgrading of the road network within the vicinity of the development which will improve drainage and road safety;

- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of noise and odour by proposing strict operational measures, and suitable waste management practices;
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area; and
- The proposal is in the public interest as the development will result in increased employment opportunities.

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

- Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:
 - Council officers have assessed the development application in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2016*, *State Environmental Planning Policies*, *Cessnock Local Environmental Plan 2011* and *Cessnock DCP 2010*.
 - Impacts on property value are not a consideration of Council under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

CONDITIONS OF CONSENT

STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- There are no matters contained within any relevant State Environmental Planning Policies that preclude the granting of development consent;
- The proposed development is consistent with the provisions of Cessnock Local Environmental Plan 2011. In particular, the proposal is a permitted form of development and is consistent with the relevant objectives of the RU2 zone;
- The proposal has been assessed against the requirements of the Cessnock Development Control Plan 2010 and is consistent with the prescriptive provisions;
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
- Satisfactory measures are proposed with respect to the nature and capacity of infrastructure. The development includes the upgrading of the road network within the vicinity of the development which will improve drainage and road safety;
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of noise and odour by proposing strict operational measures, and suitable waste management practices.
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area
- The proposal is in the public interest as the development will result in increased employment opportunities and positive economic impacts.

CONSIDERATION OF SUBMISSIONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:

- Council Officers have assessed the development application in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2018*, *State Environmental Planning Policies*, *Cessnock Local Environmental Plan 2011* and *Cessnock DCP 2010*.
- Impacts on property value are not a consideration of Council under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

SCHEDULE 1

TERMS OF CONSENT

PHASES	CONDITION NUMBERS
ALL PHASES	1 – 44 (including Advisory Conditions A – G)
PHASE ONE (1) CONDITIONS	45 - 62
PHASE TWO (2) CONDITIONS	63
PHASE THREE (3) CONDITIONS	64

ALL PHASES

These conditions apply to all phases of the proposed development.

CONDITIONS OF CONSENT

1. General Terms of Approval

All General Terms of Approval issued by Natural Resources Access Regulator (NRAR) dated 31 May 2021 shall be complied with prior, during and at the completion of the development, as required.

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

The General Terms of Approval include the following:

- a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the *Water Management Act 2000*.
- b) A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application 8 2020 20942 1 provided by Council to Natural Resources Access Regulator.

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

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

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/20942/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Site Plan Project No.: 1920303 Drawing No.: 1 of 6 Amended: 29.07.21	EcoDimensions	29.07.21
Title: Floor Plans Section Project No.: 1920303 Drawing No.: 4 of 6 Amended: 29.07.21 (as amended in red)	EcoDimensions	29.07.21
Title: Roof Plan, Isolation Kennels, Training Centre Project No.: 1920303 Drawing No.: 5 of 6 Amended: 29.07.21 (as amended in red)	EcoDimensions	29.07.21
Title: Elevations Project No.: 1920303 Drawing No.: 6 of 6 Amended: 29.07.21 (as amended in red)	EcoDimensions	29.07.21

Document Title	Prepared By	Dated
Management Plan LUV A BULL PETS – PET Motel	Un-authored	Undated
Noise Impact Assessment Proposed Animal Boarding & Training Facility Report No. 18-2235-R1 Prepared for Perception Planning Pty Ltd	Reverb Acoustics	September 2018
Statement of Environmental Effects for a Animal Boarding and Training Establishment Version: 2	Perception Planning	17 November 2020
Response to Request for Information	Perception Planning	21 January 2021
Response to Request for Information	Perception Planning	3 March 2021
Response to Request for Information	Perception Planning	4 June 2021

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

3. Separate Approval for Signs

A separate DA for any proposed signs additional to those approved as part of this consent must be submitted to and approved by Council prior to the erection or display of any such signs.

4. CC, PC & Notice Required

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

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

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.

5. Long Service Levy

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

6. 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.

7. Stormwater – Discharge (General)

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

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

8. Temporary Marking of Asset Protection Zone

Evidence that boundaries of the Asset Protection Zone have been marked using temporary protective fencing or brightly coloured tape must be provided to Council's Ecologist prior to the CC being issued.

9. Exterior Lighting Generally

Prior to the issue of a CC, submit to Council for approval a proposed exterior lighting plan. Design and position all exterior/outdoor lighting, to minimise and detrimental

impact upon the amenity of other premises, adjacent dwellings and the road reserve, and in accordance with the relevant provisions of:-

- AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

10. Crime Prevention Through Design

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

- a) Installation of 24 hour CCTV and associated signage indicating that CCTV surveillance is in 24 hour operation;
- b) Access control systems for reception area and staff only access areas (including kennels);
- c) Lighting is required to be designed in accordance with the Australian and New Zealand *Lighting Standard AS 1158.4.2005 & AS4282*. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant - especially external lighting

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

PRIOR TO COMMENCEMENT OF WORKS

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

11. Demolition Proposed

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.

12. 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.

13. PC Signage and Contact Details

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

- a) Unauthorised entry to the work site is prohibited

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

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

14. 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.

15. 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.

16. Protection of Trees to be Retained

The area beneath the canopies of the trees to be retained within the Asset Protection Zone, as shown in the Site Plan by EcoDimensions dated 29 July 2021, must be fenced prior to the commencement of works. The fencing must encompass the maximum possible area covered by the drip line of the canopy, and must remain in place until the completion of building works. The fencing should be a minimum of 1.8 metres high chain-link or welded mesh fencing. The fencing is to be maintained for the duration of the building works.

Services should be located to avoid disturbing tree roots. Trenches required for the installation of services should be located outside of the fenced area.

All areas within the perimeter of the safety fencing are to be covered with woodchip mulch to a depth of 100mm. All steep gradients unable to be effectively covered with mulch are to be protected with hessian cloth to be kept at a moisture level sufficient to ensure the preservation of tree root systems.

Tree protection signage is required to be attached to each tree protection zone, displayed in a prominent position.

17. Nominated Location of Waste

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

18. Soil and Water Management Plan Implemented

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

19. 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.

20. 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.

21. 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*.

DURING WORKS

The following conditions are to be complied with during works.

22. Construction Hours

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

23. Site is Securely Fenced

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

24. 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*.

25. Construction Vehicles

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

26. Implementation of Soil and Water Management Plan

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

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

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

27. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

28. 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.

29. 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.

30. Bushfire Protection

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

- a) Asset Protection Zones

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

At the commencement of building works, and in perpetuity, the property around the proposed works including kennels, reception/office, training facility and catering/grooming building shall be managed as an inner protection area (IPA) for a distance of 15 metres in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

b) Water and Utilities

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

- i) The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
- ii) A minimum 20,000 litre capacity static water supply tank (manufactured from concrete or metal) shall be provided for fire fighting purposes shall be provided on the site. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure.
- iii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.
- iv) All associated fittings to the tank shall be non-combustible.
- v) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- vi) Unobstructed access to the water supply shall be provided at all times.
- vii) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.
- viii) All exposed water pipes external to the building shall be metal, including any fittings.
- ix) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for fire fighting shall be provided for connection to the pump.
- x) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

c) Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- i) New construction is to comply with Section 3 (excluding Section 3.5) and Section 9 (BAL FZ) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard for Steel Framed Construction in Bush Fire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

d) Access

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

- i) Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

e) Landscaping

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

Landscaping to the site is to comply with Table 7.4a and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

31. Floor Level Certification

The floor level of the proposed building shall be certified by a registered surveyor.

The floor level shall be certified as being not less than RL 34.65m Australian Height Datum (AHD).

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

32. Protective Fencing

All tree protection fencing and signage as required by Condition 16 must remain in place until completion of construction works.

33. Temporary Marking of Asset Protection Zone

The fencing or tape marking the boundaries of the Asset Protection Zone must remain in place until completion of construction works.

34. Clearing of Development Footprint

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

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):

35. Acoustic Report Recommendations Complied With

A certificate must be submitted to and approved by Council's Environmental Health team prior to the issue of an OC or before the commencement of the use (whichever is earlier). The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

36. Acoustic Testing

Prior to the issue of an OC, acoustic testing must be conducted by a consultant who is a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants, to verify that recommendations of the acoustic assessment will be achieved when the development is operational.

37. Inspection for Onsite Sewage Management

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

38. Certification of Electrical Fittings

All electrical fittings and electrical outlets are to be installed and certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval flood level. The fittings / outlets are to therefore be installed at a level of RL 34.37m Australian Height Datum or higher. The certification shall be submitted to the PC prior to issue of an OC.

ONGOING USE

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

39. Hours of Operation

The animal boarding and training establishment shall operate for the approved purpose 24 hours a day, 7 days a week. However the hours for which persons from the public will be able to access the premise for the drop-off and pick-up of animals will be restricted to the following hours:

Drop-off and Collection of Animals

Monday – Friday: 8:00am to 11:00am and 3:00pm to 5:00pm
Saturday: 9:00am to 1pm
Sunday: Closed

Exercise Yards

Daily: 8am to 5pm

Servicing

All servicing including deliveries and waste collection are to occur outside of the Drop-off and Collection times.

40. 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*.

41. 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.

42. Maintenance of Landscaping

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

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

43. Road – Advice

The applicant is advised that Council will not accept responsibility for the road access. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

44. Operational Plan of Management

The Operational Plan of Management is to remain current and enforced whilst ever the property is operated for the purpose of consent 8/2021/20942. A copy is to be kept on site and made available upon request by a Council Officer.

The applicant is to maintain an Operational Plan of Management for the animal boarding and training establishment which incorporates at the minimum the following:

- Compliance with the requirements of the NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments,
- A method for recording details of excessively noisy dogs boarded at the establishment; to include date and time and length of noise disturbance and methods utilised to limit the ongoing noise disturbance.

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 Approvals and Permits

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

D. Responsibility for Other Consents/Agreements

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

E. Site Contamination Issues During Construction

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

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

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

G. 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.

PHASE ONE (1)

Construction of Fifteen (15) Boarding Kennels, Four (4) Exercise Yards, Kitchen/Grooming Building, Reception Building, Access and Car Parking for Ten (10) Vehicles, Loading/Unloading Space, Boundary Fencing and Installation of Wastewater Management System.

CONDITIONS OF CONSENT

45. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/20942 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Phasing Plan (Phase One (1)) (as amended in Red) Drawing No.: 3 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21

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

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.

46. 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.

47. 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.

48. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of ten (10) 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.

49. Roadworks

The registered proprietors of the land shall construct the following for the full frontage of Lot 122 for a distance of approximately 55m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Construct kerb and gutter allowing for a lane width of 4m from the road centreline
- b) Construct road shoulder
- c) Place two (2) coat hot bitumen seal on road shoulder
- d) Topdress and turf footpath
- e) Construct necessary drainage works
- f) Construct two (2) concrete driveways
 - One (1) accessing the dwelling
 - One (1) accessing the boarding kennels, offset to opposite link road
- g) Install sightboard directly opposite link road (between Cessnock Road and Neath Road).

50. 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.

51. Road - Fees

The applicant shall lodge payment of fees as follows:-

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

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

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.

52. Access Road

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed development. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side.

A provision for stormwater crossing the access is to be considered in the design.

All works are to be in accordance with Council's 'Engineering Requirements for Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

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

53. Section 68 Approval

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

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

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

54. Dam Dewatering Plan

Prior to the issue of CC, the applicant must prepare, submit to Council and obtain approval for a Dam Dewatering Plan for the existing farm dam that will be removed as a result of the proposal. The Dam Dewatering Plan must address the dewatering process for the removal of the dam. Details of the dewatering process are to include, but are not limited to; the proposed method of water disposal, schedule of works relating to the draining and filling of the dam, proposed method for capturing and rescuing fauna, proposed relocation sites for fauna, protocol for injured fauna and environmental protection measures (i.e. sediment and erosion control and weed control).

55. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of \$9,486.30 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.

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):

56. Roads – Concrete Crossing

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

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

The initial fee will facilitate approval of the application and one (1) construction inspection (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.

57. Parking – Completion

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

58. Road – Access Completion

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

59. Drainage Works

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

60. Inspection for Onsite Sewage Management

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

61. Waste Disposal

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

62. Trade Waste Disposal

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

PHASE TWO (2)

Construction of Forty (40) Boarding Kennels, Landscaping and Demolition of Existing Structures and Kennels.

CONDITIONS OF CONSENT

63. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/20942 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Landscape Plan Drawing No: 2 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21
Title: Phasing Plan (Phase Two (2)) (as amended in Red) Drawing No.: 3 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21

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

PHASE THREE (3)

Construction of Forty-Five (45) Boarding Kennels, Four (4) Exercise Yards, Office Building, Storage Building and Training Centre Building. The demolition of existing animal boarding structure.

CONDITIONS OF CONSENT

64. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2020/20942 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title: Phasing Plan (Phase Three (3)) (as amended in Red) Drawing No.: 3 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21

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



PLANNING AND ENVIRONMENT NO. PE23/2022

SUBJECT: PROPOSED AMENDMENTS TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 TO INCLUDE AGRITOURISM AND OPTIONAL CLAUSE FOR FARM GATE PREMISES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
74

RESOLVED

1. That Council advises the Department of Planning and Environment that it agrees to the inclusion of *agritourism* as permitted with consent in Zone RU2 Rural Landscape and Zone RU4 Primary Production Small Lots.
2. That Council advises the Department of Planning and Environment that it agrees to the inclusion of optional clause 5.24, relating to *farm gate premises*, in the *Cessnock Local Environmental Plan 2011*, subject to:
 - *cellar door premises* being excluded from the operation of the clause;
 - 200 square metres being the maximum gross floor area of a *farm gate premises*; and
 - 50, being the maximum number of visitors to a *farm gate premises* at any one time.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE24/2022

SUBJECT: DRAFT LOCAL PLANNING FRAMEWORK FOR THE CESSNOCK LGA VINEYARDS DISTRICT

Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property within the Vineyards District. Councillor Hawkins left the Chamber and took no part in discussion and voting.

Councillor Hawkins left the meeting, the time being 7.27pm

Councillor Hill returned to the meeting, the time being 7.27pm

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

75

RESOLVED

1. That Council requests a Gateway determination in respect of the Cessnock Vineyards District Planning Proposal from the NSW Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council exhibits the Draft Cessnock Vineyards District Local Character Statement and Development Control Plan with the Planning Proposal.
5. That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

FOR

AGAINST

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Watton
Councillor Jurd
Total (8)

Total (0)

CARRIED UNANIMOUSLY

Councillor Hawkins returned to the meeting, the time being 7.29m

PLANNING AND ENVIRONMENT NO. PE25/2022

**SUBJECT: PLANNING PROPOSAL 18/2022/2 - COMPREHENSIVE LEP REVIEW
- RURAL ZONES**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
76

RESOLVED

1. That Council requests a Gateway determination for the RU2 Rural Landscape Zone, RU3 Forestry Zone and RU5 Village Zones Planning Proposal from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE26/2022

SUBJECT: PLANNING PROPOSAL 18/2020/3/1 - COMPREHENSIVE LEP REVIEW - SPECIAL PURPOSE ZONES

Councillor Jurd left the meeting, the time being 7.30pm

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
77

RESOLVED

1. That Council requests a gateway determination for the Special Purposes Planning Proposal from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE27/2022

SUBJECT: EMPLOYMENT LAND ZONE REFORMS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
78

RESOLVED

1. That Council notes the changes proposed by the Department of Planning and Environment's employment land-use zone reforms.
2. That Council endorses the proposed changes to the Cessnock Local Environmental Plan 2011 be exhibited by the Department of Planning and Environment.
3. That Council endorses the changes to the Cessnock Local Environmental Plan 2011 proceed, if no unresolvable submissions are received by the Department relating to the Cessnock Local Environmental Plan 2011 during the exhibition period.
4. That Council receives an additional report outlining any unresolvable submissions if received by the Department relating to the Cessnock Local Environmental Plan 2011 during the exhibition period.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC21/2022

SUBJECT: ADDITIONAL SPECIAL RATE VARIATION

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
79

RESOLVED

1. That Council applies for a special variation of 1.8% under section 508(2) of the *Local Government Act 1993* and;
2. That the special variation to be a permanent special variation under section 508(2) of the Act; and
3. That Council notes that the expected additional income from the 1.8% special variation is \$762,000 for the 2022-23 financial year; and
4. That Council notes that the special variation is required to:
 - a. Meet the increased costs of the council, particularly in materials and fuel;
 - b. Maintain assets to agreed condition; and
 - c. For Council to meet future needs as outlined in Council's Integrated Planning and Reporting documents, particularly the Long Term Financial Plan.
 - d. Fund the majority of the Roads and Park increases.
5. That Council has considered the impact on ratepayers and the community for 2022-23 and future years and considers this additional cost to be reasonable.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC22/2022

SUBJECT: REVISED DRAFT CODE OF MEETING PRACTICE 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
80

RESOLVED

1. That Council place the Draft Code of Meeting Practice on public exhibition for 28 days.
2. That Council adopts the proposed general order of business for Council meetings as outlined in this report.
3. That a briefing with Councillors be held during the exhibition period prior to the Code of Meeting Practice being presented to Council for adoption.
4. That the Order of Business be amended to swap the Prayer and Acknowledgement of Traditional Owners.

FOR

AGAINST

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Total (8)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC23/2022

SUBJECT: ADOPTION OF RECORDS MANAGEMENT POLICY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
81
RESOLVED

That Council adopts the revised Records Management Policy.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC24/2022

SUBJECT: COMMUNITY & CULTURAL PRECINCT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
82

RESOLVED

1. That Council receives the report and notes the information.
2. That a workshop be held with Councillors to define the desired outcome with respect the potential development of a Community and Cultural Precinct surrounding the Cessnock Performing Arts Centre (CPAC).

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC25/2022

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 30 MARCH 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
83

RESOLVED

1. That the Minutes of the Strategic Property and Community Facilities Committee of 30 March 2022 be adopted as a resolution of the Ordinary Council.
2. That in relation to Report SPOR2/2022 Property Matter - Lot 18 Section 46 DP 758002 - 62 Cessnock Street, Aberdare, Council resolves that:-
 - Works be carried out as per the Council resolution 21 April 2021 Report No. CC24/2021.
 - The sale for all lots excluding 62 Cessnock Street continue as per the resolution of Council.
 - A meeting be held with the Aberdare pre-school with discussions including financial capabilities, lease arrangement and purchase options.
 - Following the meeting a report come back to the Committee outlining the following:
 - Outcomes from the meeting.
 - Any land which is owned by Council that is occupied by pre-schools.
 - Financial implications of similar land held within Council's assets register for land and buildings.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd
Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC26/2022

SUBJECT: DONATIONS UNDER SECTION 356 - RATES SUBSIDY POLICY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
84
RESOLVED

1. **That Council applies a 50% Rates Subsidy for the following Assessments in accordance with the Rates Subsidy Policy effective for the 2022-23 rating year.**

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

2. **That Council does not apply a rates subsidy for the 2022-23 rating year for the following assessments as the organisations did not return the required documentation to allow for assessment as per the Rates Subsidy Policy.**

Organisation	Location	Comments
Returned Services Men & Literary Inst	Branxton	Documentation not returned
Kurri Kurri Early Childhood Centre	Kurri Kurri	Documentation not returned

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

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC27/2022

SUBJECT: DECISIONS MADE UNDER DELEGATED AUTHORITY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
85

RESOLVED

That Council notes that between the March and April 2022 Council meetings the Mayor under delegated authority exercised the following decision of Council:

- Local Traffic Committee Meeting Item TC14/2022, that Council authorises installation of signage and line marking on McDonalds Road and Palmers Lane, Pokolbin, in accordance with the McDonalds Road Pokolbin – Signage & Line Marking Diagram – DA 8 2018 917 2.
- Local Traffic Committee Meeting Item TC12/2022, that Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday markets events in accordance with the Paynes Crossing Road Wollombi _ Traffic Control Plan.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC28/2022

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
86

RESOLVED

That Council notes the tabling of the Disclosures of Interests in written returns received from designated persons and Councillors within 3 months of being elected as Councillors by the General Manager in accordance with Council's Code of Conduct.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC29/2022

SUBJECT: BI-ANNUAL COMPLIMENTS AND COMPLAINT HANDLING REPORT - JULY - DECEMBER 2021

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
87

RESOLVED

That Council notes the Bi-annual Compliments and Complaint Handling Report for the period 1 July to 31 December 2021.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC30/2022

SUBJECT: INVESTMENT REPORT - MARCH 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
88
RESOLVED

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

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$71,700,559.**

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC31/2022

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
89
RESOLVED

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

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC32/2022

SUBJECT: DRAFT COUNCILLORS EXPENSES AND FACILITIES POLICY

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

RESOLVED

- 1. That Council adopts the Councillor Expenses and Facilities Policy 2022.**
- 2. That Council revokes the Councillor Expenses and Facilities Policy 2020.**

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI13/2022

SUBJECT: APPOINTMENT OF DELEGATES AND REPRESENTATIVES - LOWER HUNTER ZONE DISTRICT LIAISON COMMITTEE

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Grine
91

RESOLVED

1. That Council nominates Councillor Jackson as the representative and Councillor Jurd as the alternate to the Lower Hunter Zone District Liaison Committee.
2. That the General Manager write to the Manager – Lower Hunter Zone – NSW Rural Fire Service to advise who will be Council’s representative(s).

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI14/2022

SUBJECT: TENDER T2022-06 MILLFIELD SKATEPARK EXTENSION

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

RESOLVED

That Council accepts the tender (T2022-06) from Revolution Action Sports Concepts Pty Ltd for the lump sum of \$256,446.30 (including GST) for the Millfield Skatepark Extension.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI15/2022

SUBJECT: RICHMOND VALE RAIL TRAIL

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

93

RESOLVED

1. That Council place the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors on Public Exhibition for a 6 week period and invite public submissions.
2. That a report on the outcomes of the exhibition period be provided to Council prior to Council endorsing the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.

Councillor Jurd returned to the meeting, the time being 7.36pm

FOR

AGAINST

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI16/2022

SUBJECT: REGIONAL RECYCLING SOLUTION

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
94

RESOLVED

That Council notes the EOI for a Regional Recycling Solution.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI17/2022

SUBJECT: FRAME DRIVE & GINGERS LANE ROADWORKS

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

RESOLVED

That Council notes the information contained within the report regarding roadworks at Frame Drive and Gingers Lane.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI18/2022

SUBJECT: COOPER AND CHARLTON STREETS CESSNOCK INTERSECTION

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
96

RESOLVED

That the report be deferred.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI19/2022

SUBJECT: KERLEW STREET, NULKABA

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
97

RESOLVED

1. That Council notes the refusal of consent from Transport for NSW (TfNSW) for the installation of the proposed intersection treatment at Kerlew and Occident Streets, Nulkaba as recorded in WI6/2022 Minutes of Cessnock Local Traffic Meeting held 21 February 2022.
2. That Council requests TfNSW to provide as a matter of urgency the refusal letter detailing the reasons for their decision.
3. That Council request a meeting with TfNSW and Clayton Barr, Member for Cessnock in regards to the refusal of the proposed intersection treatment at Kerlew St and Occident St.
4. That Council has no obligation or plans to undertake works at the intersection of Wine Country Drive and Kerlew St which is a State Road intersection.
5. That a report come back to Council detailing the outcomes of the meetings and requests.
6. That Council remains committed to supporting the Nulkaba communities preferred preference for Option 3 for the intersection of Kerlew and Occident Streets which isolates the Correctional Centre traffic from the local road network.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd
Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI20/2022

SUBJECT: UPGRADE WORKS ON OLD MAITLAND ROAD SAWYERS GULLY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
98

RESOLVED

1. That Council notes the information contained within the report regarding road safety and design, land matters, schedule, timeframes, cost estimate and budget.
2. That Council contacts the grant provider and seeks to renegotiate the terms of the project to undertake works available within the current grant funded amount.
3. That Council commits the current allocated funds of \$724,085.00 to fund the detailed design and associated land acquisitions for the full unsealed section of Old Maitland Road.
4. That Council actively seeks further grant funding to complete the full scope of works required to upgrade Old Maitland Road, including adding it to the letter to Federal Candidates for the electorates of Hunter and Paterson as outlined in Dot Point 2 of MM8/2022.

FOR

Councillor Suvaal
Councillor Moores
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Watton
Councillor Jurd

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI21/2022

SUBJECT: IMPLEMENTATION OF LGA SIGNAGE STRATEGY - ILLUMINATED SIGNAGE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hawkins
99

RESOLVED

1. That the General Manager brings back a report outlining economic development opportunities with the possible purchase of the current illuminated signs and how Council may implement an Illuminated signage Strategy as a course of revenue.
2. That the report include detailed information around road laws and safety that might be impacted through this strategy.

FOR	AGAINST
Councillor Suvaal	Councillor Moores
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (8)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI22/2022

SUBJECT: BUS SHELTER ADVERTISING

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
100
RESOLVED

1. That the General Manager brings back a report outlining economic development opportunities available from Bus Shelter advertising.
2. That the report include detailed information around road laws and safety that might be impacted through this strategy.
3. That the report include how community organisations might better access the bus shelter signs for local promotion of events and programs.

FOR	AGAINST
Councillor Suvaal	Councillor Moores
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (8)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI23/2022

SUBJECT: MAIN ROAD LED REPLACEMENT PROGRAM

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
101
RESOLVED

1. That Council accepts Ausgrid's proposal for the accelerated replacement of 1,825 Ausgrid lights on main roads and on residential roads over the next three years through agreeing to Ausgrid's proposal to fund the accelerated replacement and to Council funding the residual value of the old lights.
2. That Council write to the Minister for Planning and Department of Planning and Environment on the community value of retaining the current scheme in an appropriate way moving forward.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI24/2022

SUBJECT: HEAVY VEHICLE SAFETY & PRODUCTIVITY PROGRAM FOR CAMP ROAD, GRETA

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
102

RESOLVED

1. That Council endorses an application under the Heavy Vehicle Safety and Productivity Program for Camp Road, Greta.
2. That Council allocates the 20% co-contribution of \$300,000 for Camp Road, Greta from the Road Renewal Program in the 2022-23 Operational Plan.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI26/2022

SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE

Councillor Burke declared a Non pecuniary Interest – Less Than Significant Conflict for the reason that he is a sponsor of one of the recipients. Councillor Burke remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Watton
103
RESOLVED

1. **That the Minutes of the Community Engagement, Awards and Grants Committee of 6 April 2022 be adopted as a resolution of the Ordinary Council.**
2. **That Council adopt the revised Community Engagement, Awards and Grants Committee Charter.**
3. **That Council provides funds through the Schools Environment Dollar for Dollar Grants Program to:**
 - **Stanford Merthyr Infants School in the amount of \$500**
 - **Bees Nees Early Learning in the amount of \$200**
 - **Bellbird Public School in the amount of \$500**
 - **Laguna Public School in the amount of \$500**
 - **Kurri Kurri Public School in the amount of \$500**
 - **Goodstart Cessnock in the amount of \$200**
4. **That the remaining Schools Environment Dollar for Dollar Grants budget of \$3,100 be applied to schools biodiversity programs to be run in conjunction with the Bushland Festival in September 2022.**
5. **That the General Manager writes to all applicants advising the outcome of their application and thanking them for their contribution towards the enhancement of the local environment.**
6. **That Council provides funds through the 2021-22 Community Facilities – Round 2 Dollar for Dollar Grant Scheme to:**
 - **Branxton Community Hall Section 355 Committee in the amount of \$4,087.**
 - **Cessnock Gem and Mineral Club Inc. in the amount of \$3,600.**
7. **That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council’s community facilities.**
8. **That Council provides funds through the 2021-22 Sporting Facilities – Round 2 Dollar for Dollar Grant Scheme to:**
 - **Cessnock Dog Club in the amount of \$745.**
 - **Cessnock Minor Rugby League Football Club in the amount of \$6,496.**
 - **Cessnock Rugby League Football Club in the amount of \$13,200.**
 - **Kurri Kurri District Rugby league Football Club in the amount of \$2,533.**

9. That Council transfers \$7,268 from the 2021-22 Community Facilities - Round 2 Dollar for Dollar Grant Scheme to the 2021-22 Sporting Facilities - Round 2 Dollar for Dollar Grant Scheme to offset the additional funding requests.
10. That the General Manager writes to all applicants advising the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's sporting facilities.
11. That Council provides funds through the Sustainable Communities - Tidy Towns Dollar for Dollar Program to:
 - Weston Tidy Towns in the amount of \$1,480.
 - North Rothbury Tidy Towns in the amount of \$4,003.
 - Hunter Region Landcare Network in the amount of \$2,798.50.
 - Kurri Kurri and district Preschool in the amount of \$1,800.50.
 - Sunnyfield in the amount of \$918.
12. That the General Manager writes to all applicants advising them of the outcome of the grant program and thanking them for their contribution towards the enhancement of the local environment.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN15/2022

SUBJECT: PILOT JOB SHUTTLE PROGRAM (YOUTH)

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Hawkins
104
RESOLVED

That the General Manager prepare a report to Council outlining the implications, resourcing requirements, funding opportunities and processes necessary for a program to:

1. Liaise, and work alongside community-based organisations and businesses within our LGA, to develop and implement a Cessnock to Wine Country Pilot Job Shuttle Program;
2. Research appropriate, relevant grants that may assist in local businesses and organisations facilitating said Cessnock Pilot Job Shuttle Program.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN16/2022

SUBJECT: SAFETY HAND RAILS - BRIDGES HILL PARK

MOTION **Moved:** Councillor Moores **Seconded:** Councillor Sander
105
RESOLVED

That the General Manager determine the cost to fit and install a safety rail and ramp in the newly installed King Street steps, leading to Bridges Hill Park, so that the project can be included for consideration in the draft 2022-23 Operational Plan.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN17/2022

SUBJECT: WORKING WITH CESSNOCK CORRECTIONAL CENTRE

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Hawkins
106
RESOLVED

That the General Manager investigate and a report come back to Council on the use of the inmates from Cessnock Correctional Centre to assist with their rehabilitation back into the community and help the council staff with the ground maintenance on a needs basis so it doesn't affect any council staff. This could help staff with the large areas of lawn mowing and edging they are currently trying to keep at high standard.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN18/2022

SUBJECT: CESSNOCK LGA HALL BOOKING/MANAGEMENT

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Jurd
107
RESOLVED

That the General Manager prepare a report to council outlining the implications, resourcing requirements, funding opportunities and processes necessary to overhaul the current practices Cessnock City Council has adopted relating to hall bookings, maintenance and potential promotions. The following points are to be considered:

1. Adopt a more streamlined, user-friendly online system (potential to link in across platforms i.e. social media sites) enabling customers to clearly and efficiently make their hall selection and booking
2. Research appropriate grants and / or other funding streams that will enable new systems to be incorporated, updated and made relevant
3. Provide valid training, support and assistance where applicable for volunteers looking after council halls to help ensure standards are met across all halls (i.e. cleaning, maintenance, customer service etc.).
4. Estimation of costs to update to a new system.
5. Consultation to take place with the 355 Committees as to the current processes in place.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

The Meeting Was Declared Closed at 8.10pm

CONFIRMED AND SIGNED at the meeting held on 18 May 2022

.....**CHAIRPERSON**

.....**ACTING GENERAL MANAGER**