

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 SEPTEMBER 2022,
COMMENCING AT 6.30PM**

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

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

A minute's silence was held to acknowledge the passing of Queen Elizabeth II

APOLOGY/ LEAVE OF ABSENCE:

MOTION

Moved: Councillor Sander
Seconded: Councillor Dunn

249

RESOLVED that the apology tendered on behalf of Councillor Jackson, for unavoidable absence, be accepted.

That the Leave of Absence from Councillor Olsen be noted.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Burke
Seconded: Councillor Hill

250

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 17 August 2022 and the Extraordinary Meeting of Council held on 7 September 2022, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI8/2022

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.

PE52/2022 – Development Application No. 8/2021/21052/1 proposing a boundary adjustment 0 Thomas Street and 34 Mitchell Street, North Rothbury and PE53/2022 – Development Application No. 8/2021/21491/1 proposing a boundary adjustment 0 Thomas Street and 16 Thomas Street, North Rothbury - Councillor Watton declared a Pecuniary Interest for the reason that he is a landowner in the village of North Rothbury in which his land backs onto the privately owned laneways. Councillor Watton advised that he would leave the Chamber and take no part in discussion and voting.

WI62/2022 – Minutes of Local Traffic committee Meeting held on 15 August 2022 – Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the Cessnock Stomp Festival. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Councillor Watton declared a Pecuniary Interest for the reason that he is a landowner in the village of North Rothbury in which his land backs onto the privately owned laneways. Councillor Watton left the chamber and took no part in discussion and voting.

Councillor Watton left the meeting, the time being 6.36pm

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Leeanne Sim	Against	PE53/2022 - Development Application No. 8/2021/21491/1 proposing a boundary adjustment 0 Thomas Street and 16 Thomas Street, North Rothbury	128	3 mins

PLANNING AND ENVIRONMENT NO. PE53/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21491/1 PROPOSING A BOUNDARY ADJUSTMENT

0 THOMAS STREET AND 16 THOMAS STREET, NORTH ROTHBURY

MOTION

251

RESOLVED

Moved: Councillor Hill

Seconded: Councillor Dunn

1. That:

- (i) Development Application No. 8/2021/21491/1 proposing a boundary adjustment at 0 Thomas Street and 16 Thomas Street North Rothbury, 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:
 - As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality

(pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).

- As submitted, the application does not provide sufficient information for Council to determine if the application is in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
 - As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).
 - As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the *Cessnock Local Environmental Plan, 2011- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village'* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
- (iv) In considering community views, the following is relevant:
- The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in four (4) submissions being received.
 - The issues raised in the submissions may be relevant to the proposal, however, insufficient information has been submitted with respect to the future re-subdivision of the lot created to enable a comprehensive response to an objection.

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

REASONS FOR REFUSAL

1. As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
2. As submitted, the application does not provide sufficient information for Council to determine if the application is in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
3. As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).

4. As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the Cessnock Local Environmental Plan, 2011- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village' (pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).

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

CARRIED UNANIMOUSLY

Councillor Watton returned to the meeting, the time being 6.42pm

Mr Anthony Williams	For	PE54/2022 - Development Application No. 8/2021/22087/1 proposing alterations and additions to existing cellar door and restaurant and use as a function centre 1693 and 1727 Broke Road, Pokolbin	147	3 mins
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EXTENSION OF TIME

252

Moved:

Councillor Hawkins

Seconded:

Councillor Sander

RESOLVED

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

FOR

AGAINST

- Councillor Moores
- Councillor Dunn
- Councillor Burke
- Councillor Grine
- Councillor Sander
- Councillor Hill
- Councillor Hawkins
- Councillor Paynter
- Councillor Watton
- Councillor Jurd
- Councillor Suvaal
- Total (11)**

Total (0)

CARRIED UNANIMOUSLY

EXTENSION OF TIME

Moved:
Seconded:

Councillor Hawkins
Councillor Paynter

[253]

RESOLVED

That a final extension of 1 minute be granted to allow Mr Williams to complete his presentation.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE54/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/22087/1 PROPOSING ALTERATIONS AND ADDITIONS TO EXISTING CELLAR DOOR AND RESTAURANT AND USE AS A FUNCTION CENTRE

1693 AND 1727 BROKE ROAD, POKOLBIN

MOTION

254

RESOLVED

Moved: Councillor Dunn

Seconded: Councillor Burke

1. That:

- (i) Development Application No. 8/2021/22087/1 proposing alterations and additions to existing cellar door and restaurant and use as a function centre at 1693 and 1727 Broke Road Pokolbin, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument, being the *Cessnock Local Environmental Plan 2011 (CLEP)*.
 - The proposed development is, subject to the recommended conditions, consistent with the objectives of the *Cessnock Development Control Plan 2010 (DCP)*.
 - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the *Cessnock Local Environmental Plan 2011 (CLEP)*.
 - The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
 - The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
 - The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

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

Total (0)

CARRIED UNANIMOUSLY

CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

1. Design Quality of Development

In order to ensure consistency of design quality:

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building without the approval of Council.

- a) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22087/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Survey Job Reference: 1659-DWG-203-02002 Project: Alterations & Additions Revision: A	ATB Morton (NSW)	16/08/2021
Proposed Site Plan – Part A Job Reference: 1659-DWG-203-02003	ATB Morton (NSW)	18/02/2022

Project: Alterations and Additions Revision: E		
Car Parking Plan Job Reference: 1659-DWG-203-02009 Project: Alterations and Additions Revision: A	ATB Morton (NSW)	18/02/2022
Landscape Concept Job Reference: 1659-DWG-203-02013 Project: Alterations and Additions Revision: A	ATB Morton (NSW)	18/02/2022
Existing Floor Plan Job Reference: 1659-DWG-203-03001 Project: Alterations and Additions Revision: C	ATB Morton (NSW)	16/08/2021
Proposed Floor Plan Job Reference: 1659-DWG-203-03002 Project: Alterations and Additions Revision: E	ATB Morton (NSW)	18/02/2022
Existing Roof Plan Job Reference: 1659-DWG-203-03003 Project: Alterations and Additions Revision: C	ATB Morton (NSW)	16/08/2021
Proposed Roof Plan Job Reference: 1659-DWG-203-03004 Project: Alterations and Additions Revision: E	ATB Morton (NSW)	18/02/2022
Elevations (North and South) Job Reference: 1659-DWG-203-04001 Project: Alterations and Additions Revision: E	ATB Morton (NSW)	18/02/2022
Elevations (East and West) Job Reference: 1659-DWG-203-04002 Project: Alterations and Additions Revision: E	ATB Morton (NSW)	18/02/2022
Sections Job Reference: 1659-DWG-203-05001 Project: Alterations and Additions	ATB Morton (NSW)	18/02/2022

Revision: E		
Operational Areas Plan (as amended in red) Job Reference: 1659-DWG-203-12002 Project: Alterations and Additions Revision: A	ATB Morton (NSW)	18/02/2022
External Colour Selections Job Reference: 1659-DWG-203-10001 Project: Alterations and Additions Revision: B	ATB Morton (NSW)	18/02/2022

Document Title	Prepared By	Dated
Statement of Environmental Effects (as amended in red) Alterations and Additions to Existing Cellar Door Premises/Restaurant and Introduction of Function Centre Ref: 1094_SEE	WPP Pty Ltd	15/10/2021
Response to Request for Information	WPP	18/02/2022
Waste Minimisation and Management Plan	Daniel Picton	12/03/22

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

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. 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.

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. Local Traffic Committee Approval

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

6. Long Service Levy

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

7. Security for Cost of Damage and Completion of Public Work

Prior to issue of a CC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
- c) remedying any defects in any such public work that arise within six (6) months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- a) cash deposit with the Council, or
- b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, 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 security within six (6) years of the date of issue of the OC or SC for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

8. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of \$8990.00 is to be paid to Council, pursuant to Section 7.12 of the *EP&A Act 1979*, such contribution is to be paid prior to the issue of any CC.

- i) This condition is imposed in accordance with the provisions of *Cessnock Section 7.12 Levy Contributions Plan 2017 (as amended)*. A copy of the document is available on Council's website at www.cessnock.nsw.gov.au or may be inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

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

9. 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.

10. Disabled Car Parking Spaces

A total of two (2) 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.

11. 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.

12. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of fifty-three (53) 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.

13. Road – Fees

The applicant shall lodge payment of fees as follows: -

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

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

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

14. 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.

15. Road – Road Widening Requirement

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by Council prior to issue of a CC / *Section 138* for the civil works.

- a) Construct a compliant design for a CHR/BAL intersection treatment on Broke Road, maintaining a 2m wide shoulder.
- b) Place Asphalt on new works
- c) Construct drainage works as necessary.
- d) Local Traffic Committee approval of line marking

16. Stormwater – Detailed Design Requirements

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

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

17. Stormwater – Discharge

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.

18. 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.

19. Outdoor Lighting

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

20. Operational Plan of Management

A Plan of Management is to be provided to the Certifier prior to the issue of a CC. The Plan of Management is to cover (but is not limited to) the following issues:

Security Management

The plan must specify security patrol, surveillance, and other security and response methods, and security management of the public and private domain within and surrounding the site.

Patron Management

Patrons must be prevented from removing glass, opened cans, bottles or alcohol from the premises (except from any approved cellar door).

Signs must be placed in clearly visible positions within the premises, requesting patrons upon leaving to do so quickly and quietly, having regard to the amenity of the area.

The management/licensee is responsible for the control of noise and litter generated by patrons of the premises, and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

Waste Collection

The collection of waste and recycling must only occur between 8.00am and 10.00pm daily.

21. 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.

PRIOR TO COMMENCEMENT OF WORKS

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

22. 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.

23. Erection of Signs

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

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

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

24. Soil and Water Management Plan

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

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean-runoff around disturbed areas
 - ii) Minimises slope gradient and flow distance within disturbed areas
 - iii) Ensures surface run-off occurs at non-erodible velocities
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. Demolition

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

37. 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 asset shall be managed as follows 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*:

- i) South for a distance of 50m as an 'Inner Protection Area'
- ii) West for a distance of 50m as an 'Inner Protection Area'

b) 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*.

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):

38. 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.

39. 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 Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with **Section 41 and Part 11 of the *Environmental Planning***

and Assessment (Development, Certification and Fire Safety) Regulation 2021, prior to occupation of the building or issue of an OC.

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

40. Completion of Landscape Works

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

41. 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.

42. Parking – Signage

Signs shall be clearly displayed within the site indicating the availability of car parking at the rear, for the life of the development, prior to the issue of an OC. Note: AS 1742.1 requires the use of white lettering on blue background for such signage.

43. Parking – Completion

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

44. Parking – Loading Facility Requirement

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

45. 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.

46. 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.

47. Inspection for Onsite Sewage Management

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

48. 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.

49. Flooding – Evacuation Management Plan

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

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

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

50. Private Water Supply – Drinking Water Management System

An appropriate drinking water management system, in compliance with NSW Health requirements and the *Public Health Act 2010* and *Regulation 2012* is to be provided.

ONGOING USE

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

51. Hours of Operation

The property is to be open for business and used for the purposes approved only within the following hours:

Cellar Door	10am – 5pm daily
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Restaurant	12 noon – 3pm Thursday – Monday 6pm – 9pm Friday and Saturday (The restaurant shall not operate should a function be booked during these times)
Function Centre	10am - 10pm (upon booking)

52. Occupant Capacity

The seating capacity of the restaurant/function centre is restricted to a maximum of 110 patrons at any one time.

A notice is to be displayed in the premises stating that:

- a) The maximum total occupancy of the premises allowed by this consent is 110 persons.

53. 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.

54. Operation of the Premises

The operation of the premises shall be managed in accordance with the following:

- a) The maximum number of patrons permitted in the function/restaurant premises at any one time is 110 persons.
- b) A copy of the current development consent with the approved hours of operation must be kept in the premises, and must be produced upon demand for inspection by any member of the Police Service, Council Officer, or Special Investigator.
- c) Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises, including the public domain. The sound emitted from any speakers located within the premises must not be audible at the boundary of any affected receiver.
- d) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises, in accordance with the policies and standards adopted by the Office of Liquor, Gaming and Racing with particular coverage to:
 - i) principal entrances and exits

55. 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.

ADVISORY NOTES

56. 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.

57. 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.

Marlien Brandjes	For	PE55/2022 - Development Application No. 8/2021/21261/1 proposing the Construction of a function centre, amphitheatre, manager's residence, tourist and visitor accommodation comprising two x 2 bedroom cabins and eight tented cabins, associated car parking and landscaping works 427 Pokolbin Mountains Road, Pokolbin	190	3 mins
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PLANNING AND ENVIRONMENT NO. PE55/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21261/1 PROPOSING THE CONSTRUCTION OF A FUNCTION CENTRE, AMPHITHEATRE, MANAGER'S RESIDENCE, TOURIST AND VISITOR ACCOMMODATION COMPRISING TWO X 2 BEDROOM CABINS AND EIGHT TENTED CABINS, ASSOCIATED CAR PARKING AND LANDSCAPING WORKS

427 POKOLBIN MOUNTAINS ROAD, POKOLBIN

MOTION

255

RESOLVED

Moved: Councillor Dunn

Seconded: Councillor Hill

1. That:

- (i) Development Application No. 8/2021/21261/1 proposing the construction of a function centre, amphitheatre, manager's residence, tourist and visitor accommodation comprising two x 2 bedroom cabins and eight tented cabins, associated car parking and landscaping works be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument, being the *Cessnock Local Environmental Plan 2011*.
 - The proposed development is, subject to the recommended conditions, consistent with the objectives of the *Cessnock Development Control Plan 2010*.
 - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the *Cessnock Local Environmental Plan 2011*.
 - The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.

- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site, and its approval is consistent with the public interest.

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

All matters raised in the submissions have been taken into consideration including the scale and character of the development, traffic, parking and access, on-site waste water disposal, noise and lighting issues associated with the application. These matters have been assessed along with the manner in which the development is proposed, and subject to the terms and conditions of the consent, the development is deemed suitable for approval.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Section 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 development.

FOR	AGAINST
Councillor Moores	Councillor Paynter
Councillor Dunn	Councillor Watton
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (8)	Total (3)

CARRIED

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/21261/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Revision A Drawing No's: • AR-050 – AR-051 (Rev A)	Tecture – Architecture and Interior Design	21 December 2021

<ul style="list-style-type: none"> AR-060 – AR-061 (Rev A) 		
Drawing No's: <ul style="list-style-type: none"> AR-120 – AR-126 AR-140 – AR-143 AR-160 – AR-166 AR-220 – AR-222 	Tecture – Architecture and Interior Design	21 December 2021
Drawing No's: <ul style="list-style-type: none"> AR-241 AR-260 – AR-264 AR-270 	Tecture – Architecture and Interior Design	11 December 2021

Document Reference	Prepared By	Dated
Noise Impact Assessment	Muller Acoustic Consulting (MAC)	December 2020
Operational Noise Management Plan	Muller Acoustic Consulting (MAC)	May 2021
Aboriginal Due Diligence Assessment Report Project No: HN000159-A	Heritage NOW	11 December 2020
Biodiversity Development Assessment Report	Peak Land Management	May 2021

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

2. General Terms of Approval

All General Terms of Approval issued by the NSW Rural Fire Service dated 15 May 2022 shall be complied with prior, during and at the completion of the development, as required.

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

3. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 (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. 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 THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

6. Long Service Levy

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

7. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of **\$29,560.10** 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.

8. Security for Cost of Damage and Completion of Public Work

Prior to issue of a CC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
- c) remedying any defects in any such public work that arise within six (6) months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- a) cash deposit with the Council, or
- b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, 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 security within six (6) years of the date of issue of the OC or SC for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

9. Retaining Wall

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

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

10. Amended Plans Required

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

- a) Design and construction recommendations outlined in the Geotechnical Investigation Report R.001.DftA prepared by Douglas Partners dated 3 September 2021 (Rev 0) is to be considered in the detailed design.
- b) Stormwater overflow provision is to be provided for the existing dam north of the access road to convey downstream in large storm events.

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

11. 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.

12. Disabled Car Parking Spaces

A minimum of one (1) parking space associated with the function centre and one (1) parking space associated with the tourist accommodation 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.*

13. 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.

14. Parking – Minimum Requirement

Total on-site car parking shall be provided for a minimum of thirty-one (31) 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.

15. Road – Fees

The applicant shall lodge payment of fees as follows:-

- a) Road fees – engineering plan checking

b) Road fees – PC certification of works

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

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

16. 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*.

17. Road – Road Widening Requirement

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by Council prior to issue of a *CC / Section 138* for the civil works.

- a) Construct a 6m wide stabilised gravel pavement formation from the intersection of Pokolbin Mountains Road with Watagan Track to the property access point;
- b) Place two (2) coat hot bitumen seal on new works where grade exceeds 6%;
- c) Construct drainage works as necessary.

18. Stormwater – Detention Requirement

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

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the *CC* application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a *CC*.

19. 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.

20. Geotechnical Certification

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geopractitioner, and submitted to the Certifier with an application for a CC. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:-

- a) An indication of the nature and depth of any uncontrolled fill at the site
- b) An indication of the nature and condition of the material to be excavated
- c) Indications of groundwater or seepages
- d) Required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries
- e) Statement of required excavation methods in rock and measures required to restrict ground vibrations
- f) Other geotechnical information or issues considered relevant to design and construction monitoring.

21. 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.

22. Exterior Lighting Generally

Prior to the issue of a CC, an exterior lighting plan is to be submitted and approved by the Certifier. The design and position all exterior/outdoor lighting is to minimise any 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.*

23. Landscaping

The Landscape Plan prepared by Conus Landscape Architecture dated 29 January 2021 (Landscape Concept Master Plan, Issue C, DWG No LDA02 and Plant Schedule & Details Issue C, DWG No LDA03) must be updated so that only local native species

of local provenance grown by a specialist native plant nursery are used for landscaping. Native species are to be characteristic of the native species recorded on the site in the Biodiversity Development Assessment Report by Peak Land Management dated May 2021. Evidence that this must be submitted to and approved by Councils Ecologist prior to CC.

24. Ecosystem credit retirement conditions

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

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

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
PCT 1602: Spotted Gum - Narrow-leaved Ironbark shrub -grass open forest of the central and lower Hunter	19	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. OR Any IBRA subregion that is within 100 Kilometers of the outer edge of the impacted site.	Hunter-Macleay Dry Sclerophyll Forests. This includes PCT's: 922, 1178, 1588, 1589, 1600, 1601, 1602, 1608

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

25. Species credit retirement conditions

- a) Prior to issue of CC the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.

- b) The requirement to retire credits in (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C).
- c) Evidence of the retirement of credits or payment to the BAM-C in satisfaction of Table 2 requirements must be provided to the consent authority prior to CC.

Table 2: Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Anthochaera phrygia</i> Regent Honeyeater	4	Anywhere in NSW

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

26. Construction Environmental Management Plan (CEMP)

A Construction Environmental Management Plan (CEMP) is to be prepared in accordance with the details outlined in the Biodiversity Development Assessment Report by Peak Land Management dated May 2021. The CEMP is to be submitted to and approved by Council’s Ecologist prior to issue of any Construction Certificate.

27. 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.

28. 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*.

29. 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*.

30. 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*.

31. Accessibility Management Plan

An Accessibility Management Plan must be prepared 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*.

32. Cooling Towers

If a water cooling process or recirculating type is to be installed, the system and maintenance program shall comply with the provisions of:

- a) *AS 3666 of 2002 and Parts 1-2 inclusive*
- b) *Public Health Act 2010 and the Public Health Regulation 2012*
- c) *AS 3666.1:2002 and 3666.2:2002 respectively*

- d) AS 1470
- e) AS 1657
- f) Australian and New Zealand Standards 1892.1 and 2865

Detailed plans and specifications for the design, installation, maintenance, and operation of the facilities are required to be submitted including

- a) Details on the locations of all plant and equipment
- b) Specifications for the design, installation, maintenance, and operation of the facilities

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

Prior to commencement of use, the owner or occupier of the premises must apply to Council for the registration of water cooling systems/warm water systems installed on the premises in accordance with the *Public Health Regulation 2012*.

33. Acoustic Screen

Details of the acoustic screen within the amphitheater must be provided with the CC and is to comply with the recommendations of the Noise Impact Assessment Report (prepared by Muller Acoustic Consulting (MAC) dated December 2020).

PRIOR TO COMMENCEMENT OF WORKS

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

34. Construction and Traffic Management Plan

The applicant must prepare a Construction and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the Certifier 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 *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

35. Soil and Water Management Plan

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction and Traffic Management Plan referred to in this Development Consent and incorporating the following matters.

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

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

The plan must be submitted to and approved by the Certifier as satisfying these matters prior to the commencement of works.

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.

36. 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.

37. 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.

38. 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*.

39. 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.

40. Temporary Marking of Asset Protection Zone

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

41. Retention of Hollow-bearing Trees

No hollow-bearing trees are to be removed to achieve the Asset protection Zone. Trees to be removed for the Asset protection Zone must be clearly marked by a qualified and experienced ecologist prior to removal to ensure that only trees below 25 cm DBH are removed.

DURING WORKS

The following conditions are to be complied with during works.

42. 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.

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 Protection Authority document *Noise Guide for Local Government*.

43. Virgin Fill To Be Used

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

44. 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.

45. 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.

46. 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.

47. Protective Fencing - Vegetation

All tree protection fencing and signage must remain in place until completion of construction works.

48. Tree Protection

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

49. Clearing of Development Footprint

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

50. Supervision of Tree Removal

Tree removal and lopping of branches must be performed under the supervision of a qualified and experienced ecologist to ensure that no nests or hollows are removed. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):

51. Roads – Gravel Crossing

The registered proprietors shall construct and maintain a gravel access crossing from the edge of the road formation in Watagan Creek Track 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 development.

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.

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.

52. 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.

53. Parking – Completion

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

54. Parking – Loading Facility Requirement

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

55. 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.

56. Completion of Road Works

Prior to the issue of an OC, the PC must ensure that all approved roads, 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 practicing 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.

57. Works-As-Executed Plan

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

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

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

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

58. Stormwater – Plan of Management

The registered proprietor of the land shall prepare a Plan of Management for the *OSD* facilities within the development. The plan shall set out all design and operational parameters for the detention facilities, including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The plan shall be submitted to the *PC* for approval prior to the 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. Quality Assurance

Prior to issue of a SC, the applicant is to submit a digital copy of all test results confirming compliance with Council's development engineering requirements.

61. Native Revegetation

An area of at least 5 ha on the lot, outside of the Asset Protection Zone, must be revegetated with native shrubs and small trees via planting with native species to replace the 5 ha of native vegetation removed. The density of planting must be at least one shrub or small tree per square metre. The plants used for planting are to be only native species of local provenance grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species are to be characteristic of the native plant communities discussed in the Biodiversity Development Assessment Report (BDAR) by Peak Land Management dated December 2020, and include feed tree species from Table 16 of the BDAR. The area must be fenced if livestock are kept on the lot. Evidence that this has occurred is to be provided to Council's Ecologist prior issue of the Occupation Certificate.

62. 88B Instrument – Native Revegetation Area

An 88B instrument must be created for the area required to be revegetated with native vegetation and must state that the area is not to be grazed or cleared (as defined under the Section 60C of the Local Land Services Act 2013). Evidence that this has occurred must be provided to Council's Ecologist prior issue of the Occupation Certificate.

63. Delineation of Asset Protection Zones

The boundaries of the Asset Protection Zone must be permanently delineated using fencing, posts, bollards or similar. Evidence that this has occurred must be provided to Council's Ecologist prior to issue of any Occupation Certificate.

64. Removal of Trees within Asset Protection Zones

Evidence that only those trees marked within the Asset Protection Zone have been removed must be provided by the ecologist who marked the trees and supervised the clearing to the satisfaction of Council's Ecologist prior issue of the Occupation Certificate.

65. 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.

66. 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*.

67. 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.

68. Completion of Landscape Works

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

69. Completion of Parking/Loading Bay

All car parking, disabled access parking and loading facilities shall be marked out and clearly indicated by signs. The parking requirements secured in this consent shall be completed prior to the issue of an OC.

70. Trade Waste Disposal

Prior to the issue of an OC and/or commencement of the use of the building, whichever is earlier, 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.

ONGOING USE

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

71. Hours of Operation

The function centre is to be used for the purpose approved only within the following hours:

- Monday – Sunday (inc. public holidays) 8:00am to 10:00pm

72. Occupant Capacity

The seats/capacity of the function centre is restricted to a maximum of 60 patrons at any one time.

A notice is to be displayed in the premises stating that the maximum total occupancy of the premises allowed by this consent is 60 persons/seats.

73. Outdoor Music

Outdoor music within the courtyard and amphitheater is to be restricted to acoustic music and instruments only, with no amplification or PA systems permitted.

74. Parking Areas to be Kept Clear

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

75. 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.

76. 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.

77. 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.

78. Restraint of Cats and Dogs

Any cats on the property must be kept indoors at all times to protect the native fauna on the site. Any dogs must be kept within a securely fenced area. Fences must be able to prevent the dogs from entering areas of native vegetation on the site.

79. Weeds Listed in Biosecurity Regulation

The weeds, Lantana (*Lantana camara*), Prickly Pear (*Opuntia stricta* var. *stricta*) and Fireweed (*Senecio madagascariensis*) on the site must be removed.

80. Maintenance of Native Revegetation Area

The area required to be revegetated with native vegetation must be maintained in good health for the life of the development. Any trees and shrubs that die must be replaced with the same species and be of local provenance grown by a specialist native plant nursery.

81. Fencing

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

82. Retention of Native Vegetation outside of Asset Protection Zones

All native vegetation on the site outside of the approved Asset Protection Zone and access road must be retained in a natural state and not cleared, picked (as defined in the Biodiversity Conservation Act 2016) or disturbed in any way.

83. Tourist Accommodation

A register shall be kept of all lettings of sites/units giving the name of the occupier, their home address, the date of the commencement of occupation, and the date of departure. This shall be made available to Council officers at all times.

Mr Jack Peterkin	Against	PE57/2022 - Planning Proposal to Rezone Land at 532 Main Road, Cliftleigh from RU2 Rural Landscape to R2 Low Density Residential.	264	3 mins
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PLANNING AND ENVIRONMENT NO. PE57/2022

SUBJECT: PLANNING PROPSOAL TO REZONE LAND AT 532 MAIN ROAD, CLIFTLEIGH FROM RU2 RURAL LANDSCAPE TO R2 LOW DENSITY RESIDENTIAL.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
256
RESOLVED

That the report be deferred to allow for structure plan to be submitted to Council prior to its consideration.

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

Total (0)

CARRIED UNANIMOUSLY

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
257

RESOLVED

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

GMU19/2022	Audit and Risk Committee Charter	52
GMU20/2022	Minutes of the Audit and Risk Committee meeting held 9 August 2022	55
GMU21/2022	Minutes of the Audit and Risk Committee meeting held 31 August 2022.....	64
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GMU24/2022	Proposal to Close Council Offices Between Christmas and New Year	81
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‡ CC78/2022	Investment Report - August 2022	314
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‡ CO17/2022	MM10/2022 - Parking Advocacy - Amendment to Rule 197 of the Road Rules 2014	372
‡ CO18/2022	UB2/2021 - Urgent Business - Response Standing Down of Paxton Fire Station	373

Council adopt the recommendations as printed for those items.

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

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Nil

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU9/2022

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU19/2022

SUBJECT: AUDIT AND RISK COMMITTEE CHARTER

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
258

RESOLVED

That Council adopts the Audit and Risk Committee Charter.

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

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU20/2022

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 9 AUGUST 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
259
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 9 August 2022 be adopted as a resolution of the Ordinary Council.

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

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU21/2022

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 31 AUGUST 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
260
RESOLVED

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

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

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU22/2022

SUBJECT: PILOT JOB SHUTTLE PROGRAM

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
261

RESOLVED

1. That Council endorses the proposed Cessnock to Wine Country Pilot Job Shuttle Program as outlined in this report.
2. That Council endorses the submission of fully funded grant applications for the implementation of the Cessnock to Wine Country Pilot Job Shuttle Program.

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

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU23/2022

SUBJECT: BUSINESS ACTIVATION AND FACADE IMPROVEMENTS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
262

RESOLVED

1. That Council notes activities completed since 2020 to revitalise and support Cessnock Local Government Area (LGA) business precincts; and
2. That Council notes planned activities to revitalise and support Cessnock LGA business precincts.

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

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU24/2022

SUBJECT: PROPOSAL TO CLOSE COUNCIL OFFICES BETWEEN CHRISTMAS AND NEW YEAR

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
263

RESOLVED

1. That Council notes its offices, including Libraries will close from 12 noon Friday, 23 December 2022 and reopen on Tuesday, 3 January 2023.
2. That Council notes that the Cessnock Performing Arts Centre will close from 12 noon Friday, 23 December 2022 and re-open on Monday, 9 January 2023.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE51/2022

SUBJECT: **S4.55(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT NO. 8/2018/921 WHICH ORIGINALLY GRANTED APPROVAL FOR THE CONSTRUCTION OF A LIGHT INDUSTRIAL DEVELOPMENT. THE APPLICATION SEEKS TO DELETE CONDITION 9 AND AMEND CONDITION 10 WHICH RELATE TO THE CONSTRUCTION OF KERB AND GUTTER**

47 WERMOL STREET, KURRI KURRI

MOTION
264
RESOLVED

Moved: Councillor Hill

Seconded: Councillor Grine

1. That:

- (i) Section 4.55(1A) Application No. 8/2018/921/4 proposing to modify Development Consent No. 2018/924, seeking to delete Condition 9 and amend Condition 10 relating to kerb and gutter works at 47 Wermol Street Kurri Kurri, be refused pursuant to Section 4.55(1A) 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:
 - The modification will result in unacceptable environmental impacts in relation to street drainage associated with stormwater runoff and erosion control.
 - The modification will result in ongoing damage to the road pavement in Wermol Street which will adversely impact on traffic safety within the street.
 - The modification is inconsistent with Council's policy position in relation to the construction of kerb and gutter associated with commercial and industrial development.
 - The modification is not in the public interest given the impact of unmanaged stormwater drainage on adjoining properties and public road infrastructure.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

2. That the General Manager organise a briefing on the relevant council resolution regarding kerb and guttering requirements for commercial and industrial development

FOR**AGAINST**

Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal
Total (11)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE52/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21052/1 PROPOSING A BOUNDARY ADJUSTMENT

0 THOMAS STREET AND 34 MITCHELL STREET, NORTH ROTHBURY

Councillor Watton declared a Pecuniary Interest for the reason that he is a landowner in the village of North Rothbury in which his land backs onto the privately owned laneways. Councillor Watton left the chamber and took no part in discussion and voting.

Councillor Watton left the meeting, the time being 7:13 pm

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
265
RESOLVED

1. That:

- (i) Development Application No. 8/2021/21052/1 proposing a boundary adjustment at 0 Thomas Street and 34 Mitchell Street, North Rothbury, 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:
 - As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
 - As submitted, the application does not provide sufficient information for Council to determine if the application is in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
 - As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).
 - As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the *Cessnock Local Environmental Plan, 2011- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village'* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).

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

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

- The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in two (2) submissions being received.
- The issues raised in the submissions may be relevant to the proposal, however, insufficient information has been submitted with respect to the future re-subdivision of the lot created to enable a comprehensive response to an objection.

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 Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Jurd	
Councillor Suvaal	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

REASONS FOR REFUSAL

1. As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
2. As submitted, the application does not provide sufficient information for Council to determine if the application is in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
3. As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).
4. As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the *Cessnock Local Environmental Plan, 2011- 'to ensure that development is compatible with the amenity, functioning and scale of a*

rural village' (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).

Councillor Watton returned to the meeting, the time being 7:15 pm

PLANNING AND ENVIRONMENT NO. PE56/2022

**SUBJECT: PLANNING PROPOSAL 18/2020/3/1 - COMPREHENSIVE LEP
REVIEW - RECREATION ZONES**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
266
RESOLVED

That the report be deferred to the next Ordinary Council meeting.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE58/2022

SUBJECT: HUNTLÉE DEVELOPMENT CONTROL PLAN AMENDMENT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
267

RESOLVED

1. That Council places Draft Chapter 17 Huntlee of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.
2. That Council receives a further report following public exhibition of Draft Chapter 17 Huntlee of the Cessnock Development Control Plan 2010.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE59/2022

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - JUNE QUARTER 2021-2022**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
268
RESOLVED

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

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC71/2022

SUBJECT: RESPONSE TO BUSINESS WITH NOTICE BN21/2022 - COUNCIL FACILITIES APPROPRIATE FOR THE PROVISION OF LAUNDRY AND SHOWER FACILITIES FOR PEOPLE EXPERIENCING HOMELESSNESS IN CESSNOCK LGA

MOTION Moved: Councillor Dunn **Seconded:** Councillor Burke
269

RESOLVED

1. That Council notes the findings of the investigation into Council facilities appropriate for the provision of laundry and shower facilities for people experiencing homelessness in Cessnock LGA.
2. That Council notes the investigation found existing facilities with both toilet and showers to be not suitable for the reasons documented in this report.
3. That Council notes the correspondence from Clayton Barr, MP.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC72/2022

SUBJECT: ELECTION OF DEPUTY MAYOR - 2022/2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
270
RESOLVED

That the election of Deputy Mayor be held and determined by open ballot with the term of office to be from 22 September 2022 until the September 2023 Ordinary meeting.

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

CARRIED UNANIMOUSLY

The Mayor advised the meeting that only one nomination had been received from Councillor Moores which has been accepted and declared Councillor Moores as the Deputy Mayor.

CORPORATE AND COMMUNITY NO. CC73/2022

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 16 AUGUST 2022

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Dunn
271

RESOLVED

1. That the Minutes of the Strategic Property and Community Facilities Committee of 16 August 2022 be adopted as a resolution of the Ordinary Council.
2. That the buildings are demolished from the site located at 204-218 Vincent Street, Cessnock, using the funding from the Property Development Fund.
3. That the General Manager commence the advancement of the Civic Park for the site located at 204-218 Vincent Street, and 2 Cessnock Street, Cessnock.
4. That the General Manager provide a further report come to the Strategic Property Review Committee outlining a proposed timeline associated with delivering a civic park including any current design and development concept plans for the site.
5. That Council grant a licence over part Lot: 32 DP: 627860 35 Bowen Street, Branxton to Branxton Preschool Inc for a term of 21 years subject to public exhibition, with a license fee of \$5000 (plus CPI + additional outgoings) in accordance with section 46A and 47 of the Local Government Act 1993 be put in place for a 5 year period. After this initial 5 year period, the ongoing base licence fee will be reconsidered within the Strategic Property and Community Facilities Committee meeting.

Councillor Jurd left the meeting, the time being 7:42 pm

Councillor Jurd returned to the meeting, the time being 7:43 pm

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC74/2022

SUBJECT: REVIEWED CODE OF CONDUCT AND PROCEDURES

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
272
RESOLVED

1. That Council places the revised Code of Conduct and Procedures for the Administration of the Code of Conduct on public exhibition for 28 days.
2. That Council adopts the Code of Conduct and Procedures for the administration of the Code of Conduct if no submissions are received with effective from 1 November 2022.
3. That Council revokes the current Code of Conduct and Procedures for the administration of the Code of Conduct with effect from the date the revised draft is adopted.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC75/2022

SUBJECT: DRAFT COUNCILLOR AND STAFF INTERACTION POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
273

RESOLVED

- 1. That Council adopts the Draft Councillor and Staff Interaction Policy.**
- 2. That Council revokes the Councillor Access to Information and Interaction with Staff Policy 2020.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC76/2022

SUBJECT: BI-ANNUAL COMPLAINT HANDLING REPORT - JANUARY TO JUNE 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
274
RESOLVED

That Council notes the Bi-annual Complaint Handling Report for the period 1 January 2022 to 30 June 2022 and that of the 16 complaints received there were 4 substantiated.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC77/2022

SUBJECT: DISCLOSURE OF INTEREST IN WRITTEN RETURNS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
275
RESOLVED

That Council notes the tabling of the annual disclosures of interests in written returns the period of 1 July 2021 – 30 June 2022 in accordance with Council's Code of Conduct.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC78/2022

SUBJECT: INVESTMENT REPORT - AUGUST 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
276
RESOLVED

That Council receives the Investment Report for August 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 \$80,002,044.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC79/2022

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
277
RESOLVED

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

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI56/2022

SUBJECT: TENDER T2022-012 CESSNOCK SPORTSGROUND GRANDSTAND SEATING

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
278
RESOLVED

That Council accepts the tender (T2022-012) from Camatic Pty Ltd for the lump sum of \$285,372.67 (including GST) for the Cessnock Sportsground Grandstand Seating.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI57/2022

SUBJECT: TENDER T2022-011 CESSNOCK REGIONAL BMX FACILITY

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Grine
279

RESOLVED

1. That Council accepts the tender (T2022-011) from Bolla Contracting Pty Ltd for stage one works for the lump sum of \$412,830 (including GST) for the Cessnock Regional BMX Facility.
2. That Council note stage two works for the Cessnock Regional BMX Facility are conditionally accepted upon Federal Government funding.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI58/2022

SUBJECT: CESSNOCK AIRPORT GRANT PROJECT UPDATE

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Burke
280

RESOLVED

That Council notes the report and approves borrowing up to an additional \$1,200,000 to complete the Cessnock Airport Upgrade.

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

CARRIED

WORKS AND INFRASTRUCTURE NO. WI59/2022

SUBJECT: COOPER AND CHARLTON STREETS CESSNOCK INTERSECTION

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Watton
281
RESOLVED

1. That Council notes the results of the investigations undertaken at the Cooper and Charlton Streets Intersection; and
2. That the General Manager organise a briefing on this report in conjunction with the CBD Master Plan and the future direction of traffic flows within the CBD precinct.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI60/2022

SUBJECT: NSW STATE GOVERNMENT ACCELERATED INFRASTRUCTURE FUND (ROUND 3)

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Moores
282

RESOLVED

1. That Council endorses the nomination of the following infrastructure projects for Round 3 of the state government's Accelerated Infrastructure Fund:
 - Road widening – Wollombi Road (Francis Street to West Avenue)
 - Road Widening – Wollombi Road (Abbotsford Street to Francis Street)
 - Intersection improvements – Wollombi Road / Abbotsford Street /Cox Street
 - Intersection improvements – Wollombi Road / Bellbird North Access; and
2. That the General Manager be authorised to apply for the best combination of those project(s) that provide Council with the best possible application against the grant criteria; and
3. That Council provide approval of co-funding for the AIF nomination, from borrowing within the developer contributions plan.

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

CARRIED

WORKS AND INFRASTRUCTURE NO. WI61/2022

SUBJECT: WORKING WITH CESSNOCK CORRECTIONAL CENTRE

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
283
RESOLVED

That Council notes the outcome meeting with Correction Officers as to the opportunities for inmates to be used to undertake works for Council

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI62/2022

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 15 AUGUST 2022.

Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the Cessnock Stomp Festival. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7:38 pm

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
284
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 August 2022 be adopted as a resolution of the Ordinary Council.

- **TC33/2022 - That Council authorises the temporary regulation of traffic on Wollombi Road, Vincent Street, Edward Street, Cooper Street and Charlton Street, Cessnock for the Stomp Festival in accordance with Various Roads Cessnock CBD _ Stomp Festival Traffic Control Plans.**

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

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 7:38 pm

WORKS AND INFRASTRUCTURE NO. WI63/2022

SUBJECT: REQUEST FOR SPONSORSHIP - KEARSLEY COMMUNITY DAWN SERVICE COMMITTEE INC.

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Grine
285
RESOLVED

1. That Council provides sponsorship to Kearsley Community Dawn Service Committee Inc. for the community morning tea to be attended by the Minister for Veterans, the Hon. David Elliott MP, to the value of \$600, with funding from operational budgets within the Open Space and Community Facilities section;
2. That the Kearsley Community Dawn Service Committee Inc. provide an acquittal of the sponsorship within 60 days of the event.

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

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN26/2022

SUBJECT: EXTRA POLICE PRESENCE - BRANXTON/WARD C

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Jurd
286
RESOLVED

That Council write to the NSW Police Commissioner, Karen Webb, Minister for Police and State Member for Cessnock requesting additional police presence in areas of high development and growth in the Cessnock Local Government Area including Branxton, Huntlee, Bellbird, Heddon Greta and Cliftleigh.

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

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN27/2022

SUBJECT: KITCHENER SCHOOL PATHWAYS

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Hawkins
287

RESOLVED

1. That Council notes that the improvement of footpaths around Kitchener State School is currently in the Delivery Program.
2. That Council notes the community's concerns associated with students walking safety around the school.

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

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

NIL

CORRESPONDENCE

CORRESPONDENCE NO. CO13/2022

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
288
RESOLVED

That Council notes the correspondence received from Greg Warren, MP – Shadow Minister for Local Government; Jamie Parker, MP – Greens Spokesperson for Local Government and Geoff Provest MP, Parliamentary Secretary for Police and Emergency Services on behalf of the Minister, in response to Council's correspondence relating to a request to support NSW Councils' call to amend the *Rural Fires Act 1997*.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO14/2022

SUBJECT: BN29/2021 - NORTH ROTHBURY RETICULATED SEWER SCHEME

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
289

RESOLVED

That Council notes the correspondence received from the Managing Director of Hunter Water, Darren Cleary.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO15/2022

SUBJECT: MM12/2022 - TESTERS HOLLOW AND BUCHANAN ROAD

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
290

RESOLVED

That Council notes the correspondence received from Kylie Sullivan – Senior Government Services Office for Transport for NSW and Clayton Barr, MP – State Member for Cessnock.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO16/2022

SUBJECT: OLG RESPONSE - CODE OF CONDUCT COMPLAINT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
291

RESOLVED:

That Council notes the confidential letter received from the Office of Local Government (OLG) regarding the Code of Conduct Complaint referred to them concerning the conduct of Councillor Ian Olsen and that the OLG have advised they will not be taking any further action under the misconduct provisions of the *Local Government Act 1993*.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO17/2022

SUBJECT: MM10/2022 - PARKING ADVOCACY - AMENDMENT TO RULE 197 OF THE ROAD RULES 2014

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
292

RESOLVED

That Council notes the correspondence received from the Member for Cessnock, Clayton Barr MP received from The Hon. Sam Farroway, MLC, regarding the Parking Advocacy – Amendment to Rule 197 of the Road Rules 2014.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO18/2022

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
293
RESOLVED

That Council notes the correspondence received from Clayton Barr, MP on behalf of Geoff Provest, MP the Parliamentary Secretary for Police and Emergency Services, regarding the Standing Down of Paxton Fire Station.

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

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.55pm

CONFIRMED AND SIGNED at the meeting held on 19 October 2022

.....**CHAIRPERSON**

.....**GENERAL MANAGER**