



Vincent Street
CESSNOCK

12 March 2024

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 20 MARCH 2024

ENCLOSURES

PAGE NO.

PLANNING AND ENVIRONMENT

PE2/2024	DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours	
	701 Lovedale Road, Lovedale	
	Enclosure1: Development Plans.....	3
	Enclosure2: Amended Statement of Environmental Effects	8
	Enclosure3: Planning Assessment Report.....	46
PE3/2024	Cessnock to Branxton Public Transport Advocacy	
	Enclosure1: Cessnock to Branxton Public Transport Advocacy Brochure	70

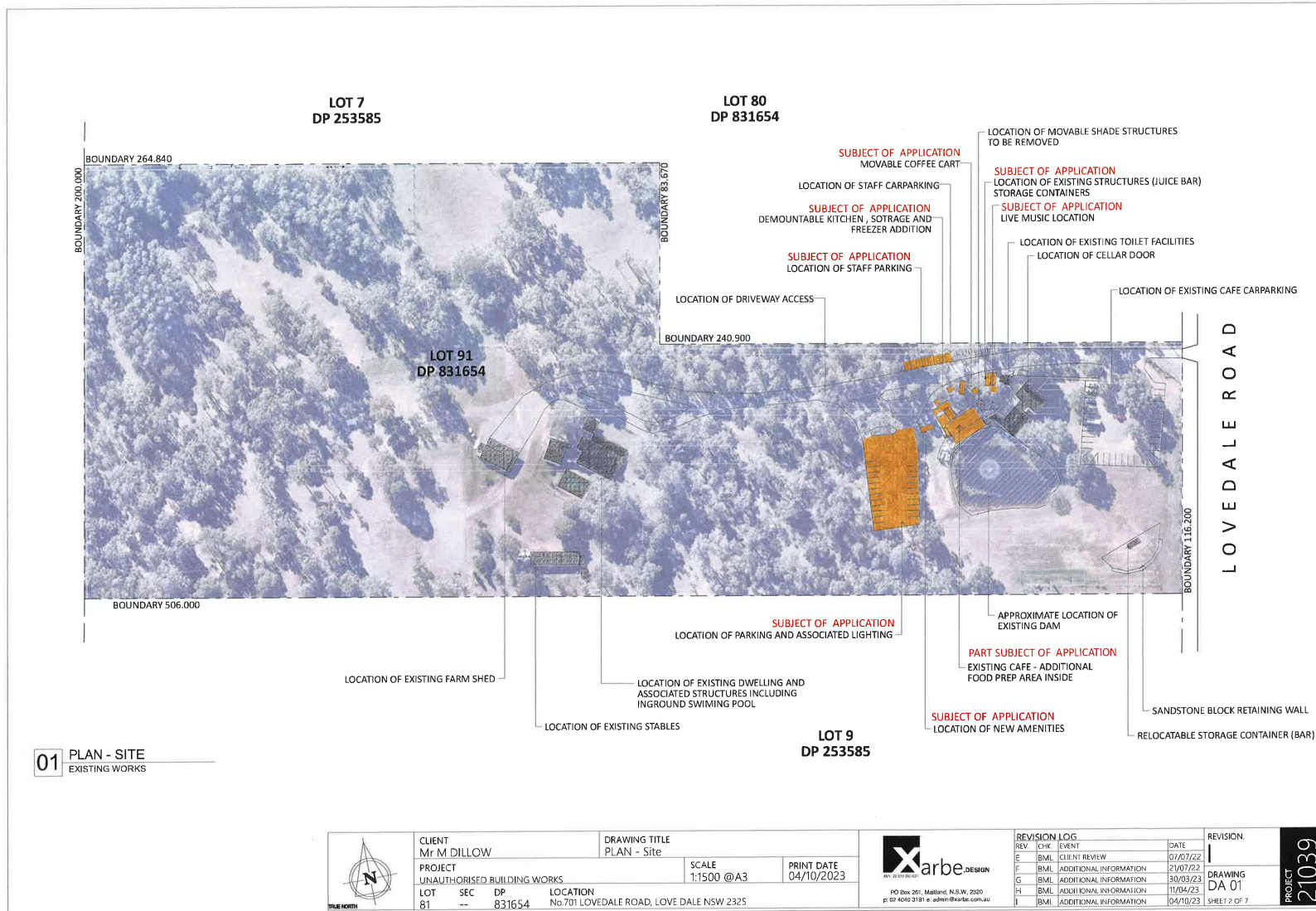
CORPORATE AND COMMUNITY

CC11/2024	Australian Local Government Association 2024 National General Assembly - Attendance and Motions	
	Enclosure1: Request to Attend Conference _ Mayor Suvaal.....	73
CC13/2024	Complaint Handling Report - July-December 2023	
	Enclosure1: Bi-Annual Complaints Handling Dashboard (Q3 & Q4 2023)	74
CC16/2024	Tender - T452324HUN Supply and Install Road Safety Barriers	
	Enclosure1: T452324HUN Evaluation Methodology	75

CC18/2024 Resolutions Tracking Report

Enclosure1: Completed Actions..... 79
Enclosure2: Outstanding Actions..... 91

701 Lovedale

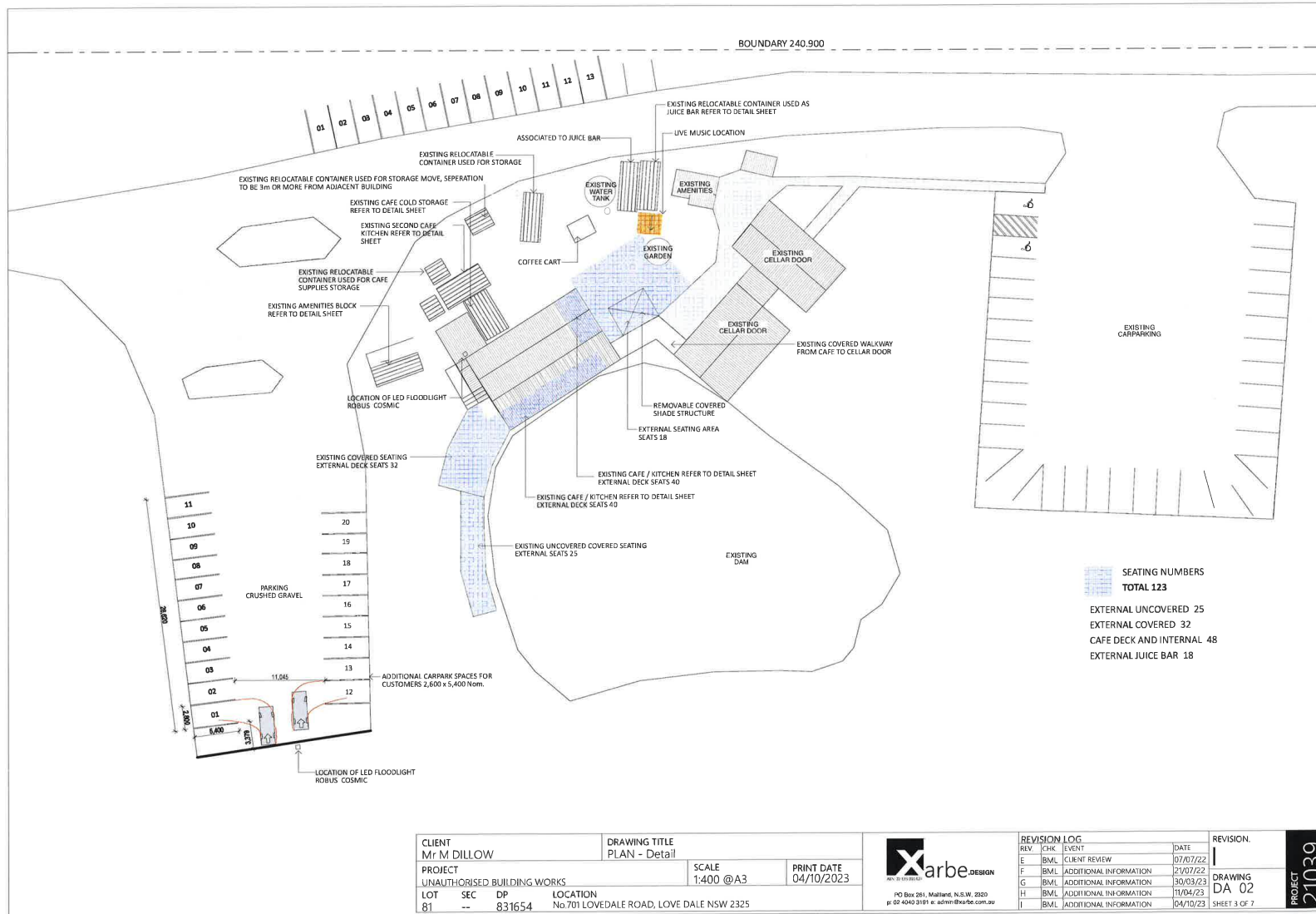


01 PLAN - SITE
EXISTING WORKS

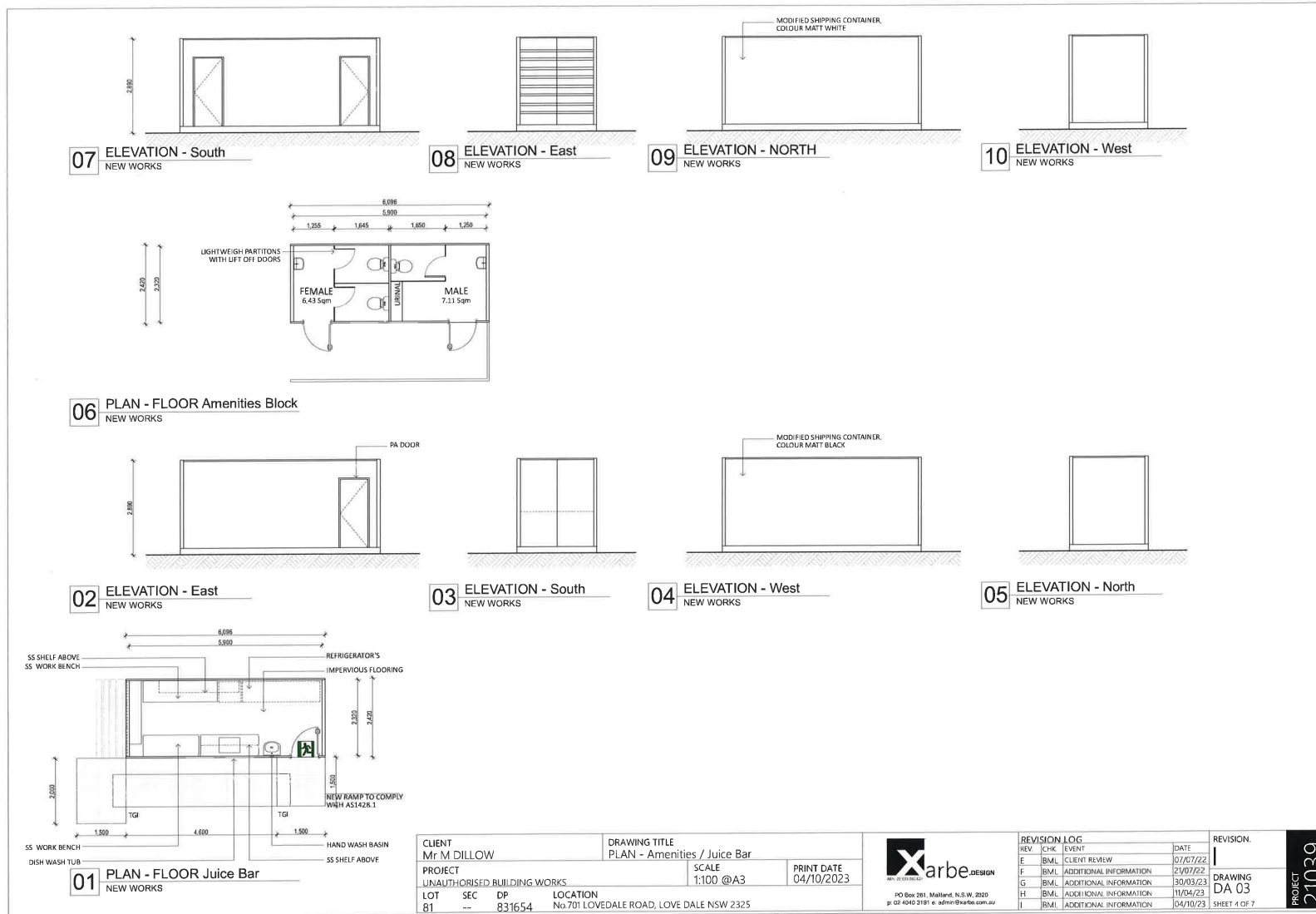
	CLIENT Mr M DILLOW	DRAWING TITLE PLAN - Site	SCALE 1:1500 @A3	PRINT DATE 04/10/2023		REVISION LOG		REVISION
	PROJECT UNAUTHORISED BUILDING WORKS	LOCATION No.701 LOVEDALE ROAD, LOVE DALE NSW 2325				REV	CHK	
LOT	SEC	DP						
81	--	831654						

PROJECT
21039

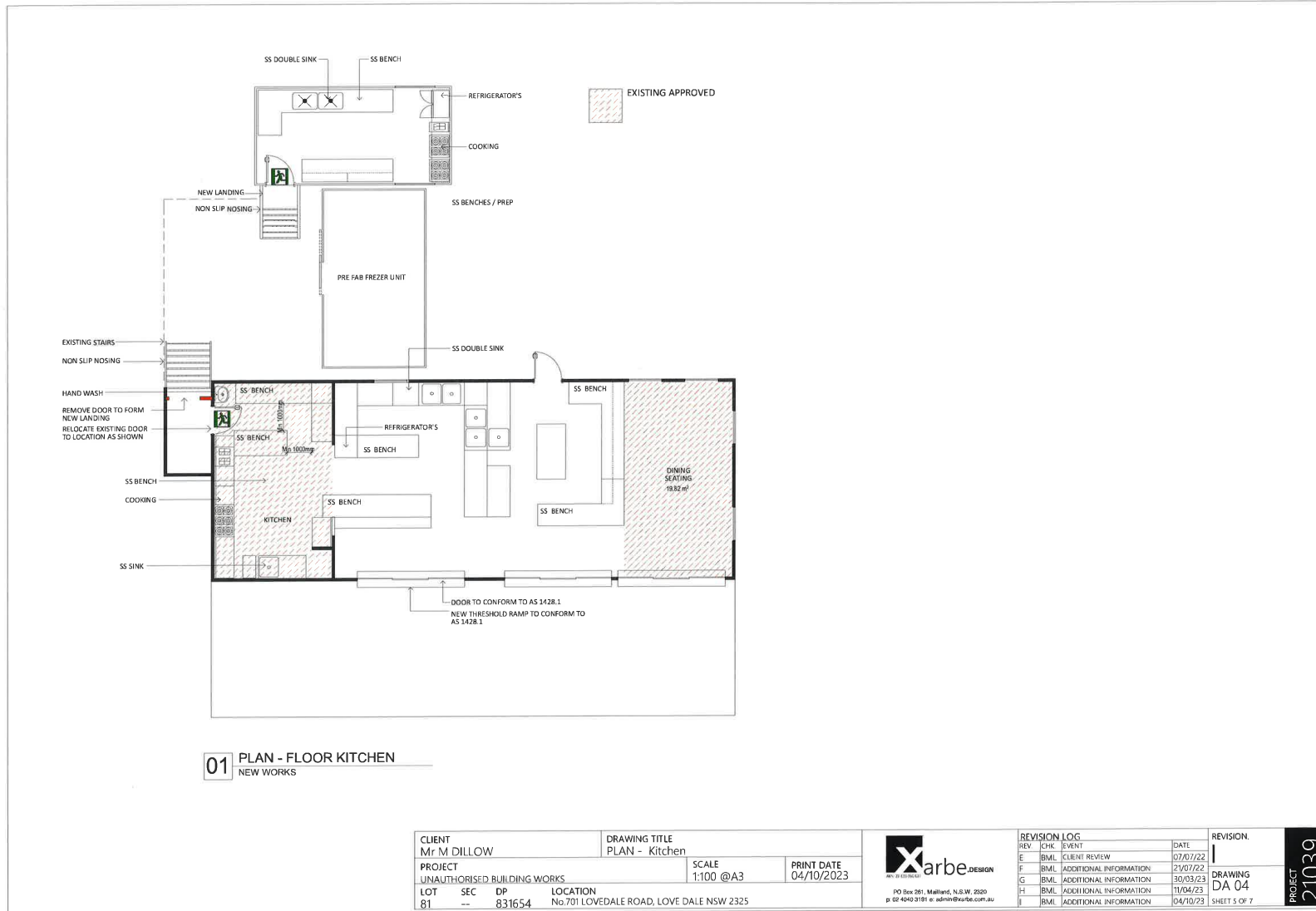
701 Lovedale



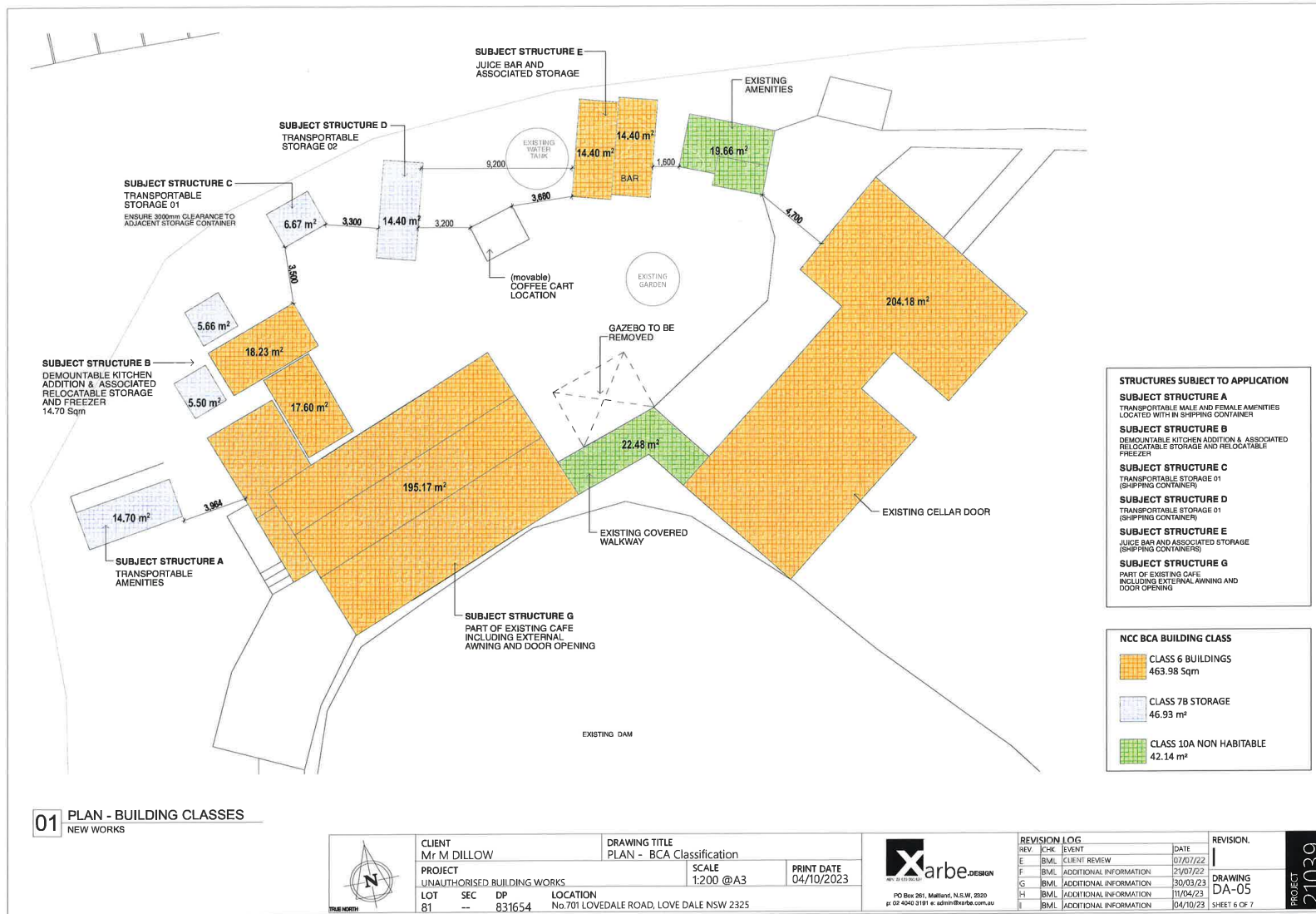
701 Lovea



701 Lovea



701 Lovedale



701 Lovedale Road, Lovedale



Amended Statement of Environmental Effects

RELOCATABLE AMENITIES BLOCK, CAR PARKING, JUICE BAR, POP-UP COFFEE STAND, RELOCABLE BAR, EXTENSION OF KITCHEN & LIGHTING

**Lot 81 DP 831654
(No. 701) Lovedale Road
LOVEDALE**

Prepared For:
The Deck Cafe

NOVEMBER 2023

ABN: 16 169 619 103 **Phone:** (02) 4936 4025
Address: Shop 1/187 Lang Street Kurri Kurri NSW 2327 **Postal:** PO Box 90 Kurri Kurri NSW 2327
Email: enquiries@completeplanningsolutions.com.au **Web:** www.completeplanningsolutions.com.au

701 Lovedale Road, Lovedale

Copyright

© Complete Planning Solutions Pty Ltd, 2023.

This report has been prepared by Complete Planning Solutions Pty Ltd. Reproduction without written authority from Complete Planning Solutions Pty Ltd is prohibited.

Restrictions on Use

This report has been prepared specifically for The Deck Cafe as the client. No part of this report may be referred to or quoted in any way without the express written approval of Complete Planning Solutions Pty Ltd. No party other than the client may rely upon any representation in this report for any purpose whatsoever, and Complete Planning Solutions Pty Ltd accepts no liability for any such party relying upon this report.

Complete Planning Solutions Reference

210173 – The Deck Cafe - Lovedale

Contact Details

Complete Planning Solutions Pty Ltd
Shop 1/187 Lang Street KURRI KURRI NSW 2327
PO Box 90 Kurri Kurri NSW 2327
Ph: 02 4936 4025
Email: admin@completeplanningsolutions.com.au

QA Status

PREPARED	VERSION	ISSUED
Karen Jurd B Dev Stud	V4	NOVEMBER 2023

Complete Planning Solutions

(2)

Contents

1.0	AMENDED SOEE	5
2.0	INTRODUCTION	5
2.1	Response	5
2.1.1	Extended Trading	5
2.1.2	Car Parking.....	6
2.1.3	On-site Petting Zoo	6
2.1.4	Additional Structures	7
2.1.5	Additional Light Pole.....	7
2.1.6	Earthworks.....	7
2.1.7	Amenities Block.....	8
2.1.8	Marquee	8
2.1.9	Intensification.....	8
2.1.10	Retaining walls and landscaping	8
3.0	DEVELOPMENT DETAILS & SUITABILITY	9
3.1	Development	9
3.2	Location.....	9
3.3	Site Details	10
3.4	Zoning	10
3.5	Applicant.....	10
3.6	Owner.....	10
3.7	Site Analysis.....	10
3.8	Site Constraints	11
3.9	Local Facilities.....	11
3.10	Compatibility with Local Area	11
3.11	Shape and Size of Allotment.....	12
3.12	Current and Previous Land Uses	12
4.0	OPERATIONAL DETAILS	13
4.1	Existing Use	13
4.2	No. of Employees.....	13
4.3	Customers	13
4.4	Hours of Operations	13
4.5	Traffic Movements.....	14
4.6	Vehicle Access	15
4.7	Vehicle Parking Requirements.....	15
4.8	Signage	16
4.9	Acoustic.....	16
5.0	PLANNING OBJECTIVES	20
5.1	Cessnock Local Environmental Plan 2011	20
5.2	Cessnock Development Control Plan 2010	20
6.0	ENVIRONMENTAL IMPACT	32
	Complete Planning Solutions	(3)

701 Lovedale Road, Lovedale

6.1	Setbacks.....	32
6.2	Acid Sulphate Soils	32
6.3	Mine Subsidence.....	32
6.4	Drainage & Flooding	32
6.5	Overshadowing and Solar Access	33
6.6	Services.....	33
6.7	Access and Traffic.....	33
6.8	Landscaping	33
6.9	Visual Privacy.....	33
6.10	Bush Fire	33
6.11	Retaining Walls	33
6.12	Heritage.....	33
6.13	Accessibility	34
6.14	Building Code of Australia (BCA)	34
7.0	WASTE MANAGEMENT	34
8.0	CONCLUSION.....	36
9.0	RECOMMENDATION.....	36
APPENDIX A		37
	Tree Removal.....	37

Complete Planning Solutions

(4)

1.0 AMENDED SOEE

This amended Statement of Environmental Effects (SoEE) responds to issues raised by Council during the assessment process.

2.0 INTRODUCTION

Cessnock City Council have requested that a development application (DA) be submitted to address issues raised within three (3) separate correspondence. The following is a summary of the issues raised within the correspondence:

1. Mr Richard Forbes, Team Leader Development Services, Cessnock City Council, dated May 2021 which referred to unauthorised/illegal Building Works. Matters raised by Council include:
 - a. Extended Hours
 - b. Car Parking
 - c. On-site Petting Zoo
 - d. Additional Structures
 - e. Additional Light Pole
2. A further email was received from Mr Forbes dated 17 August 2021 raising concerns of additional unauthorised works. Matters raised in email included:
 - a. Establishment of Carpark
 - b. Earthworks
3. Email received from Debbie Gosbell, Development Compliance Officer, dated 18 October last regarding alleged unauthorised works.
 - a. The Juice Bar
 - b. The container toilets
 - c. The shed (to replace marquee)

This DA is to address the issues raised by Council. A Building Information Certificate application will be submitted for the unauthorised/illegal building works if required, on the advice of Council.

2.1 Response

2.1.1 Extended Trading

During the pandemic NSW Government, through the Department of Planning, introduced a number of initiatives to assist the hospitality industry in keeping their businesses operational. These initiatives included:

- The Environmental Planning and Assessment (COVID-19 Development – Takeaway Food and Beverages) Order 2020; and
- Alfresco Outdoor Dining;
- Flexibility for Restaurants, Food Trucks and 'Dark Kitchens'.

These initiatives were welcomed by The Deck Café and were used to implement a number of changes to the operations of business. The changes ensured the future viability of the business. The changes were so successful that additional staff were employed by the Café in a time when most hospitality businesses were laying off staff. These changes included:

Complete Planning Solutions

(5)

701 Lovedale Road, Lovedale

- Extension of trading hours
- Establishment of juice bar and coffee hut
- Demountable kitchen
- Live music
- Extension of outdoor dining area - this enabled the distancing of patrons to meet required standards

Some of the measures introduced by the State Government proved to have a public benefit and were made permanent. The measures which have been made permanent include:

- Extended opening hours for businesses including supermarkets: Most businesses in business areas will be able to open from 6am to 10pm

Source: NSW Planning COVID-19 Response - Temporary measures in place to support the state's economy and jobs will be made permanent. <https://www.planning.nsw.gov.au/policy-and-legislation/covid-19-response> (accessed July 2023).

Because the changes proved successful for the business the Proponent submitted DA 8/2021/22318/1 to be able to continue them permanently.

2.1.2 Car Parking

Additional car parking areas (which are more than required under CDCP2011) has been established to move readily accommodated buses and larger vehicles such as caravans and RVs. This area has the added benefit of providing overflow carparking to accommodate events such as Lovedale Long Lunch. The car parking area to the north and west is also utilised by the Staff as it is a safer option when leaving a night then having to use the car parking area to the front of the subject site.

Evening patrons will be directed to the front car parking to reduce any impact on adjoining neighbours.

The additional 22 car parking spaces have been located where informal parking was occurring.

Much of this area, which has been cleared for some years and used for informal parking, sustained stormwater damage in the March 2021 floods. This resulted in the area be declared as a flood disaster area. The work undertaken in this area was to rectify the damage caused by the stormwater. Refer to email regarding tree removal for safety reasons attached as APPENDIX A.

The formalisation of this car parking area provides a positive outlook to the amenity of the area. Refer to plans for additional information.

2.1.3 On-site Petting Zoo

The Owner lives on the subject site. He homes his pet chickens, two (2) pigs, three (3) ponies and two (2) alpacas on the site. The housing of such animals is in keeping with the rural landscape of the site and general area and meets the objectives of land zoned RU4 Primary Production Small Lots.

The keeping of such animals does not require DA consent and the animals are not used within the general operations of The Deck Café for the purpose of an on-site petting zoo.

701 Lovedale Road, Lovedale

2.1.4 Additional Structures

Council have referred to the additional structures as shipping containers associated with a pop-up coffee, juice and gelato bar.

The pop-up juice and gelato bar is within a converted shipping container and is to be considered a permanent structure.

The pop-up coffee bar is a portable structure and will not be a permanent structure on site.

Both the juice and gelato bar and coffee bay will only be utilised on weekends during peak tourist times. Peak tourist times are usually during weekends, school holidays, public holidays and concert season.

These facilities complement the existing business and are not intended to increase customer numbers.

The temporary cool room and secondary kitchen are located on site. These will be replaced by a permanent structure which will be the subject of a future DA within 5 years.

Other shipping containers located upon the property are used for storage.

Under the provisions of the *Environmental Planning and Assessment (COVID-19 Development Extended Operation) Order 2020* flexibility for the use of food trucks and drink outlets is suggested. The use of the pop-up coffee bar is in keeping with the provisions of the Order. However, consent is not for this use to remain if or when the Order is revoked.

2.1.5 Additional Light Pole

Appropriate lighting has been proposed to ensure the safety of patrons and staff when leaving the restaurant. All external lighting will be turned off once patrons and staff have made it safely to their vehicles. As the proposed latest closing time for the restaurant for events is 10.30pm on Friday and Saturday night all lights should be turned off by 11.00pm.

All lighting will comply with AS4282 for obtrusive lighting. Full details will be provided with the Construction Certificate.

Lighting will be installed to face downwards, ensuring that light spill is kept to a minimal. Thus, reducing the impact on adjoining property owners.

The lighting impacts of the new car park are expected to be minimal on adjoining property owners. The new car park is north-west of the closest residential dwelling. The area between the carpark and the dwelling is occupied by scattered vegetation. Any light spill from security lighting in the carpark will be reduced by the proposed acoustic and visual screen and planting of vegetation. In relation to cars leaving the premises they will be travelling in the opposite direction to the dwelling and will not create any impact on the residents.

The proposed development involves approval for two unauthorised light poles.

2.1.6 Earthworks

Minor earthworks were carried out within a cleared area of the subject site to formalise the parking area to the west of the subject site. This area has a historical use as informal car parking and is usually used for overflow parking at peak times such as Lovedale Long Lunch.

Complete Planning Solutions

(7)

701 Lovedale Road, Lovedale

2.1.7 Amenities Block

A relocatable amenities block has been installed (unauthorised) at the subject site. The amenities block is in excess of the required facilities but will be utilised for peak periods such as Lovedale Long Lunch.

2.1.8 Marquee

Since the DA was originally submitted the marquee has been dismantled and as such does not form part of this DA.

2.1.9 Intensification

The works that has been undertaken without authority is to provide improved facilities for customers. The unauthorised works will not result in increased customers, seating numbers are to remain the same as have been previously approved.

COVID 19 has presented both negative and positive outcomes for small businesses. One of the positives has been the opportunity to implement new approaches to how goods and services are provided to customers. The Deck Café have embraced these opportunities to implement changes which will ensure the longevity and economic viability of the business.

2.1.10 Retaining walls and landscaping

A low sandstone retaining wall has been in installed to the south of the subject property. The wall is no greater than 600mm and as such does not require consent.

3.0 DEVELOPMENT DETAILS & SUITABILITY

3.1 Development

The proposed development involves gaining consent for the following:

- Relocatable Amenities Block, already installed (unauthorised works)
- Additional carparking (unauthorised works)
- Juice Bar located within a relocatable container (unauthorised works)
- Additional Light Pole (unauthorised works)
- Pop Up Coffee Stand (see phot below)
- Bar located within a relocatable container
- Extension of food preparation area within existing café (unauthorised works)
- Temporary pre-fab freezer unit on northern side of Café
- Temporary demountable kitchen on northern side of Café
- 2 x shipping storage containers
- Extension of operating hours

Refer to plans for further information.



3.2 Location

Lot 81 DP 831654 (No. 701) Lovedale Road, Lovedale. Refer to Figure 1.

701 Lovedale Road, Lovedale



Figure 1: Locality Map – Map view of Lot 81 (No. 701) Lovedale Road, Lovedale.

3.3 Site Details

The subject site comprises of a total area of approximately 8.1013Ha.

3.4 Zoning

The subject site is zoned RU4 Primary Production Small Lots under the Cessnock Local Environmental Plan, 2011.

3.5 Applicant

The Deck Cafe
C/- Complete Planning Solutions Pty Ltd

3.6 Owner

The land is currently owned by Gartelmann Wines Pty Ltd

3.7 Site Analysis

The subject site is a large rural property located on the western side of Lovedale Road. It has an irregular shape lot.

Access to the site is via Lovedale Road. Lovedale Road provides access to the Hunter Vineyards from an interchange on the Hunter Expressway.

Over the past few decades Lovedale Road has become an important wine tourist precinct in itself, with a growing number of wine, food and tourism operations. The identity of Lovedale Road has been reinforced by the annual Lovedale Long Lunch, which is a major event attracting many thousands of people.

The locality has a mixed rural/wine tourism character as a result.

Complete Planning Solutions

(10)

701 Lovedale Road, Lovedale

Much of the subject site has been cleared in the past with a small amount of vegetation remaining scattered on the site. The site includes a dwelling, café, cellar door, sheds, stables and associated structures.

The subject site continues to have a rural character, with the buildings located within scattered native trees and focussed on a waterbody which is not unlike a farm dam. The site has a slightly informal air which is in keeping with the rural environment. A more intensively development formalised "corporate" look, as exhibited by some developments within the core of the Pokolbin vineyards, is not appropriate in this location.

In common with many lots on Lovedale Road, a number of dwellings are located close to the subject site. This is a reflection of the evolution of Lovedale road from a rural area to a mixed rural/tourism precincts. This evolution was accelerated with the construction of the Hunter Expressway and the resultant increased use of Lovedale Road to access Wine Country.

The site is surrounded by rural lots of a similar size and nature that are used for a range of agricultural and tourism purposes including:

- Leaves & Fishes Restaurant
- Binorie Cheese
- Adina Winery and Emersons Restaurant
- Lovedale Wedding Chapel & Reception Centre
- Tattler Wines and Courtyard Eclectic Restaurant
- Saltire Estate
- Dark Horse Vineyard
- Ironstone Estate

The closest dwelling is located to the north-west of the Café buildings.

The vegetation in the immediate vicinity is predominantly pasture, some vineyards or scattered woodland.

3.8 Site Constraints

According to NSW Planning Portal the subject site has the following environmental constraints:

- Bush Fire Prone Land
- Flood Prone Land

3.9 Local Facilities

The subject site is approximately 11 kilometres from Cessnock. The proposed development is to be located within the village of Lovedale and in close proximity to major wineries, golf courses, galleries, restaurants and Cessnock airport.

3.10 Compatibility with Local Area

The proposed development consists of low profile buildings set back over 60m from Lovedale Road. Woodland containing mature native trees and a formal car park occupies the space between Lovedale Road and the buildings. The buildings are constructed on non reflective materials in muted tones, consistent with the rural environment. Only existing approved development is visible from Lovedale Road with the proposed development not being visible from the public domain, or in the background and heavily filtered by intervening vegetation.

701 Lovedale Road, Lovedale

The local area is characterised by its diverse range of agricultural and tourism land uses including vineyards, cellar doors, restaurants, art/craft galleries and various forms of tourist accommodation.

The nature of the proposed development is consistent with these surrounding land uses. It also forms part of a coherent suite of buildings/development on site.

The operational impact of the proposed development can be responsibly managed to maintain the amenity of the area. No increase in patron capacity is proposed.

3.11 Shape and Size of Allotment

The subject site is an irregular shaped lot with accessed via Lovedale Road. It is located amongst rural residential and tourist accommodation developments.

The subject site comprises of a total land area of 8.1013Ha. The subject site has a frontage to Lovedale Road. At that size, this particular lot allows for the development of this type as proposed to be seen as an appropriate scale. The subject site is considered to be appropriate for the proposed development.

3.12 Current and Previous Land Uses

Lovedale Road is within a rural tourist/residential area. Land in the immediate vicinity of the site is occupied by rural residential housing and tourist accommodation. The subject site currently contains a dwelling, café, cellar door, shed, ancillary structures, fencing, road and dams.

The site has a long history of use as a Cellar Door and Cafe/Restaurant. According to Council records the following approvals have been granted for the subject site

CC-10/2018/834/1	Outdoor Extension of Existing Cafe & Associated Shade Structure
DA-8/2018/834/1	Outdoor Extension of Existing Cafe & Associated Shade Structure
STA-15/2017/105/1	Single Storey Dwelling with Attached Garage
S96-8/2016/35/2	Modification - Amendments to Conditions involving Bushfire, Traffic and Privacy Fencing
DA-8/2016/35/1	Temporary Event Lovedale Long Lunch
S96-8/2012/24/3	Temporary Event - Lovedale Long Lunch
STA-15/2014/59/1	Servicing the Deck Cafe
CC-10/2014/276/1	Retail Premises - General - Additions
DA-8/2014/276/1	Alterations and Additions to Extend Refreshment Room (Cafe)
STA-15/1998/3059/3	Grease Arrestor/ Cafe
S96-8/2012/24/2	Amended Consent - Amendment to Condition 15 - Provision of Ambulance Service
DA-8/2012/24/1	Temporary Use of Land - Lovedale Long Lunch
DA-8/2010/336/1	Refreshment Room and Tourist Related Craft Shop
DA-8/2009/31/1	Dwelling Addition
DA-8/2007/201/1	Awning
DA-8/2006/138/1	Temporary Events - Lovedale Long Lunch

Complete Planning Solutions

(12)

701 Lovedale Road, Lovedale

DA-8/2005/188/1	Deck
DA-8/2003/273/1	Temporary Events - Lovedale Long Lunch
DA-8/2002/808/1	Erection of Four (4) Flag Poles
DA-8/2001/762/1	Advertising Structures

The subject site is not known to be contaminated.

4.0 OPERATIONAL DETAILS

4.1 Existing Use

Gartelmann Wines and The Deck Café currently operate from the subject site. Gartelmann Wines is well known for producing award winning wines and is well respected within the vigneron community.

The Deck Café was established in 2013 by Matt Dillow and was his third hospitality venture in the Hunter Valley. The cafe is situated on the deck overlooking the dam in young forest bushland.

Matt is an enthusiastic business owner who is always looking for new and exciting ways to promote tourism in the area and to expand his businesses.

The Deck Café and Gartelmann Wines are an integral part of the success of the Lovedale Long Lunch participating in the event from its commencement.

Gartelmann Wines and The Deck Café are value members of the Lovedale community providing social and economic value to the Cessnock LGA.

4.2 No. of Employees

Staff numbers will not alter as a result of the proposed development.

4.3 Customers

The proposed development will not increase number of patrons at any point in time, that is, the currently approved seating capacity for the café/restaurant of 123 will remain.

4.4 Hours of Operations

The Deck Cafe

The Café currently has approval to operate from 9.00am to 6.00pm seven (7) days a week (Monday to Sunday).

During COVID when locals were not allowed to travel the business introduced a number of events which were very successful. It is proposed to continue to offer such events including cooking classes for adults and children, food appreciation, wine club members nights, locals' and small functions.

An extension of trading hours is being sought to enable evening trading of the café/restaurant for special events, as distinct from general operation.

Complete Planning Solutions

(13)

701 Lovedale Road, Lovedale

It is proposed to host events no more than sixty (60) times per year and limited to two (2) events per week.

The proposed hours of operations to accommodate sixty (60) events per year are as follows:

Monday	8.00 am	6.00 pm
Tuesday	8.00 am	6.00 pm
Wednesday	8.00 am	9.30 pm
Thursday	8.00 am	9.30 pm
Friday	8.00 am	10.30 pm
Saturday	8.00 am	10.30 pm
Sunday	8.00 am	9.30 pm

The Coffee Cart & Juice Bar

The coffee cart and juice bar will only operate on weekends, public holidays and NSW school holidays between the hours of 8.00am and 1.00pm. Patrons to the coffee cart and juice bar will be either takeaway or table service to The Deck Café customers.

The purpose of coffee cart and juice bar is to take load off the space constrained main serving and kitchen areas at these peak times. It will result in improved and more timely service to patrons occupying the existing seating, or seeking a take away drink to enjoy on their trip home or to their accommodation following a meal.

The Bar

The relocatable bar will only be used for major events such as Lovedale Long Lunch. When not in use it will be stored within the property away from the general public area.

4.5 Traffic Movements

Council have advised the following in relation to the need for a Traffic Impact Assessment:

"I refer to your Development Application No 8/2021/22318/1 for various works associated with the existing café/restaurant and to Council's advice that a Traffic Impact Assessment (TIA) will be required (and roadworks) for the intensification of the development.

In your letter to Council dated 2 May 2022 you have advised that the owner is not in a position to provide a TIA or undertake roadworks and you have indicated that the owner does not wish to intensify the current development by increasing patron numbers.

In assessing the application, Council has undertaken a review of the historical approvals issued for development on the site (including the cellar door) in determining parking and patron numbers and the following is noted:

- *The Cellar Door approval (3059/1998 issued on 18.8.1998) required a total of 5 parking spaces under Council's parking rate at the time (it is noted that 10 were provided on site).*
- *The Café and Antique Shop approval (8/2010/336/1 issued on 16.8.2010) required the site to provide a total of 21 parking spaces.*
- *The approval for the extension of the café into the antique shop (8/2014/276/1 issued 17.12.2014) required the site to provide a total of 31 car parking spaces.*

Complete Planning Solutions

(14)

701 Lovedale Road, Lovedale

- The approval for an additional 44 outdoor seats under a shade structure (8/2018/834/1 issued 5.8.2019) required the site to provide a total of 46 parking spaces.

It is noted that the two (2) original approvals for the café (8/2010/336/1 and 8/2014/276/1) did not include a seating plan. Car parking was calculated on a per square metre floor space parking rate applicable at the time.

The latest approval for the additional seating under a shade structure (8/2018/834/1) provided a seating plan for 44 seats and parking was calculated at a rate of 1 space per 3 seats under Council's current Development Control Plan 2010 – Chapter C.1 (Parking and Access).

In estimating the current total seating capacity of the cafe/restaurant, discussions have been held with Council's Principal Development Engineer (Jules Bosco) and the following has been established:

- The most recent approval for the site (8/2018/834/1 issued 5.8.2019) requires a total of 46 car parking spaces on site (inclusive of the cellar door and café/restaurant). The cellar door requires a total of 5 car parking spaces which leaves 41 spaces for the café/restaurant.
- In accordance with Council's current parking rates (Development Control Plan 2010 - Chapter C.1(Parking and Access), 1 parking space equates to 3 seats for cafes/restaurants.
- Therefore, the current seating capacity for the café/restaurant is $(41 \times 3) = 123$.

In order to ensure the current application does not intensify the development by increasing patron numbers, amended plans and SoEE will be required identifying a total of 123 seats associated with the café/restaurant inclusive of both indoor and outdoor seating."

Response

The proposed development does not increase the number of patrons above the approved 123 approved seats. There is no increase in traffic or parking demand beyond the existing approved numbers. The documentation forming part of this application confirms 123 patrons.

4.6 Vehicle Access

Access to the subject site is via an existing driveway of Lovedale Road. Lovedale Road is an all-weather access road.

4.7 Vehicle Parking Requirements

There is no increase in car parking demand because seated capacity is not changing. According to advice received from Council 46 carparking spaces are required to accommodate the cellar door and café/restaurant under the provisions of the Cessnock DCP. These spaces will continue to be provided, and upgraded to provide complaint mobility disabilities parking infrastructure.

A number of bicycle parking spaces are also provided.

It is proposed to provide car parking in excess of the DCP requirements. This is to ensure that staff are able to park in secure locations, and to formalise overspill car parking areas used during events such as the Lovedale Long Lunch.

All car parking will meet Australian Standards and Council's technical requirements.

Complete Planning Solutions

(15)

4.8 Signage

This application does involve approval for signage.

4.9 Acoustic

A Noise Assessment Report has been prepared by MAC Consulting and is attached to this application.

There are two criteria to consider when establishing noise assessment criteria/goals which the NPI defines as Project Noise Trigger Levels (PNTLs). These criteria are:

The MAC report assesses two categories of amenity noise levels:

- the intrusiveness noise level (INL), which aims to protect against significant changes in noise levels and seeks to limit the degree of change a new noise source introduces to an existing environment; and
- the amenity noise level (ANL) seeks to protect against cumulative noise impacts from industry and maintain amenity for particular land uses.

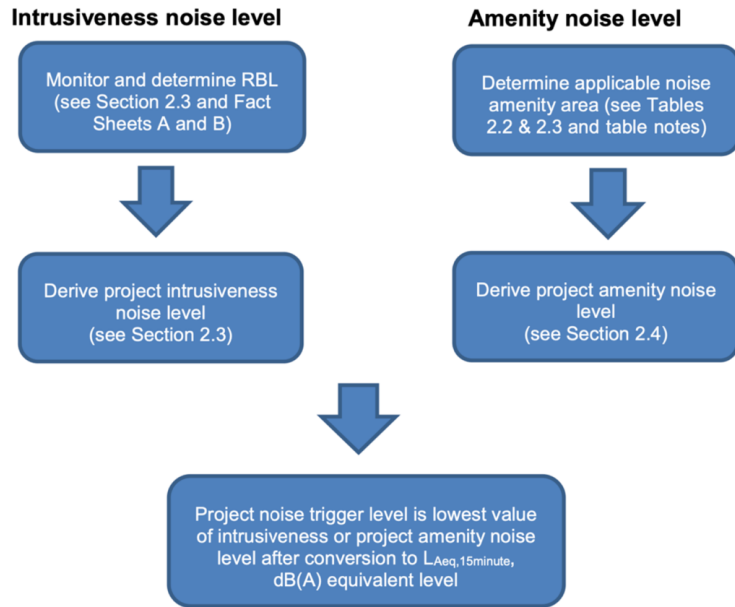
Intrusiveness and Amenity noise levels are not used directly as regulatory limits. They are used in combination with the project intrusiveness noise level to assess the potential impact of noise, assess reasonable and feasible mitigation options, and subsequently determine achievable noise requirements.

The application of these noise measures to an acoustic assessment determines the project noise trigger level.

The noise trigger level as "a level that, if exceeded, would indicate a potential noise impact on the community, and so 'trigger' a management response; for example, further investigation of mitigation measures.

The project noise trigger level, feasible and reasonable mitigation, and consideration of residual noise impacts are used together to assess noise impact and manage the noise from a proposal or site."

The appropriate project trigger level is determined as in the flowing flow chart:



The Assessment modelled intrusive and amenity noise levels. The lower of the two measures are used as the "trigger noise level" for acoustic impact assessment impacts on neighbouring premises (dwellings).

The assessment of "operational noise", i.e.. the operation of the venue when music is not being provided, found the noise generation would be below the relevant noise trigger level.

For music performances, the Liquor and Gaming noise assessment methodology was used. This found minor noise exceedances (2dbA) could be experienced

The following tables illustrate the impact of a 2dbA exceedance.

701 Lovedale Road, Lovedale

If the predicted noise level minus the project noise trigger level is:	And the total cumulative industrial noise level is:	Then the significance of residual noise level is:
≤ 2 dB(A)	Not applicable	Negligible
≥ 3 but ≤ 5 dB(A)	< recommended amenity noise level or > recommended amenity noise level, but the increase in total cumulative industrial noise level resulting from the development is less than or equal to 1dB	Marginal
≥ 3 but ≤ 5 dB(A)	> recommended amenity noise level and the increase in total cumulative industrial noise level resulting from the development is more than 1 dB	Moderate
> 5 dB(A)	≤ recommended amenity noise level	Moderate
> 5 dB(A)	> recommended amenity noise level	Significant

Significance of residual noise level	Example of potential treatment
Negligible	The exceedances would not be discernible by the average listener and therefore would not warrant receiver-based treatments or controls.
Marginal	Provide mechanical ventilation/comfort condition systems to enable windows to be closed without compromising internal air quality/amenity.
Moderate	As for 'marginal', but also upgraded façade elements, such as windows, doors or roof insulation, to further increase the ability of the building façade to reduce noise levels.
Significant	May include suitable commercial agreements where considered feasible and reasonable.

In summary, the noise assessment found that the acoustic impact of the proposed developed is satisfactory provided certain noise reduction measures are undertaken. These reduction measures will be implemented in full.

The Noise Management Recommendations are as follows:

Following analysis of results, future options for the venue with consideration of the L&G criteria could include:

- any live performances should consist of smaller acts such as a soloist, duet, trio or DJ as long as they are properly managed or orientated to minimise emissions;
- the amplified music/speakers should be positioned on a stage used for the event. The stage and associated speakers should be directed away from the nearest receivers to the north;
- the amplified music/speakers were modelled at a height of 1.5m above ground level;
- the stage is to be fitted with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonic Clear curtain or equivalent). These panels should be utilised during events on the northern, eastern and western facing facades to minimise noise transmission to sensitive receivers (see Figure 2) Alternatively, the amplified

Complete Planning Solutions

(18)

701 Lovedale Road, Lovedale

- music/speakers could be positioned within the opening of the shipping container, with the doors of the shipping container open and acting as a partial barrier (see Figure 3);
- consultation with the nearest receivers should be conducted to establish some reasonable and feasible noise management and mitigation measures that can be agreed upon by both the venue and the residents.

Further recommendations relating to Noise Management Procedures and Noise Monitoring Recommendations are included with the Report including amendments to the proposed operational plan of management. These will be implemented in full.

In addition to the above,

- a permanent continuous acoustic barrier of at least 1800mm high will be constructed on the northern side of the entertainment area in order to provide further improve the acoustic amenity of the neighbours to the north/northwest.
- a permanent continuous acoustic barrier of at least 1800mm high will be constructed the full length of the interface between the subject site and the neighbouring dwelling to the north/north west. This fence parallels the driveway for most of the length of the staff parking area to the north of the driveway. This barrier will provide additional acoustic and visual screening for the neighbour of the lower car park and the back of house of the cafe. The barrier will be setback approximately 3 metres from the property boundary and a landscape screen of native vegetation with a mature height of at least 3 metres planted in the intervening space.

5.0 PLANNING OBJECTIVES

5.1 Cessnock Local Environmental Plan 2011

The subject site is within RU4 Primary Production Small Lot Zone pursuant to the provisions of the Cessnock Local Environmental Plan 2011.

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*

2 Permitted without consent

Extensive agriculture; Home occupations.

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Cellar door premises; Child care centres; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Function centres; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Plant nurseries; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Tourist and visitor accommodation; Waste or resource management facilities.

4 Prohibited

Hotel or motel accommodation; Any other development not specified in item 2 or 3.

The proposed development is not contrary to any of the objectives of the zone, and in particular supports the objective :”To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.”

Restaurants and cafes are a permissible use within this zone.

5.2 Cessnock Development Control Plan 2010

The aims of the DCP are:

- *To provide a detailed planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the Local Government Area;*
- *To identify certain development as advertised development and to detail public notification requirements in accordance with section 74C of the EP&A Act;*

Complete Planning Solutions

(20)

701 Lovedale Road, Lovedale

- To promote a more simplistic framework for dealing with development applications (DAs) consistent with the amended requirements of the EP&A Act;
- To encourage and assist effective community participation in the decision-making process;
- To provide a more accessible and understandable set of guidelines to the general public; and
- To apply common or consistent requirements and procedures in the assessment of all applications.

5.2.1.1 Cessnock Development Control Plan Part E

The objectives of the Cessnock DCP Part E Specific Areas (Vineyards District) are:

Objectives

- (a) to maintain prime viticultural land and promote the economic and ecological sustainability of the Vineyards District;
- (b) to recognise and protect vineyards and wineries (dominant land uses) from inappropriate uses in the zone;
- (c) to encourage appropriate tourist development consistent with the rural and viticultural character of the Vineyards District;
- (d) to minimise conflict between viticultural and non-viticultural land uses by the sympathetic location and design of those uses, and the maintenance of the rural/viticultural character of the landscape;
- (e) to enable the continued rural use of land which is complimentary to the viticultural character of land within the Vineyards District;
- (f) to protect the water quality of receiving streams and to reduce land degradation;
- (g) to actively promote the need to conserve and enhance the biodiversity of the Vineyards District; and
- (h) to conserve the aboriginal archaeology and European heritage of the Vineyards District.

The proposed development is either consistent with or not contrary to the objectives of E3 Vineyards District. In particular the proposed development:

- maintains prime viticultural land and promote the economic and ecological sustainability of the Vineyards District;
- encourages appropriate tourist development consistent with the rural and viticultural character of the Vineyards District;
- minimises conflict between viticultural and non-viticultural land uses by the sympathetic location and design of those (uses, and the maintenance of the rural/viticultural character of the landscape;
- is complimentary to the viticultural character of land within the Vineyards District;

Table 1 identifies issues which are relevant to the proposed development.

TABLE 1 – CDCP2010 requirements for proposed development.

Vineyards District Part E.3	Requirements	Complies	Details
Consideration of Surrounding Land Uses	By ensuring that tourist accommodation units are not situated in close proximity to operating wineries and vineyards, potentially subjecting those persons residing in the units to impacts associated with noise and	N/A	

Complete Planning Solutions

(21)

701 Lovedale Road, Lovedale

	odour and placing undue burden on the winery or vineyard operator to modify operations;		
	By ensuring that vineyards are not planted too close to dwelling-houses or tourist or visitor accommodation and public places, creating a situation of potential spray drift impact and noise.	N/A	The proposed development does not involve the planting of vineyards.
Viticultural Analysis	To ensure that land suitable for viticultural purposes is not alienated for that purpose by built development.	N/A	The proposed development will not create a negative impact upon the viticultural value of the land .
	To ensure that built development is only permitted to occur on soils which are not prime viticultural soils.	Yes	The proposed site is not believed to contain prime viticultural soils.
Potentially Contaminated Land	To ensure that built development is not sited or operated on contaminated land so that humans are not subject to potential impacts associated with such contamination.	Yes	The subject site for the built development is not known to be contaminated.
Building Siting and Design	To ensure that development is appropriately sited and designed having regard to the opportunities and constraints of a site and its surrounds and the special qualities of the Vineyards District.	Yes	The proposed development is for improvements to an existing tourist facility. The proposed development complements the surrounding area. It is consistent with the evolving character of the Lovedale precinct- that of a informal mix of tourist and rural uses. The proposed development strikes an appropriate balance between tourism development and rural amenity.
	To ensure that built developments proposed in visually significant areas (see Figure 3) are considered having regard to the significant landscape features and particular environmental	Yes	The proposed development is largely not visible or not obtrusive from the public domain (ie Lovedale Road) because it is generally screened from the road by existing approved

Complete Planning Solutions

(22)

701 Lovedale Road, Lovedale

	qualities of the Vineyards District.		development or vegetation, or distant.
Development Densities	To protect and enhance the rural and viticultural character of the Vineyards District by ensuring that it does not become over-developed	Yes	The proposed development will not increase the capacity of the development at any point in time (i.e seating capacity). It seeks to improve services to visitors and to selectively increase the span of hours of operation for specific booked events.
	To require development components to be clustered to reduce visual and total site impact and to reduce the potential for neighbouring land use conflict to occur.	Yes	The existing café and cellar door has been operational for many years. The proposed alterations and additions to the operations have located upon the site to minimise any impact on conflict with neighbouring land use and dwellings to satisfactory levels. Proposed vegetative screening will reduce the visual impact of both existing development and proposed development on the adjacent property to the northwest.
	To promote the establishment and maintenance of native vegetation within the Vineyards District through the facilitation of increased development densities.	N/A	
Front Setbacks	To promote a visually appealing landscape consistent with the rural and viticultural character of the Vineyards District, recognising the particular qualities of a site and its surrounds.	Yes	There is no change to the existing front setback. The existing approved cellar door is the closest building to Lovedale Road. The proposed development is largely not visible or not obtrusive from the public domain (i.e.. Lovedale Road) because it is generally screened from the road by existing approved development or vegetation, or distant. All development upon the site promotes a visually appealing landscape consistent with the local area.

Complete Planning Solutions

(23)

701 Lovedale Road, Lovedale

<p>Side Setbacks</p>	<p>To promote a visually appealing landscape consistent with the rural and viticultural character of the Vineyards District, recognising the particular qualities of a site and its surrounds.</p>	<p>No</p>	<p>The proposed development does not comply with Council's 50m side boundary setback requirements. Council is requested to consider the following justification for allowing this non-compliance:</p> <p>The proposed development is to occur within the footprint of existing Council approved buildings.</p> <p>While the setbacks may not comply with current DCP requirements they would have complied at the time the building were constructed.</p> <p>The associated structures which have been located within close proximity of the existing approved structures.</p> <p>The unapproved structures are within the building footprint of existing structures (ie the amenities block) and do not involve a change in building line setbacks.</p> <p>The staff parking is an extension of staff parking area previously approved by Council.</p> <p>The juice bar and pop-up coffee stand are relatively small structures. There bulk and scale will not create a negative impact upon the amenity of the area.</p>
	<p>To minimise the impact on the viticultural potential of adjoining land.</p>	<p>N/A</p>	<p>There are no vineyards located on adjoining properties. From an aerial the closest vineyards to the subject site area located to the south-west and are approximately 450m from the proposed development.</p>

Complete Planning Solutions

(24)

701 Lovedale Road, Lovedale

			<p>The existing café/Restaurant has not experienced issues from spray drift, and the proposed development will not increase potential exposure.</p> <p>The existing sheds will provide a shield/buffer from such things as spraying of vines;</p> <p>The proposed development will not have a negative impact on the viticultural potential of the adjoining land.</p>
Requirements for the Establishment of New / Expanded Vineyards	To ensure that new or expanded vineyards are designed and developed in an environmentally sustainable manner.	N/A	
	To ensure that new or expanded vineyards are sited having regard to surrounding development and the potential impacts of chemical spray drift and noise.	N/A	
Ground Spraying and Aerial Spraying Considerations	To ensure that specified new development is appropriately sited having regard to the location of neighbouring vineyards, reducing the potential for impacts associated with chemical spray drift from both the ground and aerial application of chemicals.	N/A	<p>The proposed development is for approximately 450m from vineyards.</p> <p>The existing café/restaurant has not experienced issues from spray drift etc , and the proposed development will not increase potential exposure.</p>
	To ensure that new or expanded vineyards are appropriately sited having regard to the location of existing neighbouring specified developments, reducing the potential for impacts associated with chemical spray drift from both the ground and aerial application of chemicals.	N/A	The proposed development does not involve new or expanded vineyards.
	To incorporate the use of vegetation chemical spray drift buffers as a means to	N/A	The proposed development incorporates an 450m

Complete Planning Solutions

(25)

701 Lovedale Road, Lovedale

	capture chemical spray drift and reduce the required separation distance between vineyards and specified developments		buffer zone between vineyards and the cafe. The proposed development does not increase exposure or reduce this buffer.
Noise Generation and Odour Considerations	To reduce the potential for land use conflict by appropriately locating wineries and developments with 'human habitation' components.	N/A	The operation will meet relevant requirements for waste management and food odour. The café/restaurant is an existing operation. The acoustic study has demonstrated that acoustic impacts can be kept to a satisfactory level.
	To reinforce the need to separate vineyards and developments with 'human habitation' components to reduce the potential for noise impact.	N/A	
	To require the provision of noise attention measures in building design in certain circumstances	N/A	
Native Vegetation Corridors and Mass Plantings	To ensure that long term rural character and amenity is able to be maintained in conjunction with the need to upgrade roads in the Vineyards District.	Yes	No vegetation removal is proposed. Native Vegetation will not be disturbed as a result of the proposed development.
	To enhance native fauna habitat and improve the biodiversity of the Vineyards District.	N/A	
	To promote a more sustainable environment.	N/A	
Clearing of Vegetation	In accordance with the objectives of minimising land degradation, enhancing the water quality characteristics of the Vineyards District and actively fostering the promotion of biodiversity and ecological sustainability, ensuring that only limited amounts of remaining vegetation are cleared in the Vineyards District.	Yes	The proposed development is to occur upon cleared land.

Complete Planning Solutions

(26)

701 Lovedale Road, Lovedale

	To actively foster the principle of 'no net loss of vegetation' within the Vineyards District.	N/A	
	To draw to people's attention to the requirements for development consent for clearing of vegetation in the Vineyards District.	N/A	
Flora and Fauna Considerations	To foster and actively encourage the concepts of ecological sustainability and enhanced biodiversity through requirements for the continued existence of native flora and fauna in the Vineyards District, including threatened species.	N/A	The proposed development is to occur upon cleared land. There will be no negative impact on biodiversity.
Aboriginal Archaeology	To recognise and conserve the aboriginal archaeology of the Vineyards District.	N/A	The subject site is not located within an aboriginal archaeology area
Water Management Plan	To ensure that site water is managed in an environmentally acceptable manner and in a way which is not detrimental to neighbouring property.	Yes	The proposed development will utilise existing water tanks located on the site. Furthermore, there is sufficient land to allow for natural absorption overland which will not be detrimental to neighbouring properties.
Waste Water	To ensure that waste water is disposed of in an environmentally acceptable manner.	Yes	The proposed development incorporates the installation of a new amenity block. The subject site has an adequate on site sewerage management system.
Water Supply	To ensure that developments provide a healthy and acceptable water supply.	N/A	The subject site has a healthy and acceptable water supply.
Electricity and Telecommunications	To ensure that adequate electricity and telecommunications are made available to a development.	Yes	The subject site has access to electricity and telecommunication services
Outdoor Lighting	To recognise that the night sky is an important part of the natural environment. • To control outdoor lighting to minimise sky-	Yes	Outdoor lighting has been installed to provide safety and security of the property.

Complete Planning Solutions

(27)

701 Lovedale Road, Lovedale

	glow in the Vineyards District.		Two light poles are proposed for approval. All lighting will comply with AS4282 for obtrusive lighting. Full details will be provided with the Construction Certificate. The lights are only operated for safety reason when staff are leaving the restaurant and while the business operating.
Fencing	To inform landowners of the potential impacts of the use of barbed wire fencing on native animals whilst reinforcing the need to contain stock. • To allow fencing consistent with the rural and viticultural character of the area.	N/A	Fencing does not form part of the proposed development
Car Parking	Restaurant 1 space per 7.0m ² of gross floor area, OR 1 space per 3 seats, WHICHEVER IS GREATER	N/A	Formal carparking is provided to the front of the existing site. The existing car parking area is sufficient to meet the day-to-day operational requirements. The unauthorised parking will provide flow over parking for events such as Lovedale Long Lunch and one-off events for less then 500 persons.
DCP Pt C General guidelines			
Access	Located greater than 1.5m from boundary of site. Not located within 12m on approaches to stop and giveaway signs. Be located so that drivers entering or leaving the site can be readily seen by drivers of an approaching vehicle in the street. Be clear of obstructions which may prevent drivers	N/A	The proposed development will utilise the existing driveway. As no additional traffic will be generated by the proposed development further investigation of the driveway is not warranted.

Complete Planning Solutions

(28)

701 Lovedale Road, Lovedale

	<p>having a timely view of pedestrians.</p> <p>Be properly signposted by in or entrance and out or exist signs, where appropriate.</p> <p>Be designed and constructed to suit design traffic loads.</p>		
Flora and Fauna Survey Guidelines	Provide a practical guide for the preparation of terrestrial flora and fauna surveys that are undertaken in conjunction with planning and development proposal.	N/A	<p>The proposed development is to occur upon cleared land.</p> <p>No vegetation will be removed. There will be no biodiversity impact.</p>
Contaminated Land	<p>To ensure the protection of community health standards, the protection of the environment and to allow for reduced costs by way of ensuring that contaminated land is identified at the earliest possible stage in the development process.</p> <p>To establish appropriate procedures for the assessment of applications and the management of contaminated land.</p> <p>To provide information to the community regarding the planning and development process and Council's requirements with regard to land that is, or potentially is, contaminated.</p> <p>To allow Council to fulfil its responsibilities in relation to existing legislation and planning guidelines which affect land that is, or potentially is, contaminated.</p>	Yes	<p>The subject site has predominantly been used for rural, grazing activities in the past.</p> <p>The subject site has no known contamination issues.</p>
Land Use Conflict and Buffer Zones	Applies to development that:	Yes	All recommendations of the noise Assessment including amendments to the proposed operational plan

Complete Planning Solutions

(29)

701 Lovedale Road, Lovedale

	<p>May conflict with existing developments or environmentally sensitive areas because of emission or an odour, noise, vibration, visual impact or other nuisance and may therefore require separate or other means of reducing the conflict to an acceptable level.</p> <p>Is proposed in allocation where there is an existing development which adversely affect it and may therefore need to provide its own separation or other means of reducing or removing the conflict in order to minimise land use conflicts between potentially incompatible land uses.</p>	<p>of management will be implemented in full.</p> <p>In addition to the above,</p> <ul style="list-style-type: none"> • a permanent continuous acoustic barrier of at least 1800m high will be constructed on the northern side of the entertainment area in order to provide further improve the acoustic amenity of the neighbours to the north/northwest • a permanent continuous acoustic barrier of at least 1800mm high will be constructed the full length of the interface between the subject site and the neighbouring dwelling to the north/north west. This fence parallels the driveway for most of the length of the staff parking area to the north of the driveway. This barrier will provide additional acoustic and visual screening for the neighbour of the lower car park and the back of house of the cafe. The barrier will be setback approximately 3 metres from the property boundary and a landscape screen of native vegetation with a mature height of at least 3 metres planted in the intervening space. <p>The proposed development should not create a conflict with existing developments.</p> <p>While the Owners of the adjoining property have raised some concerns regarding the unauthorised works, once these matters have been resolved there</p>
--	--	--

Complete Planning Solutions

(30)

701 Lovedale Road, Lovedale

			<p>should not be any further conflict.</p> <p>The cellar door and café have been located on the site for more than 20 years. There is nothing prohibiting the existing operation on the subject site and the residential development on the adjoining property co-existing in harmony.</p>
--	--	--	--

Requirements of the CDCP2010 will be incorporated in the design and preparation of reports for the proposed development.

The proposed development complies with the general intent of Cessnock CDCP2010.

Consideration of the Cessnock LEP 2011 and Cessnock Development Control Plan 2010 have been taken into consideration in the preparation of this statement.

6.0 ENVIRONMENTAL IMPACT

6.1 Setbacks

Council requires the following boundary setbacks for proposed developments located on land zoned RU4:

- *The proposed development is to occur upon rural land. Front = 75m – if less must be justified*
- *Sides = 50m – if less must be justified*
- *Setbacks may need to be larger to provide adequate setback from vines if they are present on the property or surrounding properties*

The proposed development is located with a setback of greater than 75 metres. The existing approved Cellar Door building and car park encroach on the front setback, but the proposed new development does not.

The proposed development encroaches on the side setback to the north. However, the proposed development does meet the objectives and performance requirements of the setback control, and should have a lesser impact than the existing approved development. This is because of:

- The proposed additional screening of the car park and back of house facilities, and well as the acoustic screening of the entertainment area;
- The proposed unauthorised works are clustered with other buildings upon the lot;
- The proposed development is in keeping with the amenity of a rural setting;
- The proposed development is further from the front setback and will not create a negative impact upon the streetscape.

Refer to Table 1 for further information.

6.2 Acid Sulphate Soils

The site has not been identified as being located within an Acid Sulphate area.

6.3 Mine Subsidence

The site has not been identified as being located within a proclaimed Mine Subsidence District. Approval from the Mine Subsidence Board is not required in this instance.

6.4 Drainage & Flooding

A portion of the subject site has been identified as being located within a flood prone area. However, the actual location of the development is not considered to be affected by flood according to Cessnock Intramaps. The land on site affected by flood occurs either side of the ephemeral watercourse and the dam and will not affect the proposed works.

A Flood Assessment has been prepared by Marshall Scott Surveyors and concluded:

“A flood assessment was undertaken to determine the 5% AEP impact on an existing car park at 701 Lovedale Road, Lovedale. Modelling indicates that under existing conditions sheet flow impacts to car park to a maximum depth of 40mm.

Complete Planning Solutions

(32)

Construction of a swale drain will prevent floodwaters flowing across the carpark during the 5% AEP, with no discernible impacts."

6.5 Overshadowing and Solar Access

The proposed development is to occur upon land zoned within RU4 Primary Production Small Lots zoning. Given the size of the lot, siting of proposed development, location of adjoining property's developments and that the proposed development is of a single storey nature the proposed development will not overshadow or reduce solar access to neighbouring properties.

6.6 Services

The subject site has access to electricity and telephone. The subject site has an approved septic system installed.

6.7 Access and Traffic

Access to the subject site is via Lovedale Road. The number of patrons at the venue at any time will not change- there is no proposed increase in seating. Lovedale Road is an all-weather access road. The proposed development is not expected to significantly increase local traffic movement with the local area.

The proposed development will not affect road capacity or intersection capacity. The proposed increase in operating hours occurs at non peak times. (evenings).

6.8 Landscaping

The proposed development is to occur within an existing established commercial operation. Landscaping will be provided along the northern boundary adjacent to the 1800 mm acoustic buffer.

6.9 Visual Privacy

The visual privacy of the adjacent property to the north/northwest will increase as a result of the proposed acoustic and visual buffers along the property boundary. Distances to other neighbouring buildings on surrounding lots are such in this rural context that immediate privacy with respect to neighbours is not of any great concern.

6.10 Bush Fire

The subject site is located within a bush fire prone area. The unauthorized works are not intended to increase customer numbers or the operational details of the existing approved café. As such a Bush Fire Risk Assessment is not deemed necessary in this instance.

6.11 Retaining Walls

The proposed development does not involve the construction of retaining walls.

6.12 Heritage

The subject site has not been identified as having European or Aboriginal heritage significance. A heritage assessment is not required in this instance.

6.13 Accessibility

An Access Compliance Report has been prepared by Essential Access and accompanies this DA. The recommendations of the report are to be adopted.

6.14 Building Code of Australia (BCA)

A BCA compliance report has been undertaken and accompanies this application. The report confirms that the proposed development is capable of BCA compliance and its recommendations will be implemented in full.

7.0 WASTE MANAGEMENT

Local firms will be advised of any materials which are able to be crushed or recycled. Collection of these materials will be undertaken by a suitably qualified contractor. Table 1 details proposed strategies for the management of site waste. The plan does not suggest that all of these materials will be located upon the development site. However, provide strategies to be taken if required.

TABLE 1: Site Waste Management Plan

MATERIAL	PROPOSED STRATEGY IF REQUIRED
Excavation Materials	Topsoil for landscaping of site
Green Waste	To be recycled for chipping and composting
Bricks	Transported to crushing and recycling firm
Concrete	Transported to crushing and recycling firm
Timber – pine, particle board	Second Hand Building Materials Sales or Recycled at Local Waste Management Facility
Plaster Board	Landfill site
Asbestos	In the event that asbestos is identified during the demolition of any existing building structures, then the product shall be removed in accordance with: SafeWork NSW Code of Practice: How to Safely Remove Asbestos, 2016. SafeWork NSW Code of Practice: How to Manage and Control Asbestos in the workplace, 2016
Metal	Recycled at metal recyclers or sent to landfill site (depending on metal)
Other – including glass, doors, etc	Windows/doors to second hand building materials outlet. Remainder to licensed waste facility.

701 Lovedale Road, Lovedale

Construction Waste

The proposed development does not include construction. There will be no construction waste.

General Domestic Waste

All waste material will be recycled where possible and collected by council's garbage service on a weekly basis as per the existing arrangement.

8.0 CONCLUSION

This Statement of Environmental Effects has been prepared to address relevant planning issues for the proposed development. The proposed development is deemed to be appropriate as:

- The proposed development is consistent with Council's Planning Instruments;
- It is highly proposed development will reduce the impact on neighbouring properties to below the level experienced by current operations due to improved acoustic buffering and visual screening.
- The subject site is of sufficient size to accommodate such a development;
- The subject site has access to services of electricity and telephone;
- Gartelmann Wines and The Deck Café is a well respected commercial operation;
- The proposed development is within a well-established tourist facility which provides economic and social benefit to the Cessnock LGA, particularly employment and through the use of local suppliers..
- The subject site is not subject to drainage problems.
- The proposed development does not increase the patronage capacity of the site.
- The proposed development is in the public interest.

9.0 RECOMMENDATION

It is recommended that Cessnock City Council grant Development Consent for the proposed development at Lot 81 DP 831654 (No. 701) Lovedale Road, Lovedale.

701 Lovedale Road, Lovedale

APPENDIX A
Tree Removal

Complete Planning Solutions

(37)

701 Lovedale Road, Lovedale

From: **Michael Kelly** <industrees.rock.rope.trees@gmail.com>
Date: Fri, 4 Aug 2023 at 11:25
Subject: Re: Letter for council
To: Matt Dillow <info@mattsproduce.com.au>

To whom it may concern,

Over the past year, our region experienced an extraordinary amount of rain, which resulted in the decline and death of several trees on Gartelmans property.

Due to environmental factors, five trees began to decline and ultimately died. These trees became hazardous to employees and patrons Gartelmans wines and were removed. All trees were inspected through proper climbing techniques to ensure they were not providing habitat to any native fauna.

My company was asked to advise on the health and structure of the trees. The best solution was to remove these trees. At the direction of Matt Dillow, I removed the trees on Feb 12 and July 4 2022.

Additionally, there were other trees on the property that required some remedial pruning. These trees had overextended branches, cankers and inclusions. The trees were pruned in accordance with Australian and council standards. The trees were located in positions that caused a hazard to the building, employees and patrons of Gartelmans.

Michael Kelly
Cert 3 Arborist

701 Lovedale Road, Lovedale

ASSESSMENT REPORT

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2021/22318/1 seeks approval to regularise unauthorised development on the subject land. More specifically, the application proposes the following to be associated with the existing operation of the Deck Café and Gartelmann’s Cellar Door:

- The use of a relocatable amenities block;
- Continued use of a constructed car parking area for 22 vehicles;
- An additional (eight) 8 staff parking spaces;
- The use of a juice bar located within a relocatable shipping container;
- Two (2) flood light poles - one located within the new car parking area, and the other located at the rear of the café building;
- The use of a pop-up coffee stand;
- Extend the hours of operation associated with the existing café.

All of the above have been developed without approval, and the existing café which currently has approval to operate from 9.00am to 6.00pm, seven days a week, is currently operating outside the approved hours.

The following hours of operation are being sought for approval:

Days	Proposed Operating Hours for Cafe
Monday	8.00am – 6.00pm
Tuesday	8.00am – 6.00pm
Wednesday	8.00am- 9.30pm
Thursday	8.00am – 9.30pm
Friday	8.00am – 10.30pm
Saturday	8.00am – 10.30pm
Sunday	8.00am – 9.30pm

In relation to evening trading hours, the Applicant proposes to use the evening trading of the café to host special events a maximum of two (2) evenings per week for a maximum of 60 evenings per year. The days of these proposed evening trading hours will vary depending on customer requirements.

The following hours of operation are being sought for the pop-up coffee cart and juice bar:

Days	Proposed Operating Hours for Pop-up Coffee Cart and Juice Bar
Saturday	8.00am – 1.00pm
Sunday	8.00am – 1.00pm
Public Holidays	8.00am- 1.00pm
School Holidays	8.00am – 1.00pm

Plans illustrating the proposed development are contained in Enclosure 1 and depicted in the photos below:

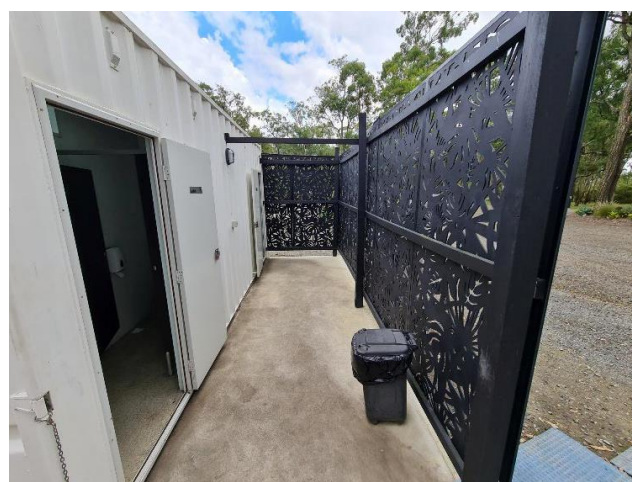
701 Lovedale Road, Lovedale



Photograph 1 – Storage Container and Juice Bar



Photograph 2 – Pop-up Coffee Stand



Photograph 3 – Amenities Building

BACKGROUND

There has been a history of compliance issues associated with the site over several years relating to unauthorised building works and operating hours. Council's Development Compliance Team have been in regular contact with the owner/operator of the site, responding to public complaints associated with unauthorised works and activities being undertaken on site.

It is noted that the café extended its operating hours in accordance with the planning provisions introduced in response to the COVID-19 pandemic which permitted the temporary extension of operating hours, which at the time did not require development consent. These temporary changes to the *Environmental Planning and Assessment Act 1979* (EP & A Act) ended on 31 March 2022, however the café has continued to operate outside of the originally approved operating hours. The owner/operator has been required by Council to lodge a development application requesting consideration of extended operating hours and the use of existing unauthorised structures on the site.

Council originally considered this Application at its meeting held 15 November 2023 where the following was resolved:

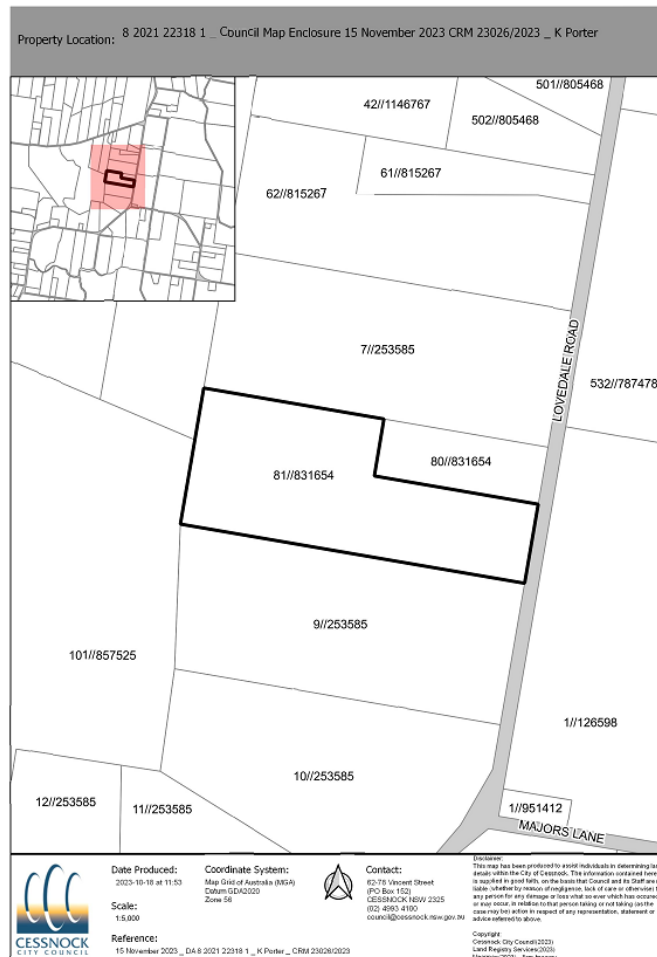
- 1. That Development Application No. 8/2021/22318/1 proposing alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at Lot 81, DP831654, 701 Lovedale Road, Lovedale, be deferred to afford the applicant a final opportunity to submit amended plans/additional information to address the outstanding issues raised in the assessment report; and*
- 2. That following assessment of the information, a report be referred to Council's meeting in March 2024 to enable final consideration/determination of the application.*

The Applicant has provided additional information in support of the proposal including a revised Acoustic Report, an amended Statement of Environmental Effects (SoEE) detailing amended operating hours, a revised Structural Engineers Report, and BCA Compliance Report.

The Application has been re-notified providing the public an opportunity to review the amended reports and additional information. Submissions were received during this notification period objecting to the proposal and these have been addressed further in the report.

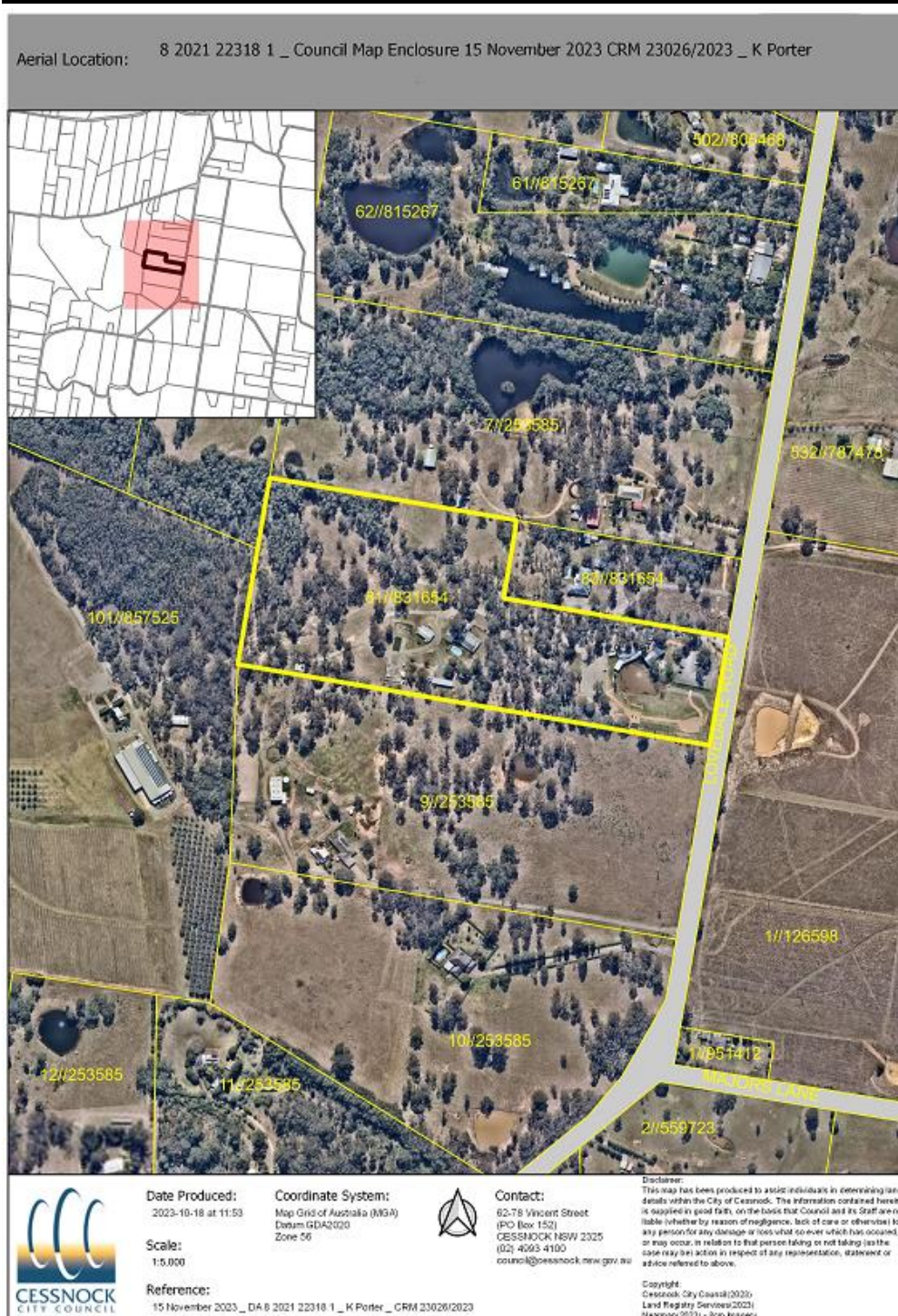
701 Lovedale Road, Lovedale

LOCATION MAP



701 Lovedale Road, Lovedale

AERIAL



701 Lovedale Road, Lovedale

SITE DESCRIPTION AND LOCALITY

The subject site is known as 701 Lovedale Road, Lovedale and is legally described as Lot: 81 DP: 831654. The site has a frontage of approximately 115 metres to Lovedale Road and a total site area of approximately 8 hectares.

The property is known as Gartelmann Estate and operates a cellar door including a café (The Deck Café) which are located on the front portion of the site. A dwelling and associated swimming pool are located central to the site and there are several outbuildings associated with both the cellar door, café and dwelling scattered over the site.

The following table details previous development consents, construction certificates and septic approvals issued over the site:

CC-10/2018/834/1	Outdoor Extension of Existing Cafe & Associated Shade Structure
DA-8/2018/834/1	Outdoor Extension of Existing Cafe & Associated Shade Structure
STA-15/2017/105/1	Single Storey Dwelling with Attached Garage
S96-8/2016/35/2	Modification - Amendments to Conditions involving Bushfire, Traffic and Privacy Fencing
DA-8/2016/35/1	Temporary Event Lovedale Long Lunch
S96-8/2012/24/3	Temporary Event - Lovedale Long Lunch
STA-15/2014/59/1	Servicing the Deck Cafe
CC-10/2014/276/1	Retail Premises - General - Additions
DA-8/2014/276/1	Alterations and Additions to Extend Refreshment Room (Cafe)
STA-15/1998/3059/3	Grease Arrestor/ Cafe
S96-8/2012/24/2	Amended Consent - Amendment to Condition 15 - Provision of Ambulance Service
DA-8/2012/24/1	Temporary Use of Land - Lovedale Long Lunch
DA-8/2010/336/1	Refreshment Room and Tourist Related Craft Shop
DA-8/2009/31/1	Dwelling Addition
DA-8/2007/201/1	Awning
DA-8/2006/138/1	Temporary Events - Lovedale Long Lunch
DA-8/2005/188/1	Deck
DA-8/2003/273/1	Temporary Events - Lovedale Long Lunch
DA-8/2002/808/1	Erection of Four (4) Flag Poles
DA-8/2001/762/1	Advertising Structures

701 Lovedale Road, Lovedale

HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
15 February 2022	Development Application lodged with Council.
21 April 2022	Preliminary planning assessment completed and letter sent to Applicant requesting lodgement of additional information including amended plans, amended Statement of Environmental Effects, Acoustic Report and Traffic Report.
2 May 2022	Part of the additional information requested by Council lodged by Applicant.
10 June 2022	Applicant requested to clarify seating capacity in relation to possible increase in traffic generation.
21 July 2022	Remaining additional information requested by Council lodged by Applicant.
8 August 2022	Application referred to Development Engineer, Building Officer and Environmental Health Officer for assessment.
18 August 2022	Application placed on notification for 14 days.
23 August 2022	Engineering referral completed – additional information required.
25 August 2022	Environmental Health referral completed – additional information required.
6 September 2022	Applicant requested to lodge additional information in relation to flooding.
28 October 2022	Applicant lodged additional information in relation to flooding.
14 November 2022	Development Engineering assessment completed and conditions provided.
6 March 2023	Building Officer assessment completed and the Applicant is requested to lodge additional information in relation to compliance with BCA and disabled access.
9 May 2023	Applicant lodged amended development plans and a BCA report.
7 June 2023	Environmental Health referral completed and an amended Acoustic report is required.
15 June 2023	Applicant requested to lodge an amended Acoustic Report and Plan of Management.
31 July 2023	Additional information lodged by Applicant – Plan of Management.
11 August 2023	Additional information lodged by Applicant – Amended Statement of Environmental Effects.
15 August 2023	Additional information lodged by Applicant – Amended Acoustic Report.

701 Lovedale Road, Lovedale

21 August 2023	Amended Acoustic report referred to Council's Environmental Health Officer for assessment.
21 September 2023	Building Officer assessment completed and the Applicant's submitted BCA report is considered inadequate.
28 August 2022	Environmental Health referral completed and the lodged Acoustic report and Plan of Management is considered inadequate.
28 September 2023	The Applicant is advised that the information submitted to date is inadequate in relation to noise impacts (an inadequate BCA report, Acoustic report and Plan of Management submitted) and the Application will be reported to the next available Council meeting for determination with a recommendation for refusal.
25 October 2023	Planning assessment finalised and Council report prepared.
15 November 2023	The Application is considered by Council and deferred to provide the Applicant an opportunity to provide additional information.
5 December 2023	The Applicant provided additional information.
16 January 2024	The Application re-notified for 14 days.
1 March 2024	Planning assessment finalised and Council report prepared.

ASSESSMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning and Assessment Act 1979*, prescribes as follows:

'This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.'

The vegetation on site is not mapped as part of an Endangered Ecological Community, nor does it appear on the Biodiversity Values Map or share any connectivity with adjoining or adjacent native vegetation or habitat. The proposal does not require the removal of any vegetation from the site and as such, there will be no ecological impacts resultant from the development.

Section 4.15 Evaluation

In determining a Development Application, the consent authority is to take into consideration the following matters prescribed within s4.15 of the *Environmental Planning and Assessment Act 1979*, as are of relevance to the development the subject of the development application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. *State Environmental Planning Policy (Resilience and Hazards) 2021*
2. *Cessnock Local Environmental Plan 2011*

701 Lovedale Road, Lovedale

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

1. State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4: Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

State Environmental Planning Policy (Resilience and Hazards) 2021 requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site has historically been used for residential and commercial purposes (being the café and cellar door) and there is no evidence that there have been any previous land uses likely to result in site contamination.

2. Cessnock Local Environmental Plan 2011

2.1 Permissibility

The subject site is zoned RU4 Primary Production Small Lots Zone under the provisions of the Cessnock Local Environmental Plan (CLEP) 2011, as depicted in the below map:

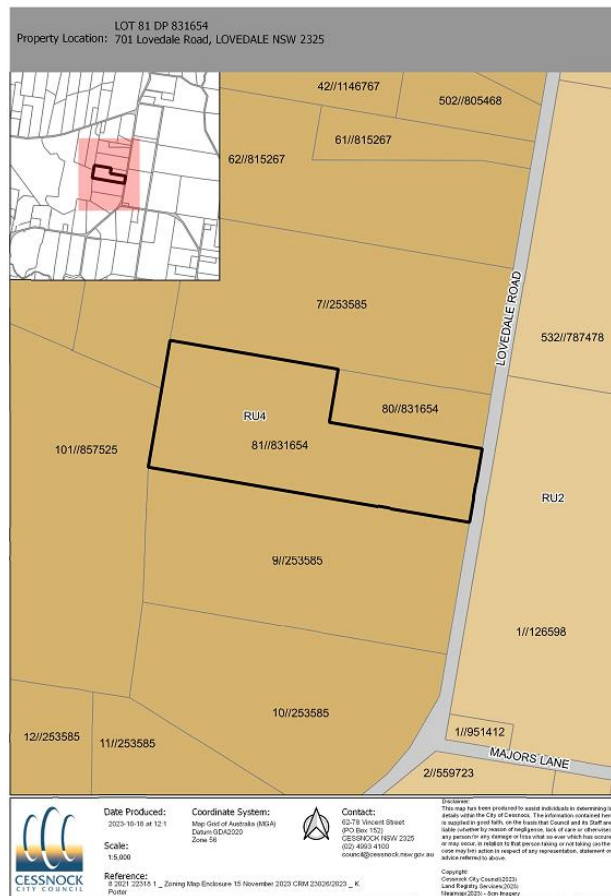


Figure 1: Zoning Map CLEP 2011

701 Lovedale Road, Lovedale

The development application lodged essentially relates to works associated with the existing food and drink premises (café) which is defined as follows:

- **food and drink premises** mean premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—
 - (a) a restaurant or cafe,
 - (b) take away food and drink premises,
 - (c) a pub,
 - (d) a small bar.

2.3 Objectives

The objectives of the RU4 Primary Production Small Lots Zone, and a response to each, are identified in the following table:

Objective	Comment
<i>'To enable sustainable primary industry and other compatible land uses.'</i>	While the development does not propose primary industry as part of the application, the objective of this clause is to enable other "compatible" land uses. The Applicant has been unable to demonstrate that the proposal will be compatible with surrounding land uses in relation to amenity impacts on surrounding properties in relation to noise generation and lighting.
<i>'To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.'</i>	This objective is not relevant as it relates only to primary industry enterprises.
<i>'To minimise conflict between land uses within this zone and land uses within adjoining zones.'</i>	The Applicant has been unable to demonstrate that the development will not result in land use conflict with surrounding, more sensitive land uses (particularly in relation to noise and lighting) and as such the proposal is unable to satisfy this objective.
<i>'To maintain prime viticulture land and enhance the economic and ecological sustainability of the vineyards district.'</i>	There are currently no viticultural activities being undertaken on site and given the size of the land and the location of existing structures associated with the cellar door, café, and dwelling (including existing stands of vegetation), there are limited opportunities to establish a viable working vineyard.
<i>'To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.'</i>	The Applicant has been unable to demonstrate that the proposal is consistent with the rural and viticultural character of the area in that the intensity of the development is likely to result in amenity impacts on surrounding rural/residential land-uses.
<i>'To enable the continued rural use of land that is complementary to the viticultural character of the land.'</i>	This objective is not relevant as it relates to the continued rural use of land being complimentary to the viticultural character of the land. The development does not propose any rural or viticultural land uses.

701 Lovedale Road, Lovedale

2.3 Relevant Sections

The Development Application was assessed against the following relevant sections of the CLEP 2011:

Section 5.21 Flood Planning

Part of the site is identified as flood affected and as such, Clause 5.21 of the CLEP 2011 is required to be addressed. Clause 5.21 reads as follows:

Section 5.21 of the CLEP 2011 states as follows:

- (1) *The objectives of this clause are as follows—*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*
 - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

- (4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

- (5) *In this clause—*

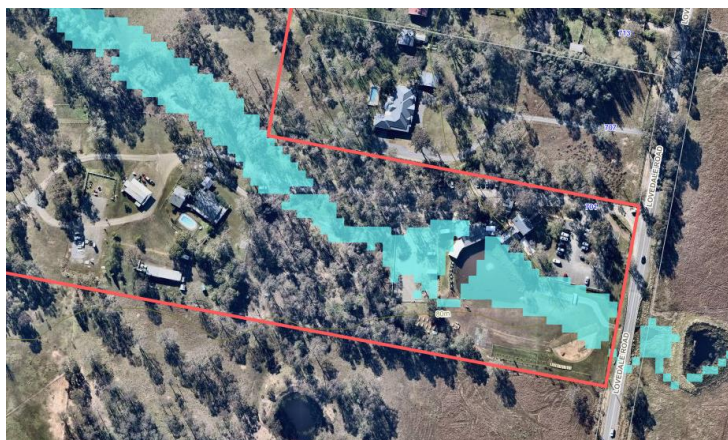
Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

701 Lovedale Road, Lovedale

A portion of the site is affected by the 1% AEP flood event in accordance with Council's mapping system (as shown in the below diagram).



While the unauthorised buildings and structures are located outside of the 1% EP flood extent, the unauthorised carpark is affected by flooding and in accordance with the provisions of Council's Development Control Plan 2010 (Chapter C.9 – Development on Flood Prone Land), the floor level of the carpark is to be no lower than the 5% AEP flood level.

A Flood Impact Assessment (FIA) report has been lodged with the application and assessed by Council's Development Engineers.

The FIA confirms that the surface of the carpark is situated on and above the 5% flood level and as such satisfies the provisions of this clause and Council's DCP.

4.15(1)(a)(ii) *The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

Remediation of Land SEPP

The proposed Remediation of Land SEPP was exhibited from 25 January to 13 April 2018 and is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly listing remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the current SEPP (*State Environmental Planning Policy (Resilience and Hazards) 2021*), as discussed earlier in this report.

In respect to the consideration of this application, the Draft SEPP does not propose any additional requirements that warrant further investigation in addition to those required by the current SEPP.

701 Lovedale Road, Lovedale

4.15(1)(a)(iii) The provisions of any development control plan

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the relevant provisions of the Cessnock Development Control Plan 2010 (CDCP). Discussion of any variations to the standards is provided after the compliance table:

Part C: General Guidelines
Chapter 1: Parking and Access

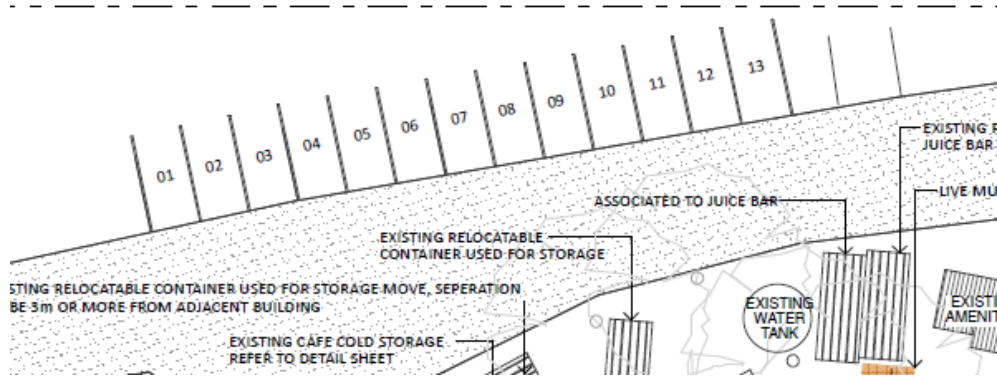
The development has been assessed against the provisions of this chapter of the CDCP in relation to the provision of adequate parking and access to the site.

While a new carpark has been constructed on site (shown in the image below) which can accommodate twenty (20) vehicles, the Applicant has advised that there will be no increase in the capacity of the café. The stated purpose of this carpark is to cater for overflow parking for the 'Lovedale Long Lunch', an annual event which is approved under separate development consent. The car park has been assessed under current standards and is satisfactory for continued use for the stated purpose being the 'Lovedale Long Lunch'.



An additional eight (8) staff carparking spaces have also been established along the northern boundary of the site (adjacent to the existing five (5) approved staff parking spaces) to accommodate additional staff numbers (see image below). This will provide for a total of thirteen (13) parking spaces for staff and has been assessed by Council as being satisfactory and in compliance with this chapter of the CDCP.

701 Lovedale Road, Lovedale



Part C: General Guidelines
Chapter 3: Contaminated Lands

The contaminated lands guidelines chapter of the CDCP reflect the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* and this has been discussed earlier in this report.

Part C: General Guidelines
Chapter C.4: Land Use Conflict and Buffer Zones

Chapter C.4 of the CDCP (Section 4.3.11) requires minimum separation distances between different types of land uses to minimise conflict. In this regard, tourist developments (as a guide) require a minimum separation distance of 100 metres to residential premises.

In this instance, the proposed unauthorised structures (being the Juice Bar, Pop-up Coffee Stand and Toilet Amenities) and the additional staff parking are all located within 100 metres from the residence on the adjoining property to the north as follows:

- Additional staff parking – located approximately 54 metres from the neighboring residence.
- Toilet Amenities Structure – located approximately 54.5 metres from the neighboring residence.
- Pop-up Coffee Stand – located approximately 65 metres from the neighboring residence.
- Juice Bar – located approximately 70 metres from the neighboring residence.
- New carpark - located approximately 71.5 metres from the neighboring residence

In addition to the numerical standards in relation to separation distances, it is stated in this chapter of the CDCP that in rural areas, Council needs to consider the appropriateness of developments in the rural landscape, and the capability of the land to support them. In rural areas, conflicts due to noise, traffic and light spillage are important, and these issues are to be specifically addressed in all applications.

While the main café building is located approximately 65 metres from the residence on the adjoining property to the north, this building was constructed prior to this chapter of the CDCP coming into effect. The new structures need to be assessed under the current provisions and in this regard, the extent of non-compliance of these structures (and car parking areas) ranges from 28.5% to 46%. While the Applicant has addressed this variation in the submitted SoEE by stating that the structures are located within the existing approved building footprint, this statement is not supported given that there is opportunity on site for these non-complying structures to comply with Council's current setback requirements.

The main issues of concern relating to the proximity of these structures/uses to the adjoining residence are noise and lighting impacts (specifically noise from patrons using the toilet amenities and light spillage from the toilet amenities building, light poles and vehicle lights during evening hours utilising the new carpark and staff parking area).

701 Lovedale Road, Lovedale

In relation to the proposed extended hours of operation for the café, as previously discussed, the existing café building is located only 65 metres from the residence on the adjoining property to the north. While the café was approved in this location prior to the coming into effect of this chapter of the CDCP, Council must consider the current provisions in relation to the proposed extended trading hours and non-compliance with the required 100 metre buffer. An acoustic report has been lodged responding to this issue and this is discussed further in the report.

Having regard to the above, the extent of the variations proposed to the required 100 metre buffer zone is significant and as previously discussed, the justification provided by the Applicant is not supported.

Part C: General Guidelines

Chapter 9: Development on Flood Prone Land.


The development has been assessed against the provisions of this chapter of the CDCP and the issue of flooding has previously been addressed in detail in this report.

Part E: Specific Areas

Chapter 3: Vineyards District

Provision	Required	Provided	Complies?
3.2.1 Consideration of Surrounding Land Uses in relation to land use conflicts	This section aims to reduce the potential for land use conflict between properties through enforcing buffer distances.	The issue of separation distances to surrounding land uses to minimise land use conflict has previously been addressed in Chapter C.4 of the CDCP (Land Use Conflict and Buffer Zones).	No
3.2.2 Soils Analysis	This section seeks to ensure that land that is suitable for viticultural purposes is not alienated from this purpose by built development.	There are currently no viticultural activities being undertaken on site and given the size of the land and the location of existing structures associated with the cellar door, café, and dwelling (including existing stands of vegetation), there are limited opportunities to establish a viable working vineyard.	Yes
3.2.3 Building and Siting and Design	Development is to be appropriately sited and designed and if located within a visually significant area have due regard to the surrounding landscape features.	The subject land is not located within a visually significant area as identified on the visually significant map (Figure 3) within this section of the CDCP. The amenities building and juice bar are visible from the adjoining residence to the north and these structures (which are essentially a demountable building and shipping containers) are not considered to be designed for aesthetic appeal.	No

701 Lovedale Road, Lovedale

			
3.2.4 Development Densities	Density provisions permit 1 tourist accommodation unit per hectare and a maximum of 9 tourist accommodation buildings on land exceeding 20 hectares but not exceeding 30 hectares.	N/A – tourist accommodation not proposed.	N/A
3.2.5 Front and Side Setbacks	75 metre front setback (from the road) and 50 metre side setback.	The unauthorised structures fail to comply with the required 50 metre side boundary setback. The following setbacks are proposed: <ul style="list-style-type: none"> • Juice bar – 13 metres (74% variation) • Pop-up coffee stand – 20 metre (60% variation) • Amenities building – 37 metres (26% variation) • Staff Parking – 0 metres (100% variation) 	No
3.2.7 Ground Spraying and Aerial Spraying Considerations	New public place developments to be located a minimum of 100 metres from vineyards on adjoining properties	There are no commercial vineyards within 100 metres of the development on adjoining land.	Yes
3.2.8 Noise Generation and Odour Considerations	Reduce the potential for conflict between noise generating development and noise sensitive development (including odour) with human habitation components.	The issue of land use conflict has previously been discussed in this report and it is considered that the proposal does not adequately address the impacts of the development on the adjoining residence to the north in relation to noise and lighting impacts.	No
3.2.10 Development in the Vicinity of Cessnock Airport	To ensure that development occurring in the vicinity of Cessnock Airport neither impacts on the operations of the airport nor is adversely impacted by the operations of the airport.	The subject site is not located in close proximity to the Cessnock Airport and will not impact on the airport operations, nor be impacted upon by airport operations.	Yes

701 Lovedale Road, Lovedale

3.2.11 Singleton Military Area	This section relates to the hatched area in Figure 3 of the DCP and seeks to ensure that consideration is given to the potential impacts of activities from the Singleton Military area.	The subject site is located outside of the hatched area in Figure 3 of the CDCP, and as such, there will be no impacts from the Singleton Military area on the development.	Yes
3.3 Native Vegetation (Revegetation) and Flora/Fauna Impacts	To encourage native vegetation protection and revegetation of disturbed areas.	The proposal does not require the removal of native vegetation.	Yes
3.3.5 Aboriginal Archaeology	Recognise and conserve Aboriginal archaeology in the area.	The site is not recognised as having any significant Aboriginal archaeology features given its current disturbed and developed nature.	Yes
3.3.7 Water Management	Ensure water is appropriately managed in an environmentally sensitive manner and is not detrimental to downstream users or adjoining properties.	The proposal will utilise the existing established water supply via water tanks located on the site.	Yes
3.3.8 Disposal of Waste	Ensure that wastewater is disposed of in an environmentally acceptable manner.	The toilet amenities building will connect to the existing septic system on site and a separate Application will need to be made under S.68 of the <i>Local Government Act 1993</i> .	Yes
3.3.9 Servicing	The development is to be appropriately serviced with water, electricity and telecommunications	The existing development is adequately serviced.	Yes
3.3.10 Outdoor Lighting	Minimise the impact of lighting on the night sky within the vineyards district.	In terms of the impact of the development on the night sky, it is not considered that the scale of the development (and associated lighting) will have a significant impact on the night sky (noting that lighting impacts on the adjoining residence has been addressed separately).	Yes
3.3.11 Fencing	Where fencing is proposed, this section seeks to ensure fencing is consistent with the rural character of the area.	No fencing is proposed.	N/A

701 Lovedale Road, Lovedale

4.15(1)(a)(iia) The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No such agreement has been proposed in conjunction with this application.

4.15(1)(a)(iv) The provisions of the regulations

There are no matters prescribed by the regulations that apply to this development.

4.15(1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

Noise Impacts

A revised Acoustic Report has been submitted in support of the Application which identifies the location of the nearest residential receivers to the proposed development (five (5) residential receivers have been identified as shown in the image below).



Council engaged the services of an independent Acoustic Consultant to undertake a peer review of the submitted revised Acoustic Report lodged by the Applicant.

The peer review concludes that the submitted Acoustic Report provides insufficient data to support the report's conclusion which states as follows:

"The results of the Noise Assessment demonstrate that emissions from patrons and amplified music may lead to negligible exceedances (up to 2dBA) at receiver R01 in the 500Hz frequency band. Noise emissions from patrons and amplified music are expected to be below the relevant criteria for all subsequent assessed residential receivers".

701 Lovedale Road, Lovedale

It is important to note that the Applicant's Acoustic Report acknowledges there will be a noise level exceedance for the relevant criteria at the nearest residential receiver R01 from both patrons and amplified music.

Furthermore, Council's peer review consultant found that the Applicant's Acoustic Report has not accounted for the "Lombard effect". This is the name given to the phenomenon where people will use increasing vocal effort to be heard and understood over an increasing ambient noise environment. Put simply, as the ambient noise increases, people use more vocal effort, which further increases the ambient noise environment, and so people use even more vocal effort.

In summary the peer review highlights the following key areas:

- **A heavy reliance on assumptions** to achieve the predicted outcomes that, if not replicated in operational practice, are likely to result in material impacts on the conclusions including:
 - Patron's being well dispersed and specifically located and seated. The Applicant's Acoustic Report relies on the assumption that patrons will be located and seated as per the following (see image below) and will not move around the premises:
 - Juice bar 18 (also location of amplified music stage)
 - External Deck area facing juice bar 20
 - Café Deck 34
 - Covered Deck 26
 - Uncovered area 25



No recommendations or controls addressing the practical implementation of the dispersion of patrons (crowd control) has been offered within the submitted Acoustic Report or Plan of Management, nor consideration given to the likelihood that patrons would seek to congregate where live music is provided.

701 Lovedale Road, Lovedale

- **Technical considerations**
 - The “Lombard effect” has not been accounted for (as previously discussed).
 - Noise reduction mitigation from removable panels around the entertainment stage (made from weatherproof fabric and loaded vinyl) is not well justified.
- **Insufficient data** has been provided to confirm model inputs for car movements (including sound power of individual cars, number of movements, speed and height of source). Further, inadequate octave sound power data has been provided for:
 - adopted vocal effort and how many patrons would be speaking simultaneously.
 - amplified music which is a critical input and may preclude bass heavy music.
 - insertion loss data for loaded vinyl to support L&G assessment.

It is noted that noise contour figures for all modelled scenarios have not been provided.

- **Marginal levels of compliance.**

The Applicant’s Acoustic Report predicts a marginal non-compliance of noise levels from patrons and live music and as such, is sensitive to any deviations to the modelling and assumptions which could significantly impact on the predicted outcomes.

It is also noted that the submitted SoEE states that a 1800mmm high acoustic barrier is to be constructed between the development and the residential property to the north for the full length of the interface between the subject site and the dwelling.

The submitted plans and Acoustic Report do not indicate that an acoustic barrier is proposed. The Applicant was subsequently contacted and clarified that an acoustic barrier is not proposed (this was an error in the SoEE).

Notwithstanding that an acoustic barrier has not been proposed as part of the Application, Council’s peer review noise consultant has modelled the likely benefits of an acoustic barrier and states as follows:

“An acoustic barrier was modelled to provide shielding to the patron area in front of the stage. Initially a 2.1 m high barrier was modelled and found to provide negligible benefit. A 2.4 m high barrier was also modelled with there being a negligible net difference and still results in exceedances of the L&G criteria.

Even a 3.2 m high acoustic barrier still leads to a 5 dB exceedance at 500 Hz, noting that these are LAeq levels and the music LA10 levels may be 3 dB higher.

The acoustic barrier becomes less effective as the noise source (dispersed patrons) move further away from the barrier. Overall, the barrier was found not to be a very effective mitigation measure.

Council’s peer review noise consultant has also considered reducing music levels to achieve compliance with the relevant noise criteria and states:

“Music levels could always be turned down to achieve compliance with the L&G criteria, however this may result in diminishing the listening enjoyment of the patrons. And even if music achieved the criteria, RCA’s noise modelling indicates that noise from patrons will likely exceed the criteria at 500 Hz and 1000 Hz 1/1 Octave bands by 4 dB and 2 dB respectively without any acoustic barrier. This exceedance was not reduced by a 2.4 m acoustic barrier.”

From a planning perspective, the installation of an acoustic barrier (in excess of the modelled 3.2 metres) would create other issues in relation to visual impacts and appropriateness in relation to the rural character of the area. In this regard, an acoustic barrier is not considered

701 Lovedale Road, Lovedale

to be an acceptable planning outcome to address noise impacts as it would introduce adverse visual and character impacts on the rural locality.

Having regard for the above, the Applicant has been unable to demonstrate that the noise impacts generated from the site will not adversely impact on surrounding sensitive residential receivers and other considered options (such as an acoustic barrier) have been modelled as being ineffective in relation to noise reduction, and will introduce additional visual impacts on the rural character of the area.

In summary, the introduction of music/live entertainment on the site, and the proposed extension of trading hours, is not suitable given the location of the property within a rural environment and the proximity of neighbouring residents.

Lighting Impacts

Consideration must be given to the impacts of lighting on the nearest adjoining residence to the north which will result from use during the evening and in accordance with the extended trading hours. Two (2) flood light poles have been installed (without approval); one in the new carpark (located approximately 100 metres from the dwelling to the north) and the other at the rear of the café building (located approximately 60 metres from the dwelling). While both light poles have been fitted with hoods (directing light towards the ground), consideration must be given to the cumulative impacts of all lighting from the premises and outbuildings during evening hours, and lighting impacts from vehicles. The issue of light spill has not been adequately addressed and Council cannot be satisfied that lighting impacts from the premises will be acceptable.

4.15(1)(c) The suitability of the site for the development

Having regard for the information contained in this report, the subject site is not considered suitable for intensification of existing operations on the site including extended operating hours, live music and the location of structures which have been unable to achieve boundary setback requirements stipulated in Council's DCP 2010: The Applicant has been unable to satisfy Council that amenity impacts of the development on the surrounding neighbourhood will be acceptable.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The application was originally notified to seven (7) adjoining properties between 18 August 2022 and 1 September 2022 with three (3) submissions received from three (3) of the notified households, representing 42.8% of the notified properties. The issues raised in these submissions pertaining to this notification period were addressed in the previous Council report considered by Council's at its meeting held 15 November 2023.

The following table outlines the issues raised in the submission, along with a response to each matter:

Issue/s	Comment/s
The Application has not been properly made under the provisions of the EP and A Act 1979 as Council cannot retrospectively approve existing unauthorised structures as these can only be approved under a Building Information Certificate (BIC).	While Council is unable to retrospectively approve existing unauthorised structures, Council can approve the use of such structures subject to the issue of a BIC.
The proposal fails to satisfy the objectives of the zone.	As detailed previously in this report, it is not considered that the proposal satisfies the objectives of the zone.

701 Lovedale Road, Lovedale

The proposal is not compatible with surrounding land uses.	As detailed previously in this report, it is not considered that the proposal is compatible with surrounding land uses in relation to likely amenity impacts.
The proposal will result in land use conflicts with neighboring properties which are essentially rural/residential in character.	As detailed previously in this report, it is considered that the proposal will result in land use conflicts with adjoining land use activities.
The proposal is an overdevelopment of the site.	As discussed in this report, the intensification of operations on the site including late night trading, live music, and additional outbuildings is considered to be unsuitable for the site and potentially an overdevelopment resultant from amenity impacts.
Noise impacts on adjoining properties from live music, traffic noise and patron noise during evening hours. The Acoustic Report fails to consider ancillary noise sources such as after hour deliveries, staff clean up and garbage collection.	As discussed in the report, on the information provided, the development will result in likely noise impacts due to the inherent constraints of the rural environment and the proximity of the adjoining residential receiver.
The SoEE states an acoustic barrier is proposed along the northern boundary of the site however this is not proposed in the submitted Acoustic Report.	The application has confirmed that an acoustic barrier is not proposed and that the reference to an acoustic barrier was an error in the SoEE.
Late night lighting impacts on adjoining properties from flood lights, lighting from the premises and vehicle lights.	As discussed in the report, the Applicant has not adequately addressed the cumulative impacts of lighting on adjoining properties during evening trading hours and Council cannot be satisfied that these impacts will be acceptable.
The buildings do not comply with the required 50 metre side boundary setbacks under Council's DCP and are visually unappealing when viewed from the adjoining property.	As discussed in this report, the unauthorised structures do not comply with the required boundary setbacks contained within Council's DCP 2010.
Inadequate and conflicting reports have been lodged in relation to traffic, noise and social impacts.	As previously discussed in this report, there are inconsistencies between documents submitted by the Applicant and as such, a proper assessment is unable to be made on the likely impacts of the proposal on the neighbourhood.
The proposed Plan of Management (PoM) proposed by the Applicant has no legal power or enforcement.	Council is able to condition compliance with the PoM as a condition of consent.
The proposal will generate additional traffic and result in traffic safety issues along Lovedale Road and no road upgrade works are proposed by the Applicant. Further, a Traffic Impact Assessment (TIA) has not been lodged with the Application.	The Applicant does not propose additional patron numbers as part of the Application and as such, Council has not required the lodgement of a TIA or require road upgrade works along Lovedale Road.
The proposal will adversely impact on the amenity of neighbouring properties.	As discussed in this report, the intensification of operations on the site including late night trading, live music, and additional outbuildings is considered to be unsuitable for the site and potentially an overdevelopment resultant from amenity impacts

701 Lovedale Road, Lovedale

<p>The proposal will impact on the privacy of neighbouring properties.</p>	<p>As previously discussed, while the submitted SoEE references an acoustic barrier/screen between the development and the adjoining residential property to the north, the applicant has confirmed that this reference is an error. As such, the privacy impacts of the proposal on the adjoining property to the north have not been adequately addressed.</p>
<p>The proximity of "back of house" structures to neighbouring properties is visually unappealing.</p>	<p>The unauthorised structures subject of this Development Application are located within close proximity to the adjoining property to the north and do not comply with the minimum setback requirements stipulated in Council's DCP 2010. As previously discussed, while the submitted SoEE references an acoustic barrier/screen between the development and the adjoining residential property to the north, the applicant has confirmed that this reference is an error. As such, the visual impacts of the proposal on the adjoining property to the north have not been adequately addressed.</p>

701 Lovedale Road, Lovedale

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this Development Application under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments and Council Policies.

The development has the potential to have an unacceptable impact on the surrounding neighbourhood and it is considered that the site is not suitable for the proposal. Based on these reasons, along with other matters raised in the above assessment, it is considered that the proposed development is not in the public interest.

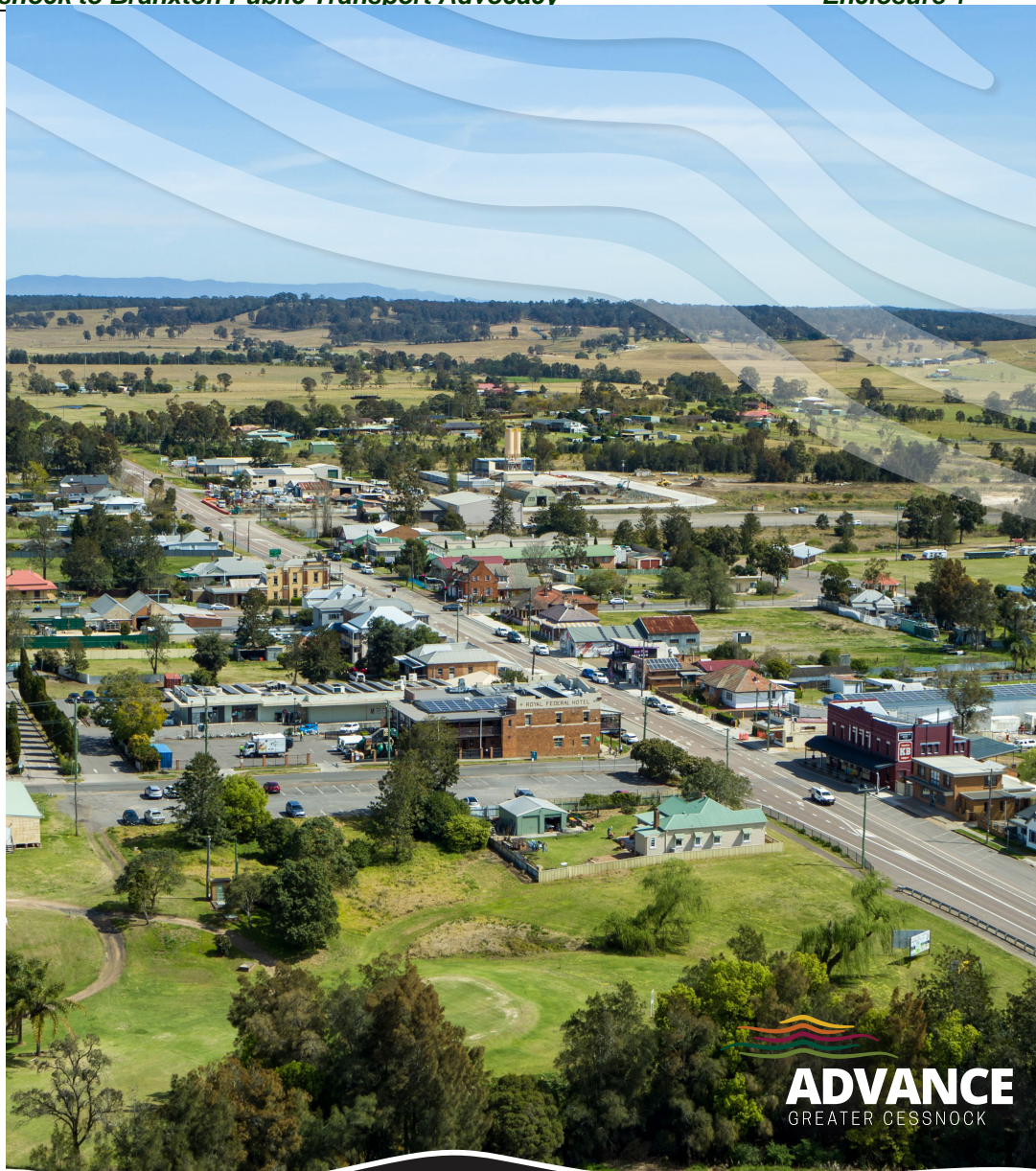
INTERNAL REFERRALS

The Development Application was referred to the following Council officers for comment:

Officer	Comment
Development Engineer	The application has been assessed as being satisfactory in relation to engineering matters, and suitable conditions of consent have been recommended in the event the Application is approved.
Environmental Health	The application has been assessed as being unsatisfactory in relation to environmental health matters (specifically noise impacts), and is not supported.
Building Officer	The Application has failed to provide sufficient information to determine the structural adequacy of the unauthorised buildings/structures in respect of the Building Code of Australia (BCA).

EXTERNAL REFERRALS

The Development Application was not required to be referred to any external agencies for comment.



Cessnock to Branxton

The need for Public Transport Connections

"To unlock the potential of our communities, a robust and efficient public transport system connecting Cessnock to Branxton is not just a necessity but a catalyst for progress, convenience, and a sustainable future."

Cessnock to Branxton: The need for Public Transport Connections

Lack of public transport is a barrier to:

- Education – University of Newcastle and other training providers are located outside Cessnock – 87% of Cessnock Youth surveyed plan to leave the community citing employment and education/study is too hard to access.
- Employment – Industries are stifled by lack of reliable public transport to get workers to jobs. Residents are looking for jobs but can't get there if they lack a drivers licence and reliable vehicle.
- Leisure activities – giving residents and tourists access to nearby experiences raises wellbeing and promotes a healthier lifestyle.
- Social connection (visiting family and friends) – post COVID 19 we need to encourage our residents to connect with family, friends and the community, resulting in an improvement in physical and mental health and an increase in economic benefits.

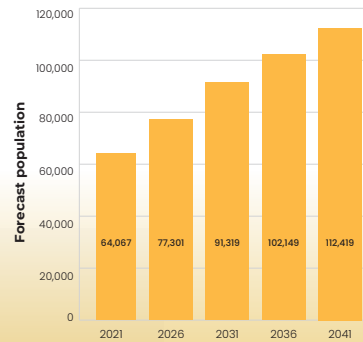


Tourism, Health, Manufacturing and Net Zero

Hunter Valley Wine Country is the most visited wine region in NSW and the oldest surviving commercial wine region. Improved public transport will create a range of business opportunities to leverage the 1.1 million visitors exploring the region every year.

There is a diversity of economic activities in Cessnock City including manufacturing, construction, accommodation, tourism, health care, residential care, training services, agri-business, resource recycling and food services. Cessnock City is home to specialist training in hospitality, viticulture, horticulture, heavy machinery operations and maintenance. There is also substantial growth in beverage manufacturing, construction, health care, accommodation and food services, education and training, public administration, warehousing and net zero initiatives.

Cessnock City Council Population Forecast

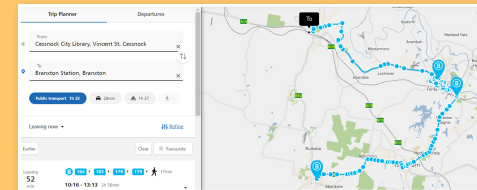
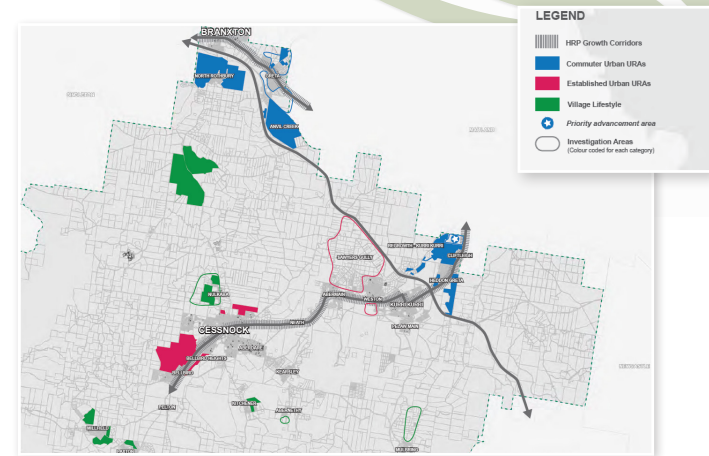


Urban Growth

Urban growth planned for the Cessnock Local Government Area will amplify the existing need for better public transport services to and from Cessnock. Approved developments at Bellbird, Millfield, Paxton, Nulkaba, Pokolbin, North Rothbury, Anvil Creek, Kurri Kurri, Cliftleigh and Heddon Greta will add 32,000 new residents by 2041 taking the total population to **112,419** residents.

New urban growth areas are being investigated at Greta, Sawyers Gully, Nulkaba, Weston, Abernethy, Ellalong and Mulbring. These new urban growth areas will maintain the current population growth beyond 2041.

As the Hunter Region's newest town, Huntlee will be a town of 20,000 residents and with Cessnock township expected to grow from 24,500 to 38,600 people by 2041, a direct transport link is essential to service these two communities.



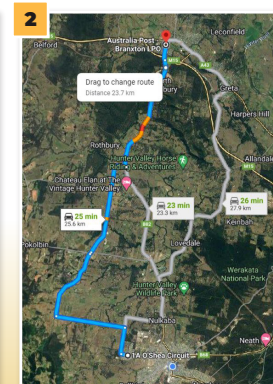
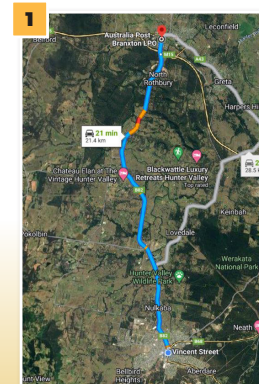
Transport Issue

An example of the challenge is having to travel through a neighbouring LGA taking 1 hr 32 minutes (plus connection waiting times) to get from Vincent Street, Cessnock to Branxton Station, Branxton. This a drive time of 22 minutes.

Proposed Solution

To enable Cessnock LGA residents to travel between Cessnock and North Rothbury/ Branxton in a timely manner, two new public transport routes are proposed:

1. Cessnock to Branxton via Wine Country Drive (both directions)
2. Mount View Road, Cessnock to Branxton via Oakey Creek Road, McDonalds Rd and Wine Country Drive (both directions)



Outcomes

Outcomes from this proposal include:

- Mount View Road, Cessnock to Branxton public transport travel times reduced from 2hrs 30minutes to 40 minutes.
- Cessnock CBD to Branxton public transport travel times reduced from 1hr 30minutes to 40 minutes.
- Route 1 passes 13 major employing businesses, including Calvary Aged Care, Cessnock Correctional Centre, Wine Country Tourist Park, Foghorn Brewery, St Philip's Christian College, Rydges Resort, Cessnock Airport, De Bortoli Wines, Peterson Wines and the Vintage Golf Resort.
- Route 2 passes 34 employing businesses, including The Vintage Golf Resort, Cypress Lakes Golf Resort, First Creek Wines, Hunter Valley Gardens, Bimbadgen Estate, Hope Estate, Leisure Inn, Roche Estate, Mercure Resort, Ben Ean Restaurant, Drayton Family Wines, Voco Kirkton Park, Twine Restaurant, Iron Gate Winery and Kelman Estate.
- Visitors and residents will be able to benefit from the additional bus services.

"This is our opportunity to shape part of the Hunter's economic powerhouse for generations to come."

Benefits in supporting the growth of Greater Cessnock

1. 1,800 new residents each year that will contribute to the Hunter economy
2. 800 houses built every year
3. \$2.0 billion in annual regional exports
4. \$3.6 billion in annual goods transported
5. 8,000 jobs created by 2041
6. 1.1 million visitors exploring our LGA and experiencing all we have to offer



Cessnock City Council



62-78 Vincent Street
Cessnock NSW 2325, Australia



Customer Service
02 4993 4100



Enquiries
council@cessnock.nsw.gov.au



PO Box 152,
Cessnock NSW 2325



After Hours Emergency
02 4993 4100



Website
www.cessnock.nsw.gov.au



DISCLAIMER

Every effort has been made to ensure the accuracy of information herein however Cessnock City Council accepts no responsibility for any consequences resulting from misdescription or inadvertent errors.

Authorised by Cessnock City Council General Manager.

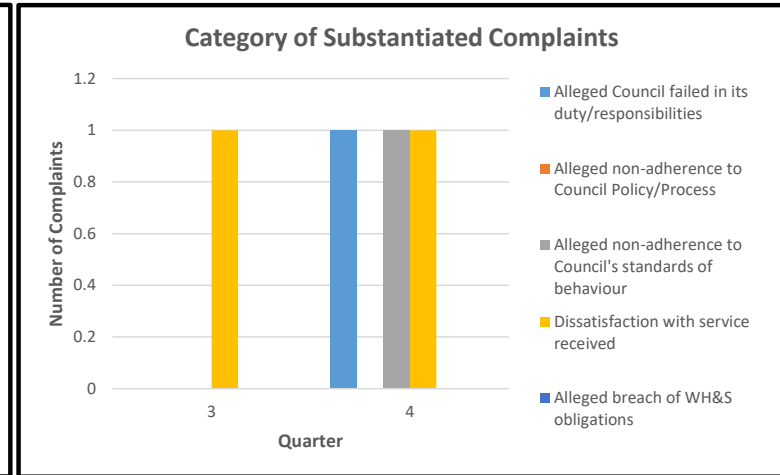
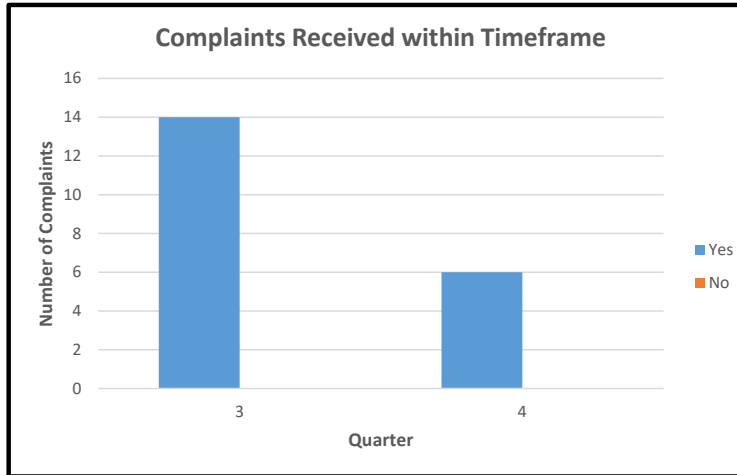


COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING

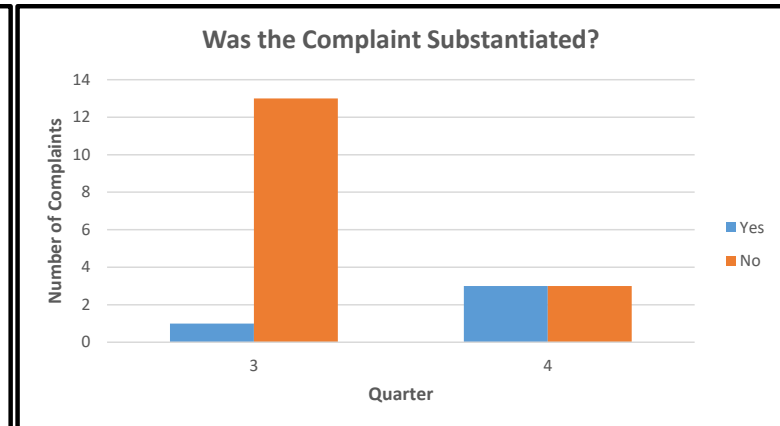
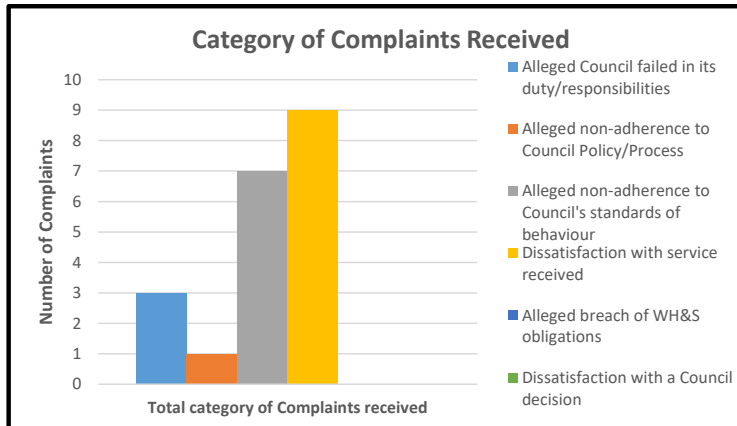
COUNCILLOR DETAILS					
Name:	Jay Suvaal				
Mobile Phone Number:	0417 126 211	Dietary Requirements:	No salad		
CONFERENCE/SEMINAR/TRAINING DETAILS					
Course Name:	2024 National General Assembly				
Organiser:	Australian Local Government Association	Location:	National Convention Centre, Canberra		
Date:	2 - 4 July 2024	Cost:	TBA	Job Number:	
Detail benefits to you and your role in Council					
Details of conferences / seminars / training already attended in this term of Council					
2024 Regional Forum 2024 NGA 2024 ACLG					
TRAVEL & ACCOMMODATION					
Accommodation					
Is Accommodation Required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)				
Name:	Jay Suvaal	Phone:	0417 126 211		
Check in Date:	1/7/2024	Check out Date:	1/7/2024		
Travel					
Airfare Required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)				
Other Transport Require?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Transport requirement:			
Special Requirements?	N/A				
AUTHORISATION					
Mayor / Councillor					
Name:	Mayor Jay Suvaal	Signature:		Date:	1.3.24
General Manager					
Full Name:	Ken Liddell	Signature:		Date:	1.3.24
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved					
OFFICE USE ONLY					
	Date	Signature		Date	Reference / Reservation Number
Received by EA:			Registered in RM:		
TRIM link to HR:			Registration Booked:		
Clr Advised:			Accommodation Booked:		
			Travel Booked:		

Complaints Handling Dashboard – Q3 & Q4 2023

Is council responsive to the complainant and how many were substantiated?



What Council actions are resulting in Complaints and are they substantiated?



T452324HUN

Tender Evaluation Methodology

Evaluation of Tenders

1. Tender Evaluation Team:

In accordance with Council's Procurement Guidelines, a Tender Evaluation Team (TET) was formed with the following members:

5th February 2024 via Teleconference by:

- Contracts and Procurement Officer – Muswellbrook Shire Council
- Technical Officer Roads and Drainage – Muswellbrook Shire Council
- Observer: Support Services Coordinator – Regional Procurement
- Facilitator: Manager – Regional Procurement

8th February 2024 via Teleconference by:

- Procurement Coordinator – Cessnock City Council
- Facilitator: Manager – Regional Procurement

2. Evaluation Process:

Methodology

The % weightings and criteria were agreed upon prior to the tender closing.

Tender Price @ 50%

- Three (3) pricing scenarios were used to determine an objective price comparison.
- The lowest overall amount for each pricing scenario was awarded the full Criteria % for each scenario as shown in the Evaluation Results Table on the following page.
- Each subsequent scenario \$ value was then divided into the lowest \$ value to obtain a pro-rata score.

Referees @ 10%

- Referees was included by adding the total scores obtained from the Tenderer's three nominated referees (where each is worth up to 25 points) and dividing this total by the maximum possible score of 75, then multiplying this number by the allocated matrix Weighting value.

Quality Assurance @ 10%

- If the tenderer provided the required evidence to meet the benchmark, eg: a current ISO certificate and QMS document contents page, the Evaluation Panel awarded full marks for that category.
- If the tenderer provided partial evidence to meet the benchmark, eg: provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score subject to the evidence provided.

T452324HUN

Tender Evaluation Methodology

- If the tenderer failed to meet the benchmark completely, eg: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

WH&S @ 10%

- If the tenderer provided the required evidence to meet the benchmark, eg: a current ISO certificate and Safety Management Plan document contents page, the Evaluation Panel awarded full marks for that category.
- If the tenderer failed to meet the benchmark completely, eg: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

Ecologically Sustainable Development @ 10%

- If the tenderer provided the required evidence to meet the benchmark, eg: a current ISO certificate and Environmental Management Plan document contents page, the Evaluation Panel awarded full marks for that category.
- If the tenderer failed to meet the benchmark completely, eg: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

Customer Service @ 5%

- If the tenderer provided the required evidence to meet the benchmark, eg: a current Customer Service policy, the Evaluation Panel awarded full marks for that category.
- If the tenderer failed to meet the benchmark completely, eg: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

Local Content @ 5%

Tenderers were assessed on their response to this Tender Schedule.

3. Assessment of Receipt

The following tenders were received:

Ten (10) tenders in total were received from:

- Destraz Pty Ltd t/as D&P Fencing Contractors – Bellbird NSW
- Envirochoice Industries Pty Limited – Smeaton Grange NSW – Late Tender
- Fulton Hogan Industries Pty Ltd – Dapto NSW

T452324HUN

Tender Evaluation Methodology

- **Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia – Thornton NSW**
- **Guardrail Systems Pty Ltd – Mayers Flat NSW**
- **Ingal Civil Products – Minto NSW**
- **RBK Pty Ltd t/a Topnotch Fencing – Cowra NSW**
- **Road Safety Barriers Pty Ltd – Mororo NSW**
- **A J & L J Irwin Family Trust t/a Irwin Fencing Pty Ltd – Coutts Crossing NSW**
- **Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd – Parkes NSW**

4. Assessment of Conformance

Probity

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2021.

Conflict of Interest Declarations were signed by all participating evaluation panel members, including the Regional Procurement facilitator, prior to their receipt of Tender submissions. The declarations are available to be viewed if required.

One (1) late tender was received from Envirochoice Industries Pty Limited.

All tenderers were noted as active on the ASIC website.

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

All tenders were deemed conforming to the Tender requirements.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

5. Shortlisting

Shortlisting was not considered necessary.

6. Weighted Evaluation

Tender 1 was evaluated using the following weighted evaluation criteria:

- **Tender Price @ 50%**
- **Referees @ 10%**
- **Quality Assurance @ 10%**
- **WH&S @ 10%**
- **Ecologically Sustainable Development @ 10%**
- **Customer Service @ 5%**
- **Local Content @ 5%**

T452324HUN

Tender Evaluation Methodology

To assess the tender against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the pricing and weighted evaluation is provided as confidential **Enclosure 1**.

7. Due Diligence

Reference checks were conducted with three customers of the preferred Tenderers.

8. LOCAL CONTENT

Local Content was used.

9. Evaluation Result

Following the evaluation process, the TET recommended....

1. That the Tenderers representing best value be awarded this contract as Panel Panel Source to Cessnock City Council for Category 1, Supply and Install, for

- Destraz Pty Ltd t/as D&P Fencing Contractors – Bellbird NSW
- Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia – Thornton NSW
- Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd NSW – Parkes
- RBK Pty Ltd t/a Topnotch Fencing – Cowra NSW

For the period of 1 April 2024 to 31 March 2026, and

2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2027.

10. Independent Review

The evaluation process and recommendations were reviewed by the

- Works and Operation Manager
- Works Engineer
- State Maintenance Coordinator
- Procurement Coordinator

It was determined to be in accordance with Council's Procurement Policy, Procurement Procedure and relevant legislation.

Division:	13/02/2024	Date From:
Committee:	11/03/2024	Date To:
Officer:		
Action Sheets Report	Printed: Monday, 11 March 2024 10:41:25 AM	

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
DI1/2024	Ordinary Council 21/02/2024	Plumridge, Matthew	Disclosures Of Interest	Disclosures Of Interest	20/03/2024	26/02/2024
<p>BN2/2024 - Wollombi Road Forum - Councillor Jurd declared a Non Pecuniary Interest + less than significant conflict for the reason that she works at a business located on Wollombi Road, Cessnock. Councillor Jurd advised that she would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to her decision.</p> <p>Maginnity, Robert</p> <p>26 Feb 2024 8:46am Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 26 February 2024 at 8:46:25 AM - No further action required.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI1/2024	Ordinary Council 21/02/2024	Wyburn, Linda	Works and Infrastructure	T2024-01 - Branxton to Greta Shared Pathway Stage 3	20/03/2024	29/02/2024
<p>674 MOTION Moved: Councillor Sander Seconded: Councillor Hill</p> <p>674 RESOLVED</p> <p>1. That Council rejects tender (T2024-01) from Civil & Sons Pty Ltd for a lump sum of \$3,665,279 excluding GST as the tender does not meet the budgeted amount.</p> <p>2. That Council as per section 7 clause 178(f) of the <i>Local Government (General) Regulation 2021</i>, carry out the requirements of the proposed contract itself.</p> <p>CARRIED UNANIMOUSLY</p> <p>29 Feb 2024 1:39pm Meyers, Kristy - Completion Completed by Meyers, Kristy on behalf of Wyburn, Linda (action officer) on 29 February 2024 at 1:39:27 PM - Resolutions completed.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
NI1/2024	Ordinary Council 21/02/2024	Plumridge, Matthew	Notice of Intention	Notice of Intention to Deal with Matters in Confidential Session - Report GMUXX/2024 - Code of Conduct: Consideration of Final Investigation Report and Recommendation of formal Censure - Councillor Jurd.	20/03/2024	26/02/2024
<p>Maginnity, Robert</p> <p>680 MOTION Moved: Councillor Hill Seconded: Councillor Sander</p> <p>680 RESOLVED</p> <p>1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (i) of the <i>Local Government Act 1993</i>: Report GMU1/2024 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Jurd.</p>						

Division:	Date From: 13/02/2024
Committee:	Date To: 11/03/2024
Officer:	Printed: Monday, 11 March 2024 10:41:25 AM
Action Sheets Report	

Report GMU2/2024 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Olsen.

As the report contains alleged contraventions of any code of conduct requirements applicable under section 440.

2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

CARRIED

26 Feb 2024 8:46am Plumridge, Matthew - Completion
 Completed by Plumridge, Matthew (action officer) on 26 February 2024 at 8:46:52 AM - No further action required, resolved in the meeting.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM1/2024	Ordinary Council 21/02/2024	Cocking, Tracey	Mayoral Minutes	Cost Shifting To Local Councils	20/03/2024	27/02/2024
681 MOTION 681 RESOLVED	Moved:	Liddell, Ken Councillor Suvaal				
1.	That Council receive and notes the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year;					
2.	That Council provide a copy of the cost shifting report on Council’s website so that our communities can access it; and					
3.	That Council write to the NSW Premier, NSW Treasurer, NSW Minister for Local Government and State Member for Cessnock, requesting that they urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.					
CARRIED						
27 Feb 2024 8:19am Lorenzen, Cherie - Completion Completed by Lorenzen, Cherie on behalf of Cocking, Tracey (action officer) on 27 February 2024 at 8:19:58 AM - 1. Noted. 2. Cost Shifting report uploaded to Council website. 3. Letters sent per resolution.						

Action Sheets Report	Division:	Date From: 13/02/2024
	Committee:	Date To: 11/03/2024
	Officer:	Printed: Monday, 11 March 2024 10:41:25 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM2/2024	Ordinary Council 21/02/2024	Cocking, Tracey	Mayoral Minutes	Minutes of the Community Engagement Awards and Grants Committee 21 November 2023	20/03/2024	26/02/2024
682 MOTION 682 RESOLVED	Moved:	Liddell, Ken Councillor Suvaal				
<p>That the minutes of the meeting of the Council Initiated Awards Committee held on 21 November 2023 be received and noted.</p> <p>CARRIED UNANIMOUSLY</p> <p>26 Feb 2024 4:03pm Cocking, Tracey All actions completed 26 January 2024 at Australia Day Awards.</p> <p>26 Feb 2024 4:04pm Cocking, Tracey - Completion Completed by Cocking, Tracey (action officer) on 26 February 2024 at 4:04:30 PM - All actions completed Australia Day celebrations</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM3/2024	Ordinary Council 21/02/2024	Cocking, Tracey	Mayoral Minutes	Minutes of the Organisational and General Manager's Review Committee Meeting of 8 February 2024	20/03/2024	26/02/2024
683 MOTION 683 RESOLVED	Moved:	Liddell, Ken Councillor Suvaal				
<p>That the Minutes of the Organisational and General Manager's Performance Review Committee of 8 February 2024 be adopted as a resolution of the Ordinary Council.</p> <p>CARRIED</p> <p>26 Feb 2024 4:04pm Cocking, Tracey - Completion Completed by Cocking, Tracey (action officer) on 26 February 2024 at 4:04:51 PM - All Actions completed.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MOU1/2024	Ordinary Council 21/02/2024	Plumridge, Matthew	Motions of Urgency	Motions of Urgency	20/03/2024	26/02/2024
684 MATTER OF URGENCY - PEDESTRIAN REFUGE - ALLANDALE ROAD, CESSNOCK Moved: 684 RESOLVED	Moved:	Maginnity, Robert Councillor Jurd	Seconded:	Councillor Olsen		
<p>That the matter of urgency regarding the pedestrian refuge at Allandale Road, Cessnock, be discussed at the end of the meeting.</p>						

Division:	Date From: 13/02/2024	
Committee:	Date To: 11/03/2024	
Officer:	Printed: Monday, 11 March 2024 10:41:25 AM	
Action Sheets Report		
<i>Councillor Jackson left the meeting, the time being 8:43 pm</i>		
<i>Councillor Jackson returned to the meeting, the time being 8:45 pm</i>		
FOR	AGAINST	
Councillor Jackson		
Councillor Moores		
Councillor Dunn		
Councillor Burke		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	
CARRIED UNANIMOUSLY		
26 Feb 2024 8:47am Plumridge, Matthew - Completion		
Completed by Plumridge, Matthew (action officer) on 26 February 2024 at 8:47:29 AM - No further action required, resolved within the meeting.		

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC1/2024	Ordinary Council 21/02/2024	Waghorn, Peter	Corporate and Community	Land Acquisition - South Cessnock Bund Wall	20/03/2024	26/02/2024
686 MOTION 686 RESOLVED	Moved:	Maginnity, Robert Councillor Hill	Seconded:	Councillor Sander		
<p>That Council authorise the following actions to purchase Crown land required for the South Cessnock Flood Mitigation Scheme Bund Wall project:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Application to the Minister and the Governor for approval to acquire (part) lot 3 DP 1145540 by compulsory process under section 186(1) of the <i>Local Government Act 1993</i>; <input type="checkbox"/> Compulsory acquisition of (part) lot 3 DP 1145540 for flood mitigation purposes in accordance with requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>; <input type="checkbox"/> On transfer of ownership to Council, the land is classified as operational land. <input type="checkbox"/> Request the Mayor and General Manager advocate to the Hon. Steve Kamper MP, Minister for Lands and Property and Mr Clayton Barr MP, Member for Cessnock, to transfer the land to council at nil cost. <p>CARRIED UNANIMOUSLY</p> <p>26 Feb 2024 9:42am Waghorn, Peter - Completion Completed by Waghorn, Peter (action officer) on 26 February 2024 at 9:42:21 AM - Authorisation noted. OLG application for ministerial approval to issue Proposed Acquisition Notice for portion Crown land lot 3 DP1145540 in progress.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC4/2024	Ordinary Council 21/02/2024	Dupille, Belinda	Corporate and Community	December 2023 Review of the 2022-26 Delivery Program	20/03/2024	27/02/2024
689 MOTION 689 RESOLVED	Moved:	Maginnity, Robert Councillor Hill	Seconded:	Councillor Burke		
<p>1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 December 2023.</p> <p>2. That Council approves changes to the 2023-24 Operational Plan actions and targets as outlined in the report.</p> <p>CARRIED UNANIMOUSLY</p> <p>27 Feb 2024 3:54pm Dupille, Belinda - Completion Completed by Dupille, Belinda (action officer) on 27 February 2024 at 3:54:53 PM - Done.</p>						

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC5/2024	Ordinary Council 21/02/2024	Plumridge, Matthew	Corporate and Community	Quarterly Budget Review Statement - December 2023	20/03/2024	26/02/2024
<u>690</u> MOTION 690 RESOLVED	Moved:	Maginnity, Robert Councillor Hill	Seconded:	Councillor Sander		
<p>1. That Council receives the December 2023 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.</p> <p>2. That Council notes that the December 2023 Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$37.1m or (\$6.9m) deficit excluding capital income.</p> <p>3. That Council notes that the December 2023 Quarterly Budget Review Statement reflects a forecast capital expenditure budget of \$75.4m.</p> <p>4. That council approves proposed changes to the 2023-24 operating and capital budgets as presented in the quarterly business report December 2023, except that the Greta – Branxton cycleway project budget be retained at \$1m.</p> <p>5. That Council notes that the Quarterly Budget Review Statement forecasts four of the six key performance indicators will exceed Office of Local Government benchmarks.</p> <p>CARRIED</p> <p>26 Feb 2024 8:47am Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 26 February 2024 at 8:47:51 AM - Budget adjusted as per Council resolution. Complete.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W12/2024	Ordinary Council 21/02/2024	Shelton, Alison	Works and Infrastructure	Minutes of the Local Traffic Committee Meeting held 18 December 2023	20/03/2024	28/02/2024
<u>696</u> MOTION 696 RESOLVED	Moved:	McLachlan, Paul Councillor Hawkins	Seconded:	Councillor Paynter		
<p>That the Minutes of the Cessnock Local Traffic Committee Meeting of 20 November 2023 be adopted as a resolution of the Ordinary Council.</p> <p><input type="checkbox"/> TC57/2023 – That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri _ Nostalgia Festival TCP's.</p> <p><input type="checkbox"/> TC58/2023 – That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Wollombi Markets Traffic Control Plans.</p> <p>CARRIED UNANIMOUSLY</p> <p>23 Feb 2024 1:57pm Shelton, Alison Letters of consent prepared for these approved events. Complete.</p> <p>28 Feb 2024 10:38am Shelton, Alison - Completion Completed by Shelton, Alison (action officer) on 28 February 2024 at 10:38:38 AM - Consent letters prepared and sent 28/2/24.</p>						

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU1/2024	Ordinary Council 21/02/2024	Neveldsen, Keri	General Manager's Unit	Code of Conduct: Consideration of Final Investigation Report and recommendation of formal Censure - Councillor Jurd	20/03/2024	25/02/2024
702 MOTION 702 RESOLVED	Moved:	Maginnity, Robert Councillor Dunn	Seconded:	Councillor Hill		
<ol style="list-style-type: none"> 1. That Council receives and notes the Final Investigation Report in relation to a Code of Conduct complaint against Councillor Jurd provided by separate confidential enclosure. 2. That the oral submission from Councillor Jurd addressing the investigators recommendation be received and noted. 3. That Council accepts the findings in the Final Investigation Report that Councillor Jurd breached clauses 3.1, 3.2, 3.3, 3.7, 3.8, 3.10, 7.2, 7.6 and 8.21 of the Code of Conduct by: <ol style="list-style-type: none"> a. by making statements in the public domain via social media that inferred Council staff were not telling the truth; and b. by making statements in the public domain via social media that a reasonable and informed person would find belittling and harassment; and c. by knowingly conducting herself in an improper and unethical manner; and d. by acting contrary to Council's administrative policies. 4. That Council, in accordance with section 440G of the Local Government Act, and based on the findings and recommendation in the Final Investigation Report, formally censures Councillor Jurd for: <ol style="list-style-type: none"> a. breaching clause 3.1 of the Code on the grounds that Councillor Jurd conducted herself in a matter that: <ol style="list-style-type: none"> i. bought Cessnock City Council or other Council officials into disrepute; ii. is contrary to statutory requirements or the Council's administrative requirements or policies, iii. is improper or unethical, iv. is an abuse of power, v. causes, comprises or involves intimidation or verbal abuse, and vi. constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory; b. breaching clause 3.2 of the Code on the grounds that Councillor Jurd did not act lawfully or honestly and exercise a reasonable degree of care and diligence in carrying out her functions; c. breaching clause 3.3 of the Code on the grounds that Councillor Jurd did not consider issues consistently, promptly and fairly and did not deal with matters in accordance with established procedures, in a non-discriminatory manner; d. breaching clause 3.7 of the Code on the grounds that Councillor Jurd engaged in "harassment" by demonstrating behaviour towards a person that: <ol style="list-style-type: none"> i. is not wanted by the person, ii. offends, humiliates or intimidates the person, and iii. creates a hostile environment. e. breaching clauses 3.8 and 3.10 of the Code on the grounds that Councillor Jurd engaged in bullying behaviour towards others including the following behaviour that may involve: <ol style="list-style-type: none"> i. aggressive, threatening or intimidating conduct ii. belittling or humiliating comments iii. spreading malicious rumours 						

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
<ul style="list-style-type: none"> iv.teasing, practical jokes or 'initiation ceremonies' v. exclusion from work-related events vi.unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level vii. displaying offensive material viii. pressure to behave in an inappropriate manner. <p>f. breaching clause 7.2 of the Code on the grounds that Councillor Jurd conducted herself in a manner where she must not:</p> <ul style="list-style-type: none"> i. direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA ii. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate <p>g. breaching clause 8.21 of the Code on the grounds that Councillor Jurd misused social media to post or share comments, photos, videos, electronic recordings or other information that:</p> <ul style="list-style-type: none"> i. compromises your capacity to perform your official duties in an unbiased manner ii. has the potential to have a negative impact on your working relationships within the Council or with external parties iii.is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council iv.has the capacity to damage the Council's reputation or contains content about the Council that may be misleading or deceptive v. contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures, or vi.could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment. <p>5. That Council refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.</p> <p>6. That the Mayor write to the Office of Local Government outlining the reasons for referral.</p> <p>CARRIED</p> <p>25 Feb 2024 7:39am Neveldsen, Keri - Completion Completed by Neveldsen, Keri (action officer) on 25 February 2024 at 7:39:15 AM - Matter referred to the Office of Local Government</p>		

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU2/2024	Ordinary Council 21/02/2024	Neveldsen, Keri	General Manager's Unit	Code of Conduct: Consideration of Final Investigation Report and recommendation of formal Censure - Councillor Olsen	20/03/2024	25/02/2024
703 MOTION 703 RESOLVED	Moved:	Maginnity, Robert Councillor Hill	Seconded:	Councillor Dunn		
<ol style="list-style-type: none"> 1. That Council receives and notes the Final Investigation Report in relation to a Code of Conduct complaint against Councillor Olsen provided by separate confidential enclosure. 2. That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted. 3. That Council accepts the findings in the Final Investigation Report that Councillor Olsen breached clauses 3.1, 3.2, 3.3, 3.7, 3.8, 3.10, 7.2, 7.6 and 8.21 of the Code of Conduct by: <ol style="list-style-type: none"> a. by making statements in the public domain via social media that inferred Council staff were not telling the truth; and b. by making statements in the public domain via social media that a reasonable and informed person would find belittling and harassment; and c. by knowingly conducting himself in an improper and unethical manner; and d. by acting contrary to Council's administrative policies. 4. That Council, in accordance with section 440G of the Local Government Act, and based on the findings and recommendation in the Final Investigation Report, formally censures Councillor Olsen for: <ol style="list-style-type: none"> a. breaching clause 3.1 of the Code on the grounds that Councillor Olsen conducted himself in a matter that: <ol style="list-style-type: none"> i. brought Cessnock City Council or other Council officials into disrepute; ii. is contrary to statutory requirements or the Council's administrative requirements or policies, iii. is improper or unethical, iv. is an abuse of power, v. causes, comprises or involves intimidation or verbal abuse, and vi. constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory; b. breaching clause 3.2 of the Code on the grounds that Councillor Olsen did not act lawfully or honestly and exercise a reasonable degree of care and diligence in carrying out his functions; c. breaching clause 3.3 of the Code on the grounds that Councillor Olsen did not consider issues consistently, promptly and fairly and did not deal with matters in accordance with established procedures, in a non-discriminatory manner; d. breaching clause 3.7 of the Code on the grounds that Councillor Olsen engaged in "harassment" by demonstrating behaviour towards a person that: <ol style="list-style-type: none"> i. is not wanted by the person, ii. offends, humiliates or intimidates the person, and iii. creates a hostile environment. e. breaching clauses 3.8 and 3.10 of the Code on the grounds that Councillor Olsen engaged in bullying behaviour towards others including the following behaviour that may involve: <ol style="list-style-type: none"> i. aggressive, threatening or intimidating conduct ii. belittling or humiliating comments iii. spreading malicious rumours 						

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
<ul style="list-style-type: none"> iv. teasing, practical jokes or 'initiation ceremonies' v. exclusion from work-related events vi. unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level vii. displaying offensive material viii. pressure to behave in an inappropriate manner. <p>f. breaching clause 7.2 of the Code on the grounds that Councillor Olsen conducted himself in a manner where he must not:</p> <ul style="list-style-type: none"> i. direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA ii. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate <p>g. breaching clause 8.21 of the Code on the grounds that Councillor Olsen misused social media to post or share comments, photos, videos, electronic recordings or other information that:</p> <ul style="list-style-type: none"> i. compromises your capacity to perform your official duties in an unbiased manner ii. has the potential to have a negative impact on your working relationships within the Council or with external parties iii. is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council iv. has the capacity to damage the Council's reputation or contains content about the Council that may be misleading or deceptive v. contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures, or vi. could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment. <p>5. That Council refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.</p> <p>6. That the Mayor write to the Office of Local Government outlining the reasons for referral.</p> <p>CARRIED</p> <p>25 Feb 2024 7:39am Neveldsen, Keri - Completion Completed by Neveldsen, Keri (action officer) on 25 February 2024 at 7:39:23 AM - Matter referred to the Office of Local Government</p>		

Action Sheets Report	Division: Committee: Officer:	Date From: 13/02/2024 Date To: 11/03/2024 Printed: Monday, 11 March 2024 10:41:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
	Ordinary Council 21/02/2024	McLachlan, Paul		Motion	20/03/2024	1/03/2024
678		McLachlan, Paul				
RESOLVED						
That Council:						
<ol style="list-style-type: none"> 1. Requests the General Manager to organise a Councillor Briefing <u>on Wednesday 13th March</u> to be briefed on the Wollombi Road Upgrade project preliminary design investigation and community engagement plan. 2. Notes that the Review of Environmental Factors will go on public exhibition after the briefing for the community and stakeholders to provide comment/feedback on the proposed works. 3. Notes that the project team will continue to engage with the community and stakeholders throughout the public exhibition period using the options and tools available highlighted in the Wollombi Road Upgrade Community and Consultation Engagement Plan which is aligned with Council's Community Participation Plan. 4. Requests the General Manager ensure all residents have the opportunity to access the same information regarding the Wollombi Road Upgrade Project by holding multiple, large scale, community information sessions for residents and businesses, and that Councillors be invited to attend these sessions. 						
		FOR	AGAINST			
		Councillor Jackson	Councillor Watton			
		Councillor Moores	Councillor Olsen			
		Councillor Dunn	Councillor Jurd			
		Councillor Burke				
		Councillor Grine				
		Councillor Sander				
		Councillor Hill				
		Councillor Hawkins				
		Councillor Paynter				
		Councillor Suvaal				
		Total (10)	Total (3)			
CARRIED						
01 Mar 2024 11:53am Meyers, Kristy - Completion						
Completed by Meyers, Kristy on behalf of McLachlan, Paul (action officer) on 01 March 2024 at 11:53:50 AM - 1 - Briefing has been schedule for 13 March 2024., 2 - Noted, 3 - Noted, 4 - The project team have developed a comprehensive communications and engagement strategy that has been implemented since the commencement of the project. The next phase of this engagement will include a combination of the following: - Briefing Package including REF documentation with preferred design option placed on public exhibition, - One on one meetings with businesses (in Stage 1), - Large Scale Community drop-in sessions, - Website and social media updates, - Direct access phone number for the project						

Action Sheets Report	Division:	Date From: 13/02/2024
	Committee:	Date To: 11/03/2024
	Officer:	Printed: Monday, 11 March 2024 10:41:25 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
	Ordinary Council 21/02/2024	McLachlan, Paul		Motion	20/03/2024	29/02/2024
698		McLachlan, Paul				
RESOLVED						
1.	That Council notes the Trails Reference Group has been formed from the Trails Strategy to assess, manage and endorse mountain bike trail proposals within the LGA to ensure alignment with the vision and objectives set within the Trails Strategy.					
2.	That any recommendations for current and future mountain bike trails be referred to the Trails Reference Group.					
3.	That Council request the General Manager work with the Trails Reference Group to amend the terms of reference to allow Councillors to attend future meetings.					
		FOR		AGAINST		
		Councillor Dunn		Councillor Moores		
		Councillor Burke		Councillor Paynter		
		Councillor Grine		Councillor Watton		
		Councillor Sander		Councillor Olsen		
		Councillor Hill		Councillor Jurd		
		Councillor Hawkins				
		Councillor Suvaal				
		Total (7)		Total (5)		
CARRIED						
29 Feb 2024 2:01pm Meyers, Kristy - Completion						
Completed by Meyers, Kristy on behalf of McLachlan, Paul (action officer) on 29 February 2024 at 2:01:11 PM, 1 - Noted., 2 - Noted., 3 - The next Trails Reference Group meeting is scheduled for 7 March 2024 and a review of the Charter has been placed on the Agenda.						

Action Sheets Report		Division: Committee: Officer:	Date From: Date To:	Printed: Monday, 11 March 2024 10:38:25 AM		
Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2020	Ordinary Council 18/11/2020	Clark, Cameron	Business With Notice	Laneway Access to Units/Granny Flats etc	30/04/2024	
1514 MOTION 1514 RESOLVED	Moved:	McLachlan, Paul Councillor Olsen	Seconded:	Councillor Dunn		
<p>That the General Manager provide a report to Council regarding options that council could change as it relates to development applications for the approval of units, granny flats or houses that will only have access off laneways to have the following conditions included,</p> <ol style="list-style-type: none"> The laneway, if it has no name, be named with all costs to the developer The laneway be sealed by the developer so as not to create dust issues for existing residents All costs to be borne by the developer The Council's preference is for access off existing roads, not laneways <p>CARRIED</p> <p>23 Nov 2020 11:38am Blake, Yvonne - Reallocation Action reassigned to Kerr, Katrina by: Blake, Yvonne for the reason: This report relates to Council Policy D5.3 - Development Applications Adjacent to Rear Lanes, which is the responsibility of the Roads, Bridges & Drainage Manager in W&I.</p> <p>30 Nov 2020 11:50am Kerr, Katrina Commenced drafting report to Council.</p> <p>13 Apr 2021 9:28am Bates, Kelly Item 1 - Commenced drafting report to Council.</p> <p>10 Aug 2021 9:30am Bates, Kelly - Target Date Revision Target date changed as a result of current resources and competing priorities.</p> <p>31 Jan 2022 1:38pm Benson, Nicole Resources now allow for this task to be completed. Work on the matter is scheduled to recommence in March 2022.</p> <p>02 May 2022 12:59pm Awal, Rabiul - Target Date Revision Will be updated as per the consultation with the Development team.</p> <p>15 Nov 2022 4:37pm Awal, Rabiul - Target Date Revision Due to resourcing issues the target date has changed to November 2023.</p> <p>02 Aug 2023 1:59pm Meyers, Kristy Policy being reviewed and updated to include resolution 1-4. Point 2 - wording will be changed to add specific engineering detail.</p> <p>25 Oct 2023 11:32am Meyers, Kristy - Target Date Revision Policy has been drafted with necessary updates and will be submitted to Governance for review.</p> <p>21 Feb 2024 12:59pm Beattie, Emma With Governance for Review</p>						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
	User Defined	Whalan, Amy Liddell, Ken		Quarter 1 Inspection Reports to be available for next Committee meeting as all inspections should be carried out by 31 March 2021.	30/04/2021	
11 Feb 2021 10:23am Gorsuch, Melissa Quarter 1 Inspection Reports to be available for next Committee meeting as all inspections should be carried out by 31 March 2021.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W12/2021	Ordinary Council 17/02/2021	Waghorn, Peter	Works and Infrastructure	Sale of Land to Bellbird Bowling Club	31/03/2024	
1571 MOTION 1571 RESOLVED	Moved:	Maginnity, Robert Councillor Dunn	Seconded:	Councillor Fitzgibbon		
1. That Council authorises the General Manager to undertake the process to reclassify the seven metre strip of land along the southern boundary of the Bellbird Park Bowling Club from Community to Operational. 2. That Council agrees to sell the subject parcel of land once reclassified to Bellbird Park Bowling Club at the nominal cost of one dollar (\$1.00) provided the Bellbird Park Bowling Club fund associated costs for the land transfer. 3. That Council authorises the General Manager to execute documents related to the reclassification and transfer of land between Cessnock City Council and the Bellbird Park Bowling Club. CARRIED UNANIMOUSLY						
04 Mar 2021 11:58am Benson, Nicole - Reallocation Action reassigned to Rathborne, Michael by Benson, Nicole - Michael please commence the actions as per the resolution. Liaise with my team if required. Thanks 24 Mar 2021 4:49pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 17 March 2021 to 30 June 2021 - Information sent to surveyor for the club to prepare and lodge forms, 29 Mar 2021 4:04pm Rathborne, Michael - Target Date Revision Target date changed by Rathborne, Michael from 30 June 2021 to 30 August 2021 - Surveyor preparing documents for registration. 28 Apr 2021 10:33am Rathborne, Michael - Target Date Revision Target date changed by Rathborne, Michael from 30 June 2021 to 30 September 2021 - Pending survey and documentation being prepared by surveyor. 25 Jun 2021 12:30pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 30 September 2021 to 31 December 2021 - Bellbird Park Bowling Club has taken responsibility for survey registration. Further work by Council Property Services to effect the transfer of land is deferred pending Strategic Property obtaining Council approval for a site-specific planning proposal to reclassify the land. 02 Sep 2021 3:11pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 31 December 2021 to 31 December 2021 - Peter Waghorn advised that there is no further update. 26 Oct 2021 2:19pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 31 December 2021 to 21 January 2022 - Advised by Chief Financial & Administration Officer no update was available but will investigate. 25 Jan 2022 10:12am Waghorn, Peter In accordance with the resolution, Bellbird Park Bowling Club management are responsible for organising and registering the survey of land to be acquired but are yet to do so. A registered plan and reclassification of the land are required before the land transfer can be transacted.						

<p>Action Sheets Report</p>	<p>Division: Committee: Officer:</p>	<p>Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM</p>
	<p>29 Mar 2022 7:55am Boughton-Ingham, Petra 28 Mar 2022 Peter Waghorn, [Confidential]: BPBC's Secretary Manager was contacted with an offer of assistance and advised that the club had not sought quotes for land survey work to date due to their financial situation. As the cost of a partial survey is not anticipated to be high, Council Officers contacted a local surveyor on the club's behalf and was told that the previous Board had engaged Marshall Scott Surveyors to prepare a plan and the draft was sent to the club last year. MSS is following up directly with club management.</p> <p>12 Apr 2022 10:21am Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 21 January 2022 to 15 June 2022 - The Bellbird Park Bowling Club Secretary Manager was contacted with an offer of assistance and advised that the club had not sought quotes for land survey work due to a recent change of voluntary board membership. Council Officers contacted a local surveyor on the club's behalf and were advised that the previous Board had engaged Marshall Scott Surveyors to prepare a plan and the draft was sent to the club last year. Principal of Marshall Scott Surveyors is following up with the new club management directly.</p> <p>28 Apr 2022 3:32pm Waghorn, Peter Mark Scott of Marshall Scott Surveyors is still following up with the new club Secretary Manager regarding a survey plan previously prepared and sent to the Club in draft for their review.</p> <p>26 May 2022 9:22am Waghorn, Peter Bellbird Park Bowling Club officials have confirmed that Marshall Scott Surveyors were engaged by the previous Board to prepare a plan of acquisition. Once the draft plan is provided to Council for review and verification, the process to reclassify the identified portion of Bellbird Park can be commenced. Transfer of the land to the Club can only be effected on gazettal of the reclassification.</p> <p>26 May 2022 9:50am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 15 June 2022 to 30 December 2022 - The planning proposal to amend the LEP and reclassify a portion of Bellbird Park is a lengthy process and yet be commenced. Transferring ownership to the Club is deferred pending gazettal of the land reclassification for Community to Operational land.</p> <p>30 Jun 2022 3:12pm Waghorn, Peter An LEP amendment request to reclassify the portion of Bellbird Park the Club requires has been scheduled with Strategic Planning.</p> <p>28 Jul 2022 2:49pm Waghorn, Peter A survey plan prepared by Marshall Scott Surveyors on behalf of Bellbird Park Bowling Club has been provided to Strategic Planning. A planning proposal requesting amendment of the Cessnock LEP land classification of the nominated portion of Bellbird Park is in progress.</p> <p>31 Aug 2022 4:46pm Keegan, Robyn Further updates are subject to progression of a planning proposal to amend the Cessnock LEP and change the community land classification of the nominated portion of Bellbird Park.</p> <p>25 Nov 2022 3:47pm Waghorn, Peter Internal Property staff followed up with Marshall Scott Surveyors 24/11/2022 and were advised that the survey plan detailing the area to be acquired by the club and prepared by their firm on behalf of Bellbird Park Bowling Club is yet to be lodged with Land Registry Services for assessment. Council staff actions are deferred pending plan registration and gazettal of the proposed land reclassification.</p> <p>16 Jan 2023 12:12pm Waghorn, Peter Property staff visited BPBC on 4/1/2023 to enquire with management as to the status of survey plan approval and were advised that they will follow up with Marshall Scott Surveyors. As at 16/1/2023, Mark Scott of MSS has not been contacted by BPBC.</p> <p>16 Jan 2023 12:21pm Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 30 December 2022 to 31 March 2023 - Delayed pending Bellbird Park Bowling Club approval of draft survey plan of acquisition and the outcome of a Council request to reclassify the relevant portion of Carmichael Park to be acquired</p> <p>03 Apr 2023 10:44am Waghorn, Peter The Strategic Planning unit has scheduled a report seeking approval to submit the LEP amendment required to reclassify the portion of Bellbird Park the Club requires. Reclassification to operational land is required to facilitate any transfer of council community land. The report will be considered at the April 2023 Ordinary Council Meeting. .</p> <p>03 Apr 2023 11:11am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 31 March 2023 to 30 June 2023 - The report seeking approval to submit an LEP amendment to reclassify the required portion of Bellbird Park is scheduled for the April 2023 OCM. Reclassifications necessarily involve state planning departments and completion of that process cannot be accurately determined at this time.</p> <p>26 May 2023 3:16pm Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 30 June 2023 to 31 March 2024 - A planning proposal to amend the Cessnock LEP community land classification of a portion of Carmichael Oval adjoining Bellbird Park Bowling Club was approved for submission to Dept. of Planning & Environment (DPE) on 19 April 2023. Subject to obtaining a DPE Gateway determination to reclassify the land from community to operational use, consultation will be undertaken with public authorities and the community. Unresolved objections must be submitted to Council for consideration before DPE is requested to make the Plan and publish LEP changes in the Government Gazette. This process is anticipated to take six to nine months. On completion, Property staff will prepare contract documentation to transfer the required land.</p> <p>25 Sep 2023 3:37pm Waghorn, Peter - Email</p>	

Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
Action Sheets Report	

On 15 September, Officers arranged for surveyors to attend and mark the site, allowing a partially installed fence to be completed along the new boundary with a lockable pedestrian access. Illegal private vehicular use of CCC community land is understood to have been occurring and neighbouring residents will be notified prior to erection of the final stage of fencing. Formal transfer of the land portion to BPBC is subject to land reclassification and the revised target date is still projected as March 2024.
24 Nov 2023 9:41am Waghorn, Peter
 No further updates from Property Services pending completion of land reclassification process and subsequent land transfer

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ELTCLM39/2021	Executive Leadership Team 11/06/2021	Ansell, Tara	Listed Matters - committee	Customer Service Signage	4/02/2022	
MOTION RESOLVED	Moved: Moloney	Seconded: Allan				
1.	That the Executive Leadership Team approve the installation of signage on Council's Administration Building's exterior windows at the entrance of the Customer Service foyer.					
2.	That the customer service signage will be funded from existing budget allocations from Economic Development and Customer Services.					
17 Jun 2021 12:58pm Hottes, Kylie						
Please action the following resolutions:, MOTION Moved: Moloney Seconded: Allan, RESOLVED, 1. That the Executive Leadership Team approve the installation of signage on Council's Administration Building's exterior windows at the entrance of the Customer Service foyer., 2. That the customer service signage will be funded from existing budget allocations from Economic Development and Customer Services. , Thanks, Kylie						
13 Oct 2021 1:10pm Lorenzen, Cherie - Reallocation						
Action reassigned to Ansell, Tara by Lorenzen, Cherie - Previous Officer no longer employed, Tara can you advise status of this action and update if complete.						
05 Nov 2021 11:21am Lorenzen, Cherie						
1. Approved., 2. Signed designed and drafted. Pending installation.						
05 Nov 2021 11:24am Lorenzen, Cherie - Target Date Revision						
Target date changed by Lorenzen, Cherie from 12 July 2021 to 04 February 2022						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
9/2021	Health And Safety Committee 13/10/2021	Whalan, Amy		That the Safety & Risk team consider using promotional material to raise awareness of the new incident reporting process for Indoor Staff	27/10/2021	
Liddell, Ken						
THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_NewItem_N_4)						
CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT						
DOCUMENT: I:\BUSINESSPAPERS\WHSPAPERS\HASC_13102021_MIN_7802.DOCX						
Resolution not found						

Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
--	---

Action Sheets Report

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE24/2022	Ordinary Council 20/04/2022	Rush, Iain	Planning and Environment	Draft Local Planning Framework for the Cessnock LGA Vineyards District	30/06/2024	
75 MOTION 75 RESOLVED	Moved:	Chrystal, Peter Councillor Burke	Seconded:	Councillor Grine		
1.	That Council requests a Gateway determination in respect of the Cessnock Vineyards District Planning Proposal from the NSW Department of Planning and Environment, pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.					
3.	That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.					
4.	That Council exhibits the Draft Cessnock Vineyards District Local Character Statement and Development Control Plan with the Planning Proposal.					
5.	That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.					
CARRIED UNANIMOUSLY						
<i>Councillor Hawkins returned to the meeting, the time being 7.29m</i>						
27 Apr 2022 12:10pm Rush, Iain - Target Date Revision Target date changed by Rush, Iain from 18 May 2022 to 30 December 2022 - Preparing documentation for submission to DPE for Gateway determination.						
21 Jun 2022 3:52pm Rush, Iain Planning Proposal submitted for Gateway determination on 10 May 2022. Currently reviewing quotations for 'Tourism Centre' Economic Feasibility Assessment.						
01 Sep 2022 4:24pm Rush, Iain Planning Proposal submitted for Gateway determination on 10 May 2022. Hill PDA engaged to prepare 'Tourism Centre' Economic Feasibility Assessment. Work on the Economic Assessment is progressing steadily.						
31 Oct 2022 10:23am Rush, Iain Planning Proposal submitted for Gateway determination on 10 May 2022. Hill PDA have provided Draft 'Tourism Centre' Economic Feasibility Assessment to Council for review.						
22 Nov 2022 2:17pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 31 January 2023 to 28 February 2023 - Target date revised to allow sufficient time for exhibition and consideration of public submissions. Preparation of materials for public exhibition commenced.						
20 Feb 2023 9:08am Cocking, Tracey HRP 2041 requires preparation of Place Strategy. Existing PP and Place Strategy requirements being discussed with DP&E.						
20 Feb 2023 9:09am Cocking, Tracey - Target Date Revision Target date changed by Cocking, Tracey from 28 February 2023 to 31 December 2023 - HRP 2041 requires preparation of Place Strategy. Existing PP and Place Strategy requirements being discussed with DP&E.						
24 May 2023 3:52pm Blake, Yvonne - Reallocation Action reassigned to Mewing, Jenny by Blake, Yvonne - Transferred to Jenny Mewing to continue with and finalise the matter.						
24 May 2023 4:08pm Mewing, Jenny						

Division:	Date From:
Committee:	Date To:
Officer:	
Action Sheets Report	Printed: Monday, 11 March 2024 10:38:25 AM

Vineyards Place Strategy endorsed by the Urban Development Program Committee (1 May 2023) for the establishment of a Place Delivery Group. Further details from DPE to be obtained to commence this process., Amendments being made to Planning Proposal to reflect requirements of "resubmit" Gateway Determination received in December 2022.

21 Jun 2023 10:03am Mewing, Jenny
Meeting held with DPE to discuss relationship between Planning Proposals and Place Strategy. Agreed outcomes and actions pending confirmation with DPE

21 Jul 2023 7:27am Mewing, Jenny
Amendments to Planning Proposal being prepared for resubmission to the DPE prior to 31 July 2023. Draft Principles for the Place Strategy are being prepared concurrently for consideration/endorsement by the DPE.

31 Aug 2023 1:16pm Mewing, Jenny
Revised Planning Proposal resubmitted to DPE for Gateway Determination (26/7/23)., Place Strategy meeting with DPE requested.

31 Aug 2023 2:15pm Blake, Yvonne - Reallocation
Action reassigned to Rush, Iain by Blake, Yvonne - Transferred to officer as original officer has resigned.

30 Oct 2023 2:47pm Rush, Iain
HRP 2041 requires the preparation of Place Strategy for the Cessnock Vineyards District. The structure and content of the Place Strategy is to be determined with input from a Department of Planning and Environment Place Delivery Group (PDG). Draft land use principles prepared for discussion with PDG, which should occur in early November.

16 Jan 2024 9:19am Rush, Iain - Target Date Revision
Target date changed by Rush, Iain from 31 December 2023 to 30 June 2024 - Meeting with Planning Delivery Unit (PDU) occurred with relevant state agencies in December 2023. Awaiting further information/requirements from DPE to progress Place Strategy, including release of Planning State Environmental Assessment Requirements (PSEARS).

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2022	Ordinary Council 16/11/2022	Harris, Kate	Business With Notice	Permanent Security CCTV Cameras - Huntlee District Park	26/04/2024	
351 MOTION	Moved:	McLachlan, Paul	Seconded:	Councillor Olsen		
351 RESOLVED	That the General Manager:					
	1. Liaise, support and work alongside LWP (Huntlee), to install a fully operational, CCTV Security Camera System within the new Huntlee District Park (similar to Bridges Hill Park);					
	2. Research appropriate, relevant grants that may be able to assist in further protecting this community asset with said surveillance technology					
	CARRIED UNANIMOUSLY					
	22 Nov 2022 1:20pm Meyers, Kristy - Reallocation Action reassigned to Harris, Kate by Meyers, Kristy					
	25 Nov 2022 9:44am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 14 December 2022 to 31 March 2023 - Meeting to be held with LWP.					
	25 Nov 2022 9:45am Harris, Kate 1. Meeting to be organised with LWP before the end of the year, 2. Upon completion of item 1					
	27 Mar 2023 11:22am Harris, Kate 1. Meeting to be organised with LWP , 2. Upon completion of item 1					
	27 Mar 2023 11:22am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 31 March 2023 to 30 June 2023 - Competing priorities and limited resources					
	28 Jun 2023 11:25am Harris, Kate 1. Advice has been provided from LWP that temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.					

Division:	Date From:
Committee:	Date To:
Officer:	Printed: Monday, 11 March 2024 10:38:25 AM
Action Sheets Report	

<p>28 Jun 2023 11:30am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 30 June 2023 to 25 August 2023 - Temporary security camera's are in place. Officers to continue to investigate funding opportunities for a permanent system.</p> <p>31 Aug 2023 8:09am Harris, Kate 1. Temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>31 Aug 2023 8:10am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 25 August 2023 to 27 October 2023 - Grant funding is being investigated</p> <p>26 Sep 2023 1:18pm Harris, Kate 1. Temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>26 Sep 2023 1:18pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 27 October 2023 to 22 December 2023 - Funding opportunities continue to be investigated.</p> <p>22 Nov 2023 8:35am Harris, Kate 1. Temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>22 Nov 2023 8:36am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 22 December 2023 to 23 February 2024 - Options are still being investigated for a permanent CCTV solution.</p> <p>28 Feb 2024 10:11am Harris, Kate 1. Temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>28 Feb 2024 10:12am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 23 February 2024 to 26 April 2024 - Grant funding is yet to be identified for permanent camera's.</p>

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W175/2022	Ordinary Council 14/12/2022	Harris, Kate	Works and Infrastructure	Cessnock LGA Hall Booking/Management	28/06/2024	
383 MOTION	Moved:	McLachlan, Paul Councillor Watton	Seconded:	Councillor Burke		
383 RESOLVED						
1.	That Council notes the information contained within the report with regard to the implications and resourcing requirements required to overhaul the current practices has adopted relating to hall bookings, maintenance and potential promotions;					
2.	That Council completes a hall booking trial using the Bookeasy system at four community halls; and					
3.	That if the hall booking trial is successful, that Council implements the Bookeasy system at all community halls in consultation with the s355 volunteer management committees as resources allow.					
	<i>Councillor Hawkins left the meeting, the time being 8.04 pm</i>					
	<i>Councillor Hawkins returned to the meeting, the time being 8.05 pm</i>					
	CARRIED UNANIMOUSLY					
16 Jan 2023 4:28pm Eveleigh, Nathan - Target Date Revision	Target date changed by Eveleigh, Nathan from 11 January 2023 to 30 June 2023 - Test webpage and platform completed for Bellbird Hall. Officers liaising with BookEasy on some minor amendments required for regular bookings., Additional halls will come online after testing is completed with Bellbird Community Hall as per the Council report.					

Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
--	---

Action Sheets Report

02 Mar 2023 9:41am Eveleigh, Nathan
 BookEasy set-up in final testing phase for Bellbird Community Hall before going live.

27 Mar 2023 11:56am Eveleigh, Nathan
 Bellbird Community Hall Bookeasy portal went live on 20/3/2023. Will roll out 3 additional facilities following initial trials and feedback.

28 Jun 2023 11:36am Eveleigh, Nathan
 Hunter Valley VIC staff have commenced work on Ellalong & Millfield Community Halls following successful roll-out of the BookEasy online bookings at Bellbird Community Hall for 3 months.

28 Jun 2023 11:40am Eveleigh, Nathan - Target Date Revision
 Target date changed by Eveleigh, Nathan from 30 June 2023 to 30 September 2023 - 2 additional halls being set-up. A 4th hall will be added once these two halls are online in the coming months.

25 Aug 2023 8:36am Eveleigh, Nathan - Target Date Revision
 Target date changed by Eveleigh, Nathan from 30 September 2023 to 20 December 2023 - VIC staff working on 2nd & 3rd hall in consultation with open Space staff and s355 committee's.

01 Mar 2024 11:29am Harris, Kate
 1. Noted, 2. The Bookeasy system is in place for Bellbird Hall. Ellalong and Millfield Hall are ready to go live following training and engagement with the s355 committees., 3. To be completed after item 2.

01 Mar 2024 11:31am Harris, Kate - Target Date Revision
 Target date changed by Harris, Kate from 30 April 2024 to 28 June 2024 - Training must be undertaken with S355 Committee members prior to online bookings progressing.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE5/2023	Ordinary Council 15/02/2023	Mewing, Jenny	Planning and Environment	Comprehensive Local Environmental Plan and Development Control Plan Review - Temporary Uses (including Temporary Events)	30/06/2025	
399 MOTION 399 RESOLVED	Moved:	Chrystal, Peter Councillor Hill	Seconded:	Councillor Dunn		
That Council						
<ol style="list-style-type: none"> 1. Request a gateway determination for the Planning Proposal "Temporary Uses" from the Department of Planning and Environment pursuant to the Environmental Planning and Assessment Act 1979. 2. Request authorisation under s3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority. 3. Place the draft Planning Proposal on exhibition as determined by the Department of Planning and Environment Gateway determination. 4. Place the draft Cessnock Development Control Plan Chapter "Temporary Uses" on exhibition concurrently with the planning proposal. 5. Receive a report back on the Planning Proposal and Development Control Plan amendment. 						
CARRIED						
<p>27 Mar 2023 4:34pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 15 March 2023 to 30 November 2023 - As per Council resolution at the Ordinary Council meeting held 15 February 2023, gateway determination to be requested from DPE; request authorisation to act as local plan making authority; PP to be placed on exhibition as well as draft DCP; report back to Council on amendment.</p> <p>18 Aug 2023 1:49pm Blake, Yvonne - Reallocation Action reassigned to Mewing, Jenny by Blake, Yvonne - Officer resigned from Council. Transferred to Acting Principal Strategic Planner for re-allocation to another Strategic Planning Officer.</p> <p>31 Aug 2023 1:20pm Mewing, Jenny</p>						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Request for Gateway Determination from DPE made February 2023. , Planning Proposal updated and resubmitted for Gateway Determination in May 2023

21 Sep 2023 8:03am Mewing, Jenny
Gateway Determination still pending

21 Sep 2023 8:04am Mewing, Jenny - Target Date Revision
Target date changed by Mewing, Jenny from 30 November 2023 to 30 November 2024 - Gateway Determination not yet issued.

23 Oct 2023 8:02am Mewing, Jenny
Gateway Determination not yet issued

21 Nov 2023 7:14am Mewing, Jenny
Gateway determination not yet issued

01 Dec 2023 3:03pm Mewing, Jenny
Gateway Determination not yet issued

09 Jan 2024 12:43pm Mewing, Jenny
Gateway Determination not yet issued

21 Feb 2024 7:46am Mewing, Jenny
Gateway Determination not yet issued

21 Feb 2024 7:46am Mewing, Jenny - Target Date Revision
Target date changed by Mewing, Jenny from 30 November 2024 to 30 June 2025 - Gateway Determination not yet issued

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W16/2023	Ordinary Council 15/03/2023	Clark, Cameron	Works and Infrastructure	Engineering Guidelines for Design & Construction - Approval for Public Exhibition	30/04/2024	
441 MOTION 441 RESOLVED	Moved:	McLachlan, Paul Councillor Hill	Seconded:	Councillor Sander		
<ol style="list-style-type: none"> That the draft Engineering Guidelines for Design and Construction be placed on public exhibition for a period of 28 days and a report be returned to Council for determination. That Councillors be offered a briefing on the engineering guidelines. 						
CARRIED UNANIMOUSLY						
28 Mar 2023 3:32pm Newman, Alex Waiting on Comments from Public exhibition regarding Guidelines of exhibition. In addition an Internal Panel Review of Engineering Guidelines is to be performed.						
26 Apr 2023 8:27am Newman, Alex Engineering Guidelines still on Public Exhibition. Subsequent Internal CCC review by relevant departments to follow.						
29 May 2023 11:13am Newman, Alex Thorough internal review being performed by council. Relevant council team leaders are reviewing the standards.						
29 May 2023 1:53pm Newman, Alex - Target Date Revision Target date changed by Newman, Alex from 25 June 2023 to 27 October 2023 - Thorough internal review being performed by council. Extended process to allow for input by all relevant council team leaders to be collated and reflected in technical standards.						
28 Jun 2023 1:31pm Newman, Alex Thorough internal review being performed by council. Input by all relevant council team leaders to be collated and reflected in technical standards.						

Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
Action Sheets Report	

24 Jul 2023 1:07pm Newman, Alex
 Thorough internal review being performed by council. Input by all relevant council team leaders to be collated and reflected in technical standards.

30 Aug 2023 10:30am Newman, Alex - Target Date Revision
 Target date changed by Newman, Alex from 27 October 2023 to 15 November 2023 - Currently awaiting all teams to provide initial comments on engineering guidelines.

25 Oct 2023 11:34am Meyers, Kristy
 Investigations continuing.

25 Oct 2023 11:34am Meyers, Kristy - Target Date Revision
 Target date changed by Meyers, Kristy from 15 November 2023 to 31 January 2024 - Investigations continuing.

22 Nov 2023 3:20pm Newman, Alex
 Investigations continuing.

09 Feb 2024 1:54pm Meyers, Kristy
 1 - Details to be included in C&CS Policy Report to March 2024 Council meeting., 2 - Councillor Briefing being scheduled for March 2024.

09 Feb 2024 1:56pm Meyers, Kristy - Reallocation
 Action reassigned to Clark, Cameron by Meyers, Kristy - For briefing.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN8/2023	Ordinary Council 15/03/2023	Harris, Kate McLachlan, Paul	Business With Notice	Permanent Security CCTV Cameras - Peace Park Weston - Miller Park	26/04/2024	
MOTION						
	Moved:	Councillor Watton	Seconded:	Councillor Jurd		
1.	That the General Manager research appropriate, relevant grants that may be able to assist in further protecting these community assets with appropriate surveillance technology (similar to Bridges Hill Park)					
2.	That the General Manager prepare a report which will include all associated installation + maintenance costs of said surveillance technology, in comparison to estimated cost trajectories relating to ongoing vandalism / damage repairs (should no interventions be taken).					
AMENDMENT						
	Moved:	Councillor Hill	Seconded:	Councillor Sander		
That Council direct the General Manager to:						
<input type="checkbox"/>	Identify funding opportunities for crime prevention solutions or monitoring (installation of CCTV) where a cost benefit analysis confirms it will provide an operational cost saving.					
<input type="checkbox"/>	Consult with NSW Police (Cessnock Local Area Command) in relation to the effectiveness of CCTV and the identification of priority locations across the LGA for potential implementation following grant funding applications.					
<input type="checkbox"/>	Consider the development of a CCTV Policy to protect community assets.					
	FOR		AGAINST			
	Councillor Jackson		Councillor Jurd			
	Councillor Burke					
	Councillor Moores					
	Councillor Grine					
	Councillor Sander					
	Councillor Hill					

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	-------------------------------------	--

	Councillor Hawkins Councillor Paynter Councillor Watton Councillor Suvaal Total (10)	Total (1)
CARRIED		
<p>20 Mar 2023 2:11pm Lorenzen, Cherie - Reallocation Action reassigned to Harris, Kate by Lorenzen, Cherie - Referred to Open Space & Community Facilities Manager for action on behalf of GM per the amended resolution.</p> <p>27 Mar 2023 11:23am Harris, Kate 1. Funding opportunities continue to be investigated, 2. Initial engagement has been held with NSW Police (Cessnock Local Area Command), currently awaiting further resources/information to be provided., 3. This to be considered.</p> <p>30 May 2023 11:52am Harris, Kate 1. Funding opportunities continue to be investigated, 2. Initial engagement has been held with NSW Police (Cessnock Local Area Command), currently awaiting further resources/information to be provided. This will be followed up again., 3. This to be considered.</p> <p>30 May 2023 11:53am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 30 June 2023 to 28 July 2023 - Awaiting resources and advice from NSW Police, local area command.</p> <p>26 Jul 2023 3:39pm Harris, Kate 1. Funding opportunities continue to be investigated, 2. Initial engagement has been held with NSW Police (Cessnock Local Area Command), currently awaiting further resources/information to be provided. Further meeting to be organised., 3. This to be considered.</p> <p>26 Jul 2023 3:40pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 28 July 2023 to 29 September 2023 - Awaiting feedback from Cessnock Local Area Command</p> <p>26 Sep 2023 1:12pm Harris, Kate 1. Funding opportunities continue to be investigated, 2. Further engagement has been held with NSW Police (Cessnock Local Area Command). Monthly meetings have been set up with Council Officers and Cessnock Local Area Command to continue sharing information and identify hotspots and solutions to problem areas., 3. This to be considered.</p> <p>26 Sep 2023 1:17pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 29 September 2023 to 15 December 2023 - Liaison with local police is ongoing and funds are continuing to be investigated.</p> <p>22 Nov 2023 8:52am Harris, Kate 1. Funding opportunities continue to be investigated, 2. Further engagement has been held with NSW Police (Cessnock Local Area Command). Monthly meetings have been set up with Council Officers and Cessnock Local Area Command to continue sharing information and identify hotspots and solutions to problem areas., 3. This to be considered.</p> <p>22 Nov 2023 8:53am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 15 December 2023 to 23 February 2024 - Liaison with local police is ongoing and funds are continuing to be investigated.</p> <p>28 Feb 2024 10:12am Harris, Kate 1. Funding opportunities continue to be investigated, 2. Monthly meetings continue to be held with NSW Police (Cessnock Local Area Command) to continue sharing information and identify hotspots and solutions to problem areas., 3. This to be considered.</p> <p>28 Feb 2024 10:14am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 23 February 2024 to 26 April 2024 - Meetings are ongoing with NSW Police. A funding source has not been identified for the provision of camera's.</p>		

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN8/2023	Ordinary Council 17/05/2023	Chadwick, Tony	Business With Notice	Proposal for Kurri Curry Festival	28/06/2024	
496 MOTION 496 RESOLVED	Moved:	Chrystal, Peter Councillor Grine	Seconded:	Councillor Hill		
<p>That Council seeks grant funding for business activation in the Cessnock Local Government area by:</p> <ol style="list-style-type: none"> 1. Creating and delivering a new event called the Kurri Curry Festival 2. Designing and installing 3D public street art that compliments the Kurri Kurri Murals, and 3. That the General Manager investigate other business activation opportunities <p>CARRIED UNANIMOUSLY</p> <p>23 May 2023 1:36pm Blake, Yvonne - Reallocation Action reassigned to Chadwick, Tony by Blake, Yvonne - Forwarded to Economic Development & Tourism Manager for action and completion.</p> <p>24 May 2023 8:56am Chadwick, Tony Progress against the resolution actions are as follows:; That Council seeks grant funding for business activation in the Cessnock Local Government area by:; 1. Creating and delivering a new event called the Kurri Curry Festival - A grant application for \$135,000 to hold the Kurri Curry Festival and Art Workshop was submitted on 19 Feb 2024 under the NSW Governments Open Streets Program. Council is waiting the for the result of this application.; 2. Designing and installing 3D public street art that compliments the Kurri Kurri Murals - Staff have obtained street art cost estimates ready for grant submissions. Public art has been included within the NSW Governments Open Streets Program grant application to deliver the Kurri Curry Festival and Art Workshop.; 3. That the General Manager investigate other business activation opportunities - Suitable opportunities will be added to grant applications if allowed by the grant fund.</p> <p>24 May 2023 9:03am Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 14 June 2023 to 29 February 2024 - Waiting for a suitable grant fund to open to progress this action.</p> <p>19 Feb 2024 3:36pm Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 29 February 2024 to 28 June 2024 - Waiting the results of a grant application under the NSW Government Open Streets Program.</p>						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE26/2023	Ordinary Council 19/07/2023	Worthing, Alex	Planning and Environment	Comprehensive DCP Review - Tourist Accommodation on Rural and Environmental Lands - Draft for Exhibition	20/06/2024	
528 MOTION 528 RESOLVED	Moved:	Chrystal, Peter Councillor Hill	Seconded:	Councillor Grine		
1.	That Council exhibits the draft DCP Chapter: 'Tourist and Visitor Accommodation in Rural and Environmental Lands' in accordance with clause 13 of the Environmental Planning and Assessment Regulation 2021 and for a period of 28 days.					
2.	That a further report is brought to Council for determination after the exhibition period is concluded.					
CARRIED UNANIMOUSLY						
26 Jul 2023 12:33pm Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 16 August 2023 to 16 November 2023 - Exhibition will be undertaken in August.						
18 Aug 2023 1:48pm Blake, Yvonne - Reallocation Action reassigned to Mewing, Jenny by Blake, Yvonne - Officer resigned from Council. Transferred to Acting Principal Strategic Planner for re-allocation to another Strategic Planning Officer.						
31 Aug 2023 2:15pm Blake, Yvonne - Reallocation Action reassigned to Worthing, Alex by Blake, Yvonne - Transferred to officer as original officer has resigned.						
08 Sep 2023 3:32pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 16 November 2023 to 04 October 2023 - Preparing post exhibition report for Council						
26 Oct 2023 11:16am Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 04 October 2023 to 22 December 2023 - Report to be tabled at December Council meeting.						
18 Dec 2023 3:18pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 22 December 2023 to 20 June 2024 - On hold pending Vineyards project with DPE						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI23/2023	Ordinary Council 19/07/2023	Harris, Kate	Works and Infrastructure	Kurri Kurri Netball Facility	24/05/2024	
534 MOTION 534 RESOLVED	Moved:	McLachlan, Paul Councillor Grine	Seconded:	Councillor Hill		
<p>1. That a grant application for Kurri Kurri Netball Facility Stage 1 works, as outlined within this report, be submitted via the Arts Investing in Our Communities Program.</p> <p>2. That the General Manager continue to investigate funding opportunities for Kurri Kurri Netball Facility Stage 2 works and that a further report come back to Council.</p> <p>CARRIED</p> <p>27 Jul 2023 10:02am Harris, Kate 1. Complete, 2. Funding opportunities are currently being investigated</p> <p>27 Jul 2023 10:02am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 16 August 2023 to 27 October 2023 - Funding opportunities are being investigated.</p> <p>26 Sep 2023 10:47am Harris, Kate 1. Complete, 2. Cost reductions and funding opportunities are currently being investigated</p> <p>26 Sep 2023 10:48am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 27 October 2023 to 15 December 2023 - Funding opportunities are currently being investigated</p> <p>22 Nov 2023 8:30am Harris, Kate 1. Complete, 2. A further design review has been completed and a revised Quantity Surveyor estimate has been sought. Council staff are also currently preparing a grant application via the NSW Government's level the playing field grant program for the additional funding required for the netball facility.</p> <p>22 Nov 2023 8:34am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 15 December 2023 to 29 February 2024 - Revised costings are still be sought and a grant application is being submitted. A report will be provided to Council following the above tasks being completed.</p> <p>28 Feb 2024 10:17am Harris, Kate 1. Complete, 2. Funding has been identified for Stages 1 and 2 with a report to be prepared for Council's consideration.</p> <p>28 Feb 2024 10:18am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 29 February 2024 to 24 May 2024 - Report to be prepared for Council's consideration</p>						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM6/2023	Ordinary Council 20/09/2023	Harris, Kate	Mayoral Minutes	Pool Family Free Days and Entry Vouchers	28/06/2024	
564 MOTION 564 RESOLVED	Moved:	McLachlan, Paul Councillor Suvaal				
1.	That Council issue a free family pass entry voucher to all children completing the NSW Department of Education intensive Learn to Swim program at Cessnock, Branxton Pools and Kurri Kurri Aquatic Fitness Centre, at a potential lost revenue of \$4,912.					
2.	That a free entry day and community celebrations take place early in the season and for Australia Day (26 January 2024) at Cessnock, Branxton and Kurri Kurri Pools at a cost of \$22,390.					
3.	That Council notes the total potential loss of pool entry revenue and other costs from these activities is an estimated total \$27,302.					
4.	Future funding to cover free entry days and community celebrations to be costed and included in the remaining Operational Plans in the current Delivery Program 2022-2026.					
CARRIED UNANIMOUSLY						
25 Oct 2023 11:30am Meyers, Kristy - Reallocation Action reassigned to Harris, Kate by Meyers, Kristy - For action.						
22 Nov 2023 8:23am Harris, Kate 1. Programs are still underway at Kurri Kurri Aquatic Fitness Centre. All vouchers will be distributed to participants by the end of term 4., 2. A free entry day was held at Council's aquatic facilities on Saturday 18 November. Community celebrations are planned to take place on Australia Day., 3. Noted, 4. Funding has been identified in the draft 2024/2025 Operational Plan and will also be included within the 2025/2026 Operational Plan for council's consideration.						
22 Nov 2023 8:29am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 18 October 2023 to 29 January 2024 - This action item will be updated further following community celebrations held on Australia Day.						
28 Feb 2024 10:20am Harris, Kate 1. Complete, 2. Complete, 3. Noted, 4. Funding has been identified in the draft 2024/2025 Operational Plan and will also be included within the 2025/2026 Operational Plan for council's consideration.						
28 Feb 2024 10:22am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 29 January 2024 to 28 June 2024 - The remaining item on this action is in regards to Council's adoption of the 2024/2025 Operational Plan. Following Council's adoption of the Operational Plan the action item will be updated.						

Division:	Date From:
Committee:	Date To:
Officer:	Printed: Monday, 11 March 2024 10:38:25 AM
Action Sheets Report	

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI31/2023	Ordinary Council 20/09/2023	Harris, Kate	Works and Infrastructure	2022/23 Kurri Kurri Aquatic and Fitness Centre Performance Review	30/04/2024	
582 MOTION 582 RESOLVED	Moved:	McLachlan, Paul Councillor Sander	Seconded:	Councillor Grine		
<ol style="list-style-type: none"> That Council notes the performance of Belgravia Health & Leisure Group Pty Ltd in respect to Year 4 of the contract for the management of the Kurri Kurri Aquatic & Fitness Centre. That Council engage an independent consultant to provide a more detailed KPI performance review of the centre prior to the tendering process. That a report come back to Council with the outcomes of this review. <p>CARRIED UNANIMOUSLY</p> <p>25 Sep 2023 10:26am Larsen, Robyn - Reallocation Action reassigned to McCamley, Chad by Larsen, Robyn - Chad is responsible for the pools</p> <p>08 Feb 2024 10:04am Meyers, Kristy - Reallocation Action reassigned to Harris, Kate by Meyers, Kristy - For action.</p> <p>08 Feb 2024 10:05am Meyers, Kristy - Target Date Revision Target date changed by Meyers, Kristy from 18 October 2023 to 30 April 2024 - For action.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN13/2023	Ordinary Council 20/09/2023	Harris, Kate	Business With Notice	Investigate Sensor Lighting Options for Local Government Area	28/06/2024	
585 MOTION 585 RESOLVED	Moved:	McLachlan, Paul Councillor Grine	Seconded:	Councillor Sander		
<ol style="list-style-type: none"> That Council requests the General Manager investigate sensor lighting options, including solar powered, to improve safety at Bridges Hill Park and other parks across the Local Government Area. That Council investigate grant programs or funding opportunities to allow for these upgrades to be included into the delivery program. <p>CARRIED UNANIMOUSLY</p> <p>26 Sep 2023 10:44am Harris, Kate 1. Lighting options are being investigated at Bridges Hill Park and will be incorporated within the draft 204/2025 Operational Plan for Council's consideration., 2. Grant programs and funding opportunities are being investigated.</p> <p>26 Sep 2023 10:46am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 18 October 2023 to 22 December 2023 - Investigations for lighting works are ongoing.</p> <p>22 Nov 2023 8:51am Harris, Kate</p>						

Division: Committee: Officer:	Date From: Date To:
Action Sheets Report	Printed: Monday, 11 March 2024 10:38:25 AM

1. Lighting options are being investigated at Bridges Hill Park and will be incorporated within the draft 2024/2025 Operational Plan for Council's consideration., 2. Grant programs and funding opportunities are being investigated.

22 Nov 2023 8:52am Harris, Kate - Target Date Revision
Target date changed by Harris, Kate from 22 December 2023 to 23 February 2024 - Funding options are continuing to be investigated.

28 Feb 2024 10:23am Harris, Kate
1. Lighting options are being investigated at Bridges Hill Park and will be incorporated within the draft 204/2025 Operational Plan for Council's consideration., 2. Grant programs and funding opportunities are being investigated.

28 Feb 2024 10:24am Harris, Kate - Target Date Revision
Target date changed by Harris, Kate from 23 February 2024 to 28 June 2024 - Funding opportunities continue to be investigated and funding has been identified within the draft 2024/2025 Operational Plan. This action item will be updated following Council's adoption of the plan.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE39/2023	Ordinary Council 15/11/2023	Porter, Kerry	Planning and Environment	DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours 701 Lovedale Road, Lovedale	20/03/2024	
<u>620</u> MOTION 620 RESOLVED	Moved:	Chrystal, Peter Councillor Dunn	Seconded:	Councillor Hill		
1.	That Development Application No. 8/2022/22318/1 proposing alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at Lot 81, DP831654, 701 Lovedale Road, Lovedale, be deferred to afford the applicant a final opportunity to submit amended plans/additional information to address the outstanding issues raised in the assessment report; and					
2.	That following assessment of the information, a report be referred to Council's meeting in March 2024 to enable final consideration/determination of the application.					
CARRIED						
23 Nov 2023 8:49am Blake, Yvonne - Reallocation Action reassigned to Porter, Kerry by Blake, Yvonne - Referred to officer responsible for assessment of DA.						
29 Nov 2023 9:10am Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 13 December 2023 to 20 March 2024 - Consistent with Council's resolution, a letter was issued to the applicant on 16 November 2023, affording a final opportunity to submit amended plans/additional information to address the outstanding issues raised in the assessment report.						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	-------------------------------------	--

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI38/2023	Ordinary Council 15/11/2023	Jeffery, Warren	Works and Infrastructure	Cessnock LGA Traffic and Transport Strategy 2023 - Public Exhibition Approval	30/04/2024	
637 MOTION 637 RESOLVED	Moved:	McLachlan, Paul Councillor Hawkins	Seconded:	Councillor Grine		
1. That Council place the Draft Cessnock LGA Traffic and Transport Strategy 2023 on public exhibition for a period of twelve weeks. 2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Draft Cessnock LGA Traffic and Transport Strategy 2023. CARRIED UNANIMOUSLY 29 Feb 2024 1:37pm Meyers, Kristy 1 - placed on exhibition and closed 16 February 2024., 2 - Briefing scheduled 13 March 2024. Report back to Council seeking adoption, April 2024.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE42/2023	Ordinary Council 13/12/2023	Mewing, Jenny	Planning and Environment	Updated Strategic Planning Policies - Climate Change, Contaminated Land and Heritage	30/06/2024	
654 MOTION 654 RESOLVED	Moved:	Chrystal, Peter Councillor Hill	Seconded:	Councillor Burke		
1. That Council places the revised Climate Change, Contaminated Land and Heritage Policies on public exhibition for a period of 28 calendar days; 2. That Council adopts the revised Climate Change, Contaminated Land and Heritage Policies the day after the public exhibition period concludes, if no unresolved submissions are received. 3. That Council rescinds the 2020 Climate Change, Contaminated Land and Heritage Policies from the date the revised 2023 Climate Change, Contaminated Land and Heritage Policies are adopted. CARRIED 09 Jan 2024 12:44pm Mewing, Jenny - Target Date Revision Target date changed by Mewing, Jenny from 10 January 2024 to 30 June 2024 - Exhibition required. 23 Jan 2024 11:17am Mewing, Jenny Exhibition to commence from 29 January to 29 February 2024 21 Feb 2024 7:47am Mewing, Jenny Exhibition underway - no submissions to date. Exhibition concludes 29 February 2024						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ACCLM21/2023	Audit and Risk Committee 6/09/2023	Bennett, Charmaine	Listed Matters - committee	Return to Work Audit	4/10/2023	
MOTION	Moved:	Liddell, Ken Damien Connor	Seconded:	Councillor Paynter		
RECOMMENDATION						
That the Audit and Risk Committee note the external return to work audit result and the significant improvement in Council's return to work outcomes and processes.						
CARRIED UNANIMOUSLY						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ACCLM22/2023	Audit and Risk Committee 6/09/2023	Bennett, Charmaine	Listed Matters - committee	2023/2024 Insurance Renewal	4/10/2023	
MOTION	Moved:	Liddell, Ken Mayor Suvaal	Seconded:	Councillor Paynter		
RECOMMENDATION						
That the Audit and Risk Committee note the information in relation to Council's 2023/2024 general insurance renewal.						
CARRIED UNANIMOUSLY						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ACCLM23/2023	Audit and Risk Committee 6/09/2023	Ollerton, Lisa	Listed Matters - committee	Internal Audit Report Sept 2023	4/10/2023	
MOTION	Moved:	Liddell, Ken Mayor Suvaal	Seconded:	Councillor Paynter		
RECOMMENDATION						
That the Audit and Risk Committee notes:						
<input type="checkbox"/> The Internal Audit Report for September 2023;						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	--	---

- That one recommendation was added and 24 recommendations were implemented during the period;
 - That 39 recommendations are open as 25 August 2023, 29 overdue, 1 not accepted; and
 - That no privacy breaches occurred during the Q4 2022-23.
- CARRIED UNANIMOUSLY**

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ACCLM24/2023	Audit and Risk Committee 6/09/2023	Ollerton, Lisa	Listed Matters - committee	2023-01 DRIVES24 - Internal Audit Report	4/10/2023	
MOTION	Moved:	Liddell, Ken Damien Connor	Seconded:	Mayor Suvaal		
RECOMMENDATION						
That the Audit and Risk Committee receives the DRIVES24 Internal Audit Report and notes that the audit is complete, in accordance with the Terms of Access Agreement with TfNSW and the Annual Internal Audit Plan 2023-24, and that one recommendation was made.						
CARRIED UNANIMOUSLY						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ACCLM25/2023	Audit and Risk Committee 6/09/2023	Ollerton, Lisa	Listed Matters - committee	Review Strategic Internal Audit Plan 2020-23 / Annual Internal Audit Plan 2023 - 24	4/10/2023	
DEFERRED						
That the Audit and Risk Committee endorses						
<input type="checkbox"/> the draft Annual Internal Audit Plan 2023-24; <input type="checkbox"/> the carry-forward of the following internal audits to the Annual Internal Audit Plan 2023-24: <ul style="list-style-type: none"> <input type="checkbox"/> Development Assessment Process <input type="checkbox"/> Cash Handling (Libraries) <input type="checkbox"/> Procurement – Panels and Arrangements <input type="checkbox"/> Onsite Sewage Management Systems 						

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: Monday, 11 March 2024 10:38:25 AM
-----------------------------	-------------------------------------	--

--

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
ACCLM27/2023	Audit and Risk Committee 6/09/2023	Ollerton, Lisa	Listed Matters - committee	Proposed Meeting Schedule for FY 2023-24	4/10/2023	
MOTION	Moved:	Liddell, Ken Damien Connor	Seconded:	Councillor Paynter		
RECOMMENDATION						
That the Audit and Risk Committee endorse the proposed future meeting dates.						
Ordinary Meetings:						
8 November 2023						
7 February 2024						
8 May 2024						
Special Meeting:						
17 October 2023						
CARRIED UNANIMOUSLY						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE1/2024	Ordinary Council 21/02/2024	Forsyth, Karen	Planning and Environment	174 - 178 Lang Street, Kurri Kurri - Draft Planning Agreement	20/03/2024	
685 MOTION	Moved:	Chrystal, Peter Councillor Hill	Seconded:	Councillor Grine		
685 RESOLVED						
1. That Council publicly notify the Draft Planning Agreement for a minimum period of 28 days. 2. That Council publicly notify the Road Closure for a minimum of 28 days. 3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the notification period. 4. That Council delegate authority to the General Manager to proceed with the road closure unless unresolved written objections are received during the notification period.						
CARRIED UNANIMOUSLY						