

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 MARCH 2024, COMMENCING AT
6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Information Technology Manager
Acting Development Services Manager (Principal Development Planner)
Economic Development & Tourism Manager
Communications & Engagement Manager
Community Engagement Officer
Help Desk Support Officer
Acting Council Services Team Leader (Senior Governance Officer)

The Mayor on behalf of Council extended his condolences to the Fitzgibbon family for the loss of their son Lance Corporal Jack Fitzgibbon who passed away earlier this month in a military training accident. Both of Jake's parents, Joel and Di, were past Councillors of Cessnock City Council.

The Mayor acknowledged and thanked Council staff for their support and assistance in facilitating the military funeral arrangements of Lance Corporal Jack Fitzgibbon.

A minutes silence was held as a mark of respect.

Council Prayer:

The Prayer was conducted by Pastor Wayne Kembrey of Cessnock City Church.

MINUTES:

MOTION

Moved: Councillor Hill

Seconded: Councillor Sander

704

RESOLVED That the Minutes of the Ordinary Meeting of Council held on 21 February 2024, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Jackson

Councillor Moores

Councillor Dunn

Councillor Burke

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

Total (13)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI2/2024

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

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

Mayor Suvaal declared a Non Pecuniary Interest, Less Than Significant Conflict for the reason of being an associate of an employee of the applicant. Mayor Suvaal advised that he would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to his decision.

Councillor Hawkins declared a Non Pecuniary Interest, Less Than Significant Conflict for the reason of being an associate of an employee of the applicant. Councillor Hawkins advised that he would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to his decision.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Nathan Smith	For	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	5	3 mins

EXTENSION OF TIME

Moved:

Councillor Watton

Seconded:

Councillor Hawkins

705

RESOLVED That an extension of time of one minute be granted to Nathan Smith to complete his presentation.

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

Speakers / Company	For / Against	Report	Page No.	Duration
Matt Dillow / Gartlemann Wines Pty Ltd	Against	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	5	3 mins

EXTENSION OF TIME

Moved:

Councillor Hawkins

Seconded:

Councillor Paynter

706

RESOLVED That an extension of time of one minute be granted to Matt Dillow to complete his presentation.

FOR

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

Total (12)

AGAINST

Councillor Olsen

Total (1)

CARRIED

EXTENSION OF TIME

Moved:

Councillor Hawkins

Seconded:

Councillor Sander

707

RESOLVED That a further extension of time of one minute be granted to Matt Dillow to complete his presentation.

FOR

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

Total (10)

AGAINST

Councillor Watton
Councillor Olsen
Councillor Jurd

Total (3)

CARRIED

PLANNING AND ENVIRONMENT NO. PE2/2024

SUBJECT: 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

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

That:

1. Council approve, pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Development Application No 8/2021/22318/1, subject to conditions as outlined in the document that I have tabled;
2. This approval be publicly notified pursuant to section 2.22 and clause 20(2) of schedule 1 of the *Environmental Planning and Assessment Act 1979*; and
3. Council notify in writing the persons who made a submission with regard to the proposed development of Council's decision.

AMENDMENT **Moved:** Councillor Olsen **Seconded:** Councillor Watton

1. **That:**

- (i) 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 refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - a. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):
 - I. The objectives of the RU4 Primary Production Small Lots Zone, in that the development will not be compatible with surrounding land uses, nor consistent with the character of the locality and will result in land use conflict with adjoining rural-residential land uses.

- b. The proposal fails to satisfy the following provisions of the Cessnock Development Control Plan 2010 (pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*):
- I. Chapter C.4 (Land Use Conflict and Buffer Zones) in that the proposal is likely to result in land use conflict with surrounding rural and residential land uses as a result of noise and lighting impacts.
 - II. Chapter E.3 (Vineyards District) in that the proposal does not comply with side boundary setbacks, will generate an unacceptable level of noise and lighting impacts on adjoining properties and result in land use conflict.
- c. The information provided has demonstrated that the development will result in likely noise impacts due to the inherent constraints of the rural environment and the proximity of the adjoining residential receivers (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
- d. The subject site is not considered suitable for the development in relation to the likely amenity impacts on adjoining properties (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).
- e. The proposal is not considered to be in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.
2. That Council notifies in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Dunn
	Councillor Burke
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
Total (3)	Total (10)

The Amendment was **PUT** and **LOST**.

The Motion was then **PUT** and **CARRIED**.

MOTION

708

Moved: Councillor Burke**Seconded:** Councillor**RESOLVED**

That:

1. Council approve, pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Development Application No 8/2021/22318/1, subject to conditions as outlined in the document that I have tabled;
2. This approval be publicly notified pursuant to section 2.22 and clause 20(2) of schedule 1 of the *Environmental Planning and Assessment Act 1979*; and
3. Council notify in writing the persons who made a submission with regard to the proposed development of Council's decision.

FOR

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

AGAINST

Councillor Watton
 Councillor Olsen
 Councillor Jurd

Total (3)**CARRIED****CONDITIONS OF CONSENT****SCHEDULE 1****TERMS OF CONSENT****1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2021/22318/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan Project No. 21039 Drawing No. DA01 Revision I Sheet 2 of 7	Xarbe Design	4 October 2023

Detailed Plan Project No. 21039 Drawing No. DA02 Revision I Sheet 3 of 7	Xarbe Design	4 October 2023
Amenities/Juice Bar Project No. 21039 Drawing No. DA03 Revision I Sheet 4 of 7	Xarbe Design	4 October 2023
Kitchen Plan Project No. 21039 Drawing No. DA04 Revision I Sheet 5 of 7	Xarbe Design	4 October 2023

Report Reference	Prepared By	Dated
Noise Assessment Report Ref – MAC221572-01RP1V2	MAC Muller Acoustic Consulting	22 November 2023
Flood Impact Assessment Reference: DS:DL:23505	Marshall Scott	28 October 2022
Access Compliance Report (V1 Final) Job Ref XAR-LO-1023_OSA	Essential Access	9 November 2023
Plan of Management	Complete Planning Solutions	November 2023

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

2. CC, PC & Notice Required

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

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

3. Prior to Use of Buildings

Prior to the use of the buildings for the purposes approved by this Development Consent, an Occupation Certificate (*OC*) is to be obtained for the building works required under the Construction Certificate (*CC*).

4. Bushfire Protection

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

a) Asset Protection Zones

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

At the commencement of building works, and in perpetuity, the property around the asset shall be managed as follows in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*:

- i) North, east and south to the property boundary as an 'Inner Protection Area';
- ii) West for a distance of 50m as an 'Inner Protection Area'.

b) Water and Utilities

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

- i) A 20,000 litre water supply tank (manufactured from concrete or metal) shall be provided for firefighting purposes. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure. The water supply tank is to be located as identified in red on approved development plan titled: Detailed Plan, Project No. 21039, Drawing No. DA02, Revision I, Sheet 3 of 7 prepared by Xarbe Design dated 4 October 2023.
- ii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.
- iii) All associated fittings to the tank shall be non-combustible.
- iv) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- v) Unobstructed access to the water supply shall be provided at all times.
- vi) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.
- vii) All exposed water pipes external to the building shall be metal, including any fittings.
- viii) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for firefighting shall be provided for connection to the pump.

ix) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

c) Design and Construction

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

i) The buildings which are subject of this consent shall be upgraded by providing screens to the openable portions of any windows. Screens shall comply with Clause 3.5 and Clause 5.5.2 of Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas*.

d) Access

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

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

e) Landscaping

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

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

5. Patron Numbers – Seating Arrangement

This consent does not authorise an increase in patron numbers associated with the café. The maximum number of patrons permitted to dine on site at any one time remains at 123 and the seating plan is to be in accordance with the following approved plan:

a) Detailed Plan, Project No. 21039, Drawing No. DA02, Revision I, Sheet 3 of 7 prepared by Xarbe Design dated 4 October 2023.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

6. Demolition

Prior to issue of a CC, the *Certifier* shall confirm the “*removable covered shade structure*” identified on the plans prepared by Xarbe Design, Project No: 21039, Drawing No: DA02, Revision I dated 4 October 2023 has been removed/demolished.

7. Survey

Prior to the issue of a CC, the applicant shall provide the *Certifier* with a survey of all buildings/structures identified on the site plan prepared by Xarbe Design Project No: 21039, Drawing No: DA02, Revision I dated 4 October 2023 which indicates the setbacks between all buildings/structures.

Note: This report is required to assist the *Certifier* to accurately determine which building/structures are a fire source feature for the purposes of the BCA upgrade required by this consent.

8. BCA Upgrade

The existing buildings/structures are required to be upgraded pursuant to Section 64 of the *Environmental Planning and Assessment Regulation 2021*.

The complex of buildings/structures which form part of this consent and are located within 3m of each other have been determined as a united building with a floor area greater than 500m² under the provisions of the *BCA*.

The applicant shall upgrade the united building as follows: -

- a) Fire separation and/or essential services shall comply with the performance requirements of Sections C and E of the *BCA* 2019.
- b) All exits shall comply with the performance requirements of Section D of the *BCA* 2019; and
- c) All portable fire extinguishers, emergency lighting and exit signage shall comply with the performance requirements of Section E of the *BCA* 2019.

The applicant shall provide amended plans to the *Certifier* clearly indicating how compliance will be achieved. This will need to include fully dimensioned plans drawn to scale and specifies floor area.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The required upgrade works specified within this condition have been imposed to provide an appropriate standard of conformity with the *BCA* noting that components of the development are for use of buildings/structures that were constructed without the pre-requisite development consent and/or construction certificate.

9. Ambulant Facility

Prior to the issue of a CC, the applicant shall provide the *Certifier* with plans and specifications which include the provision of a sanitary compartment suitable for a person with an ambulant disability in accordance with AS1428.1-2009.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The required upgrade works specified within this condition have been imposed to address an existing non-compliance with the *BCA* 2019 noting that components of the development are for use of buildings/structures that were constructed without the pre-requisite development consent and/or construction certificate.

10. Access to Premises

Prior to issue of a CC, the applicant shall provide the *Certifier* with amended architectural plans and specification/s which demonstrate how all the non-compliances identified within the *Access Compliance Report* prepared by Essential Access dated 9 November 2023 (V1 Final) will be rectified to achieve compliance with *The Disability (Access to Premises – Building) Standard 2010* and the relevant provisions of *BCA 2019*.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The required upgrade works specified within this condition have been imposed to address existing non-compliances with *The Disability (Access to Premises – Building) Standard 2010* noting that components of the development are for use of buildings/structures that were constructed without the pre-requisite development consent and/or construction certificate.

11. Certification to be provided from Professional Engineer

Prior to the issue of a CC, the applicant shall provide the *Certifier* with a report from a *Professional Engineer* (as defined in the *BCA 2019*) detailing the structural adequacy of the following components of the unauthorised buildings/structures in accordance with *BCA 2019*: -

- a) The external door opening which has been created in the northern wall of the Café;
- b) The relocatable amenities block;
- c) The awning attached to the northern wall of the Café;
- d) The pre-fab freezer unit on the northern side of the Café; and
- e) The demountable kitchen on the northern side of the Café.

Where rectification works are required by the Report, they are to form part of the Construction Certificate Application.

Note: There are components of the development, which form part of this consent, being for the use of existing buildings/structures which were constructed without the benefit of development consent or a construction certificate. The professional engineers report is required to ensure structural adequacy for the safety of occupants of the buildings/structures.

12. Landscaping Privacy Screen

Prior to issue of a CC, the applicant shall provide the *Certifier* with a landscaping plan identifying screen planting consisting of the species *Syzygium australe Resilience (Lilly Pilly)* along the northern boundary of the site for a distance of 40 metres as identified in red on the following stamped approved plan to protect the privacy of the dwelling to the north:

- a) Project No. 21039, Drawing No. DA02, Revision I, Sheet 3 of 7 prepared by Xarbe Design, dated 4 October 2023.

Mature plants are to be used to establish the vegetation screen with a minimum pot size of 75 litres and minimum height of 1.8 metres (planted 1 metre apart) and these requirements are to be detailed on the landscaping plan submitted to the *Certifier*.

13. Car Parking

This consent authorises an additional thirty-three (33) car parking spaces as identified on the approved development plans (thirteen (13) staff parking spaces along the northern boundary of the site and twenty (20) customer parking spaces).

The additional twenty (20) customer car parking spaces are only permitted to be used as overflow parking for the Lovedale Long Lunch events and details are to be provided with the CC identifying a physical barrier or bollards preventing customers from using this parking area at all other times.

The design of the vehicular access and off street parking facilities must comply with AS 2890.1:2004 *Parking Facilities – Off-Street Car Parking*.

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

14. Section 68 Approval

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

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2021*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

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

15. Outdoor Lighting

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

16. Amended Plan of Management

Prior to issue of the CC, an amended Plan of Management (PoM) is to be submitted to the *Certifier* to include the following:

- a) Staff vehicles parking within the thirteen (13) parking spaces identified on the approved development plans along the northern boundary of the site are to reverse park to minimise the impact of headlights on the neighbouring property during evening hours.
- b) Service to patrons during evening hours is to cease 30 minutes prior to the nominated evening closing times with all patrons exiting the premises no later than the nominated evening closing time.

- c) Adequate facilities for the storage of garbage and recyclables are to be located in and around the premises in accordance with the *Best Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (dated December 2012) issued by the Environment Protection Authority and litter patrols are to be carried out by staff on a daily basis.

PRIOR TO COMMENCEMENT OF WORKS

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

17. Erection of Signs

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

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

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

18. Relocation of Services

The person having the benefit of the Development Consent shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

19. Erosion and Sediment Controls

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

DURING WORKS

The following conditions are to be complied with during works:

20. BCA Compliance

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

21. Construction Hours

Excavation or building must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

22. Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

23. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

24. Building Materials On Site

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier (PC), prior to issue of an Occupation Certificate (as specified within the condition).

25. Completion of Building Upgrades

Prior to issue of an OC, the PC shall ensure that the Conditions requiring building upgrades (that is, conditions 8, 9 and 10 of this consent) have been completed, installed and/or certified by an appropriately qualified person/s.

26. Certification of Fire Services

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* prior to occupation of the building or issue of an OC.

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

27. Stormwater Discharge

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

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

28. Parking – Completion

All car parking areas (including sign posting, line marking and the physical barrier/bollards required for the twenty (20) customer overflow parking area under condition 13 of this consent) are to be completed prior to the issue of an *OC*. A sign is to be installed for the thirteen (13) parking spaces along the northern boundary of the site stating “staff parking only” and that all vehicles are to reverse park.

A design certificate prepared by a suitably qualified professional which certifies the car parking areas satisfy the requirements of *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking* is to be submitted to the *PC* prior to the issue of a *OC*.

29. Drainage Works

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

30. Flood Mitigation Works

All flood mitigation works as detailed in Flood Impact Assessment Report prepared by Marshall Scott, Reference: DS:DL:23505 and dated 28 Oct 2022 shall be completed prior to issue of an *OC* for the development.

A design certificate satisfying this requirement is to be issued by a suitably qualified professional and submitted to the *PC* prior to the issue of the *OC*.

31. Flood Lights

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

32. Completion of Landscaping Privacy Screen

Evidence that the landscaping privacy screen required in accordance with condition 12 of this consent is to be provided to the *PC* prior to issue of the *OC*.

33. Bushfire Protection Measures

Bushfire protection measures required in accordance with condition 4 of this consent are to be implemented prior to issue of the *OC*.

34. Inspection for Onsite Sewage Management

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

ONGOING USE

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

35. Hours of Operation

The approved operating hours for the Café are as follows:

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

Days	Evening Operating Hours for Café
	The Café is permitted to operate a maximum of two (2) evenings per week and no more than sixty (60) evenings per year within the following times:
Wednesday	6.00pm- 9.30pm
Thursday	6.00pm – 9.30pm
Friday	6.00pm – 10.30pm
Saturday	6.00pm – 10.30pm
Sunday (maximum one a month)	6.00pm – 9.00pm Sunday evening all other times – No trade

A register is to be kept on site detailing the dates of evening trading to ensure compliance with the requirements of this condition and shall be made available for inspection at all times.

The approved operating hours for the Pop-up Coffee Cart and Juice Bar are as follows:

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

36. Driveways to be Maintained

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

37. Live Music

No live music or entertainment is permitted from the premises at any time.

38. Delivery Vehicles and Garbage Collection

All delivery vehicles, maintenance vehicles and garbage collection vehicles are only permitted to access the site between the following hours:

- a) Monday to Friday – 7.00am to 7.00pm
- b) Saturdays – 8.00am to 1.00pm
- c) Sundays and Public Holidays – 8.00am to 1.00pm (delivery vehicles only to access the site between these times)

39. Staff Parking

Car parking spaces numbered 1 to 13 on the approved development plans are to be occupied by staff members only.

40. Restriction on Use of Overflow Parking Area

The additional twenty (20) customer car parking spaces identified on the approved plans are only permitted to be used as overflow parking for the Lovedale Long Lunch events and access to this car parking area will be restricted at all other times by the physical barrier/bollards required in accordance with condition 28 of this consent.

41. Cleaning – Bin Storage Area

The bins and the bins storage area are to be cleaned weekly to prevent odour emissions onto adjoining land and are to be maintained in a tidy manner at all times.

42. Maintenance of Landscaping Privacy Screen

All landscaping associated with the landscaped privacy screen along the northern boundary of the site identified on the approved plans is to be maintained in good condition for the life of the development and is to effectively act as a privacy screen to protect the privacy of the dwelling adjoining the site to the north.

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

43. Noise Control

All recommendations, procedures, mitigations assumed, plans and precautions outlined and detailed within *Noise Assessment report for Proposed Alterations and additions Gartelmann Wines 701 Lovedale Road Lovedale NSW, prepared by MAC, reference MAC221572-01RP1V2, dated 22 November 2023*, relevant to the use approved by this consent, must be adopted and implemented as compulsory whether expressly stated as or not, except where:

- a) amended by conditions of this consent; and/or
- b) doing so would conflict with current legislative requirements relating to the activity.

44. Noise Complaints

Where a noise complaint is received by Council from a place of different occupancy and Council is satisfied that an independent review is warranted, the person acting on the Consent must, in accordance with a written request of an Authorised Officer of Council:

- a) Engage a suitably qualified acoustic engineer to assess compliance with the relevant noise criteria and recommend (if necessary) appropriate actions to protect amenity and to ensure compliance with their development consent; and
- b) Submit a report to Council for review detailing the results of the assessment and any recommendations within fourteen (14) days of the assessments completion; and
- c) Upon receipt of confirmation from Council in writing, implement the recommendations of the report along with any modifications made by Council.

The costs associated with the appointment of the acoustic engineer and the report along with any associated works shall be borne by the person acting on the consent.

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
709

RESOLVED

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

	GMU3/2024 Minutes of the Audit and Risk Committee Meeting held 7 February 2024	2
	PE4/2024 Visitor Economy Grants and Sponsorship Program 2023/2024 Round 2 Applications	61
	CC12/2024 2024 Ordinary Council Meeting Schedule – October 2024.....	79
‡	CC13/2024 Complaint Handling Report - July-December 2023	81
	CC14/2024 Controlled Document Review 2023 - Revocation of Policies	85
	CC15/2024 Minutes of the Strategic Property & Community Facilities Committee meeting held on 6 March 2024.....	89
	CC16/2024 Tender - T452324HUN Supply And Install Road Safety Barriers.....	94
‡	CC17/2024 Investment Report - February 2024	98
‡	CC18/2024 Resolutions Tracking Report.....	105
	WI3/2024 Evaluation of Tender T2024-03 - Landslide Remediation Works, Package 3, Great North Road.....	106
	WI4/2024 Minutes of the Local Traffic Committee Meeting held 19 February 2024.....	114

Council adopt the recommendations as printed for those items.

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

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

NOTICE OF INTENTION NO. NI2/2024

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION - REPORT WI5/2024 - HUNTER
RESOURCE RECOVERY (HRR) KERBSIDE RECYCLING CONTRACT**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Hawkins
710
RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (di) of the *Local Government Act 1993*:
 - Report WI5/2024 – Hunter Resource Recovery (HRR) Kerbside Recycling Contract as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

FOR	AGAINST
Councillor 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

MAYORAL MINUTES

MAYORAL MINUTES NO. MM4/2024

SUBJECT: NATIONAL AUSTRALIA BANK BRANCH CLOSURE - CESSNOCK

MOTION *Moved:* Councillor Suvaal

711

RESOLVED

1. That Council condemns the decision by NAB to close its Cessnock Branch on 12 June 2024;
2. That Council notes the significant impact this will have on their customers in the Cessnock LGA, especially the elderly and disabled;
3. That Council calls on NAB to reverse this decision and commit to keeping the Cessnock Branch open;
4. That Council writes to NAB notifying them of this request; and
5. That Council writes to Dan Repacholi MP, Federal Member for Hunter, seeking advice on what more can be done to stop big banks from closing branches in regional communities.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2024

MATTER OF URGENCY – WOLLOMBI ROAD PUBLIC EXHIBITION

Moved: Councillor Olsen

Seconded: Councillor Jurd

1. That the Public Exhibition period for the Wollombi Road project be extended by two weeks ending on 17 May 2024, and
2. Organise two public meetings in that time as per the Notice of Motion from the meeting held on 21 February 2024.

The Mayor ruled that the Motion was not urgent.

Councillor Olsen moved a Motion of Dissent on the Mayors ruling.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Dunn
	Councillor Burke
	Councillor Grine
	Councillor Sander
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
	Councillor Hill
Total (3)	Total (10)

The Motion of Dissent was **PUT and LOST**.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU3/2024

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 7 FEBRUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
712
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 7 February 2024 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE3/2024

SUBJECT: CESSNOCK TO BRANXTON PUBLIC TRANSPORT ADVOCACY

MOTION **Moved:** Councillor Sander **Second:** Councillor Hill
713
RESOLVED

That Council endorses the Cessnock to Branxton Public Transport Advocacy Brochure with the amendment that bus services extend to the township of Greta.

Councillor Jurd left the meeting, the time being 07.47pm

Councillor Jurd returned to the meeting, the time being 07.48pm

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

PLANNING AND ENVIRONMENT NO. PE4/2024

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM
2023/2024 ROUND 2 APPLICATIONS**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
714
RESOLVED

That Council endorses the following funding bids to attract events under Round 2 of the 2023/2024 Visitor Economy Grants and Sponsorship Program:

- 1. Evolve 2024 Conference Sponsorship of \$5,000,**
- 2. Wollombi Gravel Cycling Hub and Festival Sponsorship of \$7,000,**
- 3. Watagans to Werakata Endurance Horse Ride Sponsorship of \$2,000, and**
- 4. Wollombi Taste Festival 2024 Sponsorship of \$7,000.**

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

PLANNING AND ENVIRONMENT NO. PE5/2024

SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING REPORT - DECEMBER 2023

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Grine
715

RESOLVED

That Council notes the Development Performance Monitoring Report for December quarter 2023/2024.

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

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC11/2024

**SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024
NATIONAL GENERAL ASSEMBLY - ATTENDANCE AND MOTIONS**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
716
RESOLVED

1. **That Mayor Suvaal be the voting delegate and Councillor Jackson a non-voting delegate to attend the Australian Local Government Association 2024 National General Assembly.**

2. **That the following motions be submitted to the Association for consideration at the Australian Local Government Association 2024 National General Assembly:**
 - **Intergovernmental Relations**
 - **Financial Sustainability**
 - **Roads and Infrastructure**

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC12/2024

SUBJECT: 2024 ORDINARY COUNCIL MEETING SCHEDULE - OCTOBER 2024

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

717

RESOLVED

That Council amends the adopted meeting dates for October 2024 to provide for Councillor inductions following Council elections, with the Ordinary Meeting to be held 23 October 2024 and the Extra Ordinary Meeting to be held 16 October 2024.

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

CORPORATE AND COMMUNITY NO. CC13/2024

SUBJECT: COMPLAINT HANDLING REPORT - JULY-DECEMBER 2023

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
718

RESOLVED

That Council notes the Complaint Handling Report for the period 1 July 2023 to 31 December 2023.

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

CORPORATE AND COMMUNITY NO. CC14/2024

SUBJECT: CONTROLLED DOCUMENT REVIEW 2023 - REVOCATION OF POLICIES

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
719

RESOLVED

That Council revokes the following Controlled Documents.

- a) Removal of Graffiti Policy;
- b) Roadside Tributes;
- c) Urban House Numbering;
- d) Voluntary House Raising Scheme;
- e) Installation of Directional Signs for Community Services and Tourist Facilities;
- f) Temporary Roadside Grazing Permits;
- g) B30.2 Identification of Land Fronting Unformed Roads;
- h) Engineering Guidelines for Design & Construction; and
- i) Guidelines for the Opening of Roads.

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

CORPORATE AND COMMUNITY NO. CC15/2024

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 6 MARCH 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
720

RESOLVED

1. That Council adopts the Minutes of the Strategic Property & Community Facilities Committee meeting held on 6 March 2024 as a resolution of the Ordinary Council.
2. That Council adopts the draft Licenses – Occupation of Hebburn Estate Policy 2024, and revoke the Licenses – Occupation of Hebburn Estate Policy 2018.
3. That Council approves the sale of the following lots via private treaty:\
 - a. 64-76 Cessnock Street, Aberdare
 - b. Lots 14, 15, DP15069, 11 Dover Street, Cessnock
4. That lots 16 and 95, DP15069, 11 Dover Street, Cessnock be removed from the property investment portfolio and returned to Open Spaces & Community Facilities as part of the Drain Oval Masterplan.
5. That Council approves the sale of 62 Cessnock Street Aberdare to Aberdare Pre-School via direct negotiation as:
 - a. The land is next to existing community land leased by Aberdare Pre-School
 - b. The only available opportunity for Aberdare Pre-School to expand is via this adjoining land
 - c. Aberdare Pre-School is a not for profit community service
 - d. The land is to be sold at market value with reference to an independent valuation
6. That Council delegates the General Manager to negotiate the above sales within 90% of market valuation before GST where applicable.

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

CORPORATE AND COMMUNITY NO. CC16/2024

SUBJECT: TENDER - T452324HUN SUPPLY AND INSTALL ROAD SAFETY BARRIERS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
721

RESOLVED

1. That Council accepts the Regional Procurement Panel Tender T451214HUN – Supply and Install Road Safety Barriers for Category one (1) - Supply and Installation, with the Panel of Suppliers in no order of preference:

- Destraz Pty Ltd t/as D&P Fencing Contractors;
- Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia;
- Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd; and
- RBK Pty Ltd t/a Topnotch Fencing.

as the preferred Suppliers for Council under the Regional Procurement Tender.

2. That Council note the contract term for Tender Supply and Installation of Road Safety Barriers is from 1 April 2024 to 31 March 2026 with an option for a 12-month extension based on satisfactory supplier performance through to 31 March 2027.

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

CORPORATE AND COMMUNITY NO. CC17/2024

SUBJECT: INVESTMENT REPORT - FEBRUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
722

RESOLVED

That Council receives the Investment Report for February 2024 and notes that:

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$82,178,908.**

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

CORPORATE AND COMMUNITY NO. CC18/2024

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
723

RESOLVED

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

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI3/2024

SUBJECT: EVALUATION OF TENDER T2024-03 - LANDSLIDE REMEDIATION WORKS, PACKAGE 3, GREAT NORTH ROAD.

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
724
RESOLVED

That Council accepts the tender (T2024-03) from Anewx Pty Ltd for the lump sum of \$5,517,342.92 (including GST) for the Landslide Remedial Works – Package 3 – Great North Road, subject to the formal confirmation of grant funding by Transport for NSW on behalf of the NSW Reconstruction Authority.

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

WORKS AND INFRASTRUCTURE NO. WI4/2024

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 19 FEBRUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
725

RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 19 February 2024 be adopted as a resolution of the Ordinary Council.

- **TC1/2024 – That Council authorises the temporary regulation of traffic for the Red Hot Summer Tour on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin _ Red Hot Summer Tour Traffic Guidance Scheme.**
- **TC2/2024 – That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin _ A Day on the Green Traffic Guidance Scheme.**

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

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN3/2024

SUBJECT: MEMBERSHIP OF HUNTER COMMUNITY ALLIANCE

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

That the Mayor brings a report back to the next council meeting on 17th April 2024 with the following information:

1. Who gave The Mayor authority to commit Council to supporting the Hunter Community Alliance?
2. Why weren't Councillors and the community informed of this decision?
3. What impact this will have on the operation of council? ie. Cost, staff, etc
4. The benefits if any to council?
5. The motivation of another body of groups when we already have 3 levels of government?
6. What this group is trying to achieve in respect to the Cessnock LGA?
7. Any other relevant information that will help Councillors understand who Hunter Community Alliance is?

Councillor Olsen moved a Motion of Dissent on the Mayor's ruling in regards to a Point of Order.

FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Moores
Councillor Jurd	Councillor Dunn
	Councillor Burke
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
Total (3)	Total (10)

The Motion of Dissent was **PUT** and **LOST**.

Councillor Jackson left the meeting, the time being 08.08pm

Councillor Jackson returned to the meeting, the time being 08.10pm

AMENDMENT Moved: Councillor Burke **Seconded:** Councillor Sander

That Council:

1. **Notes that Cessnock City Council is not a member of the Hunter Community Alliance, and**
2. **Thank the Hunter Community Alliance for their work and advocacy in our Community and wish them well on their founding assembly.**

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

The Amendment was **PUT** and **CARRIED**, and now becomes the Motion.

MOTION Moved: Councillor Burke **Seconded:** Councillor Sander
726

RESOLVED

That:

1. **Council notes that Cessnock City Council is not a member of the Hunter Community Alliance, and**
2. **Council thank the Hunter Community Alliance for their work and advocacy in our Community and wish them well on their founding assembly.**

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

8.16PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
727

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

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

8.19PM

Open Session

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Paynter
728

RESOLVED That the meeting move back into open session and The Mayor reported on the outcome.

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

WORKS AND INFRASTRUCTURE NO. WI5/2024

SUBJECT: HUNTER RESOURCE RECOVERY (HRR) KERBSIDE RECYCLING CONTRACT

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
729

RESOLVED

That Council support Hunter Resource Recovery Pty Limited request to not invite tenders for Council’s kerbside recyclable collection and processing service, and enter into a short-term contract with the current provider for a period no longer than 3 years from 1 July 2025 due to extenuating circumstances as a result of unknown impacts of upcoming changes in legislations, current low commodity prices, high operational costs and fluctuating markets in accordance with the exemption from tendering set out in section 55(3)(i) of the *Local Government Act 1993*.

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

Councillor Hawkins left the meeting, the time being 08.18pm

Councillor Hawkins returned to the meeting, the time being 08.19pm

The Meeting Was Declared Closed at 8.20pm

CONFIRMED AND SIGNED at the meeting held on 17 APRIL 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**